

**PLANNING  
COMMITTEE**

**20th March 2024**

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**Planning Application 21/01830/FUL**

**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**

**Land West Of, Hither Green Lane, Redditch, Worcestershire, B98 9AZ**

**Applicant: Mr. A. Rowan  
Ward: Abbey Ward**

**(see additional papers for site plan)**

The case officer of this application is Mr Paul Lester, Planning Officer (DM), who can be contacted on Tel: 01527 881323 Email: paul.lester@bromsgroveandredditch.gov.uk for more information.

**1.0 Site Description**

- 1.1 The application site is made up of an irregularly shaped parcel of land that extends to 9.85 hectares.
- 1.2 To the northeast of the site are patches of tall grassland, scrub, mature and semi-mature trees, and a pond. To the centre and south of the site is an active golf course and hotel complex (The Abbey Golf Club). The application site slopes from 100m AOD (Above Ordnance Datum) to 90m AOD at the northern end, adjacent to Dagnell End Road, to approximately 90m AOD at the southern end of the site, close to the River Arrow, encompassing three main land-uses: a maintenance yard, hedgerow-bound grassland fields, and golf course fairways. Views of existing houses, Meadow Farm hotel, and elevated ground at Brock Hill East influence the site, while traffic noise from A441, Dagnell End Road, and Hither Green Lane also affects the area.
- 1.3 The application site is not crossed by any public footpaths. The closest public rights of way are found to the east and north of the site, respectively, along Dagnall End Road and Hither Green Lane. South of the site, there is an open pathway.
- 1.4 Two Tree Preservation Orders (TPO) protect all the trees on the site. Hither Green Lane in the east currently offers access to the site. The Environment Agency's online mapping system confirms that the site is situated in Flood Zone 1. The site's existing pond is located at the northern most point, and there are minimally flooded portions throughout the southern and western boundaries.
- 1.5 There are no heritage assets located within the site. There are several Listed assets located approximately 200m to the west, this includes:

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- Grade II Listed Bordesley Lodge Farmhouse; Land off Hither Green Lane, Redditch
- Grade II Listed Granary about one yard north of Bordesley Lodge; and
- Grade II Listed Water pump about 3 yards northeast of Bordesley Lodge Farmhouse.

1.6 Bordesley Abbey Scheduled Monument is also located approximately 450m to the south.

## **2.0 Proposal Description**

2.1 The full application seeks planning permission for the erection of 214 dwellings with associated open space, landscaping, drainage, infrastructure and other associated works and has been submitted by David Wilson Homes.

2.2 The planning application includes the following:

- 214 dwellings, including 2 custom build plots.
- 66 affordable dwellings;
- Vehicular access from Hither Green Lane;
- Pedestrian and cycle access providing links through the site and to the surrounding areas;
- Publicly accessible open space;
- Green Infrastructure (GI) includes a Local Area for Play (LAP), informal recreational areas, SuDS (Sustainable Drainage System) features, buffer planting, retained trees, hedgerows and areas of new trees planting and other habitat creation;
- Landscaping and earthworks and surface water drainage;
- Associated amenity space and attenuation features; and
- Internal infrastructure

2.3 The following mix of dwellings is proposed:

<b>Bedrooms</b>	<b>Market</b>	<b>Affordable (shared ownership/social rent)</b>	<b>Total</b>
<b>1 bedroom</b>	0	3	<b>3</b>
<b>2 bedroom</b>	0	25	<b>25</b>
<b>3 bedroom</b>	84	34	<b>118</b>
<b>4 bedroom</b>	64 (inc. 2 custom builds)	4	<b>68</b>
<b>Total</b>	<b>148</b>	<b>66</b>	<b>214</b>

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- 2.4 The application proposes a mix of detached, semi-detached, terraced properties and maisonettes, each with amenity space. All houses will have private gardens, while maisonettes will have shared areas. The dwellings will be predominantly two-storey, with 2.5-storey dwellings in key areas like main streets, stop endings, and near open spaces.
- 2.5 The proposed development will provide primary pedestrian and cycle access to the site via Hither Green Lane at the north-east corner. A new pedestrian route will be provided between the site and Dagnell End Road, with a new footway on the southern side of Dagnell End Road. The existing connection will be enhanced for south and west pedestrian/cycle connections, connecting with Birmingham Road north of the river over-bridge.
- 2.6 The development offers several incidental open spaces, accessible to both new and existing residents via footpath links, including a LAP.

### **3.0 Relevant Policies**

#### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 3: Development Strategy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 12: Open Space Provision

Policy 13: Primarily Open Space

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 18: Sustainable Water Management

Policy 19: Sustainable Travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 22: Road Hierarchy

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for the Town Centre

Policy 36: Historic Environment

Policy 37: Historic Buildings and Structures

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 43: Leisure, Tourism and Abbey Stadium

Policy 44: Health Facilities

#### **Others**

NPPF National Planning Policy Framework (2023)

NPPG National Planning Practice Guidance

Redditch High Quality Design SPD

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Open Space Provision SPD  
Town Centre Strategy  
Worcestershire Waste Core Strategy

## **4.0 Relevant Planning History**

- 4.1 There is no planning history relating to residential development on the application site or the wider golf club. The most recent major applications at the golf course are outlined below.

2011/209/FUL	Improvements to leisure facilities at existing Driving Range. Replacement of a single storey range building with two storey building to increase the number of golfing bays to 31. Improvements to range green to include lake and lighting system. Provision of ancillary car parking, landscaping and security measures.	Approved	05.10.2011
2008/386/FUL	Erection of 25 lodge style bedroom accommodation units ancillary to the main hotel with associated landscaping and infrastructure	Approved	06.03.2009

## **5.0 Consultations**

- 5.1 A summary of consultation responses to the application have been provided below. The complete list and text of responses received can be viewed on the Council's website.

### **Waste Management**

No objection subject to bin contribution as follows:

Green bins (recycling) £16.10 and Grey bins (general refuse) £15.19

1 set of bins therefore being £31.29 per property.

### **Arboricultural Officer**

Following submission of amended plans. I am now happy to withdraw my objection to the proposed development with regards to T35 and T37 and don't not object to the loss of G11, T17 and T18.

### **Cllr Grubb (former ward Councillor)**

As Ward Councillor I have, as at today's date, received 66 emails from people objecting to this application. Most of these communications have been from residents of Hither Green Lane, Icknield Street, Bordesley and Beoley.

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The reasons for the objections I believe are justifiable and I am currently working with a small group who are representing the concerns of people living nearby whose lives would be adversely impacted by this development if it were to be approved.

### **Redditch Strategic Planning**

Strategic Planning made comments on the merits of the proposal, they concluded:

- The proposed development would sever the green corridor linking the north of Arrow Valley Country Park to the open countryside
- The proposal would not comply with Policies 11.3 and 43.3 of the BORLP4 as it does not contribute positively to the Borough's and the Arrow Valley Country Park's Green Infrastructure network.
- Abbey Ward has a deficiency in open space, including a deficiency in Outdoor Sports provision compared to the Borough standards. Despite the current provision being privately accessed, the need for the development needs to be assessed under policy 13.2 to demonstrate how it outweighs the value of retaining the open space.
- Redditch has a 9.83 years housing land supply, therefore in line with 13.6 of the BORLP4 the development does not outweigh the value of retaining the open space.

For the reasons outlined above, Strategic Planning do not support this application.

### **WCC Landscape**

The landscape character of the application area is largely defined by its location within formal landscaping associated with the golf course, and its settlement edge setting. The wider landscape setting is of the Wooded Estatelands Landscape Character Type (LCT). Hedgerows and ancient woodland blocks are characteristic of the LCT, and this is reflected to some extent around the site boundaries. The site has some areas of scrub and mature trees and groups of trees that contribute towards both its character and habitat assemblage.

The scheme will result in the loss of trees identified in the Arboricultural Impact Assessment as constraints to the development, those being specific parts of the scheme layout. Some boundary vegetation and groups of trees are to be retained within the context of the scheme, but few details have been submitted. Paragraph 7.2 of the Arboricultural Impact Assessment states that: "full details of the proposed landscaping for the site were not available. However, as part of the development proposals, an adequate quantity of tree planting has been indicated on the Proposed Site Layout (Drawing Reference: ME-24-21Q)." The proposed scheme appears to be of similar density to that of existing settlement to the south east. My main concern with this relatively high density of development is with the longer-term impact to management of the retained trees as a result of the proximity of some housing plots. I am reassured and satisfied that retained trees in close proximity to plots 34-35; 121-126; 135-138, and 142-143 will be afforded a sufficient buffer, within the context of public open space provision, to effectively mitigate the risk of ad-hoc pruning.

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Overall, the application would benefit from the provision of a detailed design and specification for the landscape scheme: phasing; species selection; planting methods and aftercare. Again, it is recommended that, given the scale of the development, such details should be submitted with the application. However, should the Local Planning Authority not wish to request this information pre-determination then I recommend a detailed landscape scheme is secured through a Landscape and Ecological Management Plan (LEMP). This should be secured as a pre-commencement condition of approval.

### **Leisure Services**

#### Provision for children (Toddler and Junior Play Provision)

Following consideration of the plans we would suggest given the location of the play area to vehicle access and parking, that the area is fully fenced. We would require a minimum of 7 pieces of equipment to cover toddler and junior play up to 12-year-olds. Equipment should be installed that will provide a long-life span.

#### Provision for Teenagers / Young People

It would be preferable if this was provided on site as there is not teenage play available within close proximity. If provision cannot be provided on site it is advisable that Abbey Stadium is an adequate space for teenage provision. If an offsite provision was to be explored then further discussions would need to be taken with Rubicon, preliminary discussions has flagged a concern for anti-social behaviour (ASB), a contribution of £33,143 would be required.

#### Outdoor Sports Facilities

It is noted that there are no outdoor sports facilities on site. There would therefore be a requirement for a contribution for offsite provision. Based upon the size of the development £50,635.80 would be requested. The Playing Pitch Strategy for Redditch indicates the need to protect, enhance and bring pitches back into use at the Abbey Stadium. It also suggests areas similar with protect and enhance for Terrys Memorial field adjacent Redditch Utd FC. To explore the possibility of changing rooms at this site. There is also the Cricket, Rugby and Hockey Club site adjacent to that. These are the nearest sites, but also Greenlands and Arrow Valley South pitches and facilities require improvement.

#### Allotments and Community Gardens

In terms of allotments, current provision in the area indicates that there is a surplus as a whole, however if contributions are considered then Bridge Street allotments (closest to the application site 2.1 miles away) would be suitable for infrastructure improvements. We would advise that to provide a community garden on site would not be ideal and a local site would be more advantageous to accommodate a good take up of plots. It is noted that a small native orchard is proposed as part of the wider landscaping scheme.

#### Amenity Green Space and Natural and Semi Natural Green Space

The proposed layout includes extensive woodland areas throughout the site including an area around a SUDs. These areas combined are in excess of what would be required for a proposal of this size.

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### **Natural England**

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Dagnell End Meadow Site of Special Scientific Interest and has no objection.

### **Historic England**

Historic England has no objection on heritage grounds.

The application site, located 130m from the Bordesley Abbey scheduled monument, is part of the historic rural agricultural landscape. Although modern housing estates and a golf course have altered the landscape, echoes of its historic character remain in the open and undeveloped areas. The River Arrow stretches provide a buffer between the monument and housing estates, enhancing landscape views. However, the proposed attenuation pond may have negative impacts, such as loss of open space and potential visual intrusion. The impact on views has not been assessed in detail. The proposed attenuation pond's buffer is expected to minimize these impacts, but more natural screening should be added along the housing edge or around the pond to soften potential visual intrusions. The area between the monument and housing should also be maintained free of structures or built development.

Historic England recommend you consider minor amendments in order to reduce the impact upon the setting of Bordesley Abbey Scheduled Monument.

### **Herefordshire and Worcestershire CCG**

Herefordshire and Worcestershire CCG have identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The intention of Herefordshire and Worcestershire CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View. The development would give rise to a need for improvements to capacity, in line with emerging ICS estates strategy, by way of new and additional premises or infrastructure, extension to, or reconfiguration of, existing premises, or improved digital infrastructure and telehealth facilities. This housing development falls within the boundary of a practice which is a member of Kingfisher Primary Care Network (PCN) and, as such, a number of services for these patients may be provided elsewhere within the PCN. The CCG would therefore wish to secure the funding for Kingfisher PCN for the patients within this vicinity to improve overall access.

The CCG calculates the level of contribution required in this instance to be £81,650.

### **Worcestershire Acute Hospitals NHS Trust**

The contribution requested for this proposed development is £154,253.44. The money will be spent to meet the marginal costs of direct delivery of healthcare for the additional population. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in

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other direct costs associated with healthcare delivery, for example, diagnostic examinations, consumables and equipment.

### **Worcestershire Wildlife Trust\***

Thank you for sending us details of this application. We note the contents of the various associated documents and in particular the findings and recommendations set out in the Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment, Breeding Bird Survey, Reptile Survey and Great Crested Newt Habitat Suitability Index Assessment and eDNA Survey by Middlemarch Environmental. We also note that the site falls adjacent to the River Arrow Local Wildlife Site (LWS) and close to a number of other important ecological receptors.

While noting the commentary presented in the submitted ecological documents, we do not believe that the proposed development can meet the expectations of planning policy in relation to protection and enhancement of biodiversity. Accordingly, we wish to object to the application.

Though there are welcome recommendations set out in the submitted CEMP (Construction Environmental management Plan) and a proposal for a LEMP (Landscape and Ecological Management Plan) we do not believe that these will lead to the required net gains in biodiversity. Indeed, we think it likely that net losses can be expected contrary to paragraphs 174 (d) and 180 of the NPPF. With this in mind, we consider that the council requires additional information prior to determination in order to make a well-informed decision in line with its legal obligations under Section 40 of the Natural Environment and Rural Communities Act 2006. Specifically, we recommend that the council requests a biodiversity losses and gains analysis for the proposed development. This should clearly explain not only losses of habitat but also impacts of severance on existing ecological corridors and the species using them. This may be especially relevant to light intolerant species such as bats, and amphibians. The latter group may be especially important as previous work on this site has demonstrated large populations of frogs and smaller populations of toads, smooth and palmate newts, which appear to have been largely overlooked in the application documents. It seems likely that the proposed development will severely limit their capacity to access suitable terrestrial habitat or move between the retained pond and other water bodies nearby.

