

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Whitbread PLC	Application for outline planning permission with all matters reserved, apart from details in relation to access, layout and scale for the partial demolition of the building and former walled garden on site and the conversion of the remaining pub building into 12no. apartments alongside the erection of 38no. dwellings, children's play areas, landscaping and circulation space (amended description).	18.12.19	19/00615/OUT
	Foxlydiate Hotel, Birchfield Road, Redditch		

Procedural Note

It became apparent at an early stage in the consideration of the application that in light of the significant site constraints, namely the existing buildings (pub, hotel and walled garden), which are acknowledged as non-designated Heritage Assets, and established mature trees, (subject to statutory protection via a TPO) which provide significant visual amenity to the area, along with significant concerns raised by a number of consultees, the application ought not to be considered separately from the reserved matters relating to means of access, layout and scale.

On the 24th May 2019, therefore, the LPA declared to the applicant that it would be unable to determine the application unless these details were submitted and, as such, required the submission to be made under the provisions of Part 3, Regulation 5 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. On 1st October 2019 the applicant made their submission in response to the request by submitting their illustrative plan again, but this time elevating it to the status of being the formal submission of access, layout and scale.

RECOMMENDATION:

That the application be approved, and Outline planning permission be **GRANTED**

subject to **DELEGATED AUTHORITY** be given to the Head of Planning, Regeneration and Leisure Services to

- i) agree a suitable and satisfactory legal mechanism to secure the contributions and requirements set out in the following schedule, **and**
- ii) agree the final scope, detailed wording and numbering of the planning conditions to be imposed as set out in the following summary list, **and**
- iii) to consider the content of any representation received post-committee but prior to issuing of the decision notice (pending completion of the s106 agreement) without reference back to Planning Committee.

SCHEDULE (i)

(i) Sustainable Transport

- £56,858.96 - Sustainable Transport Schemes at location Clusters, 6,8,10
 - Dropped Crossing
 - Cycle Parking Pedestrian / Cycle Signage to Railway Station
 - Travel Information Kiosks
- £54,181.00 - Scholars Education Transport to support access to the Tudor Grange Academy from the development site
- £21,298.17 - Bus Service Improvements to Webheath currently serviced by the 47/48 service
- £10,000 - Bus Stop Infrastructure Improvements on northern side of Birchfield Road

(ii) Education Infrastructure

An education contribution for the First School Phase would be sought of:

- £2,307 per open market 2 or 3 bed dwelling;
 - £3,461 per open market 4 or more bed dwelling;
 - £ 923 per open market 2 or more bed flat
- to support phase 1 of a new first school to be located on the Foxlydiate cross boundary development.

An education contribution for the Middle School Phase would be sought of:

- £2,308 per open market 2 or 3 bed dwelling;
- £3,462 per open market 4 or more bed dwelling;
- £ 923 per open market 2 or more bed flat.

(iii) Off-site sports contribution (To be Confirmed)

(iv) Waste Management Contribution:

Green bins (recycling) and Grey bins (general refuse) for 38 dwellings £2,033
3 x 1100 bins (for 12 flats) £1460.58

- Total = £3493.50

(v) Planning Obligation Monitoring Fee(s):

For both BDC and WCC (To be confirmed)

(vi) GP Surgery Contribution

£18,929 to mitigate the impacts of this proposal on existing GP practices

(vii) The securing of a 40% provision of on-site affordable dwelling units (20 units)

(viii) The provision and future maintenance in perpetuity of any SuDs facilities

(ix) The provision of pedestrian /cycle links with the adjoining development site subject to planning permission(s) 16/0263 and 2016/077

(x) Health Care Provision - Hospitals

£31,223.28 - to meet annual shortfalls in NHS Service revenue.

Consultations

Bentley Pauncefoot Parish Council **DATE Objection**

This application cannot be viewed in isolation since it is within the residential development site on the land to the west of Foxlydiate Lane and Pumphouse Lane and adjoins the substantial proposals made in Application Ref. No. 16/0263. The layout in no way acknowledges this and lacks any connectivity, appearing to have been designed in isolation. This runs counter to RCBD1 8.54 that states that developments will ' fully integrate into the existing residential areas and RCBD 1.4 V that states that walking and cycling routes should be well integrated with the Green Infrastructure Network. Site 1 Foxlydiate should make full use of existing walking and cycling routes. Given that this proposal will provide 74 units, can we expect the number of units in adjoining Application 16/0263 to be reduced by this amount?

Page 20 of the Transport Statement reads - The proposed development would generate a net increase of 20 two-way vehicle trips during the AM peak hour ' The additional morning trips would have a negligible impact on the adjacent highway network - However if 16/0263 goes ahead they are planning to prevent traffic turning right out onto to the A448 towards Bromsgrove from Birchfield Road. This would mean that all traffic from this site wishing to go that way would have to go around to Foxlydiate Lane and through the larger development, no doubt queueing to exit the site during peak hours. This could encourage drivers to take the alternative route down Cur and Copyholt Lane. Such developments are not sustainable while the A38 improvements remain incomplete.

RCBD 1.4 XII states that all development must 'respect and enhance the setting of any heritage asset. The existing Premier Inn Hotel building is listed on the Register of Buildings of Local Historic Interest for the Borough of Redditch (2009) and must therefore be respected and retained in line with the policy. Public houses, such as this represent critically important focal points for our parishioners' communities, and having recently lost The Gate Hangs Well (Ref. No: 18/01000/FUL) on the opposite south west parish boundary due to its not being refurbished, we can little afford to lose yet another on our north east side.

31-03-2020

Apart from one path, the amended site layout still lacks acknowledgement of, or adequate connectivity to, the development that will surround it on three sides and dominate its context (Hybrid application 16/0263 Land To The West Of Foxlydiate Lane And Pumphouse Lane) and therefore still runs counter to RCBD1 8.54 that states that developments will ' fully integrate into the existing residential areas and RCBD 1.4 V that states that Walking and cycling routes should be well integrated with the Green Infrastructure Network. Site 1 Foxlydiate should make full use of existing walking and cycling routes.

No site section has been supplied. This is critical even at this outline stage so that we can see how the layout relates to the site's topography and how the proposed massing sits in the landscape.

The typical house sketch elevations give absolutely no impression of their appearance. Some form of impression of the proposed design should be provided for an outline application of this scale.

Although we are relieved to see some of the important Foxlydiate Inn building included in this amended scheme, the current proposal condemns the rear wing - that makes up half of the building - to demolition, and thereby continues to ignore RCBD 1.4 XII which states that all development must 'respect and enhance the setting of any heritage asset. The building is listed on the Register of Buildings of Local Historic Interest for the Borough of Redditch (2009) and must therefore be respected and retained in line with the policy.

The plans for part of the building that is incorporated into the proposal show flats, some of which quite unnecessarily have bedrooms without windows, making no use of daylighting. It is striking how excessive the amount of parking provided for the building is - two parking spaces for each flat. This availability gives bias to unsustainable means of transport.

The council's ecologist's report makes it quite clear that the necessary bat surveys have not yet been carried out. This will not be possible until late May so their results should be supplied in June of this year and no decision made before then.

The Worcestershire County Council website

(http://www.worcestershire.gov.uk/info/20299/ecology_services/1028/ecology_planning_advice) quotes The NPPF aspiration 'to achieve 'no net loss' of biodiversity through the planning system, and to move to 'net-gain' for biodiversity where possible. The Design and Access Statement tells us that the site comprises shrubbery, trees and other forms of vegetation. Whitbread recognise the importance of retaining and enhancing the green infrastructure value of the site. Therefore, the proposed site layout has been developed in order to retain as many trees as possible. The fact that the shrubbery and vegetation are ignored in favour of the trees is deeply concerning as it is the vegetation that forms the nature pathways and connectivity upon which wildlife depends, and without which it declines. The developers priorities will therefore result in the reduced biodiversity that WCC policy seeks to avoid. It is now widely accepted that grassland and vegetation are as valuable in terms of carbon sequestration as trees and should be valued equally by the developer.

Our parishioners have mourned the loss of pubs in and around Bentley Pauncefoot - The Gate Hangs Well, The Country Girl and The Red Lion. The value of community has never been more evident than at this time. The Foxlydiate Arms is a focal point for this district and a highly valued community asset. Given the vast supply of housing that is to be created at Foxlydiate, the removal of a few of the proposed units will be negligible and the need for such an asset will be greater than ever. The parish council requests that the pub be retained and refurbished as part of the proposals.

06/06/2021 - Bentley Pauncefoot Parish council objects to the proposals.

The NPPF states that planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and

services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;

In the last few years our community has lost The Gate Hangs Well, The Country Girl and The Red Lion, and now this development proposes the erasure of yet another treasured local pub. Months of social distancing and isolation make such meeting places more valuable at this time than ever before. We urge them to ensure that the Foxlydiat Arms is retained in accordance with the NPPF and incorporated into the design.

In the Bromsgrove District Plan, RCBD1 8.54 states that developments will 'fully integrate into the existing residential areas. Apart from one 'path link' that is not drawn linking to anything, the site layout is shown in total isolation and lacks acknowledgement of - or connectivity to - the Foxlydiat Urban Extension application 16/0263 that will surround it on three sides, completely dominating the context. Before the committee can make a decision, if this proposal is to accord with the Bromsgrove District Plan, the developers must collaborate so that the two schemes are clearly and comfortably integrated.

This lack of integration and collaboration between numerous applications to the West of Redditch if individually approved will have demonstrably failed to take account of the cumulative effect on transport infrastructure, leisure amenities and the quality of life of local residents. Collaboration must also include the developers of the Barn House Farm site, particularly in relation to traffic issues.

Page 20 of the Transport Statement reads -

The proposed development would generate a net increase of 20 two-way vehicle trips during the AM peak hour ' The additional morning trips would have a negligible impact on the adjacent highway network -

However once the construction of 16/0263 begins, traffic is to be prevented from turning right out onto to the A448 towards Bromsgrove from Birchfield Road, therefore all traffic from this site wishing to go that way would have to go round to Foxlydiat Lane and through the larger development, no doubt queueing to exit the site during peak hours. This could encourage drivers to take the alternative route down Cur and Copyholt Lane. Development here is not sustainable while the A38 improvements remain incomplete.

