



**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

Section 78 Appeal by Barratt David Wilson Homes Mercia

Land West of Hither Green Lane, Redditch

Statement of Case

LPA Reference: 21/01830/FUL

August 2024

On behalf of **Barratt David Wilson Homes Mercia**



Project Ref: 333135496/A3/SL/KV/bc | Rev: FINAL | Date: August 2024

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Town and Country Planning Act 1990 – Section 78

Planning and Compulsory Purchase Act 2004

**Town and Country Planning (Inquiries Procedure) (England) Rules
2000 (As amended)**

Land West of Hither Green Lane, Redditch

Statement of Case

Appeal against refusal of planning permission by Redditch Borough Council of a full planning application for residential development with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure

LPA Ref: 21/01830/FUL

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1 Introduction

1.1 Introduction

1.1.1 This Statement is submitted by Stantec on behalf of Barratt David Wilson Homes Mercia (the 'Appellant') in support of an appeal against the refusal of a full planning application by Redditch Borough Council ('RBC'), for a proposed residential development at Land West of Hither Green Lane, Redditch (the 'Appeal Site').

1.1.2 The description of development for the Appeal Scheme is as follows:

'Residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure'

1.2 Background to the Appeal

1.2.1 A full summary of the background to the appeal is provided within the Statement of Common Ground.

1.2.2 The Appeal Site comprises 9.85 hectares of a golf course to the west of Hither Green Lane. The proposals include the delivery of 214 dwellings, vehicular access onto Hither Green Lane, play areas, public open space, drainage and internal infrastructure. A comprehensive suite of technical reports and plans were submitted with the application in line with Redditch Borough Councils (RBCs) validation requirements. All documents submitted during the course of the application will be set out in the agreed Core Documents.

1.2.3 The application for the Site was received and validated by the Council on 13th December 2021. It was given the planning application reference of 21/01830/FUL. The Site was presented at the Redditch Borough Council Planning Committee on 20th March 2024 with an Officer recommendation for approval. However, members agreed unanimously to refuse the application against the recommendation of professional Officers. The Decision Notice was published on 22nd March 2024.

1.2.4 The Decision Notice was issued on 22nd March 2024. This confirmed the following three reasons for refusal:

- 1. Redditch Borough Council can demonstrate a 5-year housing land supply, meaning that the relevant development plan policies are up to date. The application site is located within designated open space and is not allocated for development. The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply. The proposal is therefore contrary to Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Housing Provision, Policy 11 Green Infrastructure, Policy 12 Open Space Provision,**

and Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).

2. The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane. The proposal is therefore contrary to Policy 4 Housing Provision, Policy 5 Effective and Efficient Use of Land, Policy 6 Affordable Housing, Policy 39 Built Environment and Policy 40 High Quality Design and Safer Communities of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017), the Borough of Redditch High Quality Design SPD (June 2019) and to the guidance within the National Planning Policy Framework (2023).
3. The proposed development will result in the loss of designated open space under Policy 13 Primarily Open Space. The proposal has not sufficiently demonstrated that the merits of the development outweigh the value of the land as open space. The proposal is therefore contrary to Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).

1.3 Determination of the Appeal

- 1.3.1 Part 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out at article 35 that:

'When the local planning authority give notice of a decision or determination on an application for planning permission...where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision'.

- 1.3.2 In accordance with Section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reasons for refusal should be clear and precise, and specify all policies and proposals in the Development Plan which are relevant to the decision.
- 1.3.3 The Council's Decision Notice is therefore the key document for setting out why the planning application was not considered to be acceptable. Based on the Decision Notice, it is the Council's view that the adopted Development Plan policies with which the development would be in conflict with are as follows:

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 4 (Housing Provision)
- Policy 5 (Effective and Efficient Use of Land)
- Policy 6 (Affordable Housing)
- Policy 11 (Green Infrastructure)
- Policy 12 (Open Space Provision)
- Policy 13 (Primarily Open Space)
- Policy 39 (Built Environment)
- Policy 40 (High Quality Design and Safer Communities)

1.3.4 Subject to the above policies, it is the Council's view that the appeal scheme is in accordance with all other relevant Development Plan policies.

1.3.5 This Statement of Case will demonstrate that the planning application complies with the Development Plan taken as a whole and planning permission should be granted without delay as per paragraph 11c of the NPPF. This was the view of the Council's professional Officers in recommending approval of the application.

1.3.6 It is also the Appellants view that, in the event a different view is reached in respect of the compliance of the appeal scheme with the Development Plan, there are material considerations which weigh in favour of the grant of planning permission.

1.3.7 To support the appeal, the Appellants will provide evidence in relation to the following matters:

- Planning / Open Space (in relation to the Development Plan and assessment of other material considerations)
- Affordable Housing
- Design
- Golf
- Landscape
- Housing Land Supply

1.3.8 The Appellants however will work with the Council to seek to narrow the areas of difference between the two parties.

1.3.9 Other matters outlined within the planning application will be addressed within the Statement of Common Ground as they did not form part of the Council's refusal of the proposed development. A draft Statement of Common Ground is submitted with the

appeal and includes the principle of development, design, affordable housing, self-build, transport and access, ecology and biodiversity, landscape and trees, archaeology, flooding and drainage, air quality, and noise.

1.4 Updated Information

1.4.1 The reasons for refusal raise matters, especially in relation to design matters, which were not raised at all during the 2 year lifespan of the planning application. The Appellants have therefore provided the following additional documentation which seeks to respond to the reasons for the refusal and which we provide with the appeal to assist with the smooth running of the Inquiry as opposed to submitting with evidence:

- Site Plan – showing additional tree planting / changes to surface materials.
- Design and Access Statement (August 2024)
- Amended house type elevations (there are no changes to plots / numbers)

1.4.2 It is not considered that supplementary information gives rise to any procedural matter. Rather, this evidence has been produced in advance of the submission of evidence to respond to the reasons for refusal, which raised matters which were not previously put to the Appellants. The LPA will therefore have a fair opportunity to respond to this evidence in their evidence to the Inquiry.

2 The Appeal Site and its Surroundings

2.1 Planning History

- 2.1.1 A review of RBC's online planning search confirms no planning application history relevant to the current proposals were found, other than the full planning application (Ref: 21/01830/FUL) submitted by the Appellant.

2.2 Site Description and Site Context

- 2.2.1 The Appellant's evidence will describe the Appeal Site and its surroundings. It is expected that this will be agreed within the Statement of Common Ground.
- 2.2.2 The Appeal Site currently forms part of an 18 hole golf course, which needs to be reconfigured. If consent is granted, a redesigned 18 hole golf course will be retained onsite (albeit in a reconfigured format). The reconfigured golf course will see the delivery of a course of equivalent or better provision, which is sustainable in the future. This is supported by the hotel, who rely on the golf course as part of their leisure offer and revenue, a respected Golf Course Architect, and an independent assessment from a Golf Consultant, as set out within the supporting golf evidence.
- 2.2.3 As a result of the reconfigured golf course, the Appeal Site has become available for development. The proposals are explained fully in the DAS addendum.