Mitigation and compensation will be required in order to offset losses and delivery of net gains in biodiversity will need to be demonstrated as required by policy. This could be evidenced using the DEFRA Biodiversity Metric 3.0 and an Ecological Constraints and Opportunities Plan as recommended in BS4202:2013. Consideration of this evidence will be complicated and so we strongly recommend that you discuss the application in detail with the council's appointed ecologist to confirm a way forward in line with your legal obligations and planning policy.

In our view the application as it stands could not be considered policy compliant and we consider that the additional information would help inform the council's decision. However, if, having considered our comments, you do decide to progress the application



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we would strongly recommend that you append conditions covering the following matters to any permission you may be otherwise minded to grant.

1. CEMP - to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to the nearby LWS (Local Wildlife Site), mature trees and hedgerows. Appropriate consideration for protected species will be required in line with the submitted document.
2. Lighting - To ensure that the development, both during construction and once operational, does not cause harm to nocturnal wildlife (especially bats) using the site, and commuting to and from the adjacent LWS and other habitats.
3. SUDS - to ensure that long-term drainage of the site does not cause harm to receiving waterbodies or nearby habitats. Significant improvements should be made to the drainage strategy to ensure that overland conveyance to the attenuation pond is used wherever possible and that the pond itself is designed in such a way as to deliver meaningful biodiversity enhancement.
4. LEMP - to include biodiversity enhancement across the site in line with planning policy, together with long term management and monitoring of that enhancement.

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

*\*The above consultation response relates to the review of the original application package at the outset of the application process. Due to a lack of capacity, Worcestershire Wildlife Trust did not review subsequent iterations of the application and amended supporting information regarding ecological matters.*

### **Ecology (Thompson Environmental Consultants – Redditch BC appointed ecology consultant)**

No objection

Following receipt of the Response to Ecology Comments by Thompson Ecology (Dated 25th August 2023) 1st September by Middlemarch.

Thomson comments 19.09.23

This document is considered sufficient to address the comments raised in the original response. The LPA should note the requirement for a s106 agreement regarding the long-term off-site delivery and the recommended conditions in the August response.

- A Construction Ecological Management Plan (CEMP)
- A drainage strategy
- A Landscape and Ecology Management Plan (LEMP)
- A Habitat Enhancement Management Plan (HEMP)
- A sensitive lighting plan

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### **Town Centre Co-ordinator**

The Council endorsed Redditch Town Centre strategy which was developed alongside earlier versions of the Borough of Redditch Local Plan No 4 (BORLP4) demonstrated a need for the following projects to take place.

- Tackling the Ringway
- Improving Public Spaces and Car Parking
- Sense of Arrival and Signage
- Improving the Café and Restaurant Offer
- Enhancing the evening and night time economy
- Enhancements to Church Green
- Tackling the Train Station
- Rejuvenation of Silver Street/Royal Square
- Improved Lighting, Safety and Security in the Town Centre
- Public Art Programme
- Encouraging Town Centre Living

This need is set in the context of the town centre needing to maintain and enhance its role within the region. Whilst the strategy was initially being considered under the guidance the old PPGs/PPS and the Regional Spatial Strategy their abolition and replacement with the NPPF/NPPG doesn't remove the need for the town to grow and evolve. The wider context is now set in the BORLP4 which confirms the new dwelling requirement as 6300 new dwellings up to the 2030. The location of the new developments to reach the 6300 requirement has been influenced by the proximity and accessibility to the town centre. Therefore, for development proposals to be as sustainable as possible the future residents will rely on the town centre for a large proportion of their work, shopping and leisure activities.

The enhancement of the public spaces is a consistent feature of both the previously council endorsed town centre strategy and now the BORLP4 in the form of Policy 31 which confirms the list of projects as above for which contributions will be sought. For the sustainable development of the town to continue it is essential that the wider developments contribute to the improved vitality of the town centre which the residents of the new developments will heavily rely upon. Therefore, it is considered appropriate for new residential development to contribute to these important town centre projects.

The contribution would be sought for Public Realm Improvements, this would include resurfacing & new street furniture - bins, benches and lighting etc. The scheme is costed at £3,280,636.00 which divided by 6049 (housing commitments) comes out at £542 per unit.

£542 x 214 homes = £115,988

### **Conservation officer**

No objection following confirmation of no objection from Historic England.

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### **England Golf**

No objection

It is encouraging to see that designs have been created to show the redesign of the golf course so that the course remains as 18 holes.

From an England Golf point of view, as I think I alluded to in my initial comment, the two key areas of concern were that the overall amount of golf provision remained the same, and also most importantly, the disruption to current active users of the golf course was not significantly impacted by the development. Any reduction in provision even if temporary could have a significant impact on the amount of golf being played which could in turn lead to players potentially migrating to other courses or even away from the game altogether.

On that basis, I would like to request that a Grampian condition be considered which should cover that no development can take place on the existing golf course until the new holes have been opened and are fully operational. This then ensures there is no overall impact on golfers and that the onsite golf provision is maintained.

Without this I would have genuine concerns that the necessary development needed to keep the golf course as 18 holes could be sidelined or not delivered as promised.

Other than this, I have no additional comments to make in respect of the application.

### **Worcestershire Archive and Archaeological Service**

While we appreciate the function of the proposed development area ' as a working golf course ' we feel that, in terms of archaeology and potential impact to archaeology - including the character and significance of any archaeology present on the proposed development site, as well as the potential impact of development on the setting and hydrology of the Scheduled Monument Bordesley Abbey ' not enough is currently understood and we continue to recommend predetermination investigation, prior to committee, as set out in our previous comments. We also recommend that Historic England should be consulted as they may wish to comment on any potential impacts to the Scheduled Monument Bordesley Abbey.

Should the application be determined without the recommended predetermination investigation, a conditional programme of archaeological investigation will be required.

### **North Worcestershire Water Management**

The proposed development site is situated in the catchment of River Arrow. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the EA's flood mapping, there is some risk from surface water flooding but this is minimal. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

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This site was previously commented on under the same planning reference back in February 2022. At the time a holding objection was placed, since the comments were submitted changes have been made to take on board the issues raised, and further details have been submitted. I have reviewed the latest Flood Risk Assessment (Revision E) and drainage strategy drawings (Revision H), I can confirm that these are acceptable. Based on this I require no further details and I do not deem it necessary to recommend attaching a drainage condition.

### **WRS - Contaminated Land**

No objection subject to Tiered Investigation condition.

### **WRS - Noise**

Noise: The submitted noise assessment appears satisfactory and predicts, with the implementation of the recommended noise mitigation measures, that both internal and external noise levels should meet the requirements of BS8233:2014.

Construction Phase Nuisance: The applicant should submit a Construction Environmental Management Plan detailing the measures to monitor and mitigation any potential nuisance from noise, vibration and dust emissions for comment and approval.

### **WRS - Air Quality**

No objection subject to conditions

- Domestic electric vehicle charging points
- Secure cycle parking
- Low emissions boilers

### **WCC Highways**

No objection subject to conditions and financial obligations

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

Suggested Conditions and Obligations:

#### Conditions

- Off-site Infrastructure improvements (Dagnell End Road)
- Off-site Infrastructure improvements (River Arrow Walk Route)
- Off-site Infrastructure improvements (Footway enhancements to A441)
- Conformity with Submitted Details
- Vehicular visibility splays
- Cycle parking
- Residential Travel Plan
- Construction Environmental Management Plan

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### Planning Obligation

- **Bus Service Strategy**  
The Diamond bus 62/63 service to be diverted into the site to serve the wider areas, terminating at Redditch Town Centre £439,576.80
- **Community Transport**  
There is a need for a new Community Transport service to meet the transport needs of the elderly and disabled in the area on their ability to access bus stops and the distance from Hospitals and the policy of the local Health Trust regarding not restricting medical appointments to local Hospitals. Contribution £22,037.00
- **School Transport**  
Despite the proximity of this site to Redditch, the designated schools for this site are all in the Bromsgrove School pyramid due to the established catchment areas. However, the existing service does not have the capacity to transport the number of additional children generated by this development. A new service will need to be created to transport children for this proposed development. A contribution would be required to cover the cost of transporting children from this development for a five-year period £644,261.94
- **Bus Service Infrastructure**  
Based on 2 flag pole bus stops internal to the site. Contribution £10,000.

### **Active Travel**

No objection

### **Housing Strategy**

I can confirm that the developer has not approached us prior to this submission about the affordable housing requirement on this site. The advice below would have given had we been contacted in advance.

We are happy with the pepper-potting of affordable units on the site and the percentage of affordable housing and shared ownership. However, we require the rented element to be social rent, not affordable rent.

We would not support communal areas for flats and would prefer them to have their own entrances for the occupier's sole responsibility to maintain.

Our housing need shows a requirement for larger accommodation including four bedroom properties and therefore we would prefer the mix to be:

4 x 4 bed houses  
36 x 3 bed houses  
24 x 2 bed houses  
3 x 1 bed houses

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### **Planning Services- Bromsgrove District Council**

Subject to the applicant entering into a suitable Legal Agreement to secure appropriate mitigation, Bromsgrove District Council raises no objection to the scheme.

### **Sport England**

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

If a proposal involves the loss of a sports facility, it must meet Par. 97 of the National Planning Policy Framework (NPPF) and local policies to protect social infrastructure. If a new sports facility is proposed, it should follow the recommendations and priorities in the local authority's Playing Pitch Strategy or Built Sports Facility Strategy. To ensure the facility is fit for purpose, it should be designed in accordance with Sport England's design guidance notes. If additional housing is proposed, it should generate additional demand for sports and be delivered in line with local social infrastructure policies. In line with the Government's NPPF and PPG, consideration should be given to how new development, particularly housing, will promote healthy lifestyles and communities.

### **Education Department at Worcestershire**

The Local Authority is obligated to secure sufficient places for children aged 2, 3, and 4 to claim their entitlement to funded nursery education and childcare for working parents. In the ward of Abbey, Redditch, there are sufficient places for children to attend early years facilities, but there are not enough places for primary age children. Worcestershire Children First requires a 5% surplus of places throughout the county to allow for migration and new arrival families to obtain a place for their child(ren) within all education planning areas.

Previously, four large housing developments in Bromsgrove and Redditch had been accepted by their corresponding authorities. However, Perryfields & Whitford Road, Foxlydiate sites have mitigated for their primary pupil yield and early years pupil yield by planning a new 2FE with 52 place nursery. A contribution towards the primary phase of education will be required.

All four middle schools are nearing capacity or full, and a combined total of 77 middle school pupils from the approved large developments will exhaust the current spare places within the middle schools and reach the school capacity. A middle contribution will be required from this development.

For high school provision, forecasts show an insufficiency within the area from 2023, resulting in an insufficient number of spaces for pupils from the proposed development. A SEND contribution will be required and used at one of the named schools or a special school within Worcestershire.

First school contribution required: £928,704

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Middle school contribution required: £801,686

High school contribution required: £821,151

SEND contribution required: £305,024

Total education infrastructure contribution required: £2,850,089.

## **6.0 Public Consultation Response**

6.1 Members are reminded that full details of the public consultation responses are available on the Council's website and that the information below is a summary of issues raised.

### **Publicity**

6.2 Extensive public consultation has been undertaken, including two neighbour consultations, site notices and press notices published in the Redditch Standard.

6.3 343 representations have been received **objecting** to the scheme as well as an electronic petition signed by 851 people. A summary of the objections received is outlined below:

#### **Principle**

- The site is unsuitable for housing development
- Further development will have a negative impact on Redditch
- No need for further housing in Redditch with additional sites coming forward elsewhere
- Alternative sites should be considered, there is sufficient brownfield sites available for housing
- Development will result in a loss of countryside
- The site is not sustainable
- Concerned about future development in the area because of this scheme
- Erosion of the buffer between Redditch and Bromsgrove

#### **Open Space**

- Loss of open space
- Loss of golf course
- Disruption to golf club during construction period

#### **Form of Development**

- Out of scale
- Detrimental visual impact
- Poor design of housing
- Loss of views
- Detrimental impact on existing residents amenity

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## **Air Quality**

- Concerns regarding the increase in air pollution
- Perceived health issues arising from poor air quality

## **Highways and Access**

- The development will add to the already congested roads in this area and through Redditch
- Hither Green Lane is unsuitable for further traffic
- Highways safety
- Pedestrian safety concerns
- Lack of public transport
- Long queues already in the area
- Incorrect traffic data has been used to assess highway impact

## **Noise and Disruption**

- Concerns regarding the increased noise from traffic and development
- Concerns regarding the disruption during development from site traffic and work
- Delays and disruption caused by highways work

## **Drainage and Flood Risk**

- Drainage in the area is not adequate for the development
- Increase existing drainage issues
- Development will increase the risk of flooding

## **Biodiversity and Trees**

- Loss of trees throughout the site
- Destruction of wildlife habitat
- Objection regarding the removal of trees and hedgerows and the effect this will have on the ecology of the site and wildlife
- Impact on protected species
- Insufficient and lack of biodiversity net gain
- Insufficient landscaping and replacement trees

## **Infrastructure**

- There is a general lack of infrastructure to support the development, and this should be in place before the development takes place
- Concerns about the additional number of children seeking places at local schools
- Concerns about the increase in waiting times at dentists and doctors
- Impact on hospitals
- Impact on existing parks and open space
- Lack of public services and shops



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### **Affordable Housing**

- The affordable housing is not affordable

### **Other Matters**

- Lack of public consultation

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

### **6.5 Alvechurch Parish Council Objection**

Alvechurch Parish Council (APC) writes to raise its material concerns and objections regarding the aforementioned planning application. APC is very disappointed not to have been formally consulted in relation to this particular application given its proximity to and the impact this development will have on the local infrastructure and Alvechurch residents, namely those residing in Bordesley and Dagnell End Road.