Foxlydiat Lane is also due to become a bottleneck with construction traffic from both 16/0263 and Barn House Farm sites using the lane as their access. None of this is helped by the designer of this scheme providing 2 car parking spaces per unit for the hotel that is to be converted to flats. The design is in itself a presumption against sustainable transport and tees this development up for being a source of congestion on our roads.

Bromsgrove policy (RCBD 1.4 XII) states that all development must 'respect and enhance the setting of any heritage asset, and so does the NPPF, which asserts the positive contribution that conservation of heritage assets can make to sustainable communities. We are relieved that the applicant has incorporated the locally listed hotel frontage into their scheme, however they have not revised their intention to erase most of the walled garden. This was once the kitchen garden for Foxlydiat House that previously stood on this site. A multitude of policies in the NPPF point towards the retention of this asset, for example: To protect and enhance biodiversity and geodiversity, and to enable and

support healthy lifestyles ' through the provision of safe and accessible green infrastructure and allotments' and many many more. It would be a major break with policy to tear any of it down.

The typical house sketch elevations give absolutely no impression of their appearance, and no massing model or outline site section have been provided. Some form of impression of the proposed design and how it sits in the landscape should be provided for an outline application of this scale. The applicant suggests that the reserved matters stage presents a suitable opportunity for the dwellings to be designed with a finish to reflect 'character areas'. The layout comprises clusters of houses and presents the opportunity for their eventual appearance to reflect appropriate architectural styles.

The applicant must define 'appropriate architectural styles', perhaps with input from the conservation officer, before this application proceeds. The drawings that make up this application are striking for their lack of context, evidence of design or spatial awareness. No sense of what it will be like to inhabit the proposal is supplied. This renders the application incomplete.

Until the applicant can show that they have collaborated with the developers of the encircling applications, proposed means of sustainable transport, integrated both the pub and all heritage assets and, critically, contextualised the design, this application remains both incomplete and in contravention of both the Bromsgrove District Plan and NPPF. It should be refused.

BDC Strategic Planning 14-04-2020

No objection

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 19/00615/OUT at the Foxlydiate Hotel 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 either the current community facility or heritage assets being lost without sufficient justification. I would wish to see further evidence of the marketing of the current pub and hotel premises before I am satisfied that policy BDP12 has been complied with, and with regard to BDP20, sensitive incorporation of the non-designated heritage assets into the scheme would be entirely preferential over their complete loss.

Redditch Borough Council 17-07-2019 (RBC Planning Committee)

That the principle of housing on the site be supported, however objection is raised to the demolition element of the planning application. The loss of the Foxlydiate Hotel, which is a non-designated heritage asset and a community facility, appears to have not been fully justified. The conversion of the building could provide an element of the much needed housing.

North Worcestershire Economic Development –

No objection

03-12-2020

*Figures provided corroborate the information included in the accompanying planning statement and suggest that there were concerns about the ongoing viability of the business. Furthermore, it is worth noting that these figures were from pre-Covid times and we know the pandemic has had a devastating impact on the hospitality sector and would have only likely exacerbated the issue that the business was facing.

23-11-2020

From our perspective, the key issue for consideration in terms of this particular application is the loss of the community asset at the site. Given the proposals outlined, it is our understanding that the application would need to be considered against Policy BDP.12 of the Local Plan regarding Sustainable Communities. The main issue is whether the marketing statement submitted by the applicants provides the rationale for considering alternative uses of the site. Taking into account the requirements of this policy we would offer the following thoughts in relation to resisting the loss of existing community facilities, and the criteria associated with this:

Resisting the loss of existing facilities unless it can be demonstrated that:

i) There is no realistic prospect of the use continuing for operational and/or viable purposes

In order to satisfy this criteria, the marketing statement provides a general overview of the hotel and leisure market and some of the current trends. Whilst this is useful background and outlines some of the challenges facing this particular industry, it is not specific to the site in question. However, the more detailed information is contained within the planning statement at para. 6.26 where a site specific narrative is included. This section highlights the decline in trade at the site, and the numbers provided outline the difficulty faced by the current operator and its decreasing profit margin. These figures show the challenging trading conditions which are faced by the business and throw into question the viability of the continuing use in its current form. Whilst the information provided in this section is useful, it would be considered prudent for the Council having sight of these figures on a confidential basis to ensure the narrative provided can be corroborated*. Furthermore, the figures contained in the report are from 15/16 and 17/18 year end and so a more updated position from recent years would help to see if this trend has continued or if these years were poor trading conditions.

In addition to the above, the marketing statement does identify that there have been offers to continue the use in its current form, as at least one bid came for a competitor. Whilst on the face of it, this might suggest there is a prospect that the use could continue, the issue is really a financial one and whether the offer can be considered realistic in order to allow the existing use to continue. The difficulty here is that the site is in private ownership and despite there being interest from other operators to continue the current use, which might suggest that there is a 'realistic prospect' that it could continue, this is at a value which is not acceptable to the owners and, therefore, by its very nature is unviable.

Given the above narrative, it is considered there is a case that - the continuing use of the current business might be challenging in the future for both operational uses and due to concerns about its ongoing viability.

ii) The service or facility can be provided in an alternative manner or on a different site

We do not have any comments on this particular criteria as it is not for us to judge if the service or facility could be provided in an alternative manner or on a different site.

iii) The site has been actively marketed for a period of not less than 12 months or made available for a similar or alternative type of service or facility that would benefit the local community

The marketing statement identifies that the site has been marketed for over 12 months and whilst there has been a small number of enquiries, they have identified that it would not be viable for the owner to accept these offers, as per the narrative under the first criteria. In terms of the marketing, the applicants have provided the site details which were prepared to market the opportunity and have indicated where the brochure was advertised and the interest that was shown in the building, including making clear the offers that were made for the site and the reasons as to why these have not been accepted. Furthermore, it is worth noting that the site is still live and remains advertised well in advance of the 12month minimum period that the policy identifies is required. It is not clear if the site has been considered for an alternative type of service or facility that would benefit the local community. However, the viability of these types of alternatives might be questionable given the offers that have already been made and rejected.

iv) There are no overriding environmental benefits in ceasing the use of the site
No comment.

WCC Highway Authority –19-07-2021

No objection

Context

The Highway Authority have provided a number of previous responses, with the most recent response sent on the 22nd December 2020. The wider transportation implications of the development have been previously considered. A series of financial obligations were advised in the formal response dated 14th June 2019 which remain unchanged. For completeness, these issues are set out below.

Access

The Applicant intends to utilise the existing site access from Birchfield Road where it has been demonstrated that suitable visibility splays can be achieved from the site onto the highway. The site will have a single of point of vehicular access and the other existing access will be closed.

Traffic Impact

The application has been submitted with a transport statement which seeks to demonstrate that an access can be accommodated and to review the trip generation of the existing and proposed planning uses.

The applicant has concluded that the net impact is broadly the same, this has been reviewed by the Highway Authority as part of the normal review process, including a sensitivity test.

The Highway authority does not reach the same conclusion as the applicant and does not consider the donor sites to be reflective of the Foxlydiate Arms, the sensitivity test shows that in a multimodal assessment there will be an increase in trips across the day and at the traditional AM and PM peak hours in the region of 42 two-way trips during each respective peak period (as a worst case)

However, the peak hour increases are not considered to warrant a review of junction capacity and given the local plan designation it is considered that any additional trip generation can be mitigated through planning obligations.

Internal Layout

The Applicant has produced a number of iterations of the internal layout and design of the site. The most recent response, dated 22nd December 2020, advised a number of concerns which are replicated below verbatim: -

1. Access to the private car park, adjacent to Birchfield Road, is provided from the internal site access road (egress only) and from Birchfield Road (two-way). The Highway Authority raise a concern with the number of potential conflict points this arrangement creates. Consideration should be given to a single point of access off the internal access road, with appropriate junction spacing and geometry provided;
2. Any access provided to serve the car park should be designed as a vehicle crossover and not a radius as currently shown;
3. Ecology surveys have identified common pipistrelle bat roosts in the vicinity of the site. It is therefore requested that any highway lighting is designed to be bat sensitive to the relevant species present;
4. The proposed block paving and crossings should be removed, with standard carriageway construction provided throughout the site;
5. The horizontal alignment of the main access road is not smooth; this is particularly noticeable within the vicinity of plots 37 and 38 as the road bends;
6. 25m forward visibility should be shown around the bend fronting plot 38. This radius should transition smoothly (as noted above);
7. The extension to the turning head that serves plot 3 is in excess of 26m and is contrary to the WCC Streetscape Design Guide (see paragraph 3.6);
8. The current "private" access is shown to serve a total of 12 properties. As per the WCC Streetscape Design Guide, any private access should serve no more than 6 dwellings. A revised layout is therefore requested;
9. Details of road widths and visibility splays should be provided on any revised layout plans; and
10. The absence of footway on Birchfield Road will result in pedestrians using grass verge when cross the carriageway. Consideration should be given to the provision of a footway and dropped kerbs leading from the site access.

Latest Submission

Since the most recent round of comments from consultees, a revised layout plan has been submitted. The updated layout, as shown in supporting drawing reference 2018/4447/003 (Rev P1), addresses most of the previous concerns above (Points 1, 4, 5, 6, 9 have now been addressed). Following the latest review there are some comments which the Highway Authority advise are material as they have the potential to impact upon plot positions and future road adoption matters: -

1. Access to plots 3-21 turning head extension remains in excess of the maximum 26m, as prescribed in the Streetscape Design Guide. Should the Applicant wish to retain this layout, then only the maximum size turning head limits would be considered for adoption. Therefore, the road from plot 8-21 will remain an entirely private arrangement (although the numbers would be over the 6 stated as the maximum for a private drive); and
2. Plot 24 courtyard parking should be accessed by a vehicle crossing and not a radius access.

Whilst some minor issues can be resolved through the detailed design process, it must be noted that the Highway Authority will not adopt the site in its entirety to form part of the maintainable at the public expense in light of the design shortcomings listed above.

