**TOWN AND COUNTRY PLANNING ACT 1990 (AMENDED) SECTION 78** **APPEAL**

**by**

**Barratt David Wilson Homes (Mercia)**

**AGAINST**

**The refusal of planning permission by Redditch Borough Council 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 at Land West of Hither Green Lane, Redditch**

**Planning Inspectorate reference:**

APP/Q1825/W/24/3350905

**Redditch Borough Council Reference:**

21/01830/FUL

**Draft Planning Conditions**

**Date:**

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

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

1. The development hereby approved shall be carried out in accordance with the following plans, drawings and supporting information:

|  |  |
| --- | --- |
| **Approved Plans** | **Drawing Numbers** |
| Site Location Plan | ME-24-41 |
| Housetype Distribution Plan | ME-24-27D J |
| External Materials Plan | ME-24-31F |
| Boundary Treatments Plan | ME-24-32E |
| External Surfaces Plan | ME-24-33E |
| Parking Management Plan | ME-24-35E |
| Refuse Management Plan | ME-24-36E |
| Adoption & Management Plan | ME-24-37E |
| Boundary Treatment Details | ME-24-43A |
| Entrance Feature Wall 1 | ME-24-44 |
| Entrance Feature Wall 2 | ME-24-45A |
| Proposed Site Layout Plan | ME-24-21AB |
| Dagnell Way Plots 28(Opp), 41(Opp), 42(Opp), 43, 51(Opp), 52, 53(Opp), 54, 55(Opp), 56, 59(Opp), 60, 66(Opp), 67(Opp), 69(Opp), 171, 172, 173(Opp), 176, 177, 178(Opp), 188(Opp), 189, 199(Opp), 200 | PL201 |
| Dagnell Way Plots 25(Opp), 26, 39(Opp), 40, 49(Opp), 50, 77(Opp), 78, 79(Opp), 80, 81(Opp), 82, 149(Opp), 150, 151(Opp), 152, 168, 169(Opp),  174, 175(Opp), 193(Opp), 194, 195(Opp), 196(Opp), 197, 208(Opp), 209 | PL202 |
| Dagnell Way Plots 37(Opp), 38, 47(Opp), 48 | PL203 |
| Dagnell Way Plots 45(Opp), 46, 65, 71(Opp), 72,  179(Opp), 186, 190(Opp) | PL204 |
| Dagnell Way Plots 73(Opp), 87(Opp), 203 | PL205 |
| Dagnell Way Plots 84, 86(Opp), 210)Opp), 211(Opp) | PL206 |
| Dagnell Way Plots 19, 57(Opp) | PL207 |
| Dagnell Way Plots 15, 18, 20(Opp), 204, 207, 214(Opp) | PL208 |
| Dagnell Way Plots 29, 32, 68, 70, 76(Opp), 159, 187(Opp), 198, 201 | PL209 |
| Dagnell Way Plots 16, 17(Opp), 85, 145, 170(Opp) | PL210 |
| Dagnell Way Plots 58(Opp), 148(Opp), 213(Opp) | PL211 |
| Dagnell Way Plots 30(Opp), 31 | PL212 |
| Dagnell Way Plots 44, 61, 191(Opp) | PL213 |
| Dagnell Way Plots 62(Opp), 63(Opp), 64, 180(Opp), 181, 182(Opp), 183(Opp), 184, 185, 205(Opp), 206 | PL214 |
| Dagnell Way Plots 27(Opp), 74, 75(Opp), 83, 192, 202(Opp), 212(Opp) | PL225 |
| Hither View Plots 4(Opp), 13(Opp), 14 | PL215 |
| Hither View Plots 1(Opp), 2(Opp), 6(Opp), 7(Opp) | PL216 |
| Hither View Plots 107, 118, 128, 163, 164(Opp), 165(Opp) | PL217 |
| Hither View Plots 3(Opp), 9(Opp), 10(Opp), 11, 24, 36, 114(Opp), 115, 116(Opp), 117(Opp), 119(Opp),146(Opp), 156 | PL218 |
| Hither View Plots 12(Opp), 120, 147(Opp), 154(Opp), 155, 160, 166 | PL219 |
| Hither View Plots 121,(Opp), 129(Opp) | PL220 |
| Hither View Plots 22(Opp), 23, 131 | PL221 |
| Hither View Plots 34(Opp), 35 | PL222 |
| Hither View Plots 5, 8 113(Opp), 157(Opp), 158(Opp) | PL223 |
| Hither View Detached Plots 21, 108, 127(Opp), 161(Opp), 162, 167(Opp), Semi Detached Plot 130(Opp) | PL224 |
| Hither View Plots 109(Opp), 110(Opp | PL226 |
| Hither View Plots 111(Opp), 112 | PL227 |
| Hither View Plots 33(Opp), 153(Opp) | PL237 |
| Bordesley View Plots 94(Opp), 95. 96, 122(Opp), 123, 139(Opp), 140 | PL228 |
| Bordesley View Plots 97(Opp), 98(Opp), 99 | PL229 |
| Bordesley View Plots 102(Opp), 103 | PL230 |
| Bordesley View Plot 89 | PL231 |
| Bordesley View Plot 88(Opp) | PL232 |
| Bordesley View Plots 136, 144 | PL233 |
| Bordesley View Plots 106, 132(OPP), 138, Archford Plot 90 (Opp), 91, 104(Opp), 105, 124(Opp), 125, 126, 133(Opp), 134, 135, 137(Opp) | PL234 |
| Bordesley View Plots 92(Opp), 93(Opp), 100, 101, 141, 142 | PL235 |
| Bordesley View Plot 143 | PL236 |