The application site borders the southern boundary of the Parish of Alvechurch and given previous representations made by both the local Bordesley Matters Group and APC to the recent lack of adequate consultation regarding the Persimmon Weights Lane housing development, it is of concern this same situation could or would have been repeated. We trust our concern will be noted and Officers will remain mindful to avoid similar circumstances when considering other significant applications bordering our southern Parish boundary.

In respect of the application currently under consideration, we offer the following to be taken into account as part of the application process:- APC wishes to lodge an OBJECTION to this development based on the following –

- There will be a significant increase in noise and air pollution resulting from the increase in traffic for residents of Bordesley.
- The development will further add to existing traffic congestion and safety issues on Birmingham Road (A441) and Dagnell End Road.
- The signalised junction of Birmingham Road and Dagnell End Road is already over capacity and long delays are currently being experienced at peak times. With no improvement proposed to the signal junction proposed as part of the proposed residential development, the additional traffic generated by the development will only worsen an already severely affected junction. This is contrary to both Redditch District Council and Government policies.
- The development would increase vehicle movements, entering and exiting Hither Green Lane at the Abbey Hotel entrance by over 500 vehicles per day. (There is inadequate public transport and no cycle provision in the surrounding area and therefore there is very little opportunity to encourage residents to maximise the use of sustainable transport

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modes. (There is only one bus a day operating along the A441.). Cars would have to be used for the majority of journeys, resulting in more CO2 output and an increase in traffic safety issues. This is contrary to the Government National Planning Policy Framework (NPPF) and makes the site unsustainable in transport terms.

- There will be a severe impact on traffic safety; there is no continuous pedestrian walkway on Dagnell End Road, even with the proposed additional foot path. There is no layby for school buses to park on Dagnell End Road, nor is there any provision for school children to safely cross this busy road. There's only a very narrow walkway along the very busy A441 towards Redditch.
- No mitigation measures form part of the application to reduce the environmental impact associated with additional traffic generated by the proposed residential development on the A441.
- The loss and reduction of 'open recreational/amenity/green space' currently enjoyed by many Bordesley residents.

We note with interest that North Redditch Communities Alliance have also undertaken a thorough and robust assessment of the Transport and Highway aspects of the planning application and, based upon the analysis of the information submitted, NoRCA have concluded that the proposed development is contrary to both National Planning Policy Framework and the Borough of Redditch Local Plan and should be refused.

When formulating this representation, APC has taken into consideration the comprehensive submission of details, reports and information provided by the Applicant's professional team. In particular, the TA submitted dated October '21. Inevitably, there are issues with the contents, calculations and conclusions which could be contested.

### **6.6 Beoley Parish Council Objection**

Although we are not statutory consultees for this planning application (with Beoley being situated within the Bromsgrove District), we are nevertheless located just a short distance away from the site of the proposed development. Having considered the application we can see that the residents of Beoley Parish, if it were to go ahead, would feel the significant impact of this development. For that reason, we would like to record our strong opposition to this application on the following grounds:-

#### Traffic

It is clear that the proposed development will further add to existing traffic congestion at the junction of the Birmingham Road (A441) and Dagnell End Road. This junction is already over capacity and long delays are currently experienced at peak times. The application proposes no improvements to the junction, and so the additional traffic generated by the development will only worsen the position.

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It is also clear that there is likely to be a significant increase of traffic through the village of Beoley as it provides a route to the M42 for vehicles travelling south. This will result in an increase in noise and air pollution, as well as safety concerns as this route passes by Beoley First School with children regularly crossing at school opening and closing times. There is inadequate public transport and no cycle provision in the surrounding area - the only bus service available is the bus travelling from Redditch via Alvechurch to Birmingham on the A441. Cars would have to be used for all journeys, resulting in more CO2 output and an increase in traffic safety issues. This is contrary to the National Planning Policy Framework, and makes the site unsustainable in transport terms.

### Planning

The site of the proposed development is currently designated as open amenity land. The site is not currently allocated as a strategic site for housing development, and the current Borough of Redditch Local Plan identifies sufficient land to provide for the housing needs of Redditch up to 2030 and beyond. This alone is justification for the application to be refused on planning policy grounds.

### Environment, Climate and Biodiversity

The proposed development would result in a significant loss of green space, and have a highly detrimental effect upon the natural environment and biodiversity due to the loss of established trees, hedge rows, ponds, ditches, grass and shrub land on the site. Local residents tell us that the flood risk in the area is already high, and will be increased even more due to loss of natural land drainage. The soil in the area is red clay, which already makes drainage difficult. The proposed development will increase our carbon footprint rather than reduce it. Redditch has already declared a climate emergency and, in our view, it should demonstrate its commitment to this policy by rejecting the proposed development.

### Restrictive Covenants

We are aware that the site is affected by a restrictive covenant imposed on the Golf Club when the land was transferred by the Commission for the New Towns on 19th October 1990, which prevented the land from being used other than as a leisure centre, hotel, golf course and country club. The proposed development would clearly be in breach of that covenant, and we are aware that steps are being taken by residents to alert Homes England (the successor to the Commission for the New Towns) to the proposed development, so that enforcement action may be taken.

### Conclusion

We see no justification for this application being approved, and for the reasons set out above (and given the very strong local opposition to this application) we would urge the Council to refuse this application.

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## **6.7 North Redditch Communities Alliance (NoRCA) Objection Comments 11<sup>th</sup> February 2022**

### Planning

- Redditch has a sufficient supply of housing land (8.9 years) - as confirmed in the latest 5YHLS (31st January 2022).
- Redditch has exceeded its requirements under the Housing Delivery Test published by the government on 14th January 2022.
- The Redditch Local Plan 4 is up-to-date and current.
- The application site is not designated for housing development.
- The application site is designated as “Primarily Open Space”.
- The site is not a sustainable location for further residential development.
- The site has potential flood and environmental impacts which will affect both the site itself and have wider impacts.
- The golf course is an important local facility and will be materially impacted by the proposed development.
- Having regard to the above, it is clear that the application conflicts with the Development Plan in a number of key aspects such that the provisions of Paragraph 11 (c) of the NPPF do not apply in support of this application. Moreover, these conflicts are such that the planning application would cause demonstrable harm to key aspects of the Development Plan and other material planning considerations such that planning permission should be refused.

### Transport and Highways

- The additional number of vehicle journeys (over -1000 per day) will further add to the already heavily congested roads in the area, particularly the junction between the A441 and B4101
- The proposed residential development is not situated in a sustainable location as it does not offer a genuine choice of transport modes.
- The site will not reduce the need to travel by car.
- The proposed residential development does not provide for a safe and suitable access for all users.
- The impacts from the proposed residential development on the transport network cannot be mitigated against.
- There is an unacceptable severe impact on the operation of the road network.
- There are no measures to reduce the impact of the environmental impacts associated on the surrounding road network because of the additional traffic generated by the proposed residential development.

### Environment & Biodiversity

- This Primarily Open Space is ‘a valuable part of the Green Infrastructure Network’ (BORLP4) providing an ‘invaluable formal and informal recreational resource, is beneficial for nature and conservation and has a bearing on people’s quality of life’.

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- It makes an invaluable contribution to reducing the town's Carbon Footprint, fundamental to its Climate Change Emergency Declaration.
- The Environment Act 2021 will, before any construction commences, require evidence of a verifiable 10% biodiversity net gain over 30 years, commencing with a significant negative as the current green environment is destroyed by the estate built to replace it.
- Waste generation, chemical contamination, sewage, noise, light and air pollution will be significant (216 house estate : 600+ residents; 400+ vehicles; 300+ children).
- Wildlife habitat on the site is currently extensive including numerous roe deer, snakes including adders, rabbits, owls, birds of prey, bats, wildfowl, ducks, extensive bird life including owls and buzzards, foxes, badgers, freshwater fish (Carp, Perch, Roach, Dace in abundance in pool at northern part of the site) aquamarine and other small animals you would expect to find in the countryside, but these will largely disappear near a big housing estate with all the above pollutions.
- Established trees, longstanding hedgerows, numerous water features are all at severe risk, along with disappearance of the wide expanses of verdant grassland on the proposed site.
- The River Arrow Corridor, Special Wildlife Site, which links onwards to a series of other similar sites along the river, on the edge of the proposed development will be at serious risk once threatened by increased population footfall, usage, and proximity of housing with associated contaminations, leading to almost total loss of riverside habitats.
- There will be Increased Surface Water Flood Risks on land that floods regularly after heavy rainfalls which are likely to increase with Climate Change.
- River Arrow pollution and dangers will arise from placing a large housing estate adjacent to the river with all sorts of rubbish and detritus ending up in the water.
- Fast flowing water and steep embankments, within 10 metres of the site, will pose a life-threatening hazard to children who will inevitably treat the river, its embankment and riverside woodlands as their play area. A further tragedy as occurred at the nearby Five Tunnels, must be avoided.
- The proposed development will deprive residents of the open space amenities to the detriment of their well-being.
- The extensive 'mitigations' recommended to alleviate the large number of environmental and biodiversity risks of proceeding with this application are just that: mitigations not eliminations. For example, using downward facing LED road lighting will be energy efficient but will still keep most wildlife away, as will lit up houses, continuous road traffic and general estate noise.

### Golf

- The Golf course will reduce in length by around 500 yards, weakening its golfing challenge.
- The 18-hole course will be condensed and squeezed into smaller acreage.
- The reduced course will have a detrimental effect upon speed of play, lengthening playing time and escalating Health and Safety risks for players.
- The course will lose its "Championship Standard" status
- The course will cease to be one of Redditch's primary leisure resources and attractions.
- During the 2+ years housing development and consequent re-design the course will be

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reduced to 10 playable holes – this is likely to result in a decline in membership and pay and-play golfers; the opportunity for schooling and practice will be greatly reduced.

- During the development the club will be unable to attract Golf Societies; the golf packages that contribute significantly to hotel revenues will dramatically decline
- A precedent will be established for further developments on and around the golf course.

### Legal

• The site is subject to a restrictive covenant imposed by the Commission for the New Towns when the land was sold to the golf course operator on 19th October 1990, preventing the land from being used other than as “a leisure centre, hotel, golf course and country club...”. Clearly, the proposed development will be in breach of that covenant and we have written to Homes England (as statutory successor to the Commission for the New Towns) to notify them of the application and to seek assurance that enforcement action will be taken if the proposed development commences.

### Conclusion

NoRCA firmly believes the commentary above provides a compelling justification for the planning application to be refused.

## **6.8 North Redditch Communities Alliance (NoRCA) Comments 29<sup>th</sup> November 2022**

### General

These documents are yet another iterative change to the scheme. These changes, when taken together with other earlier changes, represent a substantial revision to the scheme such that there is a clear and substantive difference from the original submission. By way of example, the Planning Layout is now ‘Version X’. This should be summarised by the applicants so that all consultees can identify the full changes and provide a full and comprehensive re-evaluation. We are concerned that the raft of iterative changes means that consultees may not have consulted on each small change but do now need to consult again on what are, together, major changes.

### Design and Access Statement (DAS)

The DAS provides a lot of general talk about Building for Life etc but there is then no proper evaluation of how these principles have been applied to this proposal.

The DAS states - By virtue of its position the site has excellent access to the various bus stops along the B4101 and A441. These have direct links to Birmingham so the development site is perfectly positioned to promote public transport use. The immediate area is served by a good range of bus services to various destinations, including: • 143, Bromsgrove • X3, Kidderminster • 350, Worcester • 26, Stratford\_upon-avon • 146/150, Birmingham.

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Not one of these quoted bus numbers runs to/from Redditch Town Centre – as confirmed by the applicant's own Transportation Assessment (TA). The 146 to Birmingham was axed about two years ago and the 150 terminates in Kings Heath not 'Birmingham' (and via the Alexandra Hospital and the A435 not the A441). It appears that the error is derived from using a map of bus routes that is years out of date.

- The only buses that stop on the A441 opposite the Abbey and further up in Bordesley Village are the 182 and 183 but with only two services a day for each stop and, to quote Redditch Planning Department's comment, 'not at a time suitable for typical 9-5 employment commuting'.

It is clear that the DAS is incorrect and totally misleading as to the current situation and, as noted, the applicant's own TA. It thus completely fails to sustain an argument in favour of the sustainability of the site and its ability to seek to reduce the need to travel and secure modal shift towards sustainable modes of travel.

- Redditch Planning Department also say that, with regard to pedestrian travel, all schools are way beyond reasonable walking distances, as are GP and Dental Practices. Nearest Primary school is Beoley at 3 kms with no continuous footpath but Hither Green Lane is no longer in its priority catchment area due to full roles at present so 5-9 year olds would now need to walk to one of the Redditch schools which are too distant to be considered within a safe and sustainable walking distance.

The TA Mitigation Proposals at the Dagnell End Road / Birmingham Road junction are to assume that the existing scheme to be implemented as part of the Brockhill Phase 3 application by Persimmon Homes will be enough to cope with the additional traffic generated by the development. However, the TA statistics and assessment show very clearly that the 2030 Base plus Batchley existing layout will be massively over capacity in all 3 directions even before the Hither Green Lane proposals are included.

### Drainage

The 3 technical documents state that flows from the housing downpipes and guttering would be flowed to existing heavily watered areas beyond the housing estate including the tree copses behind 173 HGL (and many others) and the grassed area beyond; also using the existing drainage ditch north-south down the centre of the golf course. The key problem with this is that water running off concrete and tarmac will move entirely and immediately by gravity to its lowest point without being dissipated slowly by the usual ground water run-offs into the grass and earth of the golf course and surrounding verdant areas. The result will be increased heavy rainfall flooding. The plans state a 'climate change' +1% assumption in rainfall per year but this is likely to be significantly higher. Particularly, even +1% per annum will not come down evenly and will likely include two or three very large heavy rainfall periods each year causing extensive ground water flooding and River Arrow going over its banks, with significant risk to housing ingress.