It is noted that there is a proposed uncontrolled crossing point with tactile paving on Birchfield Road. Is it not clear from the supporting plan whether a 2m footway will be provided on the Birchfield Road extending from the radii of the new access. This is currently grassed verge. A planning condition is advised to ensure that this is constructed in an appropriate manner and form.

Ecology surveys have identified common pipistrelle bat roosts in the vicinity of the site. It is, therefore, requested that any highway lighting is designed to be bat sensitive to the relevant species present. This will be taken forward as part of the detailed design process. The lighting assessment and any subsequent design shall be in accordance with the latest version of WCC's Street Lighting Design Guide (SLDG).

Summary

The Highway Authority has undertaken a robust assessment of the planning application and, based on the analysis of all the supporting now submitted the Highway Authority has **no objection subject to conditions**.

Heads of Terms

The following heads of terms needs to be included in any planning obligation: Local Plan Infrastructure Delivery Plan, schemes as listed below –

- £56,858.96 Sustainable Transport Schemes at location Clusters, 6,8,10
 - Dropped Crossing
 - Cycle Parking Pedestrian / Cycle Signage to Railway Station
 - Travel Information Kiosks
- Scholars Education Transport to support access to the Tudor Grange Academy from the development site - £54,181.00
- Bus Service Improvements to Webheath currently serviced by the 47/48 Service - £21,298.17
- Bus Stop Infrastructure Improvements on northern side of Birchfield Road – £10,000

**Conservation officer –
No objection**

As you are aware the original scheme proposed the demolition of both the public house and the walled garden. The applicant eventually submitted a Heritage Statement, and this accepted that the walled garden and pub were both non designated heritage assets. By the end of 2020 the applicant had agreed to the retention of the original pub building, and was proposing to convert it to flats, and the principle of this was welcomed. The applicant was however not willing to keep the walled garden as it was considered not economic to retain the structure, although I am not aware that any evidence was provided to substantiate this.

It is agreed that the significance of the walled garden is at the lower end of the scale, bearing in mind its condition, the fact that it is now incomplete and the associated structures such as the glass houses have been lost. Although glass houses are inherently ephemeral structures. The walled garden is however a rare survival, as many walled gardens became redundant following the First World War, and were lost completely, yet this one remained despite the demolition of Foxlydiat House. For this reason, it has strong historical value, as well as illustrating the workings of a country house, now unfortunately lost. It has obviously lost its context as a result of the demolition of Foxlydiat House, but this makes the walled garden all the more intriguing.

It is further agreed that the walled garden currently makes little if any contribution to the setting of the pub. It is unclear from the historic maps what the position was historically. Was part of the wall in the southerly corner removed to allow access? Historic maps from the 1950s to the 1970s are unclear. The fact that it was maintained suggests that there was a use for it when the pub was originally constructed, although that is purely conjectural. The overgrown nature of the vegetation in the gardens currently suggests a lack of maintenance and use of the walled garden in recent years.

It would appear from looking at plan WG01 AL05 REV P1 EXISTING SITE SURVEY that a significant part of the south west and south east elevations of the walled garden have been lost. This is not clear on site from the exterior due to the extent of vegetation, it may be clearer from the inside of the walled garden, but there has never been an opportunity to view the interior of the structure. It might have been useful if the Heritage Statement had clearly indicated the extent of the extant structure.

A further plan was submitted, my email of 6th January 2021 refers to a plan dated 11.12.20 which from my comments, retained the north west and north east walls of the walled garden. In my email I suggested the retention of part of the return to the south west and south east elevations. This would more clearly indicate the existence of the walled garden and would also assist with the structural stability of the retained structure. The return to the south west would appear to line up with the boundary between plots 8 and 9. The latest plans, 20210409 PROPOSED LAYOUT 2018-4447-003 P1 & 20210409 PROPOSED SITE PLAN SHOWING RETAINED BUILDING WG01 AL10 P6, now show the retention of what is assumed to be the extant stretch of the south west elevation of the walled garden, which would form the boundary wall between plots 8 & 9, as well as a small return to the south east wall adjacent to plot 1.

The only part of the structure to be lost is the remaining extant stretch of the south east wall together with some outbuildings on the outside of the wall, which appear to date from the late 19th/early 20th century.

The retention of the majority of the extant walls of the walled garden, on the basis of the information provided in WG01 AL05 REV P1 EXISTING SITE SURVEY, is welcomed. There has never been an objection to the principle of constructing houses within the walled garden, which is no longer complete. After further consideration it would have been preferred if the scheme had reflected the existence of the walls to a greater extent by moving plots 1 & 2 so that they fell within the perimeter of the structure. If the Heritage Statement had been prepared at the start of the process it might have informed the final scheme, rather than the scheme being amended several times to maintain the heritage assets.

As the majority of the extant walled garden is to be retained as well as the original pub building which is to be converted, there are no objections to the scheme from a conservation perspective. This is on the basis however that the appearance of the pub could be reinstated with the upvc windows being replaced with crittall windows resembling the originals. In terms of this building, more thought should be given to its setting, and especially the boundary treatments to the houses to the rear of the pub. High fencing would detract from the setting of the pub and the rural environment, having a more suburban appearance.

In addition, the walled garden should be recorded prior to the demolition of the south east section, which should include a recording of any features on the existing wall which relate to previous structures, as these details are likely to be lost when the wall is repaired/conserved as part of the overall scheme. It is further suggested that there should be some trial trenches to confirm the location of demolished structures within the garden.

Finally, we would expect to see well designed houses reflecting local character on the remainder of the site. It is assumed that detailed design matters will be dealt with at the full planning stage.

Worcestershire Archive and Archaeology Service 27-05-2021

No objection

The proposal is judged to impact heritage assets of archaeological interest that would be lost or damaged by the development. On this basis, it is recommended that a programme of archaeological works is secured and implemented by means of a suitably worded planning condition.

The Foxlydiate Arms is included in Redditch Borough Council's Schedule of Buildings of Local Interest and is recorded on the County Historic Environment Record (HER ref: WSM71314). Increasingly rare, the part retention and conversion of this inter-war hotel/improved public house, designed by Birmingham architect S. N. Cooke, is a welcome improvement on the original scheme proposal.

The 19th century walled garden to the north west of the Foxlydiate Arms, formally the walled garden of Foxlydiate House, is also a rare survival – as pointed out by the Conservation Officer in their comments of November 2020. Although incomplete it is a non-designated heritage asset with strong historical value both as an example of a

Victorian walled garden associated with a country house and as a likely retained element to the garden, design and setting of the Foxlydiate Arms. The proposed part retention of the wall (as a boundary treatment) is also a welcome improvement on the original scheme, which goes some way to recognising and reinforcing the individual significance and identity of this non-designated heritage asset, as well as its value to the setting of the later hotel/improved public house.

The partial demolition of the wall of the walled garden is regrettable and therefore, when considering this application, the LPA should take a balanced judgement as to whether the benefits of the scheme would outweigh the partial loss of the heritage asset, as per paragraph 197 of NPPF, Policy BDP20 Managing the Historic Environment of the Bromsgrove District Plan and RCBD1 XII of the Redditch Cross Boundary Development Strategy. In terms of below ground remains the site has moderate potential for archaeological remains associated with the former land use of the site and earlier roadside settlement (please see planning consultation letter of 4th June 2019). The part retention of the Foxlydiate Arms and walls of the walled garden is welcomed. However, the application is still judged to impact non-designated heritage assets of high local value that will be partially demolished/damaged by development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise the following,

Archaeological evaluation by trial trenching. This could potentially be followed by mitigation depending on the results of the evaluation.

Historic Building Recording to Level 3 standard, with the option of a structural watching brief (as set out in Historic England's Understanding Historic Buildings) of the original, inter-war hotel/improved public house building. Recording should be undertaken prior to conversion. Building recording and assessment will allow us to better understand and document the history of the building. It will also ensure record of any original fabric, features and fittings that may be obscured or lost as a result of the proposed works. Historic Building Recording to Level 2 Standard (as set out in Historic England's Understanding Historic Buildings) of all surviving elements of the walled garden. Recording should be undertaken prior to any part demolition.

Crime Risk Manager 26.05.2021

No objection

The backs of plots 16 to 21 are vulnerable. The drawings indicate that they will have a 1.8 metre high boundary. I suggest 1.8 metre high close boarded fence, topped with trellis which makes it difficult to climb. I suggest bushes be planted in front of the fence restricting access to it.

The plans appear to indicate that the rear of the amenity space at the rear of the flats will be secure. There are a number of gates, at the detailed planning stage I would like to know how they are to be secured. If this area is not kept secure the rear of plots 32 to 38 become vulnerable.

Urban Design 26-05-2021

Objection

The proposal does not address the significance of the two non-designated heritage assets, the pub and hotel and the walled garden; the inadequacy of the Design and Access Statement; the poor site layout; the non-connection of the development to future adjoining developments; the failure to meet requirements of the RCBD1 housing allocation; and the absence of indicators of a sustainable development.

I reported on the initial outline application, with an illustrative layout, for this site in May 2019, and again on an amended scheme in October 2019. In both reports I advised that it was a poor proposal, and concluded; I consider that this site deserves a better proposal, and is capable of rewarding a better proposal. To realise the potential of this site requires more ambition, and a greater degree of imagination and expertise, than it has been given so far.

A second revised scheme was submitted in March 2020. The major change from the previous schemes was that the front part of the Foxlydiat Arms was proposed to be retained, and converted into twelve flats, four on each floor. I reported on this amended scheme on 30th March 2020 and commented that the retention and conversion of the front part of the hotel, a non-designated heritage asset, represented a significant improvement. However, the opportunities for development represented by the other non-designated heritage asset on the site, the remains of the walled garden belonging to Foxlydiat House which previously occupied the site, continued to be ignored. A heritage assessment of the walled garden was commissioned by the applicant and was completed in August 2020. I have studied this.