3 The Appeal Proposal

3.1 The Site Proposals

3.1.1 The Appeal Scheme was submitted and validated on 13th December 2021, with the following description of development:

‘Residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure’

3.1.2 The development would provide 214 new (Class C3) dwellings, including 66 affordable dwellings (30%) and 2 self / custom build units, on a sustainably located site within Redditch.

3.1.3 In terms of height, the proposed development will comprise of predominantly 2 storey dwellings, with some 2.5 storey dwellings plotted in key areas. The proposals include a variety of house types to ensure variation in the scale of dwellings, legibility and layout of the Site. As referenced above, 66 of the dwellings would be provided as affordable homes which equates to a policy compliant 30% of the development.

3.1.4 The proposed mix is outlined below:

	Market	Affordable	Total
1 bedroom	-	3	3
2 bedrooms	-	25	25
3 bedrooms	79	34	113
4 bedrooms	69	4	73
Total	148	66	214

3.1.5 The Design and Access Statement (as updated) provides detailed information regarding the design rationale. The design of the proposal was considered acceptable by the professional Officers of the Council.

3.1.6 The proposals will provide approximately 3.4ha of open space, including a Locally Equipped Area of Play (LEAP), informal recreational areas, SuDS features, buffer planting, retained trees and hedgerows, and areas of new tree planting and other habitat creation.

- 3.1.7 Access to the Site will be provided from Hither Green Lane and new footpath links will be provided within the development and to the surrounding area.
- 3.1.8 To support and secure the long term viability of the hotel and its continued recognition as a key tourist asset within Redditch, the operation of the hotel and golf course consequently need to evolve in respect of current demand. At present, the existing golf course consists of a championship standard golf course. However, given the challenges the course poses for even experienced golfers, it is considered that the course does not appeal to those visiting the hotel for either leisure or business uses. As such, to ensure that the course is playable to all users and to assist in securing the hotel's future as a business incorporating leisure golf, the owners of the hotel wish to reconfigure the course to align with their future business aspirations, to ensure a sustainable long term future for the course.
- 3.1.9 In addition it is also apparent that health and safety incidents exist onsite and have increased since 2017. The proposed changes to the layout will address the existing health and safety issues onsite which feature in the south-west corner. The Appellant's evidence will demonstrate that the remodelled facility will deliver a high quality golf course that provides a good visitor experience in terms of operating standards and speed of play. The reconfigured course will also prevent new incidents arising going forwards and address the health and safety issues onsite.
- 3.1.10 In making the above changes, the hotel has sought to deliver a golf facility that will continue to grow and operate in a sustainable manner. The reconfigured golf course will deliver a quality facility which will deliver a good visitor experience in terms of operating standards, speed of play and the wider facilities available.

4 Planning Policy

4.1 Local Planning Policy

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.

4.1.2 The above principle is also referenced within the National Planning Policy Framework ('NPPF') (December 2023) at paragraph 2, which states:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"

4.1.3 The Development Plan comprises the following:

- Borough of Redditch Local Plan (2017).

4.1.4 There is no Neighbourhood Plan covering this area.

4.1.5 The Appellants will seek to agree the relevant Development Plan policies and the weight to be afforded to them in the Statement of Common Ground.

4.2 Other Material Considerations

Supplementary Planning Documents

4.2.1 The Appellants will refer to any relevant Supplementary Planning Documents ('SPD's').

Redditch Borough Open Space Study (2023)

4.2.2 Paragraph 103 of the NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: the open space is demonstrated to be surplus to requirements; the loss would be replaced by equivalent or better provision; and the benefits clearly outweigh the loss of the current or former use.

4.2.3 Redditch Borough Council published an updated Open Space Study in September 2023. The Open Space Study identifies the Site as an 'Outdoor Sports Facility with limited accessibility'. On this basis, given golf courses and driving ranges are privately owned, they have been excluded from the local open space standards relating to outdoor sports provision. The Appellant will refer to the Open Space Study as a part of their case.

Housing Position

- 4.2.4 Paragraph 75 of the NPPF informs that local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.
- 4.2.5 The Redditch Local Plan (RLP) was adopted on 30th January 2017. The RLP covers the period to 2030. The minimum housing requirement established within the RLP is for 6,400 dwellings in the period 2011 to 2030. This equates to 337 dwellings per annum. The evidence base for this requirement is the Worcestershire Strategic Housing Market Assessment (WSHMA) and the North Worcestershire Housing Need Report (NWHNR). These documents both cover a period between 2006 and 2030 and demonstrate an under delivery between 2006 to 2011, the RLP base year. The WSHMA identifies the need for 6,380 dwellings to 2030 but identifies capacity within Redditch Borough for only 3000 dwellings. The RLP identifies that population projections indicate significant new demand for housing, scarce land availability (notably PDL), and the Duty to Cooperate to locate Redditch unmet need in adjoining District's.
- 4.2.6 In terms of meeting the 6,400 homes requirement, RLP Policy 4 confirms that 3000 of these dwellings would be accommodated within Redditch Borough and the remaining 3,400 dwellings (53%) would be accommodated in Bromsgrove District through 'cross boundary development'. This would be located across two sustainable urban extension sites at Foxlydiate and Brockhill (Site 1 – Foxlydiate for 2,800 homes and Site 2 – Brockhill for 600 homes). Appendix 2 of the RLP sets out sites allocated to meet the Strategic Housing Requirement for the Borough (2011 to 2030). The allocations comprise 27 sites which are formed of a mixture of green and brownfield ranging from 6 to 1025 dwellings.
- 4.2.7 The RLP Policy 3 established that the priority is for Redditch Borough to have a continuous supply of land for development throughout the Plan period. The spatial strategy adopted to achieve this requires all Strategic Sites to come forward immediately.
- 4.2.8 Regarding Green Belt, Policy 8 of the RLP identifies that designated Green Belt shall be retained in the Borough (largely to the south west) and will be protected. The Policy justification clarifies that 'inappropriate development' which is harmful to the Green Belt requires applicants to demonstrate 'very special circumstances' to justify their proposal. Additionally, the RLP identifies an area of Open Countryside to the south west of the Borough. This area is afforded protection under RLP Policy 9 'Open Countryside', which seeks to avoid unsuitable patterns of development. Development would only be permitted here where for example, it is necessary for the purposes of agriculture or forestry or to support small scale recreation. This policy does not include for the provision of dwellings to meet housing need.
- 4.2.9 Across the current Local Plan period the Borough has seen a historic under delivery comparing Net annual completions with the annual requirement of 337 dwellings. Only the years 2017 / 18 and 2018 / 19 saw 'surplus' completions of 384 and 392 dwellings respectively. The total shortfall across the Local Plan period 2011 to 2023 is 1,541 dwellings (2,503 delivered compared to 4,044 required). The Borough has delivered just 62% of homes required to meet the Development Plan requirement.