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The plans do not include the effect on Hither Green Lane houses and the potential for increased flooding risks. The River Arrow is likely to flood the Golf Course more frequently than at present but there is no assessment of this risk nor any recognition of the extensive flooding, of which we have a lot of pictures over the years.

### Arboriculture

The plans will see the removal of 13 trees, 11 groups of trees (copses), 3 hedgerows, plus partial removal of another 11 groups of trees, 1 hedgerow and 1 woodland. This is because they will be within the development footprint or close to it. This is unnecessary and unacceptable. The removal of these trees is stated to be 'unlikely to have significant impact on the visual amenity value of the site'. These will include a number of White Poplars; White Poplars are described as a 'Magical' tree according to the Woodlands Trust because, with a leaf green on one side and white on the other, it looks like snow in summer and autumn. Redditch has declared a Climate Change Emergency and needs to live up to it.

### Biodiversity Net Gain

The Environment Act 2021 requires all new developments to show a Biodiversity Net Gain of 10% over 30 years. Whilst not yet in force this development should be judged against these requirements.

The papers show that Redditch Borough Council requires a 'Biodiversity Metric Assessment' of the proposals coupled with 'a legal mechanism underpinning the delivery of such an agreement over a 30 year period'. It says that a 'Biodiversity Plan should be produced (para 6.2) with a long term strategy to measure the Biodiversity Gain over 30 years'. The omission of this required plan is alone a significant reason for its rejection. To achieve the requirements of the Environment Act needs detailed verifiable metrics along with legal enforcement. To date nothing has been produced.

### Conclusion

NoRCA is very concerned that a significant proportion of the application's rationale continues to be based on out of date and simply inaccurate information. We cannot see anything in these latest documents that would negate the objections we have detailed in our previous submissions.

Having regard to the above it is clear that this application requires yet further checking and revision such that, in the interests of Natural Justice and Good Governance, NoRCA invite the Council to invite the applicants to withdraw the application so that a full, correct and proper resubmission can be made. In the absence of this it is requested that the Council should move to refuse the application.



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### **6.9 North Redditch Communities Alliance (NoRCA) Comments 31<sup>st</sup> October 2023 regarding flooding**

I'm aware that you have been inundated with objections to the application, many referencing the enhanced risk of flooding the development could lead to, but I felt it appropriate to share with you some images taken on 20th October 2023 of the extensive flooding in the area. A small sample is appended below. There are also drone videos that offer a greater illustration of the extent of the flooding; I will forward an example to you via WeTransfer, but please advise if an alternative transfer mechanism is preferred. Unfortunately, the flooding resulting from storm Barbet cannot be regarded as an isolated occurrence. Climate experts inform us that weather of this nature is becoming increasingly common. It's worth noting that the attenuation pond established to handle the run-off from the relatively recent major development opposite the Abbey stadium did not appear to cope with the situation. The effect of further development in close proximity to the River Arrow is likely to see more extensive flooding to surrounding roads, land and homes. More development equates to greater runoff and less natural drainage. Clearly there must be concern that an underestimation error can easily be repeated. Flood risk modelling methodology may not be keeping pace with changes in our climate. However, any debate on this specific topic regarding the application is rendered meaningless given the overall context that there is simply no requirement to find more sites to meet Redditch's housing needs at this stage, least of all on designated green open space where a Covenant is in-place restricting the land use to leisure purposes.

### **6.10 North Redditch Communities Alliance (NoRCA) Comments 2<sup>nd</sup> February 2024**

To reiterate, NoRCA's main objections are summarised as follows:

- The application does not conform with key aspects of the current local plan BORLP4. Redditch does not need these houses; it has overachieved in its delivery against Government targets.
- It is contrary to the latest National Planning Policy Framework. This places more emphasis upon design and build form. It also allows authorities to allocate less land to future development if local officials can argue that more development would damage the character of an area. The clear guidance within the Framework underlines that the appropriate vehicle to consider this application and other unallocated sites has to be the next iteration of the Local Plan where the merits or otherwise of any new site can be considered against all other sites and the appropriate level of housing requirement.
- The suggested development will prove highly detrimental to the environment and biodiversity. The presented data claiming otherwise cannot be corroborated and is highly unrealistic. Building on this extent of designated green open space and the attendant destruction of trees and hedgerows is counter-intuitive to an increase in biodiversity and is detrimental to wildlife.

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- Environmental pollution, such as noise, waste and litter, will be dramatically increased; this will have a lasting detrimental impact on local residents.
- The style, design and layout of the dwellings are greatly at variance with the adjacent Hither Green Lane properties. The proposed number of properties is more than double those on Hither Green Lane; the density is at least three times greater.
- The extent of the development will further add to existing traffic congestion problems and impact road safety in the area. NoRCA has previously highlighted several technical and factual deficiencies in the latest Traffic Assessment document; these have yet to be addressed, hampering our ability to properly evaluate the data.
- It will create further demand on already greatly over-stretched social infrastructure and amenities such as primary health care services, schools etc. Simply providing a list of schools and services in the area does not equate with being able to provide the additional capacity the development will require.
- The quality of life currently enjoyed by local residents will be significantly reduced; this is completely at variance with what is being claimed.
- The proposed development degrades the only Championship standard 18-hole 'pay and play' golf course in the Borough. The course and hotel complex, currently a real asset to the town, will no longer be one of Redditch's precious leisure resources and attractions. It is NoRCA's considered opinion that the proposed development will have a significantly adverse impact on the Abbey Park golf and hotel facilities which could threaten its future viability and sustainability.
- The land is subject to a covenant restricting its use to leisure purposes. Whilst it is recognised this is a legal matter for the applicant to deal with, planning consent should not be granted if there is a realistic prospect of the development not being able to progress due to legal issues.

### **6.11 North Redditch Communities Alliance (NoRCA) Comments 4<sup>th</sup> February 2024 relating to golfing matters**

Rather than enhancing the course, as is claimed to be the intention, the proposed reconfiguration will only serve to degrade the course and reduce the challenge it currently presents. It will lose its attraction to all types of golfers.

The golf course is currently promoted as a "Championship Standard Course – The Best in the Midlands - upgraded and lengthened to challenge all abilities. This will no-longer be the case should the application be approved.

The Planning Statement comments that it is the applicant's intention to submit an updated golf assessment. The need for a definitive plan for the revised layout has been there from day-one, over two years ago. Whatever plan is eventually forthcoming, it

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cannot disguise the simple facts that two substantial golf holes will be removed, the course will be reduced considerably and condensed into a smaller area. The increase in the number of shorter holes, Par 3's, will have a detrimental effect upon the overall speed of play producing longer playing times, queues on tees and greens and thereby escalating Health and Safety risks for players.

The course will certainly no-longer be one of Redditch's precious resources and attractions.

I believe that the proposed changes, however they are eventually implemented, will result in a loss of membership and a reduced ability to attract new golfers including juniors, seniors, casual and competent golfers - and anybody unable to afford membership of a private club. The course is currently the only 'pay and play' 18-hole course in the town. Quite simply, the proposed development is profoundly detrimental to the promotion of the game of golf in the Borough.

Contrary to what is being claimed in the Statement, there will actually be a reduced playing and visitor experience which I feel will severely impact the Hotel's ability to host golf break and attract golf societies as well as the ability to attract and host competitive team/league matches with neighbouring golf clubs; the associated reduction in revenue may jeopardise the long-term viability and sustainability of the facility.

It is likely the housing development and associated changes to the golf course will take 2 – 3 years . NoRCA understands that during this time the course will be restricted to 10 holes. This will severely impact the golf and is likely to result in a dramatic downturn in golfers choosing to play the course. I understand members will be likely to leave and seek membership elsewhere; pay and play numbers will reduce, golf packages will fall away, golfing visitor numbers will decline. Revenues will be significantly impacted.

It is NoRCA's considered opinion that the proposed development will have a significantly adverse impact on the Abbey Park golf and hotel facilities which will threaten its viability and sustainability. Should the development be approved it is likely that further erosion of the golfing facility will take-place over time. Redditch will thereby lose an important leisure facility and a unique asset.

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## **7.0 Assessment of Proposal**

7.1 The main planning issues to consider in respect of this full application are as follows;

- Five Year Land Supply (Section 8)
- Affordable Housing (Section 9)
- Open Space (Section 10)
- Design and Layout (Section 11)
- Highway and Access Considerations (Section 12)
- Trees and Landscaping (Section 13)
- Ecology (Section 14)
- Heritage Assets and Archaeology (Section 15)
- Landscape and Visual Impact (Section 16)
- Residential Amenity (Section 17)
- Flooding and Drainage (Section 18)
- Air Quality (Section 19)
- Other Matters including Public Consultation Conclusions (Section 20)
- Infrastructure Requirements (Section 21)
- Planning Balance and Conclusion (Section 22)

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' This is also reiterated within the National Planning Policy Framework (NPPF) at paragraph 12 which highlights that the starting point for decision making is the development plan.

7.3 The NPPF seeks to promote sustainable development. The achievement of this aim requires consideration of the inter-linked social, economic and environmental dimensions. Pursuing sustainable development involves seeking positive improvements in the quality of the built environment and in the quality of life; this includes improving the conditions in which people live, work and travel, and widening the choice of homes (paragraphs 7-8). It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

7.4 So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

11c) 'approving development proposals that accord with an up-to-date development plan without delay;

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- 7.5 Section 5 of the NPPF focuses upon the delivery of a sufficient supply of homes, stating:

‘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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.’

- 7.6 Paragraph 75 (Section 5) of the NPPF provides direction on maintaining the supply and delivery of homes, stating:

‘Local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies...’

- 7.7 With regard to transport, paragraph 117 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan and the application should be supported by a transport statement or transport assessment so that the likely impact of the proposal can be assessed. Plans and decisions should take account of opportunities for sustainable transport modes; safe and suitable access for all; and cost-effective improvements to the transport network, to limit significant impacts. However, permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.8 Paragraph 139 states that permission should be refused for development of poor design, which fails to take opportunities for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- 7.9 The NPPF constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but does constitute a material consideration in any subsequent determination.

- 7.10 The overarching aims include the need to boost significantly the supply of housing; the need to facilitate sustainable development and economic growth and the inclusion of a presumption in favour of sustainable development. The NPPF acknowledges that the presumption in favour of sustainable development does not change the primary status of the Development Plan as the starting point for decision making.

### **8.0 Five Year Land Supply**

- 8.1 The 5-year housing land supply (5YHLS) calculation indicates that at January 2024 Redditch Borough Council can demonstrate 10.32 years of deliverable housing

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land supply for the period 1 April 2023 to 31 March 2028.. However, the merits of providing additional homes (including affordable homes) on this site are noted and it is acknowledged that the proposal would assist in delivering new homes and meeting overall housing requirements under Policy 4 Housing Provision to 2030.

- 8.2 It is noted that the applicants have previously questioned the robustness of the Council's current 5-year housing supply. However, the Council has evidence for all the sites that have been included in the 5YHLS calculations. The sites included in Table 9 of the 2022-23 Housing Land Supply report are all allocated sites where the Council has evidence that housing completions will begin within 5 years. Therefore, these sites are 'deliverable' in accordance with the NPPF Annex 2: Glossary definition.
- 8.3 The Council's housing land supply position of 10.32 years means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are a starting point for decision taking and afforded full weight.
- 8.4 The proposed development would provide 214 new dwellings (both market and affordable). The provision of new homes for households of various sizes is a significant benefit of this proposal.
- 8.5 Many comments received have suggested that enough houses have already been delivered and/or that there is no need for the additional homes proposed as part of this development. However, it is worth considering the proposal for 214 new homes within the context of Council's housing supply and delivery position.
- 8.6 In terms of overall supply, 2,503 homes have been completed between April 2011 and March 2023. To meet the Local Plan requirement, another 3,897 dwellings need to be built during the remaining six years of the plan period to 2030.
- 8.7 Whether taken in isolation or seen within the context of the Council's housing supply and delivery position, the provision of 214 new homes on this site should be seen as a benefit of the proposal. It should also be seen as supporting the Government's stated objective of significantly boosting the supply of housing (paragraph 60, NPPF).

### **9.0 Affordable Housing**

- 9.1 Policy 6 requires that this site provide 30% of the proposed homes as affordable housing. The submitted affordable housing statement indicates that the proposals will meet these requirements and commits to providing 30% of the 214 homes as affordable housing. This means that 66 homes will be provided as affordable housing. This is a significant boost to the supply of affordable homes in particular.

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- 9.2 Objection comments have expressed scepticism about the affordable housing proposals, suggesting that they will not be genuinely affordable. However, the proposed affordable housing will be provided in accordance with the Council's preferred tenure split with 75% provided as a social rent tenure and 25% provided for shared ownership. The social rent will be set at Government Target Rent Regime levels.
- 9.3 Objectors have suggested that brownfield sites in the town should first be utilised to provide housing and affordable housing before this site is developed. However, there is no policy requirement to adopt such a sequential approach and it is notable that, due to the increased costs and complexity of bringing forward brownfield land for development, that affordable housing on such sites is often reduced to ensure viability or is heavily dependent upon other funding mechanisms.
- 9.4 The provision of 66 affordable homes in the Council's preferred tenure complies with Policy 6 and is considered to carry substantial weight in the planning balance.

### **10.0 Open Space**

- 10.1 Local Plan Policy 1, Presumption in Favour of Sustainable Development, sets out that: "Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise".
- 10.2 The site is in an area currently being used as part of the Abbey Golf Course. The majority of the site (9.47ha) is designated as Primarily Open Space under Policy 13.
- 10.3 Part of the site (0.38 ha) is shown as "white land" on the Borough of Redditch Local Plan Proposals Map, indicating that it lies within the main urban area of Redditch. Policy 2 Settlement Hierarchy states that the Redditch urban area, as the main settlement, shall be the focus of development as it provides the highest level of services and facilities and offers the most sustainable location.