A third revised scheme was submitted, and I reported on it in March 2021. I understood from the planning officer that the proposed layout is now to be considered as a detailed part of the application. Since then further amendments have been made, which are scheduled in an email from the applicant to the planning department on 9th April. For convenience, I shall refer to those changes which relate to urban design in the order in which they appear in this email. The footpaths in front of houses 24-26 have been combined. This is an improvement

Houses 16-21 have been reorientated to face their neighbours in the home zone. This is an improvement. The non-designated heritage asset of the remaining parts of the walled garden of Foxlydiat House remains a major issue. We still do not have a survey drawing of the remaining parts of the wall, and there is a continuing refusal by the applicant to engage with it as a significant element of the site. The applicant maintains that the retention of the remaining part of the south-easterly wall is not desirable as this would block the vehicular access on this side. This ignores the point I made in my March 2021 report that "a small part of it could be removed if necessary". Without a survey plan it is not possible to calculate how much would have to be removed. I have only the GoogleEarth photograph to rely on.

The applicant's statement that vehicular access to the western part of the site is insurmountable with the retention of the remaining parts of the wall appears to be based upon a misunderstanding. Where the proposed road crosses the south-easterly boundary of the walled garden, the road can remain in that place, with the removal of a small part of the wall, as stated above. Where the proposed road crosses the south-westerly boundary

of the walled garden, the road can also stay in that place. Judging from the GoogleEarth photograph, the remaining part of the south-westerly wall comes nowhere near the road. There is no threat to any of the trees proposed for retention. The applicant's assertion that the possibility of a courtyard layout inside the walled garden is nullified is baseless.

No attempt has been made to reposition any of houses 1-8 so that they relate spatially to the enclosure of the walled garden. So, the opportunity to use the walled garden to achieve a distinctive character area of the development continues not to be grasped. This failure is highlighted by the next paragraph in the 9th April email, which considers the subject of character areas. The applicant considers that because Appearance is a reserved matter in the planning application, consideration of the formation of character areas can be deferred until its detailed submission and can then be achieved by the choice of the houses' 'finish'.

This is a striking confirmation of the observation I made in my March 2021 report, that the distinctions made between character areas in speculative housing developments "are often minimal and superficial". The more fundamental and meaningful basis on which character areas can be shaped are in the layout's responses to topography and to context. Here a significant opportunity to do this is being ignored

My conclusion is as it was previously, that this application continues to be unsatisfactory. Following the initial submission, a major improvement was achieved with the retention and conversion of the non-designated heritage asset of the pub. Since then, some other minor improvements have also been made. But the major opportunity to exploit the existence of the second non-designated heritage asset, the walled garden, to the great benefit of the quality of the development, remains unrealised. I consider that it is necessary to do so in order to conform to the advice of the Council's High Quality Design SPD paragraph 4.2.10, which states Applicants should identify the features that make a place distinctive and then identify how the proposal can retain these features and enhance them.

Waste and Recycling 08-09-2021

No objection

In the event permission is granted a contribution will be required towards the provision of waste receptacles to store household waste and recyclables pending collection as set out below.

	240 bin unit price	38 dwellings	1100 bin unit price	3 1100 units
	£26.75 green	£1,016.5	£243.43 green	£730.29
	£25.49 grey	£1,016.5	£243.43 grey	£730.29
Sub Total		£2,033		£1,460.58
Total	£3,493.5			

Affordable Housing 01.11.2019

No Objection

Broadly supportive of the scheme as it will provide much needed affordable housing. However, the scheme appears to be extremely high density and the parking provision appears to be very tight in the vicinity of the proposed block of flats.

It is recognised that units will need to be identified at a later stage, but the applicant should be aware that the affordable units should be "pepper potted" around the scheme and not just bunched together.

Care should be taken as to how tenures are mixed to facilitate easier management of the site in the future.

Ecologist 25-11-2020

No objection

I have previously commented on the application in October 2019 and March 2020. My comments in this memo form part of a further consultation request in November 2020. I have reviewed the updated information provided for the application using the Council's online planning portal and additional reports supplied to me by the Council. I have made my comments based on the scheme outlined in Drawing no. WG01-AL10-P2 prepared by Alison Pyke Architects and Designers dated 9th January 2020 and the supplied Design and Access Statement V2 (undated). I welcome the revised ecological reports and the applicant's efforts to address my previous comments. My comments are based on the following documents prepared by Greengage Environmental:

1. Preliminary Ecological Appraisal- survey date August 2020
2. Badger Survey- survey period September/October 2020
3. Bat Emergence Survey- survey period September 2020
4. Biodiversity Impact Assessment- dated October 2020

The above reports have been conducted in a robust manner in accordance with industry best practice and provide a detailed understanding of the ecology related to the proposed development. Bat roosts have been confirmed as present within the existing buildings. In addition, precautionary measures have been made in relation to other protected species such as badgers and birds. I support the application in principle subject to the following issues and recommendations being addressed and/or forming part of the reserved matters.

1. General Layout. The current planned layout does not adequately respond to any of the most recent recommendations made by Greengage Environmental both in terms of required mitigation and biodiversity enhancements. Given the current proposed layout it is hard to understand the wider constraints of the site and the rationale for not including ecological enhancements within the current design proposals. I would therefore recommend that a more up to date masterplan and Design and Access Statement is prepared that addresses recommendations made for ecological matters (see item 2 below).

2. Biodiversity Net Gain. The DEFRA Metric 2.0 methodology has been used to calculate the baseline biodiversity units for the existing habitats. Biodiversity net gain, although an evolving national planning policy, is set to become common place. I would therefore recommend that any revised design/layout proposals consider opportunities for biodiversity net gain. Reference should be made to the recommendations set out in section 5.0 (page 8) of the Biodiversity Impact Assessment. As part of the reserved matters a condition should be made to update the DEFRA Metric 2.0 to demonstrate how net gain will be achieved.
3. Landscape Plan and Ecological Management Plan. As part of the reserved matters, a more comprehensive landscape plan should be provided prior to commencement on site. A Landscape and Ecological Management Plan (LEMP) should also support the landscape design proposals and set out them mechanism for realising biodiversity net gain and the landscape enhancements over a 30-year period.
4. Bats. The presence of bat roosts has been confirmed on site and there will be a requirement to obtain a European Protected Species (EPS) Licence. The proposed mitigation strategy outlined in the Bat Emergence Survey should be incorporated into any planned building design proposals as part of the permitted scheme. There should be a condition to ensure that a EPS license is determined following the planning approval.
5. Precautionary Measures. A condition should be made to ensure that precautionary measures are put in place to safeguard species such as hedgehog, reptiles, great crested newts and badgers as described within the Preliminary Ecological Appraisal. Evidence of the precaution measures such as method statements should be provided prior to construction.
6. Badgers. Badgers are known to forage and commute within the site. A condition should be made to ensure a pre commencement walk over badger survey is made prior to site stripping/demolition.

The above recommendations have been made in accordance the Local Planning Authority's duty to conserve biodiversity under Section 40 of NERC Act (2006).

**Worcestershire Wildlife Trust - 07-06-2019
Objection**

**[note later comments from Council's Ecologist, above]

Objects on grounds that the ecological appraisal references the need for additional bat surveys to determine the value of the existing building (especially in terms of its potential to hold a maternity colony of bats). These surveys should be completed and made available in advance of a decision being made decision because the presence of a maternity roost would elevate the ecological importance of the building and potentially affect the planning balance in terms of the need to retain it or deliver very significant mitigation in the event of its loss.

The proposed layout requires the removal of a significant amount of habitat, including trees and hedgerows. There does not appear to be sufficient mitigatory planting proposed to result in a no-net-loss situation, much less the net-gain in biodiversity required by the NPPF. It doubts that the number of dwellings proposed would ever allow for sufficient biodiversity mitigation.

There is likely to be increased risk of recreational pressure on the nearby Local Wildlife Sites. Additional public open space should be provided to help reduce the risk to the sensitive receptors, which are in very close proximity and will almost certainly become a focus for recreation without any alternative provision.

Tree Officer 01-06-2021

No objection

I have no objections to the amended description in relation to any tree issues. And as shown in drawing no (AL10 P6) by Allison Pike Architects & Designers

North Worcestershire Water Management

No objection subject to further details prior to permission being granted

08-12-2021

I would want to see some detail here around the area of new impermeable area created, so all hard standing and roof areas, and what volume of attenuation would be required to attenuate runoff to greenfield rates up to the standard 100 year +40 cc level. Main reason for asking for this information is to ensure that attenuation features required can be accommodated into the existing proposed layout before it is approved.

So I would want to see a initial proposed drainage layout for the site along with some basic calculations showing the sizing of features has been calculated and showing they can be accommodated into the layout.

The site is in flood zone 1 (low risk of modelled river and tidal flooding) and there are no records of flooding on site.

There are no drainage details provided with the application, it is not indicated in the application form how surface water will be disposed of. This needs to be determined and the location where surface water will be discharged from the site should be indicated.

The release of the latest revision of the SuDs manual in 2015 highlights that water quality, biodiversity and amenity considerations should also be a key focus of SuDs design. This needs to be considered when developing a SuDS scheme to serve the site.

Re-consultation comments 2021

This application has been commented on previously in June 2019 and March 2020. We have no further comments to make as no further details have been submitted with regards to drainage as previously requested. If this application is approved, we would again request the following condition is added to any permission.

Conditions:

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

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

Re-consultation, March 2020:

New details have been reviewed however there is no further information in relation to drainage or flood risk so there is little that can be added further to the previous comments. It is noted that the number of units has been reduced leading to increased green space available on the site, this has increased the potential for surface level features to provide attenuation to be included into the drainage design. Such features should be considered first prior to sub surface features.

Consultation, June 2019:

The development site is located in the Bow Brook catchment which is a tributary of the Avon. Within the context of the Bow Brook Catchment the site effectively located at the top of the catchment area and the vast majority of the site is classified as flood zone 1 by the national Environment Agency fluvial flood mapping. Given the location within the catchment area it is unlikely that there is any significant fluvial flood risk, however this still needs to be assessed and the results presented in an FRA.

With respect to surface water runoff flood risk, based on the EA surface water flood risk mapping there are no areas of water pooling incited on the site. However this mapping is only indicative and in high rainfall return periods there will be risk of pooling on the site subject to the finished ground landscaping. As the site has some sloping gradients care needs to be taken to ensure that ground levels for individual plots are designed appropriately, i.e. FFL and landscaping. As this is an outline application this specific detail in relation to the drainage arrangements within the individual housing plots is not required at this stage.