- 4.2.10 Given this underdelivery, the residual requirement to 2030 is very significant. In the period 2023 to 2030, 3,897 homes need to be delivered which is equivalent to 557 dwellings per annum. This is significantly higher than the historic delivery.
- 4.2.11 In terms of the Five Year Housing Land Supply (5YHLS) for Redditch, historically the Borough has failed to achieve a 5 Year Housing Land Supply. Monitoring Reports published in April of each year show that, up until 2022, the 5YHLS has been calculated against the Adopted Local Plan Housing Requirements with an additional 5% buffer (as established in NPPF Paragraph 73). Based on this calculation the Borough demonstrated a 3.29 year supply on 1st April 2019. This was further reduced to 3.24 years in 2020 and 2.61 years in 2021. However, in 2022, as the RLP became five years old the 5YHLS was calculated from Local Housing Need based on the Standard Method (NPPF Paragraph 74). This resulted in a 5YHLS figure of 9.45 years. This has increased to 9.83 years in the most recent 2023 monitoring report and as presented at Planning Committee, the Officers Planning Report for the Site advises that the Council can demonstrate a 10.32 year supply of deliverable housing, as at January 2024. The housing requirement based on the Standard Method is less than that based on the adopted Local Plan Housing Requirement. Thus, whilst the Council can now technically demonstrate a 5 year supply, this is a minimum requirement and a policy mechanism. Crucially, the fact that the Council can now demonstrate a 5YHLS is not because there has been a significant increase in housing delivery, it is a reflection of the fall in housing requirement based on the method of calculation (standard method as opposed to adopted Housing Requirement).
- 4.2.12 Turning to the Five Year Housing Land supply of Bromsgrove, given the proximity of Bromsgrove Borough Council with the Redditch Borough and the agreement between the authorities for Bromsgrove to accommodate the unmet need of Redditch Borough, 3,400 homes, it is pertinent to acknowledge the failure of Bromsgrove to achieve housing delivery in line with their need. Across the current Local Plan period (2011 to 2022 / 23) net completions have been 3,134 against the required 4,416, leaving a shortfall of 1,282 dwellings. In the most recent 5YHLS statement (base date March 2023) Bromsgrove have a supply of just 3.3 years.
- 4.2.13 Given the above context, with historic underdelivery on housing both in Redditch Borough and neighbouring Bromsgrove Borough, a significant residual requirement for the remainder of the Local plan period and identified land supply constraints within the Borough, there is clearly a need for new and greenfield sites to come forward now.
- 4.2.14 The Appellants will produce evidence demonstrating that whilst the Council can currently demonstrate a 5 year supply (based on the December 2023 NPPF), the figure of 10.32 years as per the Officers Report to Committee is grossly over inflated. It is noted that in terms of the consultation draft of the NPPF and the proposed revisions to the calculations of Local Housing Need; the Council's figure increases to 489 dwellings per annum. At this point it is anticipated that the Council would have a shortfall in supply and the tilted balance would be engage. The Appellant's evidence will address the housing land supply position in accordance with the version of the NPPF at the time of evidence / Inquiry.
- 4.2.15 In terms of affordable housing need within the Redditch Borough, the SHMA 2012 identifies a net need for 100 social rented dwellings and 67 intermediate affordable dwellings per annum over the period 2011/12 to 2015/16. The HEDNA 2022 identifies

a net need for 90 affordable dwellings per annum between 2020/21 and 2039/40. The appeal proposals seek permission for up to 214 dwellings, of which 30% are proposed as affordable which equates to a total of up to 66 affordable homes. This need demonstrates the importance of the Appellants site in bringing forward much needed affordable housing.

4.2.16 The Appellant will also look at the delivery (and future delivery) across the Plan period as a whole and demonstrate that housing need across the Plan period will not be met. Separately, the Appellants will also demonstrate that Bromsgrove (which is a recipient of unmet need from Redditch) is also failing to meet housing need in both the short and long term.

4.3 National Planning Policy Framework (NPPF December 2023)

4.3.1 The Appellants will set out the Appeal Scheme's compliance with the NPPF, including the following relevant sections:

- Section 1 – Introduction;
- Section 2 – Achieving Sustainable Development;
- Section 4 – Decision-Making;
- Section 5 – Delivering a Sufficient Supply of Homes;
- Section 8 – Promoting Healthy and Safe Communities;
- Section 9 – Promoting Sustainable Transport;
- Section 11 – Making Effective Use of Land;
- Section 12 – Achieving Well-Designed and Beautiful Places;
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- Section 15 – Conserving and Enhancing the Natural Environment; and
- Section 16 – Conserving and Enhancing the Historic Environment.

4.3.2 Paragraph 11 of the NPPF informs that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed:

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

4.3.3 Overall, the Appellants will demonstrate that the Appeal Scheme is in accordance with the Development Plan taken as a whole and should therefore be approved without delay (paragraph 11c). This is the view reached by the Council's professional Planning Officers. The Appellants evidence will also demonstrate that in the event the Inspector disagrees in this regard, there are other material considerations which weigh in favour of the Development Plan.

4.3.4 We note that the determination of the Appeal Scheme at an Inquiry will likely take place under a revised version of the NPPF. The revised NPPF is currently out for consultation until the 24th September 2024. The consultation seeks views on the governments proposed approach to achieving sustainable growth within the planning system, alongside a series of wider national planning policy reforms. Whilst we note that the revised NPPF carries limited weight at this stage, should the new NPPF be in place at either time of the production of evidence or the Inquiry; then the Appellant's evidence will respond to it.

4.4 Planning Practice Guidance

4.4.1 The Appellants will refer to the Planning Practice Guidance (PPG) and updates where relevant to this Appeal. The relevant sections and paragraphs are set out in the draft Statement of Common Ground.

5 The Appellant's Case

5.1 Appellant's Case

5.1.1 The proposed development is for:

'Residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure'

5.1.2 This Appeal Site and proposals have been subject to extensive discussions with RBC, as well as statutory consultees. There were no technical objections to the planning application or outstanding requests for further information at the point of determination. Further, the proposed design of the scheme was considered to be of high quality and acceptable. Accordingly, **the scheme was recommended for approval by Officers.**

5.1.3 The Decision Notice was issued by RBC on 22nd March 2024. There are three reasons for refusal which are as follows:

1. Redditch Borough Council can demonstrate a 5-year housing land supply, meaning that the relevant development plan policies are up to date. The application site is located within designated open space and is not allocated for development. The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply. The proposal is therefore contrary to Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Housing Provision, Policy 11 Green Infrastructure, Policy 12 Open Space Provision, and Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).

2. The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane. The proposal is therefore contrary to Policy 4 Housing Provision, Policy 5 Effective and Efficient Use of Land, Policy 6 Affordable Housing, Policy 39 Built Environment and Policy 40 High Quality Design and Safer Communities of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017), the Borough of Redditch High Quality Design SPD (June 2019) and to

the guidance within the National Planning Policy Framework (2023).

3. The proposed development will result in the loss of designated open space under Policy 13 Primarily Open Space. The proposal has not sufficiently demonstrated that the merits of the development outweigh the value of the land as open space. The proposal is therefore contrary to Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).

5.1.4 On this basis, contrary to the view of the professional Planning Officers, it appears to be the Council's contention that the only parts of policies of the adopted Development Plan that the proposed development would be in conflict with are as follows:

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 4 (Housing Provision)
- Policy 5 (Effective and Efficient Use of Land)
- Policy 6 (Affordable Housing)
- Policy 11 (Green Infrastructure)
- Policy 12 (Open Space Provision)
- Policy 13 (Primarily Open Space)
- Policy 39 (Built Environment)
- Policy 40 (High Quality Design and Safer Communities)

5.1.5 The Appellant's case will demonstrate accordance with the Development Plan and as a whole, although it is acknowledged that there is conflict with To note, it is acknowledged by the Appellant that there is some conflict with Policies 11 and Policy 13.

5.2 Policy 1 (Presumption in Favour of Sustainable Development)

5.2.1 Refusal reason 1 states that "*The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply.*" It is therefore considered by the Local Planning Authority that the proposals are contrary to Policy 1.

5.2.2 The Appeal scheme is sustainably located within the urban area of Redditch and will deliver many benefits to new and existing residents. In terms of the proposal benefits, the Appellants evidence will demonstrate the following:

- **The need for market housing:** 214 new dwellings will be provided by the development, which will boost the supply of homes in Redditch – an area which Bromsgrove District Council have significantly contributed towards by helping to meet Redditch’s unmet need;
- **The need for affordable housing:** 30% (66) affordable housing is proposed. This level of affordable housing is in accordance with Local Policy requirements ;
- **The delivery of self / custom build plots:** 2 self / custom build units will be provided onsite, which will make a positive contribution to the mix of housing within the local planning authority. There is currently no policy requirement for self-build housing;
- **The reconfiguration and delivery of an enhanced and improved golf course:** The proposals will deliver accessible public open space for the local community and provide a reconfigured 18 hole golf course which is of high quality and more suitable to the anticipated growth of the hotel as a tourism facility. The reconfigured golf course will equate to equivalent or better provision;
- **Economic benefits:** The proposal would create short term employment during construction and would result in long term economic benefits from future expenditure on goods and services in the area;
- **The high quality design of the proposed development:** The proposals will provide a high quality sustainable urban extension, which reflects local design policies and government guidance on design;
- **Biodiversity:** The proposals will result in an increase of biodiversity onsite due to the higher quality habitats proposed and the retention and enhancement of the most valuable habitats present. This is illustrated in the submitted Framework Biodiversity Net Gain Plan;
- **Public Open Space:** The proposals will deliver accessible public open space and passive / active recreation space, including a LEAP, providing social benefits alongside opportunities for habitat enhancement;
- **Internal Infrastructure:** The accommodation of internal infrastructure, including a local bus service route; and
- **Sustainability benefits:** Such as EV charging infrastructure, the provision of highly efficient homes which may be complemented with the addition of PV panels on suitable properties.

5.2.3 As set out within the Committee Report, the Officer afforded the following weightings to the benefits of the Appeal Site:

- The delivery of market and affordable housing – significant weight
- The delivery of 2 self-build plots – limited weight

- Provision of new areas of publicly accessible open space and pedestrian links – significant weight
- Economic benefits – moderate weight
- Urban design density – neutral weight
- Accessibility by sustainable modes of transport – neutral weight
- Localised landscape effects – major / moderate weight
- Impact on the setting of the Bordesley Abbey Scheduled Monument – limited weight
- Removal of existing trees to accommodate the development – limited weight

5.2.4 Overall, the Officer concluded that the proposal complied with the Development Plan. Further, the material considerations did not outweigh the compliance of the proposals with the Development Plan as a whole and the benefits outlined. Therefore, the Officer considered that the development proposals accord with the Development Plan as a whole and are in accordance with the s38(6) duty and paragraph 11(c) of the NPPF. The Appellants will demonstrate that this was the correct approach to take and will set out the Appellant's weighting to the various harms and benefits.

5.2.5 Further to the above and as set out within the Development Plan, the Council's spatial approach to development is to look to areas within the urban area of Redditch. However, the Council themselves have acknowledged that there is limited space available within the urban area of Redditch to deliver the required housing need figures. As such, the Council have no choice but to look to alternative locations to ensure that the required growth levels during the Plan period can be delivered. Therefore, it is considered that the Site can deliver a sustainable development in one of the few remaining locations situated within the urban area of Redditch that is not allocated as open countryside or within the Green Belt.

5.3 Policy 4 (Housing Provision)

5.3.1 Refusal reason 1 states that *“The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply.”*

5.3.2 Paragraph 60 of the NPPF identifies that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

5.3.3 Policy 4 of the Development Plan requires provision to be made for the construction and completion of around 6,400 dwellings between the period of 2011 and 2030 to meet identified housing requirements. The evidence base for this requirement is formed of the Worcestershire Strategic Housing Market Assessment (WSHMA) and the North Worcestershire Housing Need Report (NWHNR). These documents both cover a period between 2006 and 2030 and demonstrate an under delivery between 2006 to 2011 (the RLP base year). The WSHMA identifies the 6,380 dwelling need to

2030 but identifies capacity within Redditch Borough for only 3000 dwellings. The RLP identifies that population projections indicate significant new demand for housing, scarce land availability (notably PDL), and the Duty to Cooperate to locate Redditch unmet need in adjoining District's.

- 5.3.4 Given the Local Plan and identified housing requirements are now over five years old, the 5YHLS has been calculated from local housing need based on the Standard Method (NPPF Paragraph 74). However, despite the 5YHLS for Redditch being formed from local housing need based on the Standard Method (noting the 2023 Monitoring Report sets out a figure of 9.83 years), the housing requirements set out in the Local Plan across the Plan period remain extant.
- 5.3.5 It is noted that to meet Redditch's minimum housing needs, 3,000 of these dwellings will be accommodated within Redditch and 3,400 dwellings will be accommodated within Bromsgrove.
- 5.3.6 Whilst housing provision during the Plan period is to be delivered within both Redditch and Bromsgrove, it is apparent that Redditch have placed significant reliance on the two cross boundary strategic sites of Foxlydiate and Brockhill. Foxlydiate is allocated for 2,800 dwellings and Brockhill is allocated for 600 dwellings in the Plan period i.e. to 2030. However, whilst work appears to have progressed at Brockhill, no significant progress appears to have been made at Foxlydiate. As such, it is apparent that the total provision of 2,800 homes will not be delivered during the Plan period and, therefore, the Council will fail to meet their minimum housing need requirements of 6,400 dwellings by 2030 by a significant margin, contrary to the requirements of Policy 4 of the Development Plan.
- 5.3.7 Further, whilst RBC might currently have a 5YHLS and pass the Housing Delivery Test (HDT), Bromsgrove District Council, who RBC work in collaboration with, currently only have a 3.3 year HLS (on their own calculations) and have one of the worse top ten HDT percentages in England. Noting that RBC and BDC form part of the same HMA, it BDC fail to deliver the 3,400 dwellings required to meet RBC's unmet need, then consequently Redditch will fail to meet the identified needs set out in the Local Plan. The Appellant's position on HLS for both Redditch and Bromsgrove will be kept under review pending potential revisions for the NPPF which may come into play during the life of this appeal.
- 5.3.8 The Appeal Scheme proposes to deliver 214 dwellings within the settlement boundary of Redditch to meet the needs arising from Redditch. The Officer notes within the Planning Committee report that the proposal would make a meaningful contribution to both market and affordable housing. It is recognised at paragraph 60 of the NPPF that it is the government's aim to significantly boost the supply of housing, both market and affordable. In this context and notwithstanding the Council's demonstrable 5 year housing land supply, the Officer considers that weight should be given to the provision of 214 dwellings in Redditch, including 30% of which would be affordable. The need for market housing must be a consideration of significant weight, given the NPPF's imperative to boost significantly the supply of housing and the need for more housing to meet the minimum housing requirement across the Plan period. The Plan period runs out in 2030 (6 years). Consents must be granted now, to allow for completions within that timeframe.

- 5.3.9 Further, there is a substantial need for more affordable housing. The WHSMA identified a net need for 100 social rented dwellings and 67 intermediate affordable dwellings per annum over the period 2011 / 12 to 2015 / 16. The Housing and Economic Development Needs Assessment (2022) identifies a net need for 90 affordable dwellings per annum between 2020 / 21 and 2039 / 40. The appeal scheme proposes 214 dwellings, of which 30% are proposed as affordable housing, which equates to 66 dwellings. As such, the need set out in the WHSMA and HEDNA demonstrates the importance of the appeal scheme in bringing forward much needed affordable housing.
- 5.3.10 As such, the proposals will address the need for market and affordable housing, alongside economic benefits, on an accessible Site located within the urban area of Redditch, whilst providing a viable and long term strategy for the management and enhancement of the hotel and golf course for recreation, providing on balance equivalent or better provision.
- 5.3.11 The above clearly demonstrates that the Officers were robust in concluding the proposals to make a significant and meaningful contribution towards housing provision in Redditch, whilst also meeting the wider needs of the Birmingham Housing Market Area and national objective need for significantly boosting the supply of housing.
- 5.3.12 With this in mind and considering the significant contributions the Appeal Site would make to both local and national need, it is considered that the proposals comply with Policy 4 of the Development Plan, as confirmed by the Planning Officer.

5.4 Policy 5 (Effective and Efficient Use of Land)

- 5.4.1 Refusal reason 2 states that “*The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area.*” It is therefore considered that the proposals are contrary to Policy 5.
- 5.4.2 Section 11 of the NPPF emphasises the importance of making effective use of land. Paragraph 129 recognises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 5.4.3 Policy 5 (part ii) confirms that densities between 30 and 50 dwellings per hectare will be sought in Redditch Borough. The proposals at Land West of Hither Green propose a density of 36 dwellings per hectare which is in accordance with the sought after density of 30 – 50 dwellings per hectare. It is very difficult to see how there is any conflict with this policy or the NPPF. The planning system no longer permits the repetition of lower density housing development.
- 5.4.4 Further, as set out within the Character Area section of the updated Design and Access Statement, the layout and design of the proposals have respectfully had regard to the neighbouring properties at Hither Green Lane and it is considered that there will be no material adverse impact on the local character and appearance of the area, as a result of any claimed higher density development.

5.4.5 The reconfiguration of the golf course relates to the need to make the most effective and efficient use of land. The owners of the golf course have sought to secure a viable and sustainable long term future for the Site. The reconfiguration of the golf course would ensure that the hotel continues to operate successfully as a business, alongside the golf course becoming a more accommodating and playable course for both members and hotel visitors. At present, the course operates as a Par 4 championship standard golf course. Whilst this may be suitable to members and experienced golfers, those visiting the hotel may not find the course to be suitable for their needs. Further to this, it is also apparent that health and safety incidents exist onsite and have increased since 2017. The proposed changes to the layout will address the existing health and safety issues onsite, which are predominantly apparent in the south-west corner. There is sufficient evidence to confirm that the remodelled facility will deliver a high quality golf course that provides a good visitor experience in terms of operating standards and speed of play. The reconfigured course will also prevent new incidents arising going forward and addresses the existing health and safety concerns onsite. The changes to the course seek to make the most efficient use of land and are supported and welcomed by the existing course architect, as set out within the supporting evidence. On this basis, it is considered that the Appeal Site optimises the use of land and seeks to utilise the space efficiently by proposing a density of 36 dph, in accordance with Policy 5 of the Development Plan, with which there is demonstrable compliance.

5.5 Policy 6 (Affordable Housing)

5.5.1 Refusal reason 2 states that “*The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane.*” It is therefore, considered that the proposals are contrary to Policy 6.

5.5.2 The design and character points are addressed above and in the DAS addendum.

5.5.3 Policy 6 of the Development Plan requires sites of 11 or more dwellings to provide a 30% contribution towards the provision of affordable housing. Onsite provision must incorporate a mix of dwelling types and sizes which reflect the Site's characteristics.

5.5.4 The Affordable Housing Statement that was submitted as a part of the planning application pack confirms that the proposals will meet these requirements and commits to providing 30% affordable housing onsite. This equates to 66 dwellings being provided as affordable housing. The Officer's Report notes that this is a significant boost to the supply of affordable housing within the Borough. It is a material consideration of substantial weight.

5.5.5 The proposed affordable housing will be provided in accordance with the Council's preferred tenure split of 75% social rent tenure and 25% shared ownership. The social rent will be set at government target rent regime levels.

5.5.6 The design and character of the affordable dwellings are very similar to the design and character of the market dwellings. This ensures that a comprehensive and cohesive development is delivered. The character of the affordable and market dwellings have been influenced by the existing properties along Hither Green Lane

and in the surrounding area. This guarantees that the development will be in keeping with the locality and existing properties at Hither Green Lane. Indeed, the design and layout of the affordable dwellings was found to be acceptable by the Planning Officer, as set out within the Committee Report.

- 5.5.7 Taking the above into account, the Appeal Site will deliver a policy compliant level of affordable housing in accordance with the Council's preferred tenure levels. As such, it is considered that the Appeal Site complies with Policy 6 of the Development Plan, as recognised by the Planning Officer. The Appellant's evidence will demonstrate that there is a significant shortfall in affordable housing in the Borough; and that this should be awarded substantial weight in the planning balance.

5.6 Policy 11 (Green Infrastructure)

- 5.6.1 Refusal reason 1 states "*Redditch Borough Council can demonstrate a 5-year housing land supply, meaning that the relevant development plan policies are up to date. The application site is located within designated open space and is not allocated for development. The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply.*"
- 5.6.2 Paragraph 96 (c) of the NPPF advises that planning policies and decisions should enable and support healthy lifestyles through the provision of safe and accessible Green Infrastructure.
- 5.6.3 Policy 11 of the Development Plan seeks to safeguard the Green Infrastructure (GI) network and new development will be required to contribute positively to the GI network. The GI network is a multifunctional resource that includes, but is not limited to, green spaces and corridors, waterways, natural heritage and wildlife habitats. The policy goes on to recognise that opportunities will be sought to improve and maintain the network for the benefit of people, wildlife, and the character and appearance of the Borough.
- 5.6.4 It is accepted that some green spaces within the Borough are recognised for their contribution to the wider GI network which delivers environmental and quality of life benefits for local communities. To support the GI within the Borough, RBC aim to prepare a GI Strategy which sets out the various networks and environments. However, it is acknowledged that the Redditch Borough GI Strategy has not been progressed at this time and GI is not identified on the proposals map within the Development Plan. The Worcestershire GI Strategy (draft) (2023 – 2028) refers to the Arrow Valley Country Park with regard to GI assets in Redditch – of which the Appeal Site does not form a part
- 5.6.5 Whilst some visual amenity will inevitably be lost onsite, the Appeal Site will continue to maintain a GI network within and around the Site, providing wider connections to the surrounding GI Network. The proposals will also deliver approximately 3.4ha of publicly accessible open space and deliver further ecological and landscape enhancements. It is acknowledged that some tree and hedgerow loss will be facilitated onsite, however, this will be supplemented by new planting and enhancements.

- 5.6.6 We acknowledge that whilst the Council can currently demonstrate a 5YHLS and do pass the HDT, it is apparent that Redditch have placed significant reliance on the two cross boundary strategic sites of Foxlydiate and Brockhill to deliver a combined total of 3,400 dwellings. However, whilst works appear to have progressed at Brockhill, no progress has been made for the development of Foxlydiate and it is apparent that the total provision of 2,800 at Foxlydiate will not be delivered during the Plan period. Therefore, the Council will fail to meet their minimum required housing needs by 2030. As such, the Council will need to look to alternative and sustainable sites to help address their housing shortfalls. Applying the spatial strategy, priority should be given to sites in Redditch as the most sustainable settlement in the hierarchy. The sites available for development within the urban area of Redditch are already limited and this is excluding the need to have regard to the Borough's GI Strategy.
- 5.6.7 Accordingly, considering the enhancements the Appeal Site would make to the Green Infrastructure Network as well, it is judged that the proposals comply with Policy 11 of the Development Plan read as a whole, as the development of the Site will contribute positively to the GI network. Indeed, Officers considered the proposals complied with Policy 11, even recognising that some loss to GI will occur onsite. However, sufficient GI mitigation has been included within the Site proposals and the Appellants will assess this policy in detail in their evidence.
- 5.6.8 The Appellants will address this in their landscape evidence; mindful this not a matter in dispute between the Appellants and the Council.

5.7 Policy 12 (Open Space Provision)

- 5.7.1 Refusal reason 1 states that "*Redditch Borough Council can demonstrate a 5-year housing land supply, meaning that the relevant development plan policies are up to date. The application site is located within designated open space and is not allocated for development. The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply.*" It is therefore asserted by the LPA that the proposals are contrary to Policy 12.
- 5.7.2 It is recognised within the NPPF that open space is defined as land which offers important opportunities for sport and recreation, and land which can act as a visual amenity.
- 5.7.3 Policy 12 confirms that the Council will aim to maintain minimum standards of open space provision, as identified in the Open Space Needs Assessment (2023). New development will be required to make provision for new and / or improvements to open space.
- 5.7.4 The Open Space Assessment (2023) clarifies that the Abbey Ward (3.739ha per 1000 population) has an overall deficiency in open space compared to the Borough average open space provision (4.990ha per 1000 population). However, the outdoor sports provision included in these figures is only applicable to publicly accessible and unrestricted open space. The Site and Abbey Golf Course are considered to have limited access within the Open Space Assessment and, on this basis, they have not contributed towards the ward or Borough standards. Therefore, the loss of the Site and its contribution towards open space provision would have no impact on the current

standards within the Open Space Assessment i.e. there would be no loss against the latest calculations and in fact through the delivery of unrestricted open space there would be an approximate 3.4ha net gain.

5.7.5 As referenced above and in the Open Space Assessment, the Appeal Site has not contributed towards the open space standards within the Borough, on the basis of the Council's own analysis, given it has limited accessibility. The Site is not considered to be publicly accessible as it is in private use as a golf course and is only available to those with either a membership or day pass. In the context of paragraph 103(b) of the NPPF, it is acknowledged that whilst there will be a quantitative loss in terms of the existing golf course area, the qualitative improvements to the new golf course will provide equivalent or better provision. The Appellants will refer to relevant case law in this instance and demonstrate that qualitative improvements alone can satisfy the requirements of paragraph 103(b). The proposals will deliver approximately 3.4ha of open space and would provide unrestricted access to open space for the local community and future residents of the development – set against the current site which offers limited opportunities beyond golf; and on a site which does not offer wider public lawful access.. The accessible open space onsite will also provide connections to the Boroughs wider GI network. As such, by delivering accessible open space onsite, the current deficits in the open space standards typologies will be reduced and will bring the Abbey Ward closer to the Borough average.

5.7.6 On this basis, it is considered that the proposals would further enhance unrestricted public access to open space provision and would deliver a net improvement in the public value of the open space to be provided onsite. There is also a benefit to the existing golf course and hotel. Whilst the Site has not technically contributed towards the open space provisions within the Borough due to its classification as having restricted access, the development of the Site will make provision for the improvements to open space, and sports and recreation facilities in accordance with Policy 12 of the Development Plan. The Appeal Scheme will deliver new accessible open space onsite and equivalent or better provision in terms of the golf course to support the long term viability of the hotel, it is considered that the benefits of the Site proposals should be recognised.

5.8 Policy 13 (Primarily Open Space)

5.8.1 Refusal reason 3 states that “*The proposed development will result in the loss of designated open space under Policy 13 Primarily Open Space. The proposal has not sufficiently demonstrated that the merits of the development outweigh the value of the land as open space.*” It is therefore asserted that the proposals are contrary to Policy 13.

5.8.2 However, alongside Policy 13, it is clearly necessary to consider paragraph 103 of the NPPF which sets out the following:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.

5.8.3 Dealing with Policy 13 first, it is agreed that the Appeal Site is designated as ‘primarily open space’ on the proposals map of the adopted Local Plan, but does not contribute towards the open space figures within the Open Space Assessment (2023) given its restricted access. It would appear to follow that, should the Plan be updated (as required by Reg 10A Local Plan Regs and the NPPF) the Site would not be designated as Open Space. Nonetheless, the position with regard to the Development Plan is acknowledged. Policy 13 advises that in assessing applications for development on Primarily Open Space, the following principles will be taken into account:

- i. the environmental and amenity value of the area;
- ii. the recreational, conservation, wildlife, historical, visual and community amenity value of the site;
- iii. the merits of retaining the land in its existing open use, and the contribution or potential contribution the site makes to the Green Infrastructure Network, character and appearance of the area;
- iv. the merits of protecting the site for alternative open space uses;
- v. the location, size and environmental quality of the site;
- vi. the relationship of the site to other open space areas in the locality and similar uses within the wider area;
- vii. whether the site provides a link between other open areas or as a buffer between incompatible uses;
- viii. that it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality; and
- ix. the merits of the proposed development to the local area or the Borough generally.

5.8.4 The table below sets out the Planning Officers assessment and the Appellants case in relation to the principles within Policy 13.

Policy 13 Principles	Planning Officer Assessment	Appellants Case
i. the environmental and amenity value of the area	Currently the golf course provides part of the green corridor connecting Arrow Valley Park to the countryside	As set out in the accompanying submission documents, the amenity value of the Site is limited as

	<p>to the north of Redditch. Development in the current proposed layout would sever this green corridor.</p>	<p>it is in private ownership and does not provide publicly accessible open space. The Site is currently comprised of a manicured and engineered golf course – the environmental value of the Site is therefore compromised by this. There is no accessible countryside immediately to the north of the Site as opposed to the Arrow Valley Park to the south.</p>
<p>ii. the recreational, conservation, wildlife, historical, visual and community amenity value of the site;</p>	<p>It has been demonstrated as part of the proposal that the site is not needed for its current use as a golf course and does not constitute a total loss of the use as part of the course will be retained and reconfigured course outside of the site’s boundary. There is amenity value in the green space.</p> <p>As discussed above, the site makes up the northern-most part of Arrow Valley Country Park, so has some cultural value as this distinctive feature of Redditch, and also serves as a green corridor for wildlife.</p>	<p>The golf course will be retained as an 18-hole course and will be reconfigured to a par 3 standard. As referenced earlier, there is a need to review the business function of the hotel to take into account its long term viability and operation. A reconfigured golf course of equivalent or better provision is proposed within the context of the hotel to ensure that it is accessible and playable to those visiting the hotel as well as local members / experienced players. As set out within the accompanying Cornerstone Golf Report, the reconfiguration of the course will remain appropriate for the hotel leisure provision and improve the useability, speed of play, and health and safety issues that currently exist onsite. The proposals seek to provide onsite biodiversity net gain, thus enhancing the wildlife onsite. The Site is currently only accessible to those with memberships or visitor</p>

		<p>passes and does not provide any legal Public Rights of Way. However, the proposals will considerably enhance the community amenity value of the Site by:</p> <ul style="list-style-type: none"> ▪ Providing active sport recreation; ▪ Enhance active recreation rights of way; ▪ Enhance passive recreation walks; ▪ Provide enjoyable onsite amenity; ▪ Provide present and future amenity opportunities; and ▪ Provide an attractive visual amenity.
<p>iii. the merits of retaining the land in its existing open use, and the contribution or potential contribution the site makes to the Green Infrastructure Network, character and appearance of the area</p>	<p>Currently the golf course provides part of the green corridor connecting Arrow Valley Park to the countryside to the north of Redditch. Development in the current proposed layout would sever this green corridor.</p>	<p>Given the Site is not publicly accessible, it is considered that there is limited merit in the Site's current contribution to public open space or the wider Green Infrastructure network. As such, as a part of the proposals, the Site will provide publicly accessible connections to the surrounding GI network and will improve public accessibility to open space within the urban area of Redditch. Matters relating to the character and appearance of the area are covered in the LVIA and will be covered in the supporting landscape evidence.</p>
<p>iv. the merits of protecting the site</p>	<p>In order to enable other uses to come forward as part of a</p>	<p>As set out in the Open Space Assessment (2023),</p>

<p>for alternative open space uses</p>	<p>scheme, some housing development would likely be required to financially facilitate this.</p>	<p>the Site is in private ownership and it is considered that a qualitative improvement to wider open space would be better achieved through enhancements to Arrow Valley Country Park alongside onsite provision. To ensure the long term viability and operation of the hotel as a key asset to Redditch, the operation and provisions of the hotel and golf course will need to evolve. Further to this, given the Site remains as one of the few remaining locations for sustainable development within the urban area of Redditch, the Council should look to the development of the Site for residential purposes favourably.</p> <p>Furthermore, the Appellants' evidence will consider a fall back provision given that the Site is in private ownership.</p>
<p>v. the location, size and environmental quality of the site</p>	<p>Through the proposed Biodiversity Net Gain, the biodiversity value of the site, if developed, would increase by 10% under the biodiversity metric.</p>	<p>The Site is sustainably located to the north of Redditch, within the Borough's urban area. The development of the Site would allow for the reconfiguration and enhancement of the golf course, which would improve its usability and relationship with the hotel. As a part of the proposals, a net gain of biodiversity (+1.84% habitat units, +4.85% hedgerow units) will be provided onsite, further enhancing the environmental quality.</p>

<p>vi. the relationship of the site to other open space areas in the locality and similar uses within the wider area</p>	<p>Currently the golf course provides part of the green corridor connecting Arrow Valley Park to the countryside to the north of Redditch.</p>	<p>The “green corridor” is not identified on the proposals map within the Development Plan. The Open Space Assessment (2023) recognises that the Site is considered to be an outdoor sports facility with restricted accessibility. On this basis, the Site has been excluded from the open space standards and from contributing towards the Boroughs open space provisions. As such, it is considered that the Site serves little benefit to the wider community, given it is only accessible to those with either a membership or visitor pass and does not allow for legal public access onto the Site. Given the proposals seek to deliver an enhanced and more accessible golf course of better provision, it is considered that its loss will not have a significant adverse effect on the open space provision as a whole for the local community. The development of the Site will see a net improvement in the public value and access to open space. Therefore, it is considered that the potential for enhancements to the Arrow Valley Country Park can better offer access to open space for new and existing residents.</p>
<p>vii. whether the site provides a link between other open areas or as a buffer between incompatible uses</p>	<p>Currently the golf course provides part of the green corridor connecting Arrow Valley Park to the countryside to the north of Redditch.</p>	<p>As referenced above, the Site is not currently accessible to the wider public and therefore, does not serve as a functioning link between open spaces. Furthermore, the open</p>

		<p>countryside to the north of the Site is not publicly accessible and the Site is one of the few remaining locations within the urban area of Redditch that can deliver a sustainable development.</p> <p>The Site does not serve as a buffer between incompatible uses.</p>
<p>viii. that it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality</p>	<p>There is not a surplus of open space and outdoor sports space within Abbey Ward when compared to the Borough Standards. However, the golf course does not contribute to the standards due to having limited access to the public.</p> <p>If the development could provide unrestricted access open space to the local community and future residents of the development, this would improve current deficits in the standards of the typologies.</p>	<p>Given the Site is not publicly accessible and only available to those with memberships or visitor passes, it is considered that the development of the Site will deliver accessible open space and provide a reconfigured golf course that is of greater benefit to the hotel's operation and its long term viability.</p> <p>The Site is recognised as a tourist asset (Policy 43 – Leisure, Tourism and Culture) and as such, it is essential that such assets are protected and enhanced for future uses. Given the Sites recognition as a tourist asset, it is considered that it is in an appropriate and accessible location.</p>
<p>ix. the merits of the proposed development to the local area or the Borough generally</p>	<p>The Borough has 10.32 years of housing land supply.</p>	<p>As mentioned above, the Site is recognised as a tourist asset in accordance with Policy 43 (Leisure, Tourism and Culture) of the Development Plan. Therefore, it is essential that these assets are safeguarded for future uses through protection and enhancement. To ensure that the hotel can continue to positively contribute</p>

		<p>towards the local economy, a more useable and playable golf course needs to be delivered to guarantee the long term viability of the hotel,. The reconfiguration of the course will see improved play time, speed of balls, and address existing health and safety concerns, which will allow for the relationship between the hotel and golf facilities to be strengthened. As such, it is considered that the proposed development offers merits not only to the local area, but also to the wider Borough.</p> <p>It is the Appellants view that the Council's housing land supply position, whilst in excess of 5 years, has been grossly over-stated and evidence will produced to demonstrate this. Further, there is a need for housing now to meet the minimum requirement of the extant statutory Development Plan to 2030. Evidence will also be produced to demonstrate the need for affordable housing across the Plan period, especially given the Council will fail to deliver their required housing needs during the Plan period.</p>
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5.8.5 The Officer Report states:

“It is considered that the proposal is not contrary to the aims and objectives of the Policy 13. The proposal would not sever the green corridor linking the north of Arrow Valley Country Park to the open countryside. Even after considering any reconfiguration, the PROW (516B) that runs to the east of the hotel and through the existing golf course is not altered because of the proposed

development. This route remains, whatever the outcome of the planning application. On this basis, parts (i), (iii), (vi) and (vii) of Section 13.2 of Policy 13 are satisfied”.