#### Open space – supply and value

- 10.4 The proposal site is part of a golf course that sits within an area of open space (Arrow Valley Park) which runs north to south through the centre of Redditch's urban area. The part of the golf course in which the site is located is on the north western edge of the open space and is on the edge of Redditch Borough's administrative boundary, leading on to open countryside within Bromsgrove District. Therefore, the area in which the proposal sits, is part of an green corridor. Policy 43.3 of the Local Plan notes that all proposals affecting leisure assets

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(including Arrow Valley Country Park) should “contribute positively to the Green Infrastructure network of the Borough”.

- 10.5 The definition of ‘Open Space’ in the NPPF includes land which offers important opportunities for sport and recreation and land which can act as a visual amenity. (i.e. land of various ‘Types’) Recreation can be considered in two ways: active recreation and passive recreation. The latter being where the public may look across a site of open space.
- 10.6 The site at Hither Green Lane is in Abbey Ward in Redditch. The table below sets out the type and size of open space that currently exist in this ward. It should be noted that the table below excludes open space at Arrow Valley Park.

Table 1 Open Space – Abbey Ward

Open Space Typologies	Existing Ward Provision (ha/1,000)	District Standard (ha/1,000)	Is there an open space deficiency in this Ward?
Allotments and Community Gardens	0.523	0.240	No
Amenity Green Space	1.743	0.960	No
Natural and Semi Natural Green Space	1.004	1.970	Yes
Outdoor Sports Facilities	0.386	0.600	Yes
Parks and Gardens	0.000	1.160	Yes
Provision for Children	0.070	0.037	No
Provision for Teenagers / Young People	0.014	0.025	Yes
<b>Total</b>	<b>3.739</b>	<b>4.990</b>	Yes

Source: Calculated using sources from Open Space Study (2023)  
Definition of Open space typologies can be found in the Open Space Study (2023).

- 10.7 Abbey Ward has an overall deficiency in open space compared to the local standards identified in the Open Space Study (2023<sup>1</sup>). Table 1 shows Abbey Ward has 3.739 ha of open space per 1000 population compared to the Borough average of 4.990 ha open space per 1000 population, which equates to a deficit of 1.251 ha open space per 1000 population.
- 10.8 However, the outdoor sports provision included in these figures above (0.386 ha) only includes publicly accessible and unrestricted open space. The golf course is considered to be a limited-access open space within the Open Space Study, therefore, it has not contributed towards the ward or Borough standards and the figures outlined in Table 1. On that basis the loss, because of the proposed development, would have no impact on the current deficit identified within the Open Space Study.

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<sup>1</sup> <https://www.redditchbc.gov.uk/media/7835935/Redditch-Open-Space-Study-FINAL-rev04Sept23-.pdf>



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10.9 In relation to the site's use, the effect of the private golf course is that the recreation use is restricted to active recreation for existing members and day members and passive recreation and amenity/visual amenity for existing residents of the Hither Green estate and those using the footpaths in proximity to the site, from which the site is visible.

### Effect of the development on the supply and value of open space

10.10 The proposal would result in a direct loss of more than 9ha of designated open space.

10.11 It should be noted that while there would be a quantitative loss of designated open space, this open space is currently in a private golf course use and there is currently no designated Public Right of Way (PROW) over the application site. This means that the proposal site is currently not a publicly available open space to be used and therefore does not contribute to the supply of open space for Abbey ward as described in Table 1 above.

10.12 However, should this proposal be allowed, the development would result in around 3.2ha (around 32% of the application site) becoming publicly accessible open space. This would be in the form of natural and semi natural green spaces, amenity green spaces, provision for children and a community garden. Outdoor sports facilities and provision for teenagers (if not provided on site) would be met by way of a commuted sum to contribute towards off-site provision.

### National Policy

10.13 The importance of open space for the health and well-being of communities is recognised by local and national planning policy. Accordingly, Paragraph 103 of the NPPF states that:

"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 recreational provision, the benefits of which clearly outweigh the loss of the current or former use".

10.14 The NPPF does not require all the above criteria to be addressed to comply with paragraph 103. In this case, criterion b is most relevant. Criterion b) requires consideration of whether the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a

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suitable location. In the context of point b, 'equivalent' does not necessarily mean the same in either quantitative or qualitative terms. Reference is made to the Brommell<sup>2</sup> case, which concluded that whether or not provision is equivalent or better should be judged in terms of both quality and quantity. The case clarified that the overall requirement is that the open space land lost must be made up for and whether or not that requirement is met is a matter of planning judgement, having regard to both the quantity of what is to be provided and the quality, but allowing (in an appropriate case) for one to be set off against the other. The case also established that qualitative improvements to the open space that is left can provide 'equivalent or better' provision.

- 10.15 It is acknowledged that the proposal will result in the loss of at least 9ha of designated open space. The remaining space and reconfigured golf course will ensure that an 18-hole course would be retained on the wider site. This would be secured via the planning obligation. The open space onsite created as part of the proposed application would be more accessible to existing and future residents, there would be improvement to the retained area in terms of ecology; landscaping; the improvement of footpaths and additional footpaths. I consider that opening of public access to the remainder of the application site and the associated qualitative improvements would off-set the net loss of designated open space that is not publicly available. In my judgement, given the significant proposed improvements to ecology, landscaping and the retention of the golf course., the provision would be at least equivalent to the existing position. Hence criterion b) is met and no conflict arises with paragraph 103 of the NPPF overall.

### Development Plan Policies related to open space.

- 10.16 The site is designated under Policy 13 as Primarily Open space. The policy supports the protection and, where appropriate, enhanced to improve quality, value, multifunctionality and accessibility of open space. In order to maintain the levels of open space provision in the Borough, proposals that would result in the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as an open area. The merits of the proposal (including housing provision, affordable housing and other matters) are fully assessed below in the Planning Balance and Conclusion section of the report.
- 10.17 Policy 11 Green Infrastructure seeks to safeguard the Green Infrastructure (GI) Network and new development will be required to contribute positively to the GI. The GI Network is a multifunctional resource that includes, but is not limited to, green spaces and corridors, waterways, natural heritage and wildlife habitats.
- 10.18 Policy 12 Open Space Provision, under this policy the Borough Council is committed to maintaining minimum standards of open space provision, as outlined

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<sup>2</sup> R(Brommell) v Reading BC & Anr [2018] EWHC 3529 (Admin)

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in the Open Space Needs Assessment and Playing Pitch Strategy. New development will be required to improve open space, sports, and recreation facilities, in line with the Borough Council's Adopted Open Space Provision Supplementary Planning Document. New open space should be strategically located to contribute to the Green Infrastructure Network and increase its multifunctionality. The Borough Council will support, in principle, the development of new open space, sports and recreation facilities.

10.19 In terms of Policy 13, as development on this site would result in a “partial loss of Primarily Open Space”, even though the golf course is privately accessed, it is still required to be “demonstrated that the need for development outweighs the value of the land as an open area” (Policy 13.1 of the BORLP4). Section 13.2 of Policy 13 sets out the criterion what will be considered (see below table). This outlines the relevant criterion, how strategic planning consider it applies to the site and the applicants case.

<b>Consideration in Policy 13.2 of the BORLP4</b>	<b>Strategic Planning Assessment of Policy criterion</b>	<b>Applicants Case (as outlined in the Planning Statement January 2024)</b>
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 to the north of Redditch. Development in the current proposed layout would sever this green corridor.	As set out in the accompanying submission documents, the amenity value of the site is limited as it is in private ownership and not publicly accessible. The site is currently a manicured golf course – the environmental value of the site is therefore compromised by this.
ii. the recreational, conservation, wildlife, historical, visual and community amenity value of the site;	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.  As discussed above, the site makes up the northern-most part of Arrow Valley Country Park, so has some cultural	The golf course will be retained as an 18-hole course and be reconfigured to a par 3 standard to become more playable and useable to members and visitors. 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 relationship between the hotel and golf course. The proposals seek to provide onsite biodiversity

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<b>Consideration in Policy 13.2 of the BORLP4</b>	<b>Strategic Planning Assessment of Policy criterion</b>	<b>Applicants Case (as outlined in the Planning Statement January 2024)</b>
	value as this distinctive feature of Redditch, and also serves as a green corridor for wildlife.	net gain, thus enhancing the wildlife onsite. The Site is currently only accessible to those with memberships or visitor passes and does not provide any official Public Rights of Way. However, the proposals will considerably enhance the community amenity value of the Site by: <ul style="list-style-type: none"> <li>- Providing active sport recreation;</li> <li>- Enhance active recreation rights of way;</li> <li>- Enhance passive recreation walks;</li> <li>- Provide enjoyable onsite amenity;</li> <li>- Provide present and future amenity opportunities; and</li> <li>- Provide an attractive visual amenity.</li> </ul>
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;	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.	Given the Site is not publicly accessible, it is considered that there are limited merits to the Sites current contribution to public open space or the Green Infrastructure Network. As such, as a part of the proposals, the Site will provide publicly accessible connections to the surrounding Green Infrastructure Network and will improve accessibility to open space. Matters relating to the character and appearance of the area are covered in the LVIA
iv.the merits of protecting the site for alternative open space uses;	In order to enable other uses to come forward as part of a scheme, some housing	As set out in the open space assessment, there is sufficient open space within

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<b>Consideration in Policy 13.2 of the BORLP4</b>	<b>Strategic Planning Assessment of Policy criterion</b>	<b>Applicants Case (as outlined in the Planning Statement January 2024)</b>
	development would likely be required to financially facilitate this.	this Ward and given that the site is in private ownership, it is considered that a qualitative improvement to the open space would be better achieved through enhancements to Arrow Valley Country Park.
v.the location, size and environmental quality of the site;	Through the proposed Biodiversity Net Gain, the biodiversity value of the site, if developed, would increase by 10% under the biodiversity metric.	The Site is sustainably located to the north of Redditch. 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.
vi.the relationship of the site to other open space areas in the locality and similar uses within the wider area;	Currently the golf course provides part of the green corridor connecting Arrow Valley Park to the countryside to the north of Redditch.	The Open Space Study recognises that the Site is considered to be an outdoor sports facility with limited accessibility. On this basis, the Site has been excluded from the open space standards. As such, it is considered that the Site serves little benefit to the wider community, given it is only accessible to those with a membership or visitor pass. Given the proposals seek to deliver an enhanced and more accessible golf course, it is considered that its loss will not have a significant adverse effect on the open space provision as

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<b>Consideration in Policy 13.2 of the BORLP4</b>	<b>Strategic Planning Assessment of Policy criterion</b>	<b>Applicants Case (as outlined in the Planning Statement January 2024)</b>
		a whole for the local community. 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.
vii. whether the site provides a link between other open areas or as a buffer between incompatible uses;	Currently the golf course provides part of the green corridor connecting Arrow Valley Park to the countryside to the north of Redditch.	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. The Site does not serve 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	<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 discussed above.</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 local community and hotel. 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.
ix. the merits of the proposed development to the local area or the	The Borough has 10.32 years of housing land supply.	As mentioned above, the Site is recognised as a tourist asset in accordance

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<b>Consideration in Policy 13.2 of the BORLP4</b>	<b>Strategic Planning Assessment of Policy criterion</b>	<b>Applicants Case (as outlined in the Planning Statement January 2024)</b>
Borough generally		with Policy 43 (Leisure, Tourism and Culture) of the Local 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 towards the local economy, a more useable and playable golf course will be delivered to suit those visiting the hotel, as well as members. The reconfiguration of the course to deliver an improved golfing facility will safeguard and strengthen the relationship between the hotel and golf course. As such, it is considered that the proposed development offers merits not only to the local area, but also to the wider Borough.

10.20 If the need for the proposed development does not outweigh the value of the open space, paragraph 13.6 of the Local Plan states that planning permission will not be granted. The balancing exercise is outlined below in relation to this element.

Officer Assessment related to Open Space considerations

10.21 It is accepted that green spaces, such as this site, are recognised in terms of their contribution to the green infrastructure (GI) network, which delivers environmental and quality of life benefits for local communities. In this case, irrespective of any recreational use, the site has a visual amenity value that will be reduced if the site is developed. As outlined in Policy 11 Green Infrastructure, the existing GI network will be safeguarded and new developments will be required to contribute positively to the GI Network.

10.22 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. However, just because an area of open green space is not currently identified within a

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classification type does not necessarily mean that it does not have value as GI and as such needs to be subject to the same general objectives and considerations as set out in the Policy.

- 10.23 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.
- 10.24 On this basis, parts (i), (iii), (vi) and (vii) of Section 13.2 of Policy 13 are satisfied.
- 10.25 It is considered that the development complies with Policy 12 Open Space Provision. The development will provide approximately 3.2 hectares of publicly available open spaces and these will be retained in prematurity. This includes native orchard, amenity green spaces throughout the site, woodland areas, and the provision of a LAP and equipped play areas. As a result of this new provision, it is considered that part (viii) of Section 13.2 of Policy 13 has been addressed.
- 10.26 It is considered that the amenity value of the site is limited as it is in private ownership and has limited public accessibility. Furthermore, the environmental value of the site is compromised as it is currently a manicured golf course. Details of Biodiversity net gain is outlined and assessed in Section 14 of the committee report. However, this is considered satisfactory and therefore part (v) of Section 13.2 of Policy 13 is acceptable.
- 10.27 As outlined in the consultation section, England Golf sought further clarification from the applicant regarding the retention of an 18-hole golf course on the wider site. Following this clarification, 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 on the remaining site. This would be secured by a legal agreement. The previous objection from England Golf has been withdrawn. Therefore, parts (ii) and (iv) of Section 13.2 of Policy 13 are satisfied.
- 10.28 The merits of the proposal (including housing provision, affordable housing and other matters) are fully assessed in the Planning Balance section of the report below, to determine whether (ix) of Section 13.2 of Policy 13 is satisfied. It is also acknowledged that the hotel and golf club contribute to the local economy and are tourist assets. Under Policy 43 Leisure, Tourism and Culture, leisure and tourism proposals that support sustainable tourism or leisure development and benefit will be generally supported, subject to the criteria of that policy being met.