There are no drainage details provided with the application, it is not indicated in the application form how surface water will be disposed off. This needs to be determined and the location where surface water will be discharged from the site should be indicated. It is required that surface water runoff rate from the site is restricted to greenfield rates up to the critical 1 in 100 year storm period, including an additional 40% allowance for climate change. This will need to be supported by the calculations and the relevant .mdx file provided to the LPA for review and approval.

The release of the latest revision of the SuDs manual in 2015 highlights that water quality, biodiversity and amenity considerations should also be a key focus of SuDs design. This needs to be considered when developing a SuDS scheme to serve the site and as well as water attenuation the scheme should provide benefits with respect to these other factors.

It would be recommended that that under drained permeable pavement is provided for all parking areas and that roof drainage is discharged to the sub base via diffuser boxes. 30% of the sub base volume can be provided as attenuation volume with the remaining required, provided in sub surface storage. There will be some filtration benefits of runoff passing through the sub based before entering the surface water drainage system. We would also recommend that the surface water drainage is incorporated into the soft landscaping features such as swales or rain garden features and set in the proposed green space around the site.

Severn Trent Water 14-10-2019

No objection. - subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason : This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

WRS - Noise 10-11-2020

No objection subject to conditions

The submitted noise assessment appears acceptable. The assessment predicts that with the installation of suitable glazing, ventilation and acoustic boundary fencing both internal and external noise levels will be in line with the recommendations of BS8233:2014. In terms of commercial noise the assessment predicts between a low and significant impact. However, when considering the context of the noise (section 4.8) I consider this to be acceptable. When the applicant has decided which glazing and ventilation products will be installed the applicant shall confirm, via their acoustic consultants, that the sound reduction performance of these products will meet the criteria detailed in Table 3-4 and section 3.5.2 of the assessment for approval. In terms of acoustic boundary fencing I consider that this would need to be applied to more than just the garden areas of plots 1 & 2. Therefore the applicant should submit a detailed plan showing the proposed acoustic fencing and predicted noise levels in external amenity areas for further comment.

WRS - Air quality – 17.06.2019

No objection subject to conditions

The applicant should provide mitigation measures in the form of electric vehicle charging points, cycle parking provision and low emission boilers.

WRS - Contaminated land 17.06.2019

No objection subject to condition

Contamination – the site falls within 250m of a former sand pit / quarry that has since been infilled by unknown materials and therefore has the potential for migration of ground gas (methane and carbon dioxide) onto site. It is also noted that there is a Service Station, Garage, Car Dealership and Tyre Centre located adjacent to the north western boundary. There are also likely to be significant areas of made ground on site associated with construction of the various buildings and parking areas on site. Given the above there is the potential for areas of contamination to be present on site and therefore it is considered that suitable assessment of any risks should be undertaken and mitigated where necessary, secured by way of planning conditions.

Redditch and Bromsgrove NHS CCG 02-06-2021

No objection subject to a financial contribution to mitigate impact of the development

The development of 50 dwellings would increase demand upon existing constrained services which have insufficient capacity for the additional growth result resulting from this development. A developer contribution will be required to mitigate the impacts of this proposal on existing GP practices. The level of contribution required would be £18,929. Payment should be made before the development commences.

Worcestershire Acute Hospitals NHS Trust (WAHT) 16-06-2020

No objection subject to a financial contribution to mitigate impact of the development

The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore, the contribution requested for this proposed development of 50 dwellings is £31,223.28. This contribution will be used directly to provide additional services to meet patient demand.

WCC Education 15-04-2020

No objection subject to a financial contribution to mitigate impact of the development

An education contribution for the First School Phase would be sought of:

- £2,307 per open market 2 or 3 bed dwelling;
- £3,461 per open market 4 or more bed dwelling;
- £ 923 per open market 2 or more bed flat

The contribution will be used to support phase 1 of a new first school to be located on the Foxlydiate cross boundary development.

An education contribution for the Middle School Phase would be sought of:

- £2,308 per open market 2 or 3 bed dwelling;
- £3,462 per open market 4 or more bed dwelling;
- £ 923 per open market 2 or more bed flat.

The contribution will be used to support the expansion of Birchensale Middle School by 1 form of entry. A contribution will not be sought for the high school phase of education at Trinity High School.

Demand in the area for school places remains high, in addition, the proposed Foxlydiate Urban Expansion has been approved subject to signing of a S106 agreement and the Barn House Farm application has also been approved.

Worcestershire County Council will be seeking monitoring fees as part of the application for WCC infrastructure.

Publicity

A total of 39 letters were originally sent on 16th May 2019. Site notices were displayed at the application site on 17th May 2019 and 24th May 2021. The application was advertised in the Bromsgrove Standard on 24th May 2019 and 24th May 2021.

A total of 248 objections had been received at the time of preparing this report.

The objections are summarised as follows:

Residential Amenity

- The proposed location of the crossing would impact upon the privacy of the occupants of 1 Foxlydiate Cottages

Heritage

- Is a building of historical significance in a town where historic buildings are scarce and a good example of 1930s road house and popular landmark
- The building is included in the schedule of buildings of local interest
- The estimated age of the trees suggests that the site may have greater archaeological potential and this warrants further investigation

Sustainable communities

- The public house is an asset serving the needs of the community with attractive large gardens for families with children and function room facilities
- The Foxlydiate plays a huge part in the community for socialising for all ages and its loss would take the social heart out of Webheath, Headless Cross, Brockhill and Batchley
- With a growing population Webheath will be left with fewer places to meet and socialise. The Rose and Crown is the next closest pub but is much smaller and cannot offer the same facilities

Character and amenity

- More housing development in the area are adversely affecting the area's character, attractiveness and ambience
- The site has a number of preserved trees which should be protected in the interests of safeguarding the visual amenity of the area
- Residents would have to endure more traffic, construction nuisance and pressure on existing resources

Physical and social infrastructure

- The cumulative environmental and traffic impact has not been taken into account with the strategic housing allocation – Policy RCBD1
 - Has failed to consider the need for improvement in public transport required to meet needs of the strategic allocation
 - No provision made to connect with the adjoining strategic housing allocation
 - To mitigate flooding from Spring Brook, SUDs features should be used to control surface water run-off. SUDs do not feature at all on the proposed layout.
 - The submission does not demonstrate due regard to an overall Management Plan for Green Infrastructure as part of the wider Policy RCBD1 allocation
 - In the absence of any form of cumulative assessment or proportionate contribution of physical, community and social infrastructure, the application should be refused
 - Already inadequate roads and pathways, two oversubscribed schools, lack of leisure facilities, only one dentist, two small shops, no GP surgery and limited public transport
- The new residential development warrants retention of a public house

Viability of the public house

- Better management of the public house may solve profitability issues
- The public house is a popular local venue and its viability would be enhanced by the large housing commitments in the locality
- The problem is not the viability of the pub but the priorities of the landowner

Highways

- The layout is deficient in terms of parking and manoeuvring and no traffic count or speed survey for Birchfield Road has been completed.
- The proposal will bring additional traffic to the area
- Before the proposed uncontrolled pedestrian crossing with dropped kerbs and tactile pathing location is accepted a real time traffic speed survey should be conducted during peak am and pm travel times at that point on Birchfield Road.
- Once pedestrians have used the uncontrolled crossing to access the nearest bus stops they must walk up on that side of the road for the bus stop to travel into Redditch and cross over using another uncontrolled crossing to gain access for the bus stop for Bromsgrove. This is a stand-alone development and to access all the amenities that Redditch and Bromsgrove have to offer will require residents having to resort to using their vehicles putting more cars on the road.

Ecology

- The site is an important refuge for wildlife and habitat would be lost

Trees

- It is not clear who will be charged with the responsibility to maintain and up keep the trees retained on site during the development and following site completion

Other issues have been raised but these are not material planning considerations and have not been reported.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP2 Settlement Hierarchy
 RCBD1 Redditch Cross Boundary Development Plan
 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
 BDP25 Health and Wellbeing

Others

NPPF – National Planning Policy Framework (July 2021)
 NPPG – Planning Practice Guidance
 National Design Guide
 High Quality Design SPD
 SPG 11 – Outdoor Play Space (2004)

Relevant Planning History

Nomination of an asset of community value 10.07.2019

Schedule 1 of the Assets of Community Value (England) Regulations 2012 excluded hotels from listing. Legal Counsel's advice was that as a Premier Inn, it was very much likely that the premises comprise a hotel and as such was excluded from the regime.

TPO(4) 2016	Tree Preservation Order.	Confirmed	09.11.2016
B/1999/1071	Construction of a 20 bedroom extension to an existing bedroom block.	Refused	20.12.1999
B/1999/1070	Construction of a proposed playbarn with glazed link.	Refused	20.12.1999
B/1997/0024	Rendering of dutch gables to front elevation.	Refused	10.03.1997
B/1994/0209	Works to existing car park areas and boundary walls.		09.05.1994
B/1992/1007	Erection of ancillary play barn	Refused	08.03.1993

B/1992/0512	Construction of childrens playground in grounds of public house	10.08.1992
B/1991/1155	Extension and alterations to existing public house, restaurant and hotel with associated parking (As amended by plans rec`d 17.08.92)	14.09.1992
BR/778/1972	Beer store and extension to ballroom.	
BR/595/1969	Car park extension.	

Assessment of Proposal

Site and surroundings

This 1.9 hectares relatively level site is occupied by a two-storey building which was last occupied by a Premier Inn and Brewers Fayre with associated car parking.

There are mature trees within the grounds and at the site's western end is a remnant walls of the 19th century walled garden surviving from the former Foxlydiate House, which was demolished in the 1930 to make way for the Foxlydiate Hotel (subsequently extended in the 20th Century).

The site fronts Birchfield Road, which forms the administrative boundary between Bromsgrove District and the Borough of Redditch.

On the opposite side of Birchfield Road, to the north-east of the site, is a new housing development comprising 29 dwellings, and immediately beyond that is Bromsgrove Highway. To the north-west is a garage and car dealership and to the south-east a range of residential properties. To the south-west and north-west the land is currently in agricultural use but forms part of the site which benefits from a resolution to grant permission for a mixed use development including 2560 dwellings.

Proposal

The application site forms part of the strategic allocation Policy RCBD1.2 Site 1 Foxlydiate, which is to include up to 2800 dwellings, a first school and a Local Centre, including associated community infrastructure.

The application to erect 38 dwelling houses and 12 apartments, has been submitted in outline form, but also with details of the means of access, layout and scale to be considered at this stage. Amendments following submission have secured the retention and conversion of the 1930s portion of the hotel with demolition of the later additions. External appearance and landscaping are matters reserved for future consideration which would require separate approval before development could commence.

The NPPG defines 'access' as *“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network”*

The NPPG defines 'scale' as *“the height, width and length of each building proposed within the development in relation to its surroundings”*.

The NPPG defines 'layout' as *“the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*

Housing Land Supply and Development Plan

The site forms part of an allocation in the Bromsgrove District Plan under Policy RCBD1 to meet Redditch Borough Council's housing needs. Whilst Redditch Borough can demonstrate an 8.9 year housing land supply, Government Policy seeks to significantly boost the supply of housing.

Paragraph 11 of the NPPF 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;

In this case, the assessment to be made is whether the proposal accords with the relevant policies of the development plan.

Sustainable Communities

Policy BDP12 – Sustainable Communities, seeks to resist the loss of existing facilities unless it can be demonstrated that;

- i) There is no realistic prospect of the use continuing for operational and/or viable purposes;
- ii) The service or facility can be provided effectively in an alternative manner or on a different site;
- iii) The site has been actively marketed for a period of not less than 12 months or made available for a similar or alternative type of service or facility that would benefit the local community.

Following earlier the comments of the Council's Economic Development, the applicant produced a further marketing statement and the Council's Economic Development Officer noted that the continuing use of the current business might be challenging in the future for both operational uses and due to concerns about its ongoing viability.

The marketing statement identifies that the site has been marketed for over 12 months and whilst there has been a small number of enquiries (2), they have identified that it would not be viable for the owner to accept these offers.

I am consequently persuaded that all reasonable avenues have been exhausted to demonstrate that there is no realistic prospect of either the use continuing as it is, or in a modified form on the site; and that the site has been marketed in a way that provides full disclosure to any prospective purchaser of the set constraints and opportunities of the site.

Therefore, I consider that the proposal complies with Policy BDP12.

Heritage

The Foxlydiate Arms is included in the Redditch Borough Council Schedule of Buildings of Local Interest. I consider the building and walled garden to be non-designated Heritage Assets.

The proposal has to be considered in light of the historic environment policies in the Bromsgrove Local Plan and the NPPF. The policies in BDP 20 of the Bromsgrove District support proposals which sustain and enhance the significance of heritage assets including their setting, and emphasise that proposals should not have a detrimental impact on the character, appearance or significance of heritage assets. (BDP 20.2 & BDP 20.3).

In considering applications that directly affect heritage assets, a balanced judgement will be applied having regard to the scale of any harm or loss as a result of proposed development and the significance of the heritage asset (BDP20.14). This is supported by policies in the NPPF including,

194, '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';

197, 'in determining applications, LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; the desirability of new development making a positive contribution to local character and distinctiveness; and

203,' 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.'

Managing the Historic Environment - Policy BDP20.2, supports development proposals which sustain and enhance the significance of such assets and Policy BDP20.11, seeks to resist the demolition of buildings which make a positive contribution to an area's character or appearance.

In considering applications that directly or indirectly affect heritage assets, Policy BDP20.14 requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

Historic buildings and spaces are a key component of the community's shared cultural identity and a visual representation of how people used to work and live. The buildings in question are acknowledged to be of significant local historic interest and make a positive and unique contribution to the distinctiveness of the locality.

The Foxlydiate Arms is included in the Redditch BC Schedule of Buildings of Local Interest. (Its inclusion is an anomaly as the boundary between Bromsgrove and Redditch runs along Birchfield Road, and the Foxlydiate Arms is on the Bromsgrove side. However, its inclusion is taken as a reliable measure of its status). The current proposal now retains the original 1930's building as part of the scheme, removing later modern additions, and which would retain the substantive parts of the earlier 19th century walls which enclosed the former walled garden.

Policy BDP20.5 encourages the continued use of Heritage Assets and encourages proposals which provide for a sustainable future, particularly for those Heritage Assets at risk. Furthermore, NPPF Para 192 (a) requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. I consider that the proposal accords with these policy requirements in so far as a new function is found for them to fulfil. The Conservation Officer raises no objection to the scheme on heritage grounds.

Highways

Sustainable transport is a fundamental part of new development and Policy BDP16 – Sustainable Transport - seeks, amongst other things, to ensure developments are safe and with convenient access.

Access

The Applicant intends to utilise the existing site access from Birchfield Road where it has been demonstrated that suitable visibility splays can be achieved from the site onto the highway. The site will have a single point of vehicular access and the other existing access will be closed.

Layout

The County Highway Authority have raised some issues with regard to adoption standards in terms of the revised layout however those shortcomings are not considered to constitute reasons for refusal on highways grounds.

Links to proposed facilities on the wider RCBD1 housing allocation

As the site forms part of the wider allocation, it should be integrated by providing walking and cycling connections to the proposed local centre and education facilities. This is

particularly important given the absence of footways on the southern side of Birchfield Road. The Council's appointed urban designer has made reference to the need for pedestrian and cycle provision across the site boundary to the larger housing allocation and associated new facilities

Policy BDP16.6 seeks to resist developments which would worsen walking and cycling access and exacerbate motor vehicle dependence. Plan number WG01 AL10 P6 shows two proposed links to the adjacent development which has the potential to address concerns about the absence of pedestrian footways on the southern side of Birchfield Road but no information has been provided to indicate what arrangements have been made with the adjacent landowners to actually secure these linkages.

Whilst the proposal now includes a crossing point to the footway on the opposite side of the road, that would not provide a convenient route to the facilities proposed within the larger part of the allocated development. The acceptability of this scheme remains reliant upon connectivity with the larger part of the scheme.

RCBD1 principle XIV states *"Any proposals for development on either* site must not individually or cumulatively jeopardise the future use of any other part of the site (s) or impede the delivery of the two sustainable communities"*

*The reference to "either" site refers to both Site 1 Foxlydiate and Site 2 Brockhill as the policy and criterion relate to both allocations.

Traffic

The Highway Authority consider that the acknowledged peak hour increases in traffic are not considered to warrant a review of junction capacity and given the local plan designation, it is considered that any additional trip generation can be mitigated through planning obligations. In this respect I find the proposal in accordance with RCBD1 principle II.

Bin Storage and access

The amended proposal indicates a location for bins stores to serve the proposed apartments and a swept path analysis has been undertaken for refuse vehicles (drawing 2018/4447/004 P1).

Design and amenity space

Policy RCDD1 – Redditch Cross Boundary Development, allocates the site for residential development as part of the cross boundary development and is also criteria based listing design principles to be adhered to achieve a sustainable new community. Requirement no. XII of the RCBD1 allocation is that:

All development must be of a high quality design and locally distinctive to its surrounding rural and urban character; contribute to the area's 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.

BDP Policy 19 – High Quality Design is a criteria based policy which seeks to deliver high quality people focused space.

BDP1 – Sustainable Development Principles requires, amongst other things, that compatibility is achieved with adjoining uses and the impact on residential amenity.

The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The proposed layout of new houses is of a conventional suburban type, with detached and semi-detached houses with frontage car parking, along a curving road with pavements on each side. The retention of trees has enabled two significant areas of open space to be included.

Members will note the views of the Urban Designer. The site is a distinctive location with layers of history, and many advantages. The retention of the original 1930's building, converted to flats provides a suitable use for that building and subject to removal of later additions and agreement of new fenestration, provides an opportunity to enhance the appearance of that heritage asset.

The proposed layout would retain most of remaining 19th walls of the former walled garden. Whilst it relates poorly in spatial terms to the historic enclosure of the walled garden it would not detract unduly from this retained feature.

The proposed layout provides a reasonable amount of private amenity space for future occupiers consistent with the Council's requirements. Mitigation of traffic noise for the proposed development can be addressed by a planning condition.

Members will be aware this is a site allocated for housing. Having balanced the views of the Urban Designer with the other matters I have highlighted (with specific reference to the retention of the former public house building and a number of mature tree specimens, together with an acknowledgement to the remnants of the wall garden), I am of the view that the proposal is considered to comply with criterion XII of Policy RBDC1 and Policy BDP19 of the Bromsgrove District Plan and paragraphs 4.2.11 and 4.2.12 of the Council's High Quality Design SPD.

Public Open Space

Policy BDP25 Health and Being seeks to ensure all new developments meet and contribute towards the provision of POS. To accord with the Council's open space standards the site, with the type and number of dwellings proposed, should make on-site provision for 0.43ha of POS, split across the various typologies, whereas some 0.22ha is proposed. The POS is for the benefit of the future occupiers of the development regardless of what is being proposed on the wider Foxlydiate housing allocation. Whilst potential linkages are indicated on the plan, terminating at the site boundary, it is not clear how these would be secured in terms of linkage to the adjacent development although the adjacent layout for Phase 1 of the approved hybrid permission 16/0263 relating to the larger part of the local plan allocation is subject to a subsequent reserved matters approval. This matter can be addressed through the s106 agreement.

Trees and Ecology

Trees

Policy BDP19(p) seeks to ensure all trees that are appropriate are retained and integrated within new development. The NPPF also acknowledges the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland. Policy BDP 20.10 states that the removal of trees which make a positive contribution to an area's character or appearance will be resisted.

This is an established site that has remained undisturbed for many years during which time a number of trees have reached maturity and now provide significant visual amenity and natural habitat to the area. A number of the trees benefit from protected status by way of Tree Preservation Orders. The trees present a significant constraint to development, and any scheme should be sensitively designed to ensure felling is avoided and the roots and canopies of retained trees are given sufficient space to thrive.

The original layout has been revised in order to retain more trees, better preserve their setting and avoid future pressure for their removal or significant pruning by ensuring they are placed outside the curtilage of resultant residential properties and within areas of open space.

The proposal would result in the loss of a number of trees. Notable amongst these are a twin stemmed Oak situated towards the south eastern corner of the site and three other trees not protected by the existing TPO which was modified in 2016. Fifteen trees would be retained and two groups of trees situated near the site frontage .

The protected trees are an important natural asset and add significant public amenity value to the area. As such, they should feature as a fixed constraint within the development, around which the layout should be designed and positioned such that their amenity status is enhanced.

Whilst a few trees not subject to the current TPO would be lost, on balance, I consider that the proposal achieves the relevant policy objectives.

Ecology

Policy BDP21 – Natural Environment seeks to ensure the natural environment is protected and enhanced and that net gains in biodiversity are achieved. The NPPF seeks to avoid significant harm to biodiversity from a development and if it can't be adequately mitigated or compensated for, then planning permission should be refused. Contribution to and enhancement of the natural and local environment should be achieved by, amongst other things, providing net gains for biodiversity.

The Council's Ecologist notes that the requisite bat surveys carried out in autumn 2020 have been conducted in a robust manner in accordance with industry best practice and provide a detailed understanding of the ecology related to the proposed development. Bat roosts have been confirmed as present within the existing buildings. In addition, precautionary measures have been made in relation to other protected species such as badgers and birds. Accordingly, he supports the application in principle subject to conditions.

Flooding and Drainage

BDP Policy 23 – Water Management, requires amongst other things that all developments work with the Lead Local Flood Authority and that developments set aside land for Sustainable drainage Systems (SuDS).

Policy RCBD1 – Redditch Cross Boundary Development, requires surface water runoff from the development to be managed by the use of SuDS to prevent flooding on, around and downstream of the site.

There is nothing shown on the proposed site plan that suggests that SUDS is a governing principle of the layout and therefore the applicant has not currently demonstrated that the proposal is in accordance with these policies. Since approval is sought for matters of layout at this stage and the limited retained open space is constrained by the protected trees, this could impede the integration of Suds. Rather than risk compromising a drainage solution

NWWM have advised that the Local Planning Authority should require the submission of an initial drainage layout with calculations of the area of new impermeable area created, including all hard standing and roof areas and the volume of attenuation that would be required to attenuate runoff to greenfield rates up to the standard 100 year +40 cc level to ensure that there is space to accommodate attenuation features into the proposed layout before permission is granted

At the time of preparing this report discussions between the applicant's drainage consultant and North Worcestershire Water Management were on-going. Officers will provide an update on the update sheet. However, it is considered these matters can be dealt with by planning conditions.

Affordable Housing

Policy BDP8 - Affordable Housing, requires on-site provision of affordable housing of 40% on greenfield sites or 30% on brownfield sites. The application proposes 20 (40%) affordable homes. Given the site includes land in a built up area, it does not fall under the NPPF definition of previously developed land and therefore the 40% requirement has been correctly applied.

The proposed layout plan (revision P6), does not include details of which units would be affordable, so does not raise the issue of clustering vs 'pepper potting' of affordable units at this stage or whether the units are tenure blind as appearance is a reserved matter.

The proposal is therefore policy compliant in this regard.

Planning Obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of The Community Infrastructure Levy Regulations 2010, planning obligations would be sought to mitigate the impact of this development, if the application were to be approved. This is also the objective of Policy BDP6 – Infrastructure.

A S106 has not been drafted at this stage. However, such an obligation in this case would cover those matters set out in the schedule at the end of this report. The applicant has confirmed acceptance of the aforementioned contributions.

Your officers are satisfied that each of the contributions sought is compliant with s122(2) of the CIL Regulations in that they are -

(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.

Conclusion

I have given consideration to the relevant policies of the Bromsgrove District Plan and the 15 principles to be applied to the Site 1 Foxlydiate urban extension, of which this is a part. The site is significantly constrained, namely from the existing buildings (former hotel and walled garden), which are recognised Heritage Assets, and protected mature trees, which provide significant visual amenity to the area.

The provision of 32 houses and 12 apartments and enhanced housing choice of varying types including affordable homes is consistent with RCBD1.4 criterion I. The delivery of dwellings in close proximity to existing services and amenities is consistent and in accordance with BDP16

The retention of the 1930's building (with modern additions demolished) and the remnant walls of the 19th Century walled garden are benefits, albeit conversion of the former hotel to residential use, would represent an overall reduction in social and economic sustainability albeit the applicant has demonstrated to the satisfaction of the Council's planning and economic development officers that there is not a reasonable prospect of the former use remaining viable in the long term.

Notwithstanding the comments of the Council's urban designer consultant, the proposed layout and scale of development are considered to be in accordance with criterion XII of Policy RBDC1 and Policy BDP19 of the Bromsgrove District Plan and paragraphs 4.2.11 and 4.2.12 of the Council's High Quality Design SPD.

There is also a policy requirement for surface water runoff to be managed by Sustainable Drainage Systems, Subject to recommended conditions NWWM and your officers are satisfied the proposal would comply with the relevant policy requirements.

It is considered that the proposal is in general accordance with the relevant policies of the development plan as supported by the NPPF and should therefore be approved.

RECOMMENDATION:

That the application be approved, and Outline planning permission be **GRANTED**

subject to **DELEGATED AUTHORITY** be given to the Head of Planning, Regeneration and Leisure Services to

- i) agree a suitable and satisfactory legal mechanism to secure the contributions and requirements set out in the following schedule, **and**
- ii) agree the final scope, detailed wording and numbering of the planning conditions to be imposed as set out in the following summary list, **and**
- iii) to consider the content of any representation received post-committee but prior to issuing of the decision notice (pending completion of the s106 agreement) without reference back to Planning Committee.

SCHEDULE (i)

(i) Sustainable Transport

- £56,858.96 - Sustainable Transport Schemes at location Clusters, 6,8,10
 - Dropped Crossing
 - Cycle Parking Pedestrian / Cycle Signage to Railway Station
 - Travel Information Kiosks
 - £54,181.00 - Scholars Education Transport to support access to the Tudor Grange Academy from the development site
 - £21,298.17 - Bus Service Improvements to Webheath currently serviced by the 47/48 service
 - £10,000 - Bus Stop Infrastructure Improvements on northern side of Birchfield Road

(ii) Education Infrastructure

An education contribution for the First School Phase would be sought of:

- £2,307 per open market 2 or 3 bed dwelling;
 - £3,461 per open market 4 or more bed dwelling;
 - £ 923 per open market 2 or more bed flat
- to support phase 1 of a new first school to be located on the Foxlydiat cross boundary development.

An education contribution for the Middle School Phase would be sought of:

- £2,308 per open market 2 or 3 bed dwelling;
- £3,462 per open market 4 or more bed dwelling;
- £ 923 per open market 2 or more bed flat.

(iii) Off-site sports contribution (To be Confirmed)

(iv) Waste Management Contribution:

Green bins (recycling) and Grey bins (general refuse) for 38 dwellings £2,033
3 x 1100 bins (for 12 flats) £1460.58

- Total = £3493.50

(v) Planning Obligation Monitoring Fee(s):

For both BDC and WCC (To be confirmed)

(vi) GP Surgery Contribution

£18,929 to mitigate the impacts of this proposal on existing GP practices

- (vii) **The securing of a 40% provision of on-site affordable dwelling units** (20 units)
- (viii) **The provision and future maintenance in perpetuity of any SuDs facilities**
- (ix) **The provision of a pedestrian /cycle link** with the adjoining development site subject to planning permission(s) 16/0263 and 2016/077
- (x) **Health Care Provision - Hospitals**
£31,223.28 - to meet annual shortfalls in NHS Service revenue

(ii) Summary List of CONDITIONS

Details Required

1) Details of the appearance, and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.

Reason: To comply with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking and re-enacting that Order) and to ensure a comprehensive layout in the interests of proper planning of the area.

Time Scale for submission

2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason: To comply with the provisions of Sections 91-95 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2002).

Time limit for commencement

3) The development shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Sections 91-95 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2002).

Approved Plans

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

2018-4447-003 P1 - PROPOSED LAYOUT
2018-4447-004 P1 - SWEPT PATH ANALYSIS

WG01 AL10 P6 - PROPOSED SITE PLAN SHOWING RETAINED BUILDING
WG01 AL18 P1 - PROPOSED FLAT PLANS TO PUB
WG01 AL13 REV P1 - TYPICAL HOUSE SKETCH ELEVATIONS
WG01 AL12 REV P2 TYPICAL HOUSE FLOOR PLANS TYPES E TO G WITH SKETCH
SECTIONS/ ELEVATIONS

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan

Demolition

5) Demolition of buildings and structures shall be limited to that indicated to be demolished on the approved plans.

Reason: To preserve the historic integrity of the non-designated Heritage Assets on site.

Demolition and Repairs to remnant walls from 19th Century walled garden

6) The details submitted pursuant to condition 1 shall include a detailed schedule of defects and repairs relating to the retained walls of the former 19th century walled garden. The schedule shall include a specification of all the materials and techniques to be employed in the repairs, which shall prioritise the re-use of any materials which can be salvaged from those areas of walls which are to be demolished. The works shall be carried out in accordance with the approved schedule before any dwelling which has a wall within its curtilage, or adjacent to it, is first occupied.

Reason: To preserve the historic integrity of this non-designated Heritage Asset, and to ensure that any requisite repairs are completed prior to occupancy of the dwellings whose curtilage they would be situated within or adjacent to.

Retention and Future Maintenance of walls from 19th Century walled-garden

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (or any provision equivalent to that Class in any Statutory Instrument, replacing, revoking and/or re-enacting that Order) there shall be no demolition or alterations to any of the remnant walls of the former 19th century walled garden detailed on drawing WG01 AL10 P6. Details of any subsequent repairs to the remnant walls of the former 19th century walled garden shall be submitted to and approved in writing by the Local Planning Authority before any such repair work is undertaken.

Reason: To safeguard the future survival of this non-designated Heritage Asset, and to ensure consistency of maintenance in the event that control is transferred to individual home owners.

Ecological Surveys

8) No development shall commence on any part of the site until a rolling programme for ecological update surveys has been submitted to and approved in writing by the Local Planning Authority.

The rolling programme shall identify which species and habitats will be subject to on-going survey, the methods to be employed, where the surveys will be carried out and the season during which such surveys need to be undertaken.

The agreed update survey programme should ensure that necessary surveys are undertaken in advance of the development of a particular part of the site (e.g. as may be covered by a Reserved Matters applications or other individual scheme) and with sufficient lead in time to fully inform the preparation of such applications.

The ecological update surveys shall be carried out and the results submitted to the Local Planning Authority for agreement in writing, accompanied by a comprehensive assessment to identify changes, if any, in the conservation status, abundance and/or distribution of protected species and their habitats likely to be affected by later phases of development.

Reason: To protect and enhance wildlife habitat within and adjacent to the development site and prevent impact upon a protected species under The Wildlife and Countryside Act 1981 as amended.

Habitat Management Plan

9) No development shall commence until a Habitat Management Plan for the management and long-term maintenance of that part of the site has been submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall identify the impact that the development would have on local ecology and set out how this will be mitigated. The plan shall also detail timing and provision for implementing the plan. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect and enhance wildlife habitat within and adjacent to the development site and prevent impact upon a protected species under The Wildlife and Countryside Act 1981 as amended.

Programme of archaeological work

10) No development shall commence 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 and site investigation has been undertaken and completed. 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 194 of the National Planning Policy Framework.

Archaeological site investigation and post investigation assessment

11) No development shall 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 (11) 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 194 of the National Planning Policy Framework.

CEMP Construction Environment Management Plan

12) No demolition works or development shall commence on site until a Construction Environmental Management Plan, to include details of –

- i) The name, e-mail and direct telephone number for the site manager
- ii) A programme of works
- iii) The type, volume and frequency of construction traffic movements
- iv) Construction traffic routing and how it will be monitored and enforced
- v) The proposed point(s) of access/egress for construction traffic
- vi) Measures to segregate construction traffic from other traffic utilising the site
- vii) The origin, amount, and nature of any imported soils
- viii) The maximum number of staff anticipated to be working on site and the number, location, and delineation of parking spaces for site operatives and visitors
- ix) The location for the loading and unloading of plant and materials
(including delivery times and swept path analysis for those vehicles
- x) The location, security and means of storage of plant and materials used in constructing the development
- xi) Measures to control the deposition of mud onto the local road network
- xii) Measures to control the emission of dust, dirt, noise and vibration during construction
- xiii) Measures to protect watercourses and soil from pollution
- xiv) Locations and measures to control the emissions where in situ bioremediation or soil washing takes place.
- xv) A travel plan for the workforce including the promotion of car sharing
- xvi) Measures to avoid the inadvertent entrapment of wildlife during construction.

The approved details shall be implemented throughout the duration of construction

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the environment

Hours of Working

13) 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.

Foul and Surface Water Drainage (subject to change pending details)

14) The details submitted pursuant to condition 1 shall include a scheme for foul and surface water drainage. If infiltration techniques are used, then the scheme shall include the details of field percolation tests. The peak runoff rate from the development for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event plus a 40% allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30-year rainfall event and not in any part of any building for the 1 in 100-year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100-year rainfall event shall be managed in exceedance routes that minimise the risk to people and property. The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first occupation 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.

SuDS (subject to change pending details)

15) The details submitted pursuant to condition 1 shall include a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. No dwelling shall be occupied until the submitted details have been approved in writing by the Local Planning Authority. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

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

Remediation of any Land Contamination

16) No development (other than that required to be carried out as part of an approved scheme of remediation), shall commence until the following requirements have been complied with:

- a. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified any 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".

- b. 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.
- c. 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 approved by 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.
- d. 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.
- e. 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 be subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- f. 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.

Scheme for Tree and Hedgerow Protection

17) The details submitted pursuant to condition 1 shall include a scheme for tree and hedgerow protection. The scheme must include details of the erection of - protective fencing in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. No development shall commence until the approved a scheme for the

protection of all existing trees and hedges to be retained on site has been put in place in accordance with those approved details. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until the development has been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to ensure the protection of trees on site in accordance with the standards set out within the British Standard BS5837: 2012, a Guide for Trees

Finished Floor Levels

18) The details submitted pursuant to condition 1 shall include details of the finished ground floor levels of all the approved buildings and the finished ground levels for all other areas of the site. The sections shall show the development relative to the ground levels adjoining the site. 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.

Soft Landscaping Retention and Planting Details

19) The details submitted pursuant to condition 1 shall include full details of retained and proposed soft landscape works incorporating a plan and accompanying planting schedule which shall include all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated, new planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The landscape works shall be carried out in full compliance with the approved landscape plans, planting schedule and implementation timescales.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: In the interests of visual amenity and to enhance the quality of the living environment of future residents.

Hard Landscaping Details

20) The details submitted pursuant to condition 1 shall include full details of all proposed hard surface areas have been submitted to and approved in writing by 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. Development shall be carried out in accordance with the approved details. The approved hard landscaping plan shall be implemented within two years from the date when any of the dwellings are first occupied.

Reason: In the interests of visual amenity and to enhance the quality of the living environment of future residents.

Boundary Treatments

21) The details submitted pursuant to condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. Boundary treatments shall include measures to facilitate the migration of wildlife between gardens. The boundary treatments shall be completed in accordance with the approved details and prior to the occupation of the dwelling to which the boundary relates

Reason: In the interests of visual amenity and to avoid barriers to the movement of native species

Landscape Management Plan

22) The details submitted pursuant to condition 1 shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than domestic gardens (including landscaped open space and structural planting to include perimeter landscaped buffer zones) The landscape management plan shall be carried out as approved.

Reason: In order to secure a well-planned development in accordance with Policy RCBD1 of the Bromsgrove District Plan 2011-2030

Public Open Space

23) The details submitted pursuant to condition 1 shall include, full details of the treatment and finishes to all areas of communal public open space and the timing of their implementation have been submitted to and approved in writing by the Local Planning Authority. Such details shall include areas of grass seeding/turfing, soft landscaping, construction of footpath details and details of the appearance, siting and finish to any boundary and their location and physical features to be installed. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained. Those areas identified as communal public open space shall be retained as such in perpetuity and shall not be used for any other purpose unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to enhance the quality of the living environment of future residents.

LEAPs

24) The details submitted pursuant to condition 1 shall include, where appropriate, until a full specification for the Local Equipped Areas of Play (LEAPs) has been submitted to be submitted to and approved in writing by the Local Planning Authority. The development of the LEAPs shall be undertaken in accordance with Fields In Trust 'Guidance for Outdoor Sport and Play' 2015 and in accordance with the approved details.

Reason: In order to ensure the provision of local play facilities on site.

Details of new fenestration to former hotel

25) The details submitted pursuant to condition 1 shall include, details of all the new windows to be installed in the retained section of the former hotel shall be submitted to and approved in writing by the Local Planning Authority. These details shall include drawings in elevation and cross section at a scale of 1:10 detailing the position and configuration of opening lights, glazing bars and the relative position of each window type within their respective reveals. The style and materials of the approved windows shall be retained in perpetuity.

Reason: The proposal will inevitably entail the replacement of the existing windows (which are not original or based upon the original configuration). Details are required, in order to preserve and enhance the integrity and appearance of this non-designated heritage asset and ensure windows of a sympathetic and appropriate form and design are installed.

Storage of domestic waste pending collection

26) The details submitted pursuant to condition 1 shall include details of the facilities for the storage of domestic waste awaiting collection for any apartments within the development. No individual apartment shall be occupied until approved storage facilities to serve that unit of accommodation 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

Noise Mitigation

27) The details submitted pursuant to condition 1 shall include a scheme for the mitigation of noise from traffic on Birchfield Road which shall include glazing specifications for window openings and boundary fencing to private gardens

Reason: In the interests of residential amenity

External Lighting Details

28) The details submitted pursuant to condition 1 shall include details of external lighting. The approved details shall be implemented as approved prior to first occupation of the development and thereafter retained in that approved form.

Reason: To protect the visual amenity within the locality, avoid harm to nocturnal wildlife and to minimise the light pollution affecting the night sky.

Water Efficiency Measures

29) The details pursuant to condition 1 shall include a scheme for the implementation of water efficiency measures. All residential dwellings shall incorporate water efficiency measures to a level of 110 litres per person per day. No development shall be occupied until the approved scheme has been implemented in accordance with the approved details.

Reason: To minimise impact upon water resources, in accordance with Water Framework Directive objectives and policy BDP23 of the Bromsgrove District Plan adopted January 2017.

Electric Vehicle Charging Points

- 30)** a) 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.
- b) For the flats, at least 3 EV charging points (as a minimum) shall be provided and be operational before the respective building is first occupied/brought into use.
- i) The charging points shall be provided in addition to, the requisite parking spaces and marked / signposted to indicate their reservation for vehicle charging only.
- ii) 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 110 and 112 of the NPPF.

Secure Cycle Parking

31) The details submitted pursuant to condition 1 shall include, details of the secure location and type of cycle parking for each residential and non-residential building shall be submitted the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved cycle facilities shall be available for use prior to the first occupation of any building.

Reason: To ensure adequate parking facilities to serve the development for vehicles including for persons with mobility impairments and cycles.

Access and Pedestrian Crossing

32) The Development hereby approved shall not be occupied until the access, and pedestrian crossing only have been provided as shown on drawing 2018/4447/003 P1. Access visibility splays, as shown in the drawing, must be maintained in perpetuity.

Reason: To ensure safe and suitable access.

Closure of Vehicular / Pedestrian Access

33) The development hereby approved shall not be occupied until the existing (redundant) vehicular / pedestrian access on Birchfield Road (south-east of the retained access) has been permanently closed in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

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

Provision of footway

34) Prior to occupation of the development, details of a 2m footway on Birchfield Road from the site connecting to the proposed crossing must be submitted and approved in writing by the Local Planning Authority; and the development shall not be occupied until the footway has been constructed in accordance with the approved details.

Reason: to ensure safe and suitable access for all road users.

Travel Plan

35) 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.

Welcome Pack

36) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.