- 5.8.6 The Officer recognises that the Appeal Site would see the delivery of a native orchard, amenity green spaces throughout the Site, woodland areas, and the provision of a LAP and equipped play areas. As a result of the new provision, part viii of Policy 13 has been addressed.
- 5.8.7 The Officer acknowledges that it has been shown that the golf course will remain open and playable to members and visitors, with the reconfiguration and retention of an 18-hole golf course that will constitute to better provision. This would be secured by a legal agreement. It is also noted that the previous objection from England Golf has been withdrawn. As such, the Officer considers that parts ii and iv of Policy 13 have been satisfied.
- 5.8.8 With regard to paragraph 103 of the NPPF, it is accepted that there would be conflict with criterion (a) of paragraph 103 as there is no robust, up to date assessment undertaken which shows the land surplus to requirement. Albeit it is however of importance to note that the Council's up to date assessment, does not include the Site within the assessment when looking at open space calculations at a ward and Borough level, as access to it is restricted. However, whilst this is acknowledged, it is considered that the proposals comply with paragraph 103(b)
- 5.8.9 With regard to criterion (b), it is the Appellants' case that "equivalent to" does not mean identical to in either qualitative or quantitative terms. Both are a matter of planning judgement. Loss of open space should be compensated for is a judgement and quality can be off set against quantity. Furthermore, it is the Appellants' case that qualitative improvements alone can provide equivalent or better provision.
- 5.8.10 Whilst there would be a loss of open space quantitatively, there would be:
- A gain in unrestricted open space to new and existing residents;
 - No net loss to golf and the delivery of a reconfigured course of better provision;
 - Qualitative improvements in accessible open space provision, taking into account both active and passive recreation; and
 - Enhanced provision at Arrow Valley Country Park and improved connectivity between the Appeal Site and the Country Park.
- 5.8.11 Overall, the Planning Officer found the Appeal Site to comply with Policy 13 and paragraph 103 of the NPPF given the proposals would provide equivalent / better open space provision to offset the loss of designated open space, which itself has limited accessibility. The Appellants' view accords with this and evidence will be produced to support such a conclusion.

5.9 Policy 39 (Built Environment)

- 5.9.1 Refusal reason 2 states that “*The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane*”. It is therefore asserted by the LPA that the proposals are contrary to Policy 39.
- 5.9.2 Section 12 of the NPPF provides further guidance on achieving well designed and beautiful places.
- 5.9.3 Policy 39 sets out that all development in the Borough should contribute positively to the local character of the area. All development proposals should seek to optimise sustainable development, be resilient to climate change and incorporate features of the natural environment.
- 5.9.4 The layout of the proposed development has respected the existing built form along Hither Green Lane and this is particularly evident at the Site access. To note, the Site layout and design of the proposals have been largely informed by Worcestershire County Council (WCC) Highways and the proposals have complied in this regard. The Appeal Site would allow for the inclusion of accessible public open space and landscaping along the frontage at Hither Green Lane which would soften the appearance of the development and help it integrate it into the surrounding setting. Regard has also been had to the character of the local surrounding area and existing residential properties. The scale of the dwellings would mostly consist of 2 storeys along the eastern edge of the Site, which would reflect the built environment of the neighbouring dwellings at Hither Green Lane. All of the above is set out in further detail within the supporting updated DAS.
- 5.9.5 Taking the above into account, it is considered that the design and layout of the proposals responds to the local character and setting of the surrounding built environment and is in accordance with Policy 39. The Appellant will present design evidence in this regard.

5.10 Policy 40 (High Quality Design and Safer Communities)

- 5.10.1 Refusal reason 2 states that: “*The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane*”. It is therefore considered that the proposals are contrary to Policy 40.
- 5.10.2 Section 12 of the NPPF provides further guidance on achieving well designed and beautiful places.

- 5.10.3 Policy 40 informs that good design should contribute positively to making the Borough a better place to live, work and visit. All development should be of a high quality design that reflects or compliments the local surroundings and materials. It should incorporate distinctive corner buildings, landmarks, gateways and focal points at key junctions.
- 5.10.4 The layout and design of the proposed dwellings along the eastern part of the Appeal Site is set back from the existing built form along the Hither Green Lane frontage. The dwellings proposed within the eastern part of the Site would mostly consist of 2 storeys and would reflect the existing properties along Hither Green Lane. The remainder of the development would be laid out in a series of development parcels served off of the main vehicular access road. The main route through the Site is well defined and enclosed by dwellings on both sides consisting of 2.5 storeys, with active frontages along the main road. Vertical variation and block paving reduce traffic speeds along the main access road and provide legibility.
- 5.10.5 Perimeter blocks enable active frontage onto streets and spaces, while maintaining private gardens within the block. Built form defines and encloses formal and informal open space, with housing overlooking the pedestrian link and public open space. The Appeal Site features 2 and 2.5 storey dwellings, ensuring a well-designed and efficient urban environment. There would also be a clear distinction between the public and private realm, with dwellings generally outward facing and providing good surveillance of the road networks, parking, pedestrian routes and open space. Limited parking courts have been included in the proposed layout. The layout incorporates street trees along the main roads in the development which will enhance the quality of the proposals, as well as serving to break up the appearance of the Appeal Site.
- 5.10.6 It is acknowledged that concerns have been raised regarding the appearance of proposed dwellings. However, the dwellings are generally characterised by a more contemporary design appearance and would consist of a mix of brick, render and weatherboarding, similar to those existing properties at Hither Green Lane. The Officer acknowledges in the Committee Report that given the variety in the design and appearance of properties in this area of Redditch, it is considered that the design approach is acceptable.
- 5.10.7 The Appellants' design evidence, alongside the landscape evidence, will demonstrate that the proposals are in accordance with good placemaking and design principles, and would be in accordance with the policy requirements set out in Policy 40. This is acknowledged by the Planning Officer in the Committee Report.

6 Third Party Comments

6.1 Third Party Comments

6.1.1 The Appellants are aware of the third party objections made to the Appeal Scheme from members of the public. The main topics covered by the comments are identified below and will be covered in evidence:

- The impact to residential amenity / wellbeing;
- The design of the proposed dwellings;
- The density of dwellings proposed;
- Local highway capacity and the increase in traffic;
- Flooding;
- Impact to existing services / infrastructure;
- Loss of open green space;
- Impact on wildlife and the environment; and
- Increase in pollution and Co2 emissions.

7 Planning Conditions and Obligations

7.1 Conditions and Obligations

7.1.1 The Appellants will agree draft conditions and planning obligations with the Council.

8 Summary

8.1 Summary

- 8.1.1 The Appellants evidence will demonstrate that, as set out by the Council's professional Planning Officers, the proposals are in accordance with the Development Plan when read as a whole and should be approved without delay. In the event that the Inspector were to conclude otherwise, the Appellants will also demonstrate that there are other material considerations which weigh in favour of the grant of planning permission.