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### Conclusions on Open Space matters

- 10.29 In conclusion, the proposal would result in the loss of over 9ha of designated open space. However, the development would provide greater public access across the application site, along with management and maintenance of the site in perpetuity. Furthermore, the proposal would result in ecological and landscape improvements. As a part of the development of the site, the golf course is proposed to be reconfigured to retain an 18-hole golf course to suit those visiting the hotel, as well as members. Taking the specific circumstances of the case into account, the proposal would provide equivalent open space to offset the loss of designated open space, which itself has limited public accessibility.
- 10.30 Therefore, Policies 11, 12 and 13 (subject to the final consideration of the merits of the proposed development) as well as the provisions of the NPPF have been complied with.

### **11.0 Design and Layout**

- 11.1 The NPPF at paragraph 131 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 11.2 Paragraph 135 confirms that permission should be refused for the development of poor design that fails to take advantage of the opportunities available for improving the character and quality of an area and the way it functions.
- 11.3 Policy 39 of the Local Plan states that development in the Borough should contribute positively to the local character of the area, responding to and integrating with distinctive features in the surrounding environment. All development proposals should:
- Seek to optimise the potential of the site to accommodate sustainable development through making the most efficient use of the space available
  - Be resilient to the effects of climate change, whilst also protecting and enhancing local distinctive and historic features to improve the character and quality of the local environment
  - • Incorporate features of the natural environment including infrastructure.
- 11.4 Policy 40 of Local Plan refers to good design and states 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.

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- 11.5 The layout of the proposed dwellings in the entrance area would respect the existing set back of built form along the Hither Green Lane frontage. It would also allow the inclusion of sections of public open space/landscaping on the frontage, which would soften the appearance of the development and help integrate it into its setting. In addition, the scale of the dwellings would be largely limited to two storeys in this part of the site, which would reflect the appearance of neighbouring dwellings. There is a small cul de sac for 4 dwellings closer to junction of Dagnell End Road and Hither Green Lane.
- 11.6 The remainder of the development would be laid out in series of connected development parcels (in a cul de sac form) served off the main vehicular access drive. The development's main route is well-defined and enclosed by dwellings on both sides, with active frontages along its length and 2.5-storey dwellings. Vertical variation and block paving reduce traffic speeds and provide legibility. 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 development features 2 and 2.5-storey dwellings, ensuring a well-designed and efficient urban environment.
- 11.7 Furthermore, there would 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.
- 11.8 It is acknowledged that concerns have been raised regarding the appearance of proposed dwellings. However, the dwellings generally are characterised by a more contemporary design appearance and would utilise a mix of brick, render and weatherboarding. In this context and given the variety in the design and appearance of properties in this area of Redditch, it is considered that the design approach is acceptable.
- 11.9 Policy 5 of Local Plan refers to the potential density of housing that should be encouraged in the Borough. The NPPF requires local planning authorities and developers to make effective use of land, especially if this would help meet identified housing needs where land supply is constrained. Section 11 of the NPPF emphasises the importance of making effective use of land, and with respect to density, Paragraph 129 states 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." The total net site measures approximately 5.6 hectare in area, 214 units of accommodation proposed represent an approximate density of 36 dwellings per hectare. Policy 5 of the Local Plan requires a general density of 30-50 dwellings per hectare.

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- 11.10 Turning to the public realm and open space, the layout incorporates street trees along the main roads in the development, which would enhance the quality of the development as well as serving to break up the appearance of the development.
- 11.11 There are several large and incidental open spaces areas provided throughout the development, which will be accessible to new residents and the existing community by way of new footpath links. Within the development, there are a range of well-located open spaces, including a Local Area for Play (LAP).
- 11.12 Overall, it is considered that the proposal is broadly in accordance with good placemaking and design principles and would meet with the policy requirements in the development plan to form a comprehensive and integrated development with the neighbouring estate. The design and appearance of the dwellings are of good quality in accordance with Policies 39 and 40 of LP4, Redditch High Quality Design SPD and the NPPF.

### **12.0 Highway and Access Considerations**

- 12.1 Policies 19 and 20 of the Local Plan set out a series of aspirations and requirements in relation to transportation and highway matters when considering planning applications. Furthermore, the NPPF at paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 12.2 The application submission includes a Transport Assessment and a Travel Plan. Revisions have been made to the transport assessment and layout of the proposals to accommodate concerns raised by Worcestershire County Council.
- 12.3 Vehicular access will be provided via a new priority crossroads junction along the site's eastern frontage, formed with Hither Green Lane and the unnamed access road serving the golf range on the opposite side of the road. Due to the scale of development proposed, an alternative point of access into the site will be provided for emergency vehicles. This will be provided on to Dagnell End Road at the western end of the site frontage, in the form of a 3.7m wide pedestrian link, with retractable bollards to prevent private vehicle access.
- 12.4 Parking has been provided in accordance with the relevant parking standards set out within WCC's Streetscape Design Guide (2022), with the minimum requirements as follows:
- 1 bedroom unit: 1 vehicle space & 1 cycle space;
  - 2-3 bedroom units: 2 vehicle spaces & 2 cycle spaces; and
  - 4-5 bedroom units: 3 vehicle spaces & 2 cycle spaces.

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12.5 To encourage travel to and from the site by sustainable modes of transport, the proposed development will include the following infrastructure:

- To the north of the site, a pedestrian route will link the site with Dagnell End Road.
- A new section of footway will also be provided on the southern side of Dagnell End Road, within the existing highway boundary. This will connect with the existing footway on the southern side of Dagnell End Road, providing a connection west towards the existing footway network along Birmingham Road (A441).
- To the south and west pedestrian / cycle connections will be provided with the existing connection which runs alongside the River Arrow and connects with Birmingham Road immediately north of the river over-bridge. This will provide a direct and attractive route to the local facilities and amenities in the vicinity of the site.
- Improvements to the existing footway adjacent to the A441 are also required to provide a 3.5m wide route. These enhancements provide a direct route from the development towards the town centre for pedestrians and cyclists.

### Traffic Impact Assessment

12.6 The applicants transport consultants (Mode) originally presented vehicle trip rates derived from TRICS in the TA, but these were not accepted by the Highway Authority. The trip rates presented were believed to be too low, when compared to our own TRICS comparisons.

12.7 The trip rates utilised for the nearby Brockhill Phase 3 proposals were instead agreed, The Highway Authority accepts that the proposals would generate 152 two-way trips (AM) and 162 two-way trips (PM) during weekday peak hours, based on two-way vehicle trip rates of 0.706 (AM) and 0.750 (PM).

12.8 Capacity assessments have been undertaken for the access junction onto Hither Green Lane, the Hither Green Lane / Dagnell End Road junction, and the Dagnell End Road / A441 Birmingham Road signal junction.

12.9 The capacity assessment results for the Site Access / Hither Green Lane junction and the Hither Green Lane/ Dagnel End Road junction, show these junctions operate well within capacity for a worst-case traffic scenario, for the assessment year of 2030. The Highway Authority accepts these results.

### Dagnell End Road signal junction

12.10 Regarding Dagnell End Road Signal Junction, a committed improvement scheme is identified for the Dagnell End Road / A441 Birmingham Road signal junction, linked to planning permission granted for the hybrid Brockhill Phase 3 proposals (App Ref: 19/00976/HYB and 19/00977/HYB). This scheme is to be delivered as

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part of a S278 Agreement for the Brockhill application and constructed in phase with the developments build out.

- 12.11 Mode first attempted to reproduce the LinSig model created for the Brockhill Phase 3 proposals, but later updated the model with new traffic surveys collected on Tuesday 15th November 2022, covering weekday peak periods between 0700–1000 and 1600–1900. Background traffic has been growthed using TEMPro to obtain a 2030 future year, consistent with the end of the current Redditch Local Plan period. Committed development trips include the Webheath, Foxlydiat and Brockhill East Phase 3 proposals.
- 12.12 The junction modelling also indicates that the junction will operate within its practical reserve capacity during a 2030 baseline traffic scenario, and this will continue to be the case following the additional traffic associated with proposed development. These results form an updated position to what was originally included in the Mode TA.
- 12.13 The traffic modelling results indicate that the junction now experiences an improved level of operation, when compared to the modelling results first presented in the TA that accompanied the Brockhill Phase 3 application.
- 12.14 Compared to the background traffic flows surveyed and used in the LinSig model for the Brockhill Phase 3, traffic flows have since slightly reduced post-covid and this has been confirmed by the Highway Authority's own permanent traffic counter, which is positioned on the A441 to the north of the Dagnell End Road junction (the northern arm of the junction). Several months' worth of data was obtained to verify this.
- 12.15 As the junction technically remains within capacity, and is shown to operate at greater capacity, with committed development traffic and the committed improvement scheme included, than was previously accepted by the Highway Authority for the Brockhill Phase 3 proposals, the Highway Authority accepts that further mitigation measures are not warranted. The capacity results also do not take account of any mode shift potential from travel planning and public transport measures.
- 12.16 On review of this information, the Highway Authority is satisfied that the impacts on the development would not be severe in accordance with paragraph 111 of the NPPF.

### Access

- 12.17 A single point of vehicular access is to be created to serve the site, which forms a priority crossroads junction with Hither Green Lane. This junction also includes an unnamed access road serving the existing Abbey golf club on the opposite side of the carriageway. The access junction includes a 5.5m width carriageway, with

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10m corner radii and 2m wide footways on either side. Appropriate visibility splays have been provided at the site access in accordance Manual for Streets requirements.

12.18 Visibility splays of 2.4m X distance and a Y distance of 43m are shown to be achievable at the access junction, based on the higher values of the speed limit of Hither Green Lane and recorded 85th percentile speed surveys.

12.19 The Highway Authority is satisfied that the scale, form, and footprint of the access arrangements are acceptable, and that safe and suitable access can be ensured for all users in accordance with paragraph 110 of the NPPF.

### Internal Layout

12.20 The final internal site design has been provided in accordance with the WCC Streetscape Design Guide, with 5.5m carriageways and 2m footways provided throughout. For roads designated a future bus route, a carriageway width of 6.1m is provided. Appropriate junction radii and visibility requirements are provided and vehicle tracking has been presented for an appropriately sized refuge vehicle and fire tender. The site design is deemed to be functional, whilst seeking to minimise the scope for conflicts between pedestrians, cyclists and vehicles.

12.21 Parking provision has been provided in accordance with standards set out in the Streetscape Design Guide. A small number of additional on-street visitor parking spaces have also been provided.

### Pedestrian / cycle access

12.22 The Brockhill Phase 3 proposals (committed development) are to provide pedestrian enhancements to the Dagnell End Road signal junction, incorporating a pedestrian crossing operated by a push button on a walk-with basis. This will connect to a new footway provided along the southern side of Dagnell End Road, which will extend towards the Hither Green Lane site. This will provide safe pedestrian infrastructure for residents to access the M&S petrol filling station store located a short distance to the north of the junction. The Hither Green application site will extend this footway further east along Dagnell End Road, with a pedestrian/cycle link connecting into the site.

12.23 The M&S petrol filling station store, complete with Wild Bean café, the Abbey hotel spa and golf course, with three restaurant / bars open to the general public, and the Meadow Farm public house and accommodation are all located within 450m of every part of the site.

12.24 To ensure appropriate pedestrian and cycle connectivity is provided enhancements to existing infrastructure are required. The existing path that currently runs alongside the River Arrow to the south of the site is to be widened to

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provide a 3.5m width bound surface route that is lit and which can be used by pedestrians and cyclists to access the A441. Whilst the final details of the scheme are still to be agreed, these form a planning condition below. Improvements to the existing footway adjacent to the A441 are also required to provide a 3.5m wide route. These enhancements provide a direct route from the development towards the town centre for pedestrians and cyclists.

### Public Transport

12.25 The Highway Authority has reviewed and set out in formal observations on the availability of public transport services for two elements:

1. Public Transport
2. School/Community

12.26 The nearest marked bus stops to the site are positioned on the A441, which are currently more than 700 metres from the centre of the proposed development site. Parts of the development would be more than 800 metres away from these stops. Given this distance, it difficult to accept that public transport would offer a 'genuine choice' for some of the site's future occupants.

12.27 The bus stop on the A441 is served by Diamond bus services 182 and 183, although the service frequency is known to be limited and unlikely to be attractive at encouraging residents to use public transport over private car. A further school bus also serves the nearby Abbey hotel.

12.28 To meet with NPPF and Local Plan policy requirements, a new bus service is proposed. It has been agreed that the Diamond 62 Service will be routed into the site, as the 63 Service.

12.29 Due to the current uncertainties around commercial bus services and the complexities of conformance with public sector procurement regulations, Worcestershire County Councils policy is to request contributions towards bus services, using this to provide a stand-alone service. The intended route will travel internal to the site, routing within a short distance of all future site occupiers and offer an hourly frequency service to Redditch bus station and wider town centre. This will cover typical AM and PM commuter periods and be available Monday to Saturday all day and into the evening.

12.30 The bus will not only benefit new site residents but provide a wider opportunity for mode shift in surrounding residential sites. Access to Redditch Railway Station will now also be possible through the provision of this bus.

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### School / Community Transport

- 12.31 Although Hither Green Lane is on the edge of Redditch, schools for the catchment area are: North Bromsgrove High School (approx. 17km), South Bromsgrove High School (approx.13.5 km), Alvechurch Middle School (approx.4.9km). These distances necessitate the use of a vehicle as they are not within reach for active travel. The first school within the catchment is the Beoley First School, which is approximately 2.5 km from Hither Green Lane.
- 12.32 The statutory duty to provide free home to school transport is detailed in guidelines issued annually by DfE as required under the Education Act 1995. Worcestershire County Council puts these guidelines into effect through its Transport and Travel Policy, which is revised annually. This is a statutory provision related to the duty to provide school places and is required for the development to proceed as the development will cause the County Council to incur costs as a direct result of the distance between the proposed development and one or more designated schools.
- 12.33 Normally children living in Worcestershire are expected to attend the appropriate designated school for the children's age and address. Where places are not available in the designated school, the children may be assigned to another school or re-designated school.
- 12.34 Regarding community contributions, under the 1985 Transport Act, WCC has a duty to consider the transport needs of elderly and disabled residents. A service must be provided for all elderly and disabled residents unable to access a bus due to disability. WCC analyses this using historic trip need, DfT mileage rates and census data based on five years calculated cost. The service provides access to vital services, particularly acute health, where it is no longer policy to offer appointments at the nearest facility to the resident's home address.
- 12.35 The Highway Authority has undertaken a review of the assessments, as prepared on behalf of the applicant by Mode Transport Planning (Mode). The Highway Authority has held regular discussions with the applicant team, over emails, through the submission of technical notes and as part of online meetings, seeking to appraise and shape the site in a way that meets with transport policy requirements and design criteria set out within the WCC Streetscape Design guide. They have reached a position where the proposals are acceptable to the Highway Authority, subject to conditions and financial obligations.