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

1. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

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

2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency’s “Land Contamination: Risk Management” guidance.

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency’s “Land Contamination: Risk Management” guidance.

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

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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

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

1. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not necessarily be limited to, the following:

i. Risk assessment of potentially damaging construction activities;

ii. Identification of ‘biodiversity protection zones’;

iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method

statements);

iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour

before sunset);

v. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;

vi. A non-native invasive species protocol (e.g. for Japanese knotweed);

vii. The times during construction when specialists ecologists need to be present on site to oversee works;

viii. Responsible persons and lines of communication;

ix. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or

similarly competent person(s);

x. Ongoing monitoring, including compliance checks by a competent person(s) during

construction and immediately post-completion of construction works; and

xi. The submission of a verification report by the EcOW or similarly competent person(s) to the LPA at the end of the construction period.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To provide net gains for biodiversity to ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on biodiversity

1. No development shall take place (including demolition, ground works and vegetation clearance) until a Habitat Enhancement Management Plan (HEMP) has been submitted and be approved by the LPA. This HEMP will include measures to create or enhance existing habitats within the BNG off-setting site. The HEMP will cover a period of 30 years (at minimum) post-construction.

Reason: To ensure the long-term management, maintenance, and monitoring of off-site habitats, with respect to BNG condition targets, and to safeguard the area from future development.

1. No development shall take place (including demolition, ground works and vegetation clearance) until a drainage strategy has been submitted and be approved by the LPA prior to the commencement of the works. The drainage strategy will include long-term maintenance of the drainage systems and the mitigation measures for the River Arrow.

Reason: To ensure the continued function of the river as an important wildlife corridor and to mitigate the impacts on the integrity of the River Arrow Local Wildlife Site.

1. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

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

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

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

1. No development shall take place (including demolition, ground works and vegetation clearance) until access visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction (for residential access onto Hither Green Lane) measured along the nearside edge of the adjoining carriageway and offset a vertical distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

1. No development shall take place (including demolition, ground works and vegetation clearance) until the fences for the protection of the trees to be retained have been erected in accordance with the submitted Arboricultural Impact Assessment (AIA) (July 2023).

No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a root protection area (RPA) that seepage or displacement could cause them to enter a root protection area and no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree within or adjacent to the site.

The fences shall be erected in accordance with BS5837 (2012) and shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site. No vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area.

1. No development shall take place (including demolition, ground works and vegetation clearance) until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

a) The programme and methodology of site investigation and recording.

b) The programme for post investigation assessment.

c) Provision to be made for analysis of the site investigation and recording.

d) Provision to be made for publication and dissemination of the analysis and records of the site investigation

e) Provision to be made for archive deposition of the analysis and records of the site investigation

f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved 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 218 of the National Planning Policy Framework.

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

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

1. Prior to construction of any development hereby permitted above slab level, a scheme of soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

a) planting plans

b) written specifications including cultivation and other operations associated with tree, plant and grass establishment

c) a schedule of plants noting species, plant sizes and proposed numbers/densities

d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate)

e) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)

f) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate).

The approved scheme shall be carried out concurrently with the development and the areas of Public Open Space and Incidental Open Space shall be completed in accordance with a programme to be agreed with the Local Planning Authority prior to the occupation of any dwelling.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed, or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, this shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and biodiversity benefits.

1. Prior to construction of any part of the development hereby permitted above slab level, a scheme of hard landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

(a) the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);

(b) location, type and materials to be used for hard surfacing including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;

(c) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;

(d) minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, substations and other storage units);

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area.

1. Prior to preparation of levels on site for the development hereby permitted, a detailed plan indication existing site levels and proposed finished ground floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The detailed plan to be submitted shall include the following details:

(a) levels of the existing site, together with indication of a recognised fixed datum point from which levels can be verified during the course of development and at completion;

(b) the precise finished ground floor levels of the new dwellings relative to the existing development on the boundary of the site including the adjacent highway and adjacent properties;

(c) levels of all accesses to include pathways, driveway, steps and ramps.

Thereafter, the development shall be carried out and completed strictly in accordance with the approved details prior to any occupation of the dwellings hereby permitted and thereafter so retained as such.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area.

1. Prior to construction of any part of the development hereby permitted above slab level, a detailed scheme for the provision, specification and siting of the play equipment in the locations approved under this planning permission shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the details approved.

Reason: In order to provide satisfactory provision for the proposed residential development.

1. Notwithstanding the submitted details, prior to any above ground works commence a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority The content of the LEMP shall include, but not limited to the following:

Description and evaluation of features to be managed;

Landscape and ecological trends and constraints on site that might influence management;

Aims and objectives of management (including those related to species);

Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;

Prescriptions for management actions;

Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);

Details of the body or organisation responsible for implementation of the plan;

Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;

Ongoing monitoring and remedial measures;

Timeframe for reviewing the plan; and

Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved.

Reason: To ensure the long-term management, maintenance, and monitoring of on-site habitats, with respect to the BNG targets, and to the species that the habitats will support.

1. Notwithstanding the submitted details, prior to any above ground works commence details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to,

the following:

i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;

ii. Technical description, design or specification of external lighting to be installed

including shields, cowls or blinds where appropriate;

iii. A description of the luminosity of lights and their light colour;

iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;

v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and

vi. Lighting contour plans both horizontal and vertical where appropriate and taking

into account hard landscaping, etc.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason: To avoid the negative effects of lighting on retained trees, hedgerows and water courses during both construction and operation of the site, and thereby minimise negative impacts of the development on bats, birds, badgers, otters and other nocturnal species.

1. None of the dwellings hereby permitted shall be occupied until full details of the proposed management company, their maintenance agent, and all maintenance regimes for all the open space and drainage features on the development have been submitted to and approved in writing by the Local Planning Authority. The management and maintenance of all open space and drainage features shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the open space is maintained to an adequate standard for the proposed occupiers of the development.

1. None of the dwellings hereby permitted shall be occupied until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.

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

1. None of the dwellings hereby permitted shall be occupied until details of a joint pedestrian / cycle route, running close to the River Arrow, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority) and is open to pedestrians / cyclists. This is to include a lit route, with a 3.5m width bound surface, connecting the proposed site to the A441.

Reason: To ensure safe and accessible pedestrian / cyclist movements to and from the site.

1. None of the dwellings hereby permitted shall be occupied until the improvements as shown om Mode Drawing Ref: J32-5756-PS-014, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority).

Reason: To ensure safe and accessible pedestrian / cyclist movements to and from the site.

1. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown in the Urban Design drawing titled ‘Proposed Site Plan’ Ref: ME-24-21AB.

Reason: To ensure conformity with summited details.

1. None of the dwellings hereby permitted shall be occupied until the sheltered and secure cycle parking to comply with the Council’s adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council’s parking standards.

1. Prior to the occupation of any identified dwelling (within the Noise Assessment by Air & Acoustic Consultants), the proposed mitigation measures for the noise attenuation, shall be implemented in accordance with the Section 7 Mitigation Measures of the Noise Assessment by Air & Acoustic Consultants.

Reason: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources.

1. The Residential Travel Plan hereby approved, shall be implemented and monitored in accordance with the regime contained within the Plan. As a minimum, this should include:

* A Travel Information Pack will be produced and disseminated to residents, detailing the opportunities for sustainable travel to and from the site, including a potential range of incentives and the promotion of regional and national car share websites
* Use of public transport will be encouraged with up-to-date public transport timetables, bus maps and ticket information disseminated to the residents. The possibility of offering residents with discounted bus vouchers/passes with local operators will also be investigated and provided.
* Personalised Travel Planning (PTP) will allow residents to contact the Travel Plan Coordinator (TPC) and arrange a meeting (either face-to-face or via email/telephone) to discuss their individual circumstances with the TPC who will assist in tailoring a travel plan specific to that resident, incorporating sustainable travel modes as much as possible.

In the event of failing to meet the targets within the Plan, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.