### Travel Planning

- 12.36 The Highway Authority has undertaken a review of the Residential Travel Plan (RTP) and acknowledges that the applicant has put forward a range of measures to encourage and promote sustainable journeys to and from the site, in addition to the physical infrastructure previously identified. Key measures include:



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- 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.
- Personalised Travel Planning (PTP) will allow residents to contact the 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.

12.37 The RTP seeks to achieve a mode shift reduction in single occupancy car trips of 5% (from baseline surveys) over a period of 5 years. A planning condition is included with this response to ensure appropriate commitment and measures are implemented.

### **Conclusion on Transportation and Accessibility issues**

12.38 The application is of a reasonable scale and will result in an increase in movements across all modes of transport. It is recognised that the proposal has gone through different iterations. However, the access arrangements have been subject to considerable scrutiny and found to be acceptable by WCC Highways. A package of offsite work and financial contributions as described by the WCC Highways are proposed via legal agreements to ensure any impacts on the network are mitigated.

12.39 Through proactive dialogue and an engineering review of the site access proposals and the internal site layout, the Highway Authority is now content that the access proposals are safe and suitable, and the internal layout accords with the adopted Design Guide, the Worcestershire Streetscape Design Guide. In this respect, the scheme would not conflict with any relevant policies, including those which require transport and safety considerations to be considered.

12.40 It is noted that objectors are concerned with a range of highway issues; however, based upon the response from WCC Highways, there are no justifiable grounds on which an objection could be maintained on highway grounds.

12.41 Therefore, it is considered that the proposed development would deliver sustainable development in accordance with the requirements of Local Plan Policies 19, 20 and 22 and the NPPF.

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12.42 In conclusion, whilst the proposals will add to existing traffic on the local road network, the detailed transport assessments undertaken, and reviewed by the WCC Highways, demonstrate that the network would still be operating within capacity and that the impacts of the development cannot reasonably be described as severe. In accordance with paragraph 115 of the NPPF, development should not be refused on highways grounds.

### **13.0 Trees and Landscaping**

13.1 Policy 40 of the Local Plan provides a set of principles to ensure developments are of high quality. It is acknowledged that development of a site such as this will inevitably lead to tree removal. Officers are therefore seeking to ensure that the maximum number of higher grade trees are retained, that these trees can successfully be retained without direct harm or long-term pressure to prune; and that adequate mitigation planting is proposed.

13.2 The site of the proposed development is currently under the protection of two Tree Preservation Orders: Redditch New Town TPO No.1 1965 and Tree Preservation Order No.180 2022.

13.3 The proposed development aims to retain existing trees but will require the removal of several trees within the site. Key trees, with high and moderate retention value, will be retained and incorporated into the landscape strategy. However, twelve trees, eleven groups, and three hedgerows will be removed, along with ten groups, a hedgerow, and one woodland. Three trees are unsuitable for retention, and one is of moderate retention value. New tree planting will be required to mitigate the loss. The Arboricultural Impact Assessment (AIA) predicts that the proposed development will not significantly impact the local area's visual amenity due to the removal of low-retention trees. The long-term health of retained trees will be mitigated through tree planting. Recommendations include construction exclusion zones, tree protection barriers, and ground protection measures. The AIA also advises carefully selecting species for the landscaping scheme to reduce future tree removal risks.

13.4 The tree officer has assessed the proposal and supporting arboricultural work. Following revisions to the scheme to incorporate comments received from the officer (in particular about Tree G27), the officer has no objection, subject to conditions. The officer concludes that the proposed loss of trees required to facilitate the development is regrettable, though they are generally unremarkable trees of low arboricultural value that could be replaced or mitigated reasonably easily with an appropriate level of new planting within the landscaping scheme of the project.

13.5 Historic England's comments regarding adding more natural screening should be added along the housing edge or around the attenuation pond to soften potential visual intrusions. Landscaping is shown in this area, and it is considered that, via a

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detailed landscaping condition, sufficient natural screening will be provided in this area.

### **14.0 Ecology**

- 14.1 Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. As well as promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.
- 14.2 In line with Policy 16, appropriate mitigation measures must be implemented to ensure protection of the natural environment, with benefits from development to biodiversity captured.
- 14.3 Biodiversity Net Gain (BNG) has become mandatory for major applications submitted as of 12th February 2024. However, this application was submitted prior to this date and is therefore not subject to mandatory BNG, which would require a minimum 10% biodiversity gain required calculated using the Biodiversity Metric and approval of a biodiversity gain plan.
- 14.4 Ecology surveys have been submitted with the application and the Council's appointed Ecologist (Thompson Ecology) and Natural England are satisfied that the survey effort is sufficient to inform the application for development.
- 14.5 An updated Preliminary Ecological Appraisal has been prepared by Middlemarch Environmental. The survey comprised an Extended Phase 1 Habitat Survey including initial observations of any suitable habitats, or any evidence of protected / notable species.
- 14.6 The appraisal set out that the key ecological features on site in relation to the proposed development are woodland and scattered trees, hedgerows and standing water, which have the potential to support a range of protected species.

### **Preliminary Bat Roost Assessment**

- 14.7 Middlemarch conducted a preliminary bat roost assessment. The assessment identified multiple features around a building in the north-eastern corner of the site, which could potentially support roosting bats. The building was classified as having high potential due to its height and location. Fourteen trees on the site were found to have potential roosting features, with ten having high potential and four having low potential. Two trees, T2 and T13, will be impacted by the proposed development. The proposed site layout includes removing areas of plantation woodland, hedgerows, dense scrub, and scattered trees, as well as some smaller ponds. The proposed changes aim to enhance the retained areas of woodland, create a new SUDS feature, and plant wildflower grassland. The impact on

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foraging and commuting habitat is likely to be temporary, with eventual beneficial effects. Mitigation measures include additional surveys, soft felling of low-potential trees, careful design of new lighting, and habitat enhancement through bat boxes at suitable locations.

### Badger Survey

- 14.8 Middlemarch conducted a badger survey to determine the presence or absence of badgers on and adjacent to a site. The survey found no badger activity within the site and no setts within 30m. However, badgers are known to be present in the wider area, as a deceased badger was reported and a pit latrine was noted in the golf course off site. No further survey or mitigation works were considered at this stage. Recommendations include covering excavations at night, fitting mammal ramps, covering open pipework, remaining vigilant during site clearance, sensitive rabbit burrow clearance, and updating the survey if no work has commenced within 12 months.

### Great Crested Newt Habitat Suitability Index Assessment and eDNA Survey

- 14.9 Middlemarch conducted a HSI Assessment and Environmental DNA (eDNA). The survey identified up to 21 ponds within a 500m radius of the site, with nine ponds within a 250m radius. All ponds were negative, indicating an absence of great crested newt DNA. Due to the number of ponds, it was believed that common amphibians were present on the site. The unmanaged grassland habitats, woodland, hedgerows, and scrub habitats are suitable for foraging and sheltering amphibians. Four on-site ponds are proposed to be removed to facilitate development. Mitigation measures include validating survey data for two years, managing grassland habitats until construction begins, removing ponds during the amphibian active season, following best practice kerb and gully pot design, and creating new wildlife ponds or enhancing retained ponds within the golf course. Amphibian hibernaculum and log piles could be created within open space on the site to provide additional opportunities for sheltering amphibians, small mammals, and invertebrates.

### Reptile Survey

- 14.10 Middlemarch conducted a reptile habitat assessment and presence/absence survey between June and July 2020. The survey found a low grass snake population with an estimated 0.6 individuals per hectare of suitable habitat on the site, which does not meet the criteria for a Key Reptile Site as defined by Froglife (1999). A small number of common toad were also identified, and habitats are suitable for common amphibian species. The proposed development will result in the permanent loss of suitable habitat for grass snakes, including unmanaged scrub and grassland and woodland edge habitats, and the removal of four ponds. However, due to the low population size and suitability of surrounding habitats, adverse impacts can be avoided through reasonable avoidance measures. The

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recommended mitigation and compensation measures include an updated assessment of the site, adhering to the Reasonable Avoidance Method Statement, and providing habitat enhancement measures.

### Breeding Bird Survey

- 14.11 Middlemarch undertook a breeding bird survey at a site to assess its suitability for bird breeding. 36 bird species were recorded, with 21 confirmed breeding or likely breeding. The remaining 15 birds were observed using or overflying the site, but not breeding within the study area. The site had a moderate variety of habitats, including scrub, woodland, and standing water, supporting various breeding bird species, including some conservation-conscious ones. Recommendations were provided to ensure the site continues to provide suitable breeding habitats.

### Construction Ecological Management Plan (CEcMP)

- 14.12 A Construction Ecological Management Plan (CEcMP) has been developed to minimize the potential impact of the development on the site's ecology and comply with wildlife legislation. The plan includes a summary of the existing ecological baseline, measures to protect ecologically sensitive habitats during construction, and practical measures to protect biodiversity features. Mitigation measures will be provided based on survey work, aiming to minimize the proposed development's ecological impact.

### Biodiversity Net Gain

- 14.13 Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. It does not change existing legal protections for important habitats and wildlife species. It maintains the mitigation hierarchy of avoiding impacts first, then mitigating, and only compensating as a last resort.
- 14.14 As outlined above, BNG has now become mandatory for major applications. This application was submitted prior to 12th February 2024 and therefore this application is not subject to the mandatory BNG requirements. Nevertheless, the NPPF advocates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts and providing net gains for biodiversity. At this time, there is no specific local plan policy, either adopted or emerging that requires the equivalent compensatory measures as BNG.
- 14.15 A biodiversity metric has been submitted as a part of the proposals. A net gain in biodiversity (+1.84% habitat units, +4.85% hedgerow units) will be provided through biodiversity enhancements on offsite land immediately to the east of the proposed development (the retained golf course).

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14.16 Thompson Ecology have considered the ecology information, subject to the delivery of the specified Biodiversity Net Gain and the additional mitigation measures and plans to be secured by conditions, it is considered that the scheme will not have an adverse impact on biodiversity. This application is considered in accordance with Policy 16 and Section 15 of the NPPF.

### **15.0 Heritage Assets and Archaeology**

15.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. Policy 36 Historic Environment is relevant in that it sets out that designated heritage assets will be given the highest level of protection and should be conserved and enhanced.

15.2 The site contains no designated or non-designated built heritage assets. There is no nearby designated Conservation Area. The application has been supported with a Planning Statement which identifies the following Listed assets located approximately 200m to the west of the application site, this includes:

- Grade II Listed Bordesley Lodge Farmhouse; Land off Hither Green Lane, Redditch
- Grade II Listed Granary about one yard north of Bordesley Lodge; and
- Grade II Listed Water pump about 3 yards north east of Bordesley Lodge Farmhouse.

15.3 Bordesley Abbey Scheduled Monument is also located approximately 450m to the south.

15.4 The Conservation officer considers that there will be no material harm to the significance of nearby heritage assets. The no objection comment from Historic England is also noted.

15.5 It is noted that the archaeological service has recommended predetermination investigation, prior to determined. However, it is accepted that as a working golf course undertaking site investigation is not reasonable. Site investigation work and any required assessment can be agreed as a pre commencement condition to ensure this is fully investigated. The proposal accords with Policy 36 of BORLP.

### **16.0 Landscape and Visual Impact**

16.1 Policy 13 (Primarily Open Space) of the Local Plan advises that proposals which would result in the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the of the land as an open area.

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- 16.2 Policy 16 (Natural Environment) goes on to state that in terms of the natural environment and landscape, proposals will be expected to demonstrate the Borough's distinctive landscape is protected, enhanced or restored. Proposals should also be informed by and sympathetic to the surrounding landscape (part iii).
- 16.3 A Landscape and Visual Appraisal (LVA) has been prepared to support the application, identifying potential landscape and visual receptors that could be affected by the development. The LVA confirms that the site is not covered by any statutory or non-statutory designations for landscape quality or value, and that the site includes trees covered by a Tree Protection Order (TPO). The appraisal concludes that the negative landscape effects of the proposed development will be localised and concentrated upon the site itself, with a major/moderate and negative effect on the enclosed tall grassland and scrub receptor, golf fairways, and hedgerow network.
- 16.4 Several aspects of the application have been designed to minimise and avoid detrimental impacts on views and landscape features. Firstly, the site layout and extent of the development have been set back from the eastern edge of the site, with a buffer provided to help minimise the impacts on the setting of the existing dwellings. The building height plan sets limits for the maximum heights across the development. The broad principles of this appear reasonable and indicate that the 2.5-storey elements will be furthest from the southern and western boundaries of the site, which is appropriate. The proposed development will ensure the retention and incorporation of the key trees across the site, prioritising those considered to be of high and moderate retention value, alongside new tree planting as part of the wider landscape strategy (which would be conditioned) to mitigate the proposed development. There is also a requirement that would be secured by condition of sensitive lighting design to minimise and limit light pollution and the impact that this may have upon the nighttime landscape. It is also proposed to utilise building materials that will appear more recessive and integrate into the landscape to minimise visual impact, particularly in longer-distance views.
- 16.5 It is considered that although there are a range of adverse impacts identified, these are partly an inevitable consequence of housing development replacing the existing golf landscape, and it is considered that the development, through its design, has sought to avoid and minimise these impacts and has proposed adequate mitigation to lessen these impacts.
- 16.6 The development will comply with Policies 13 (Primarily Open Space) and 16 (Natural Environment) of the Local Plan and Section 15 of the NPPF.
- 17.0 Residential Amenity**
- 17.1 As outlined in paragraph 135 of the NPPF planning decisions should ensure that developments always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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- 17.2 Concerns have been expressed relating to additional noise disturbances close to neighbouring garden boundaries. I appreciate the concerns regarding noise and disturbance and I accept that the introduction of new dwellings onto the site would inevitably lead to an increase in noise. However, the issue is not whether there would be an increase in noise and light but whether this increase would have a significantly harmful effect on the living conditions of the neighbouring residents. Based upon comments from WRS Noise, the increase in noise would not result in a significantly harmful effect.
- 17.3 The primary source of potential harm to residential amenity would arise during the construction phase of the development, both to existing residents in the established residential dwellings surrounding the site but also to future occupiers as the development progresses and new residents move into homes that will border parts of the development still under construction. A Construction Environment Management Plan (CEMP) would be agreed to mitigate harm during the construction phase.
- 17.4 Overall, with regards to privacy, there would be sufficient distance between the windows in the proposed dwellings and the existing properties to ensure that any overlooking would not have a significantly harmful effect on the living conditions of the neighbouring occupants.
- 17.5 In summary, the overall resulting separation distances, garden depths and design would ensure amenity and privacy levels would not be harmed between properties and there would be no harm to neighbour amenity by way of overshadowing, overlooking or overbearing impacts. Subject to the imposition of relevant conditions, landscaping and boundary treatments, the proposal is considered to accord with Local Plan Policies 39 and 40 and the NPPF.

### **18.0 Flooding and Drainage**

- 18.1 The proposed development site is situated in the catchment of River Arrow. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the EA's flood mapping, there is some risk from surface water flooding but this is minimal. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area. A Flood Risk Assessment (FRA) and Drainage Strategy has been prepared by Travis Baker (July 2023).
- 18.2 This site was previously commented by North Worcestershire Water Management (NWWM) in February 2022. At the time a holding objection was placed, since the comments were submitted changes have been made to take on board the issues raised, and further details have been submitted. NWWM have reviewed the latest Flood Risk Assessment (Revision E) and drainage strategy drawings (Revision H) these are acceptable. Based on this NWWM require no further details and they



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have not deemed it necessary to recommend attaching a drainage condition. Nevertheless, following advice from the Councils ecologist, a drainage condition has been included 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.

- 18.3 Overall, it is considered that the development would comply with policies 17, 18, and 40 of Local Plan and the NPPF.

### **19.0 Air Quality**

- 19.1 An Air Quality Assessment has been prepared by BDW Trading Limited and is submitted with this planning application. Worcestershire Regulatory Services were consulted on the application. The site does not form part of or is situated in the immediate vicinity of a known Air Quality Management Area (AQMA).

- 19.2 Nonetheless, to mitigate the impact of development, air quality mitigation measures which seek to promote sustainable travel and low emission boilers are proposed.

- 19.3 It is considered that these measures could be secured by condition and would comply with Policy 19 of the Local Plan.

### **20.0 Other Matters including Public Consultation Conclusions**

- 20.1 WRS Noise and Contamination has assessed the site and have no objections subject to conditions.

- 20.2 It is recognised that there has been a high level of interest in this proposed development. These issues have been addressed in the main body of the report. It is worth reiterating that the applicant has agreed to pay all required commuted sums to improve infrastructure such as schools and medical facilities.

- 20.3 Reference has been made in objections including from NoRCA regarding a dismissed appeal made by Anwyl Homes Lancashire and Widnes Golf Club against a decision made by Halton Borough Council. That was for the erection of 233 dwellings, reconfiguration of golf course, demolition of existing club house and associated buildings and the erection of new club house and green keepers store, creation of new vehicular accesses, roads, car parking, green footpath link and ancillary development (APP/D0650/W/21/3285817<sup>3</sup>).

- 20.4 In this case the appellant proposed a reduction in the golf course from 18 to 9 holes and a replacement club house to meet local plan policy and NPPF paragraph 99. They argued that the site was surplus to recreational requirements

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<sup>3</sup> [Reference: APP/D0650/W/21/3285817 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/)

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and that the replacement would provide the same or better quantity and quality. However, the inspector disagreed, noting that the assessment did not address the specific golfing needs of residents or the facilities required to meet those needs. The inspector also rejected the claim that playing the course twice prevented a quantitative loss, noting that the proposed minor reconfiguration was minor and there were no other course improvements or new facilities. The inspector concluded that while market and affordable housing would be acceptable, the loss of a sporting facility and further harm from loss of openness and protected trees were contrary to the development plan and dismissed the appeal.

20.5 Overall, it is considered that the proposed development and site circumstances are different from those in this application and are not comparable in relation to how the golf club was being reconfigured. They are also in a different part of the country and where a different development plan applies.

### **21.0 Infrastructure Requirements**

21.1 Development proposals should incorporate provision for any necessary infrastructure to be delivered in parallel with the implementation of new development. In broad terms, any s106 would secure funding for a range of consequential requirements. These requirements are summarised in the following section of the report.

21.2 The following matters are subject to s106 obligations:

- 30% affordable housing (66 dwellings)
- Provision of 2 custom build plots (4 bed)
- Education Contribution
  - First school contribution required: £928,704
  - Middle school contribution required: £801,686
  - High school contribution required: £821,151
  - SEND contribution required: £305,024
  - Total education infrastructure contribution required: £2,850,089
- Redditch Town Centre (Enhancement Contribution) £542 per dwelling
- Waste Refuse bins (1 x green bin / 1 x grey bin) £31.29 per dwelling
- Offsite Sports Facility Contribution £50,635.80 and Provision for Teenagers / Young People £33,143 (if Teenagers / Young People provision is not provided on site)
- Community Transport £22,937
- Bus Service Contribution £10,000
- Bus Service Strategy £439,576.80
- School Transport £644,261.94
- Off-site Infrastructure improvements (including the procurement of the Land to facilitate s278 works (River Arrow Walk Route and Footway enhancements to A441)
- Herefordshire & Worcestershire Clinical Commissioning Group (CCG) £81,650

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- The completion of the reconfigured golf course as outlined on Golf Masterplan (Ref: GGD2951C) or subsequently amended masterplan prior to the commencement of any residential development.
  - Planning Obligation Monitoring Fee
- 21.3 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 21.4 In the context of this application the development is in a category to which the regulations apply. The requirement for all the above-named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.
- 21.5 The Worcestershire Acute Hospitals NHS Trust have also requested contribution (£154,253.44) towards providing additional services to meet patient demand from this development. This is based on a funding gap for one year after each resident moves into the site and that they would be unable to secure additional funding during that period until a new contract can be renegotiated taking into account the local population.
- 21.6 There have been two relatively recent High Court rulings on the issue of securing secondary healthcare contributions as part of s106 agreements. The two High Court decisions were *The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council* [2023] EWHC 263 (Admin) ("the Leicester NHS Trust") and *Worcestershire Acute Hospitals NHS Trust, R (On the Application Of) v Malvern Hills District Council & Ors* [2023] EWHC 1995 (Admin) ("the Worcestershire NHS Trust"). Both cases have raised questions about whether this is a suitable approach that would comply with the CIL regulation 122 tests.
- 21.7 In this case it is considered that the contribution is a means to support the general service costs of the NHS rather than the provision of infrastructure. Given the above, it is considered that the proposed contribution for (WHAT) towards secondary healthcare does not meet the CIL regulation 122 tests and cannot be requested as an obligation.

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### **22.0 Planning Balance and Conclusion**

- 22.1 The Town and Country Planning Act 1990 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 22.2 When considering whether development proposals accord with the development plan, it is necessary to make this judgement with regard to the development plan as a whole.
- 22.3 The proposal would result in the quantitative loss of over 9ha of designated open space. However, the development would provide greater public access across the application site, with 3.2ha (around 32% of the application site) becoming publicly accessible. Furthermore, the proposal would result in ecological and landscape improvements with the management and maintenance of the site in perpetuity. As outlined in Section 10, the development is considered to comply with the relevant open space policies, including Policy 13 Primarily Open Space.
- 22.4 As a part of the development of the site, the golf course is proposed to be reconfigured to retain an 18-hole golf course to suit members as well as those visiting the hotel (supporting Policy 43 Leisure, Tourism and Abbey Stadium). Overall, taking the specific circumstances of the case into account, the proposal would provide equivalent open space to offset the loss of designated open space, which itself has limited public accessibility.
- 22.5 The proposal would make a meaningful contribution to both market and affordable housing. It is recognised that the government's aim is to significantly boost the supply of housing, both market and affordable. In this context, notwithstanding the Council's demonstrable 5-year housing land supply, weight should be given to the provision of 214 dwellings in Redditch, including 30% of which would be affordable. The development will also provide two custom build plots, which carry some, albeit limited, weight.
- 22.6 In addition, the applicants have identified several other benefits, including the provision of new areas of publicly accessible open space and pedestrian links. In short, the proposal would authorise and guarantee greater public access across the application site. I attach significant weight to this benefit. Furthermore, I have concluded that, as the proposal would provide at least equivalent provision of open space, it would not conflict with paragraph 103 of the NPPF.
- 22.7 The proposal would have economic benefits during construction and ongoing support for local services and would therefore accord with paragraph 85 of the NPPF, which seeks to support economic growth and productivity. Overall, I consider that the economic benefits carry moderate weight.

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- 22.8 In terms of urban design density and the accessibility of the proposal by sustainable modes of transport, they attract neutral weight in my decision. In terms of ecology, the proposed development would deliver a BNG in accordance with paragraphs 185 and 186 of the NPPF, which seek to secure measurable net gains for biodiversity. With regards to the impact of the development on residential amenity, there is little evidence that the impact would be sufficient to warrant refusal of the application.
- 22.9 Against these benefits, there are several harms and material considerations arising from the proposed development that weigh against the proposal.
- 22.10 This includes the negative landscape effects of the proposed development, which will be localised and concentrated upon the site itself, with a major/moderate and negative effect on the enclosed tall grassland and scrub receptor, golf fairways, and hedgerow network. The impact on the setting of the Bordesley Abbey Scheduled Monument was identified by Historic England. The removal of existing trees to accommodate the development. There is suitable mitigation in place to address these harms and therefore these matters are considered to have limited weight in the planning balance.
- 22.11 While conscious of the various statutory duties and planning policy requirements to give these matters considerable or great weight in the planning balance, it is considered that these matters, both individually and cumulatively, do not amount to material considerations that outweigh the compliance of the proposals with the development plan as a whole and the benefits of the proposal outlined above.
- 22.12 Therefore, it is considered that the development proposals accord with the development plan as a whole and, in accordance with the s38(6) duty, should be approved unless material considerations indicate otherwise.
- 22.13 It is concluded that, in accordance with paragraph 11(c) of the NPPF, the application should be approved, subject to conditions and a s106 agreement.

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## **RECOMMENDATION:**

- (a) That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning, Regeneration and Leisure Services to **GRANT** planning permission subject to:
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:
- 30% affordable housing (66 dwellings)
  - Provision of 2 custom build plots (4 bed)
  - Education Contribution
    - First school contribution required: £928,704
    - Middle school contribution required: £801,686
    - High school contribution required: £821,151
    - SEND contribution required: £305,024
    - Total education infrastructure contribution required: £2,850,089
  - Redditch Town Centre (Enhancement Contribution) £542 per dwelling
  - Waste Refuse bins (1 x green bin / 1 x grey bin) £31.29 per dwelling
  - Offsite Sports Facility Contribution £50,635.80 and Provision for Teenagers / Young People £33,143 (if Teenagers / Young People provision is not provided on site)
  - Community Transport £22,937
  - Bus Service Contribution £10,000
  - Bus Service Strategy £439,576.80
  - School Transport £644,261.94
  - Off-site Infrastructure improvements (including the procurement of the Land to facilitate s278 works (River Arrow Walk Route and Footway enhancements to A441)
  - Herefordshire & Worcestershire Clinical Commissioning Group (CCG) £81,650
  - The completion of the reconfigured golf course as outlined on Golf Masterplan (Ref: GGD2951C) or subsequently amended masterplan prior to the commencement of any residential development.
  - Planning Obligation Monitoring Fee

And: (c) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to agree the final scope and detailed wording and numbering of conditions as set out in the report.

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## **Conditions:**

- 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.

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

Site Location Plan ME-24-41  
Proposed Site Layout ME-24-21AA  
Housetype Distribution Plan ME-24-27D D  
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  
Housetype Portfolio ME-24-47F

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

- 3) 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.

- 4) Notwithstanding the landscape scheme submitted, 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

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- 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.

- 5) Notwithstanding the landscape scheme submitted, 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.



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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.

- 6) No development shall commence 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.

- 7) Prior to preparation of levels on site for the development hereby permitted, a detailed plan indicating 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.

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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.

8) 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.

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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.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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 205 of the National Planning Policy Framework.

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10) 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.

11) 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.

12) Notwithstanding the submitted details, 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.

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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.

- 13) Notwithstanding the submitted details, 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.

- 14) Notwithstanding the submitted details, prior to above ground 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;

- i. Landscape and ecological trends and constraints on site that might influence management;
- ii. Aims and objectives of management (including those related to species);
- iii. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
- iv. Prescriptions for management actions;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);
- vi. Details of the body or organisation responsible for implementation of the plan;
- vii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. 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.

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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.

15) Notwithstanding the submitted details, before 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.

16) A Habitat Enhancement Management Plan (HEMP) will be produced and be approved by the LPA prior to commencement of the works. 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.

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17) The development hereby approved should not 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.

18) The development hereby approved shall not 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.

19) The development hereby approved should not be occupied until the improvements as shown on 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.

20) 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-24-21AA

Reason: To ensure conformity with submitted details.

21) Development shall not begin 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.

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

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

23) 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.

24) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.



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- 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.

### **Procedural matters**

This application is being reported to the Planning Committee because the application requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers.