



Land off Hither Green Lane, Redditch

Planning Statement

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



Project Ref: 333135496/A5/P1/SL/KV/bc | Rev: 1 | Date: January 2024

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Contents

Contents

- 1 INTRODUCTION 1**
 - 1.1 Introduction 1
 - 1.2 Planning Application Pack 1
 - 1.3 Statement Contents 1
- 2 The Site and Surroundings 2**
 - 2.2 The Site 2
 - 2.3 The Surrounding Area 2
 - 2.4 Planning History 3
- 3 Pre-Application Engagement 4**
 - 3.1 Pre-Application Engagement 4
- 4 Proposed Development 5**
 - 4.1 The Proposals 5
- 5 Planning Policy Context 7**
 - 5.1 Introduction 7
 - 5.2 The Development Plan 7
 - 5.3 Summary 8
 - 5.4 Supplementary Planning Documents 8
 - 5.5 Five Year Housing Land Supply 9
 - 5.6 Evidence Base 10
 - 5.7 Neighbourhood Planning 8
 - 5.8 Emerging Development Plan 9
 - 5.9 National Planning Policy Framework **Error! Bookmark not defined.**
- 6 Planning Balance and Assessment 12**
 - 6.1 Planning Assessment 12
 - 6.2 Decision-Making Approach 12
 - 6.3 Principle of the Development 12
 - 6.4 Design
 - 6.5 Provision of Affordable Housing 16
 - 6.6 Provision of Self Build Plots 16
 - 6.7 Transport and Access 16
 - 6.8 Ecology
 - 6.9 Landscape and Trees 21
 - 6.10 Flooding and Drainage 23
 - 6.11 Air Quality 24
 - 6.12 Noise
- 7 Draft Terms of Agreement for a S106 Agreement 25**

7.1 Draft S106 Heads of Terms..... 25

8 Summary and Conclusions 26

8.1 Summary 26

8.2 Decision Making Approach..... 26

Appendix A - Site Location Plan 1

Appendices

- Appendix A - Site Location Plan
- Appendix B - Local and National Policies

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1 INTRODUCTION

1.1 Introduction

- 1.1.1 This Planning Statement has been prepared by Stantec on behalf of Barratt David Wilson Homes Mercia (the 'Applicant') in support of a planning application for a proposed residential development at Land off Hither Green, Redditch ("the Application Site").
- 1.1.2 This application is submitted as a Full application. Full planning permission is sought for 214 dwellings with the following description of development:

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

1.2 Planning Application Pack

- 1.2.1 This Planning Statement should be read alongside the other documents which are submitted as part of this application.

1.3 Statement Contents

- 1.3.1 This Statement provides an overview of all aspects of the proposed development and an assessment of its appropriateness against the Development Plan and other material considerations. The scope of this Statement is as follows:
- **Section 2** describes the Application Site and the main features of the surrounding area;
 - **Section 3** sets out the pre-application engagement undertaken by the Applicant;
 - **Section 4** outlines the main components and features of the proposed development;
 - **Section 5** outlines the relevant planning policy context of the Application Site and the proposed development;
 - **Section 6** provides our planning assessment of the proposed development including overall compliance with adopted Development Plan Policy and other material considerations;
 - **Section 7** sets out the draft S106 Heads of Terms; and
 - **Section 8** provides a summary and our conclusions on the proposed development.

2 The Site and Surroundings

2.1.1 This Section provides details on the Application Sites location, surroundings and key physical characteristics. A Site Location Plan has been submitted alongside this application.

2.2 The Site

- 2.2.1 The Site consists of an irregularly shaped parcel of land, which is currently comprised of:
- a surfaced car park and maintenance area, at the north-eastern corner of the application Site;
 - areas of tall grassland, scrub, mature and semi-mature trees and a pond, at the north-east of the Site; and
 - an existing golf course, which is located at the centre and south of the Site.
- 2.2.2 There are no public footpaths crossing the Site. The nearest public rights of way are to the north of the Site (628C) and along Dagnall End Road and Hither Green Lane, to the east of the Site. There is a permissive footpath to the south of the Site.
- 2.2.3 All of the trees within the Site are covered by a blanket Tree Preservation Order (TPO).
- 2.2.4 Access into the Site is currently provided off Hither Green Lane to the east.
- 2.2.5 It is confirmed by the Environment Agency's online mapping system that the Site is located within Flood Zone 1 and therefore has a low risk of flooding. There are nominal areas of surface water flooding around the existing pond at the northern end of the Site, as well as along the south-western boundary.
- 2.2.6 The Site itself is free from any formal ecological designations, albeit the Dagnell End Meadow Site of Special Scientific Interest (SSSI) is located approximately 450m to the east of the Site. The Abbey & Forge Mill Pools & Streams Special Wildlife Site is also located 500m to the south-east. Protected species reports have been submitted as part of this planning application.
- 2.2.7 Historic England's online mapping system confirms that there are no heritage assets located within the Site. There are several Listed assets located approximately 200m to the west, namely:
- Grade II Listed Bordesley Lodge Farmhouse;
 - 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.
- 2.2.8 Bordesley Abbey Scheduled Monument is also located approximately 450m to the south.

2.3 The Surrounding Area

2.3.1 The northern boundary of the Site is bordered by Dagnell End Road, beyond which sits linear residential development. To the east is Hither Green Lane beyond which sits the main complex of the Abbey Hotel and Golf Course, and to the south are large, detached dwellings. To the west lies the Meadow Farm Public House and Hotel, separated by an area of open grazing land.

- 2.3.2 There is a bus stop directly outside of the Site, on Hither Green Lane. There is another bus stop located on Dagnall End Road, approximately 100m to the north of the Site. Services from these stops provide access to Bromsgrove, Kidderminster, Worcester, Stratford-upon-Avon and Birmingham, amongst other locations. Redditch Train Station is also located approximately 3.5km from the Site. Redditch Train Station provides access to a number of locations including Birmingham and Sutton Coldfield.
- 2.3.3 The surrounding area has a range of services and facilities. To the northwest of the Site, along Birmingham Road, there is a local Marks & Spencer's forming part of a petrol station. It is located approximately 400m from the Site (5-minute walk). To the west of the Site is a hotel and public house. This is located approximately 250m (4-minute walk) from the Site. There is a Sainsbury's, B&M and Argos within a 20-minute walk of the Site, approximately 1km to the south.
- 2.3.4 Further to this, the Site is located close to the centre of Redditch (approximately 1.5km). Redditch town centre provides a wide range of facilities, including small retail stores, banks, churches, healthcare facilities, restaurants and cafes, supermarkets and leisure facilities.
- 2.3.5 In terms of education, St Stephen's First School is located approximately 1km south of the Site, and Holyoakes Field First School & Nursery is approximately 1.7km to the south. Trinity High School & Sixth Form is also located approximately 1.5km to the south.
- 2.3.6 In addition to the above, the Brockhill East strategic site is located approximately 500m to the south-west of the Site, which is allocated for a high-quality mixed-use development comprising around 1,025 dwellings, employment and relevant community facilities, a district centre, a first school and a sustainable public transport network. There have been a number of approved planning applications on the Site. As well as housing, these applications have included a Community House (2014/256/OUT) and a new two-form entry school (16/00007/REG3). Most recently, a planning application was resolved to be approved on the Site in January 2021 (Planning Application Reference: 19/00977/HYB), which includes a new District Centre (including a convenience store, a new community building and smaller scale retail units), play facilities and public open space. Therefore, it is also considered that the Site will benefit from the services and facilities brought forwards as part of this allocation.

2.4 Planning History

- 2.4.1 A review of the online planning application portal has been undertaken. Whilst there have not been any previous planning applications on the Site for residential development, planning permission was previously approved on the Site for the 'Erection of 25 lodge style bedroom accommodation units ancillary to the main hotel with associated landscaping and infrastructure (Application Reference: 2008/386/FUL). The decision for the application was issued on the 6th March 2009.
- 2.4.2 Minor amendments to the layout and shape of the lodge were then sought as part of planning application reference 2011/335/NMC. The application was approved on the 12th of January 2012.

3 Pre-Application Engagement

3.1 Pre-Application Engagement

- 3.1.1 Prior to the submission of the planning application, pre-application consultation was undertaken with the golf club members and local residents.
- 3.1.2 An event was set up with the golf club members in November 2021 to discuss the proposals for the reconfigured course. The proposals for the residential development were discussed but not in detail at that stage. This first consultation was carried out by the hotel, who will retain responsibility for the course and its on-going management and Members were assured that the course will remain as an 18 hole golf course.
- 3.1.3 Following consultation with members, leaflets were distributed to those living closest to the Site advising that a dedicated project website was set up: www.landwestofhithergree.co.uk and that the proposals could be viewed and comments supplied.
- 3.1.4 No comments were provided in respect of the actual scheme layout and therefore no revisions were made to the scheme.

4 Proposed Development

4.1 The Proposals

4.1.1 The planning application comprises the following description of development:

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

4.1.2 The planning application includes the following:

- 214 dwellings, including 66 affordable dwellings and 2 self / custom build units;
- Vehicular access from Hither Green Lane;
- New footpath links within the development and to the surrounding area including to Hither Green Lane, Dagnell End Road and to the south west of the Site;
- Publicly accessible open space (3.4ha);
- Green Infrastructure (GI) includes a Local Equipped Area of Play (LEAP), informal recreational areas, SuDS features, buffer planting, retained trees, hedgerows and areas of new tree planting and other habitat creation;
- A net gain in biodiversity (+1.84% habitat units, +4.85% hedgerow units) to be provided through biodiversity enhancements on offsite land immediately to the east of the proposed development (the retained golf course);
- Earthworks and surface water drainage; and
- Internal infrastructure including a bus loop within the Site, to accommodate a local bus service.

4.1.3 The street typologies provide a logical framework of streets and spaces with a clear hierarchy – Main Streets and Secondary / Tertiary Roads.

4.1.4 The proposed layout for the Application Site includes recognisable built forms and features to enhance legibility throughout the development, including feature spaces, landmark buildings, co-ordinated building materials and high-quality landscaping to help define the street scene.

4.1.5 The table below identifies the mix of dwellings proposed:

Table 4.1 Proposed Dwellings Mix

	Market	Affordable	Total
1 bedroom	-	3	3
2 bedrooms	-	25	25

3 bedrooms	79	34	113
4 bedrooms	69	4	73
Total	148	66	214

- 4.1.6 In terms of the private mix, this is made up of a mixture of 3 and 4 bedroom properties.
- 4.1.7 66 affordable dwellings will be provided as part of the development, delivering a range of 1 bedroom, 2 bedroom, 3 bedroom and 4 bedroom houses. 42 of these will be affordable rent, and 24 will be shared ownership. These are evenly distributed through the Site.
- 4.1.8 A mixture of detached semi-detached and terraced properties will be provided. Each dwelling has a good level of usable amenity space, with all houses having access to a private garden. The building heights of the dwellings will be predominantly two storeys in order to respond to local character, with 2.5 storey dwellings plotted in key areas, such as along the main street.
- 4.1.9 The properties broadly accord with the Nationally Described Space Standards (NDSS).
- 4.1.10 An analysis of the local area / surrounding context has been undertaken, which has influenced the design of the proposed dwellings and the palette of materials proposed; principally variations in red / orange brick and a red clay tile roof. Focal buildings and feature spaces will be emphasised through the use of timber and render detailing or solid render.
- 4.1.11 Primary pedestrian and cycle access into the Site will be afforded via the existing access point from Hither Green Lane, at the north eastern corner of the Site. The proposed development will also include a new pedestrian route between the Site and Dagnell End Road. A new section of footway will be provided on the southern side of Dagnell End Road, within the existing highway boundary. To the south and west, pedestrian / cycle connections will be provided with the existing NMU connection which runs alongside the River Arrow and connects with the Birmingham Road immediately north of the river over-bridge.
- 4.1.12 In terms of car parking, this will be provided in accordance with the relevant parking standards set out in Worcestershire County Council's Streetscape Design Guide (2022). The document outlines the following minimum requirements:
- 1 bedroom unit – 1 car parking space;
 - 2 – 3 bedroom unit – 2 car parking space; and
 - 4 – 5 bedroom unit – 3 car parking spaces.
- 4.1.13 Multiple large and incidental open spaces are 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 LEAP. Further details can be found within the Design and Access Statement.
- 4.1.14 Existing trees are proposed to be retained where possible, and landscaping works including tree planting is proposed throughout the Site. This is further illustrated by the plans and drawings which accompany this submission.
- 4.1.15 Further details of the proposed development and the design rationale are contained in the Design and Access Statement which is submitted as part of the application documentation.

5 Planning Policy Context

5.1 Introduction

5.1.1 This Section sets out the planning policy framework relevant to the Site and proposed development.

5.2 The Development Plan

Borough of Redditch Local Plan (2017)

5.2.1 The Redditch Borough Plan No 4 (RBP) was adopted in January 2017. It seeks to guide development across the Borough up to 2030.

5.2.2 The Proposals Map which accompanies the RBP identifies the Site as 'Primarily Open Space' (Policy 13). As such, the following policies are considered relevant to the submitted proposals.

5.2.3 The key policies of the Local Plan considered relevant to the Site and submitted proposals are as follows:

5.2.4 **Policy 1: Presumption in Favour of Sustainable Development** – When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

5.2.5 **Policy 4: Housing Provision** – Identifies a requirement for around 6,400 new dwellings over the Plan period. A mix of housing will be sought in terms of size, scale, density and tenure which reflects the Borough's needs. The provision of housing for elderly people is encouraged.

5.2.6 **Policy 6: Affordable Housing** – On sites of 11 or more dwellings, a 30% contribution towards the provision of affordable housing will be required. The Council will seek to negotiate the mix of affordable housing tenures on individual schemes taking account of local needs, the housing mix in the local area and the impact on viability. A mix of social rented and intermediate housing / affordable rent will generally be sought.

5.2.7 **Policy 13: Primarily Open Space** – Proposals which would result in the loss or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for the development outweighs the value of the land as an open area. In assessing applications for development on Primarily Open Space the following will be taken into account:

- i. the environmental and amenity value of the area;
- ii. the recreational, conservation, wildlife, historical, visual and community amenity value of the site;
- iii. the merits of retaining the land in its existing open use, and, the contribution or potential contribution the site makes to the Green Infrastructure Network, character and appearance of the area;
- iv. the merits of protecting the site for alternative open space uses;
- v. the location, size and environmental quality of the site;
- vi. the relationship of the site to other open space areas in the locality and similar uses within the wider area;

- vii. whether the site provides a link between other open areas or as a buffer between incompatible uses;
 - viii. that it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality; and
 - ix. the merits of the proposed development to the local area or the Borough generally.
- 5.2.8 Proposals for development on Primarily Open Space land that contribute to both the Green Infrastructure Network and the nature and purpose of the open space may be deemed acceptable by the Borough Council.
- 5.2.9 **Policy 43: Leisure, Tourism and Culture** – Leisure, tourism and culture proposals will be promoted and supported where they support sustainable tourism or leisure developments and benefit the economy of the Borough and enhance community facilities.
- 5.2.10 Further Local Plan Policies which are considered to be relevant to the proposals are set out at **Appendix B**.

5.3 Neighbourhood Planning

- 5.3.1 There is no designated Neighbourhood Plan area covering the Site.

5.4 Summary

- 5.4.1 The schemes compliance with the relevant Local Policy is assessed in greater detail in the next Section (Section 6). To summarise however:
- The proposed development would deliver 214 new dwellings in a sustainable location, that would contribute towards meeting an objectively assessed need for 6,400 new homes in the Borough between 2011 and 2030 as set out in Policy 4;
 - The proposed development will provide a mixture of dwellings and house types including a policy compliant level of affordable housing, in accordance with Policies 4 and 6;
 - A number of supporting documents are provided as part of the application which address technical considerations such as highways, flooding and drainage, air quality, biodiversity and landscape; and
 - These documents have informed the design of the proposed development, in order to provide a high-quality development in-keeping with the context of the Site.

5.5 Other Material Considerations

National Planning Policy Framework (NPPF)

- 5.5.1 The most recent version of the National Planning Policy Framework ('NPPF') was published by the Government in December 2023. The relevant sections of the NPPF are set out in **Appendix B**.
- 5.5.2 However it should be noted that the overarching aims include the need to boost significant 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.

5.6 Emerging Development Plan

5.6.1 Whilst work has begun on reviewing the Borough of Redditch Local Plan, which was adopted in 2017, there has been little progress to date. However on the 6th of July 2022, a memorandum of understanding (MOU) was discussed at a Bromsgrove Cabinet meeting, which confirmed the understanding and agreement between Bromsgrove District Council (BDC) and Redditch Borough Council (RBC), with regard to the Duty to Cooperate on housing need, plan making, and the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

5.6.2 The MOU advised that in January 2017, both Councils adopted new development plans, and that a significant element of both plans was the provision of housing in Bromsgrove District to meet the needs of Redditch Borough. To enable this to take place, both plans had housing needs policies which clarified where the housing developed across both authorities was to be apportioned, (BDP- Policy BDP3 and BORLP4 – Policy 4) and shared policy to allocate two housing sites on the edge of Redditch Borough in Bromsgrove District (BDP - RCBD1 and BORLP4 Appendix 1).

5.6.3 Both adopted plans now need to be reviewed in accordance with the Government's requirement for a five year review period and in response to the requirements set out in BDP4.2 of the BDP. Using the standard method, whilst the housing needs of Bromsgrove would be relatively consistent with the previous requirement, the housing needs of Redditch drops considerably. This smaller local housing need for Redditch Borough results in an oversupply of approximately 2241 dwellings, when all the current housing commitments (allocations and sites with planning permission) apportioned to RBC are taken into account.

5.6.4 The key points agreed within the MOU are as follows:

- The surplus of housing currently allocated for the needs for Redditch Borough (currently approximately 2241 dwellings) is handed back to BDC for BDC to consider in its plan making, and this figure is kept under review based on revisions to the Office for National Statistics (ONS) household projections/ affordability ratio data, urban capacity in Redditch and any updated housing needs evidence;
- The Councils continue to prepare plan reviews, and that the new Local Plans for both RBC and BDC are aligned to allow a coordinated approach; and
- That the Councils consider issues in relation to the Greater Birmingham and Black Country Housing Market Area together and wherever possible, respond jointly to all requests to assist those authorities which have a shortfall in housing supply. The MOU anticipates that a formal request will be received by both Council's to accommodate a proportion of the specific housing need shortfall of both Birmingham and the Black Country, as the identified shortfall, whilst not yet confirmed, is likely to be significant.

5.6.5 Within the meeting, it was recommended that the MOU between Bromsgrove District Council and Redditch Borough Council be agreed. This approach has however yet to be consulted upon or tested at examination and cannot therefore carry weight at this point in time.

Five Year Housing Land Supply

5.6.6 Redditch Borough Council's April 2023 Report on Five Year Housing Land Supply sets out the Council's latest published calculation of its housing land supply.

5.6.7 The Report found that at 1st April 2023, the Borough Council have a housing land supply of 9.83 years.

Evidence Base

Redditch Borough Open Space Study (2023)

- 5.6.8 An updated Open Space Study for Redditch Borough was published in September 2023. An Open Space Needs Assessment was first published in 2005 and was later updated in 2009 and 2014 due to alterations to ward boundaries, developments on open space, and the preparation of the Core Strategy. Within the previous Open Space Needs Assessment (2009), the Site is located in the Abbey Ward and classified as a sports facility. The Assessment identified that Abbey Ward offered a consistently greater provision than the Borough standards for most categories of open space. With regards to the Borough's performance, some wards such as Abbey were noted as having a high proportion of sports facilities.
- 5.6.9 The Open Space Study (2023) was undertaken as part of a suite of documents to inform the wider work to develop a Leisure and Culture Strategy for Redditch and Bromsgrove. The study sets out the most recent open space analysis findings for Redditch Borough Council and presents the results of the most recent borough wide consultation, which notes open space demand and public perceptions.
- 5.6.10 Section 3 of the Study provides an overview of the supply of open space across the Borough, its type, accessibility and distribution. A map is included within the Study showing all open spaces in Redditch Borough. The Site is shown on the map as an 'Outdoor Sports Facility' with limited accessibility, within the Abbey Ward.
- 5.6.11 Paragraph 3.3.4 of the Study advises that only six polygons, covering 20.10ha, classified as Outdoor Sports Facilities are considered unrestricted. Outdoor Sports Facilities with unrestricted access make up 2.75% of the total unrestricted open space. Abbey Ward is identified as the second highest ward within the Borough for unrestricted open space. This is also the case when considering the supply of unrestricted open space per 1,000 population.
- 5.6.12 Section 5 sets out the current supply and consultation data relating to the potential demand for open space and proposes updated local standards for the quantity and accessibility of open space within the Borough, which will be included within the revised Local Plan. As set out at paragraph 5.3.4, **golf courses and driving ranges** which are privately owned have been excluded from local standards relating to outdoor sports provision, given they have 'limited' accessibility. The outdoor sports provision included in these figures only includes publicly accessible, unrestricted open space. **Therefore, the Site has not contributed towards the Ward or Borough standards.**
- 5.6.13 Appendix C presents a summary of the data found in section 5. This demonstrates that Abbey ward has a 3.739 ha per 1000 population compared to the Borough average of 4.990 ha per 1000 population, which equates to a deficit of 1.251 ha per 1000 population. The Ward has a deficiency in the following typologies – natural and semi natural green space, outdoor sports facilities, parks and gardens, and provision for teenagers / young people

Redditch Borough Council Playing Pitch Strategy (2011 – 2016)

- 5.6.14 The Redditch Playing Pitch Strategy aims to provide a strategic approach to future playing pitch provision. It provides baseline data on the current quantity and quality of all of the playing pitches in Redditch and identifies gaps in provision. The study encompasses an assessment of all formal outdoor playing pitch facilities including golf.

5.7 Supplementary Planning Documents

Planning Obligations for Education Contribution (2007)

- 5.7.1 The Planning Obligations for Education Contributions Supplementary Planning Document (SPD) advises on planning obligations that will be sought from new residential development in respect of education. For developments of over 100 dwellings, Worcestershire County Council will assess site's individually and seek to negotiate with the Applicant.

Open Space Provision Supplementary Planning Document (2007)

- 5.7.2 The Open Space Provision SPD outlines the open space typologies, the calculation for open space provision and the level of on-site or off-site developer contributions.

High Quality Design Supplementary Planning Document (2019)

- 5.7.3 The High-Quality Design SPD seeks to guide developments to achieve a high standard of design. The SPD sets out design principles and requirements that the Council have when assessing planning applications.

- 5.7.4 The following section carries out a Planning Assessment in relation to the Development Plan and other material considerations.

6 Planning Balance and Assessment

6.1 Planning Assessment

6.1.1 This Section outlines our assessment of the proposed development against the planning policy context and issues identified in Section 5. Reference is made to the findings of the technical reports submitted to accompany the Planning Application in order to avoid unnecessary repetition.

6.2 Decision-Making Approach

6.2.1 The Development Plan is the starting point for the determination of planning applications. Determination is required to be in accordance with the Plan unless material considerations indicate otherwise. For this application, the Development Plan comprises the Borough of Redditch Local Plan No 4 (RBP), which was adopted in January 2017.

6.2.2 Paragraph 11 of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *Any adverse impacts of doing so would **significantly** and **demonstrably** outweigh the benefits, when assessed against the policies in this Framework taken as a whole (our emphasis added).*

6.2.3 We note that the Council currently have a housing land supply position of 9.83 years. However, we note the recent Land off Torbay Drive appeal decision (3311/282) where the Inspector recognised that despite North East Lincolnshire Council having a housing land supply position of 13.1 years, it is evident that there is a history of undersupply in the area. Further to this, the Inspector advised that the housing land supply figure “*is not a ceiling and exceeding this is a positive outcome, particularly given the national context of a housing crisis and the overall emphasis in national policy to significantly boost the supply of housing.*”

6.2.4 This Section will demonstrate that there are no clear reasons for refusing the proposals and that the benefits of the development would outweigh any adverse impacts, and should therefore be approved.

6.3 Principle of the Development

6.3.1 The Site is identified to be ‘Primarily Open Space’ within the Redditch Local Plan. Policy 13 (Primarily Open Space) is therefore considered to be relevant. The proposed development has accordingly been assessed against the criteria within the policy, which it is advised will be taken into account when considering applications on Primarily Open Space:

- i. **“The environmental and amenity value of the area;** As set out in the accompanying submission documents, the amenity value of the Site is currently limited given it is in private ownership and not publicly accessible. The Site is comprised of an 18 hole par 4 manicured golf course for members and visitors. As such, 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;** 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 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:

- Providing active sport recreation;
 - Enhance active recreation rights of way;
 - Enhance passive recreation walks;
 - Provide enjoyable onsite amenity;
 - Provide present and future amenity opportunities; and
 - Provide an attractive visual amenity.
- 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;** 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;** As set out within the Open Space Study, the Site is identified as an outdoor sports facility with limited accessibility and has not accounted towards the open space standards. Given the Site is in private ownership, the development of the Site would enhance access to open space onsite. Therefore, there would be no quantitative loss of accessible open space and the proposals will deliver a better quality of leisure facilities. It is considered that a qualitative improvement to the open space would be better achieved through enhancements to Arrow Valley Country Park which is publicly accessible.
- v. **The location, size and environmental quality of the Site;** 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;** 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 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;** 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 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;** 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 Borough generally”** As mentioned above, the Site is recognised as a tourist asset in accordance 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.

6.3.2 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
- A Golf Report has been submitted as a part of this application which demonstrates that the Site is surplus to local golf facilities. It is the Applicants intention to submit an updated golf assessment to support the previous report in that there is a wider provision in the area.
- 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
- The Site is presented in a suitable and sustainable location for the proposals. Despite the quantity of the golf course space being reduced as a part of the scheme, the remaining space and reconfigured golf course will remain as an 18 hole course of a type which is better suited for the future needs of the hotel. The open space onsite would be made more accessible to existing and future residents, and the golf course would be made fit for the future.
- c) The development is for alternative sports and recreational facilities, the benefits of which clearly outweigh the loss of the current or former use.
- As a starting point, there is no loss of a course – an 18 hole course will remain. As referenced above, the golf course is to be reconfigured to a more playable and compatible facility in relation to the hotel. The new golf course will be of high quality and become a more useable space for members and visitors. As such, the benefits of redesigning the course and providing a sustainable residential development, clearly outweigh the loss of its former use.

6.3.3 Taking the above into consideration, it is proposed that as a part of the development of the Site, the golf course is reconfigured to a more playable par 3 18 hole golf course 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, which will ensure that its position as a tourist asset is protected for the future.

6.4 Design

6.4.1 The NPPF requires that developments are of a good design, and this is echoed in local planning policy.

6.4.2 A Design and Access Statement has been prepared to accompany this planning application, which provides further information in respect of the design rationale for the proposed development.

6.4.3 A co-ordinated and iterative approach to design, planning and technical input has been adopted throughout the design process. This has enabled a responsive, positive, and sustainable design proposal to be developed for the Site.

6.4.4 The vision and design principles that are within the DAS have assisted in guiding the design process. These design principles include:

- To deliver a logical framework of streets and spaces, relating to the Sites existing features;
- To provide new footpath links connecting Hither Green Lane and The Abbey Golf Course to the areas of open space within the development which were previously inaccessible;
- To provide 214 new homes of which 30% will be affordable;
- Deliver a mix of housing, offering 1 – 4 bedroom properties, comprising a range of house types, such as terraced, detached and semidetached properties;
- Perimeter block form, with a clear distinction between the public and private realm;
- Active frontage onto all streets, pedestrian routes and open spaces;
- Integrated movement for pedestrians, cyclists and vehicles, including well overlooked links to Hither Green Lane, bus stops and the local area;
- Recognisable built forms and features to enhance legibility throughout the scheme, including feature spaces, landmark buildings, co-ordinated building materials and high quality landscaping to help define the street scene;
- Large open spaces which are well located and overlooked;
- Landscaped green edges with a variety of planting options which enhance biodiversity;
- An environment which is not dominated by cars, using soft landscaping to mitigate the visual impact of parked cars; and
- The provision of sustainable drainage.

6.4.5 In light of the above, the proposed development is considered to be in full accordance with the adopted Local Plan design policies and Section 12 of the NPPF.

6.5 Provision of Affordable Housing

- 6.5.1 Policy 6 (Affordable Housing) requires all developments of 11 or more dwellings to provide a 30% contribution towards the provision of affordable housing. Onsite provision should be made and must incorporate a mix of dwelling types and sizes which reflect the Site's characteristics.
- 6.5.2 The policy also sets out that the Borough Council will seek to negotiate the mix of affordable housing tenures on individual schemes taking account of local needs, the housing mix in the local area and the impact on viability. A mixture of social rented and intermediate housing / affordable rent will generally be sought.
- 6.5.3 It is noted that the most recent SHMA report for the area (2012) concludes a high demand for smaller 1 and 2 bedroom affordable properties constituting around 80% of demand.
- 6.5.4 It is considered that the scheme will make a significant contribution towards meeting affordable housing need by providing 66 affordable housing units in a range of 1 – 4 bedroom houstypes.

6.6 Provision of Self Build Plots

- 6.6.1 The proposals will provide for the provision of two self-build and custom plots. There are currently no adopted local policies which require any self-build housing to be provided. However, as set out at Policy 4 (Housing Provision) of the Local Plan, the Borough Council will seek to achieve a mix of housing types.

6.7 Transport and Access

- 6.7.1 Paragraph 111 of the NPPF advises that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.7.2 A Transport Assessment and Travel Plan have been prepared by Mode Transport Planning and are submitted in support of this planning application.
- 6.7.3 In terms of road safety, the Transport Assessment considers that there are not any inherent highway safety issues on the local highway network surrounding the Site which would likely be exacerbated by the development.
- 6.7.4 The proposed vehicular accesses for the Site will be taken from Hither Green Lane via new priority crossroads junction along the Site's eastern frontage. The proposed access will provide a 6.1m wide carriageway with 10m corner radii and 2m footways on both sides of the carriageway. Pedestrian access at the junction will be supported by the provision of an uncontrolled crossing facility, in the form of dropped kerbs / tactile paving.
- 6.7.5 Further to this, an emergency access has also been provided onto Dagnell End Road at the western end of the Site frontage, in the form of a 3.7m wide shared emergency / pedestrian link, with retractable bollards to prevent private vehicle access. However, as set out within the Transport Assessment Addendum, correspondence with Worcestershire County Council has confirmed that the secondary point of emergency access was not required, owing to the scale of the development and the internal loop road format within the Site.
- 6.7.6 It is proposed to provide a new pedestrian route between the Site and 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. To the south and west, pedestrian / cycle connections will be provided with the existing NMU 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.

- 6.7.7 In terms of the level of parking required on Site, parking will be provided in accordance with the submitted Parking Management Plan (Drawing Ref: ME-24-35), which has been prepared taking into consideration the relevant standards set out within WCC's Streetscape Design Guide (2020). The Plan demonstrates that a combined number of 521 parking spaces will be provided, including 460 on plot parking spaces, 53 garage spaces, and 8 unallocated visitor spaces.
- 6.7.8 A Travel Plan (TP) has been prepared for the Site in order to reduce dependency on the car and encourage sustainable modes of transport such as walking, cycling and public transport. The TP sets out specific measures to be implemented, which includes awareness initiatives and infrastructure provision. It includes an Action Plan which includes a summary of the RTP commitments. These consist of measures such as appointing a travel plan co-ordinator and preparing a Travel Information Pack.
- 6.7.9 Given the above, the proposed development is considered to be in general accordance with Policies 19 and 20 of the Redditch Borough Local Plan and Section 9 of the NPPF and is therefore acceptable.

6.8 Ecology

- 6.8.1 This Planning Application is supported by a number of ecology surveys comprising:
- Construction Ecological Management Plan (April 2023);
 - Updated Preliminary Ecological Appraisal (October 2021);
 - Preliminary Bat Roost Assessment (September 2021);
 - Dusk Emergence and Dawn Re-entry Bat Surveys (September 2021);
 - Badger Survey (September 2021);
 - Great Crested Newt Habitat Suitability Index Assessment and eDNA Survey (September 2021);
 - Reptile Survey (September 2021);
 - Breeding Bird Survey (November 2021);
 - Winter Bird Survey Construction Ecological Management Plan (November 2021);
 - Biodiversity Metric;
 - Framework Biodiversity Net Gain Plan; and
 - Biodiversity Net Gain Concept Plan.

Ecological Appraisal

- 6.8.2 An updated Preliminary Ecological Appraisal has been prepared by Middlemarch Environmental Ltd, following a Preliminary Ecological Appraisal in June 2016. The survey comprised an Extended Phase 1 Habitat Survey including initial observations of any suitable habitats, or any evidence of protected / notable species. Following this a number of recommendations were provided, with further survey work undertaken in relation to several protected species (as set out above).

- 6.8.3 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.
- 6.8.4 On the basis of the findings of the preliminary ecological appraisal, the following recommendations are made:
- Consultation with Natural England in relation to any potential impacts on Dagnell End SSSI and Windmill Naps Wood SSSI;
 - A Construction Ecological Management Plan should be prepared as the proposed works could potentially indirectly impact the River Avon, Abbey and Forge Mill Ponds and Dagnell Brook which are designated as Local Wildlife Sites;
 - A Biodiversity Enhancement Strategy should be produced;
 - Biodiversity Enhancement Measures should be incorporated into the landscaping scheme;
 - New lighting should be designed to minimise potential disturbance to sensitive receptors such as bats, owls and otters;
 - A preliminary roost assessment should be undertaken of mature trees and buildings which may be impacted by the works;
 - Any excavations that need to be left overnight should be covered or fitted with mammal ramps;
 - Vegetation and building clearance should be undertaken outside of the nesting bird season;
 - A Method Statement should be included within the CEMP in order to ensure that works do not cause New Zealand Pigmyweed to spread.
- 6.8.5 Further surveys were also recommended in relation to badger, great crested newt, reptiles, and breeding and wintering birds.

Preliminary Bat Roost Assessment

- 6.8.6 A Preliminary Bat Roost Assessment was undertaken on the 8th of June 2021 and 5th of July 2021 by Middlemarch Environmental Ltd. The PRA assessed the potential for the existing buildings and trees on Site to support roosting bats.
- 6.8.7 In terms of the findings, multiple features were identified around the building located in the north-eastern corner of the Site, which could potentially be used by bats. Due to the height and location, many of these features could not be inspected and therefore the building was therefore classed as having high potential to support roosting bats.
- 6.8.8 Fourteen trees on Site were found to possess potential roosting features. Of these, ten trees had high potential to support roosting bats and four trees had low potential to support roosting bats. Only two of the trees classed as having high potential to support roosting bats will be impacted by the proposed development: T2 and T13. Two other trees adjacent to T2 are to be removed and removal in close proximity may have an indirect impact on any roosting bats if present. T13 is required to be removed to facilitate the work.
- 6.8.9 The Proposed Site Layout shows that areas of plantation woodland, hedgerows, dense scrub and scattered trees are to be removed to facilitate the proposals as well as some of the smaller

ponds. It is proposed to enhance the retained areas of woodland, create a new SUDS feature and plant wildflower grassland within the Site. Habitat connectivity will be retained around the Site boundaries. Therefore, the impact on foraging and commuting habitat is likely to be temporary with eventual beneficial effect.

- 6.8.10 Details of the recommended mitigation measures can be found in Section 6 of the accompanying Preliminary Bat Roost Assessment. A summary is provided below:
- 6.8.11 Additional surveys of the building on Site, as well as trees T2 and T13 which are identified as having high potential to support roosting bats;
- 6.8.12 Soft felling of a number of trees on Site, identified as having low potential to support roosting bats to ensure that any bats that may have colonised these trees in the interim since the initial inspection are not harmed during the proposed tree removal works;
- 6.8.13 Any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors;
- 6.8.14 Habitat enhancement through the provision of bat boxes at suitable locations within the Site.

Badger Survey

- 6.8.15 A survey for badger was undertaken in May 2021, by Middlemarch Environmental Ltd. The purpose of the survey was to determine the presence / absence of evidence of badgers on and adjacent to the Site.
- 6.8.16 The survey Site was subject to a comprehensive walkover assessment for the presence of any badger field signs. No evidence of badger was recorded within the Site during the walkover survey and no setts were recorded within an accessible 30m of the Site. However, badgers are known to be present in the wider area as a deceased badger was reported in the desk study on the road adjacent to the Site and a pit latrine was noted in the wider golf course off site.
- 6.8.17 As no evidence of badger activity was found on Site, no further survey or mitigation works were considered to be required at this stage. As badgers are mobile and may pass through the Site, several recommendations are provided at Section 6 of the report, including:
- Covering any excavations on Site at night, or fitting suitable mammal ramps in order to prevent any badgers / mammals becoming trapped. Covering any open pipework with an outside diameter greater than 150mm at the end of each day;
 - Remain vigilant during Site clearance;
 - Clearance of the rabbit burrow on Site being undertaken sensitively to ensure that no animals are injured or harmed during the works; and
 - Should no work have commenced within 12 months, the survey should be updated.

Great Crested Newt Habitat Suitability Index Assessment and eDNA Survey

- 6.8.18 A HSI Assessment and Environmental DNA (eDNA) survey was undertaken on the 28th of June 2021 by Middlemarch Ecology Ltd.
- 6.8.19 Reference to Ordnance Survey mapped data indicated the potential presence of up to 21 ponds within a 500m radius of the Site, five of which were located within the Site boundary. Of the 21 ponds identified, it was not possible to survey two of the ponds due to access constraints. One pond no longer existed and four ponds were dry at the time of survey. The remaining ponds were therefore the focus of the assessment.

- 6.8.20 eDNA testing was carried out at a total of nine ponds within a 250m radius of the Site. The result of all ponds was negative indicating an absence of great crested newt DNA within the ponds at the time of the survey.
- 6.8.21 Due to the number of ponds in close proximity to and on the Site, it was considered likely that common amphibians are present on Site and a low number of common toad were recorded during the reptile surveys completed on site. The unmanaged grassland habitats, woodland, hedgerows and scrub habitat to be removed are suitable for foraging and sheltering amphibians. Four of the on Site ponds are also proposed to be removed to facilitate the development. It is anticipated that these populations can be preserved on Site post development, however they may be at risk from construction activities and becoming road casualties.
- 6.8.22 Details of the recommended mitigation measures can be found in the accompanying Great Created Newt Habitat Suitability Index Assessment and eDNA Survey. This includes:
- The survey data is valid for two years from the survey date. In the unlikely event that a great crested newt is found during development works, all works must cease immediately;
 - Management of grassland habitats should continue up until the commencement of works to ensure they don't become tussocky and more favourable for common amphibians;
 - The removal of ponds should be completed in the amphibian active season, avoiding the breeding season. Ponds should be drained prior to removal and a mesh screen should be used if a pump is required;
 - Kerb and gully pot design should follow best practice guidance to allow amphibian movements across the Site and prevent capture in gully pots; and
 - The proposed SUDs feature should be designed to support some permanent water and provide opportunities for breeding amphibians. The creation of new wildlife ponds or enhancement of retained ponds within the wider golf course should also be considered. Amphibian hibernaculum and log piles could be created within the areas of open space on Site to provide additional opportunities for sheltering amphibians as well as small mammals and invertebrates.

Reptile Survey

- 6.8.23 Middlemarch Environmental undertook a reptile habitat assessment and presence / absence survey between June 2020 and July 2020.
- 6.8.24 During the reptile surveys a low population of grass snake were found with an estimated 0.6 individuals per hectare of suitable habitat on Site. The Site does not meet any of the criteria to quality as a Key Reptile Site as defined by Froglife (1999). A small number of common toad were also identified during the surveys and habitats on Site are suitable for common amphibian species.
- 6.8.25 The proposed development will result in the permanent loss of suitable habitat for grass snake in the form of unmanaged scrub and grassland and woodland edge habitats as well as the proposed removal of four ponds. However, given the low population size, mobility of the species and suitability of the surrounding habitats it is considered that adverse impacts can be avoided through the implementation of reasonable avoidance measures which will also be applicable for the protection of common amphibians.
- 6.8.26 Full details of the recommended mitigation and compensation measures can be found in the accompanying report; however they are summarised as:

- If works do not commence within 12 months, an updated assessment of the Site should be completed;
- The Reasonable Avoidance Method Statement included in chapter 6 of the report must be adhered to during the works; and
- The provision of habitat enhancement e.g. a large compost heap could be created in a sunny location such as the edge of the open space in the south of the Site. These should not be disturbed when they may be used by egg-laying grass snake between June and September, inclusive, or during the winter months (between November and February).

Breeding Bird Survey

- 6.8.27 Middlemarch Environmental Ltd undertook a breeding bird survey at the Site to assess the suitability of the habitat at the Site for breeding birds.
- 6.8.28 During the breeding bird survey visits, a total of 36 bird species were recorded, of which 21 were confirmed to have bred or probably did so. The remaining 15 birds were all observed using the habitats within the Site or overflying it but were not considered to be breeding within the study area.
- 6.8.29 Overall, the survey states that the Site was considered to contain a moderate variety of different habitats such as scrub, woodland and standing water, which enabled the Site to support a range of breeding bird species, including some of conservation concern.
- 6.8.30 A number of recommendations were accordingly provided to ensure that the Site continues to provide suitable habitats / features for breeding birds.

Construction Ecological Management Plan

- 6.8.31 A Construction Ecological Management Plan (CEcMP) has been prepared in order to minimise the potential impact of the construction phase of the development on the existing ecology of the Site and ensure works proceed in accordance with current wildlife legislation.
- 6.8.32 The plan contains a summary of the existing ecological baseline of the proposed development Site and how this could be impacted (Chapter 2), and information with respect to the measures that will be implemented during the construction phase to ensure the protection of ecologically sensitive habitats within the Site (Chapter 3). Chapter 4 provides details of the practical measures that will be implemented to ensure that biodiversity features on the Site are protected throughout construction.
- 6.8.33 As such, the impact of the proposed development on ecology has sought to be minimised, and mitigation measures will be provided in accordance with the supporting survey work that has been undertaken.

Biodiversity Net Gain

- 6.8.34 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).

6.9 Landscape and Trees

Trees

- 6.9.1 A Preliminary Arboricultural Assessment was undertaken in June 2020 and July 2020 by Middlemarch Environmental Ltd. An Arboricultural Impact Assessment was then carried out in July 2023, also by Middlemarch Environmental Ltd.
- 6.9.2 Following consultation with the Local Planning Authority, Redditch Borough Council, it was established that Area Tree Preservation Order Redditch New Town No.1 TPO (1965) applies to all trees present within the assessment area that are older than 54 years old. There are no Conservation Area designations that would apply to any trees present on, or in close proximity to the assessment site.
- 6.9.3 Forty-three individual trees, twenty-nine groups of trees, one woodland and four hedgerows were surveyed. The proposed development has been designed so that, where possible, existing trees are retained, however, to accommodate the development, it will be necessary to remove a number of trees within the Site.
- 6.9.4 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. The proposed development will however require the removal of twelve trees, eleven groups and three hedgerows as well as the partial removal of ten groups, a hedgerow and one woodland.
- 6.9.5 Three individual trees identified for removal were considered to be unsuitable for retention. One individual tree identified for removal was considered to be of moderate retention value. Suitable new tree planting will be required to offer an adequate level of mitigation for its loss. The remaining trees proposed for removal were all considered to be of low retention value. However new tree planting will be required to mitigate for any loss in visual amenity that does result from their removal.
- 6.9.6 The AIA summarises the impact of the proposed development as being unlikely to significantly impact the visual amenity of the local area as a result of the proposed tree removal as the trees proposed to be taken out are those considered to have low retention value and their loss should be mitigated by the proposed tree planting in time. The proposed works are unlikely to impact significantly upon the long-term health of retained trees.
- 6.9.7 The AIA sets out a number of recommendations to ensure the protection of retained trees including the use of construction exclusion zones, tree protection barriers and ground protection measures. It also advises carefully selecting the species included within the proposed landscaping scheme in order to reduce the risk of trees being removed in the future.
- 6.9.8 The proposed development is therefore considered to accord with Policy 16 of the Borough of Redditch Local Plan and Section 15 of the NPPF.

Landscape and Visual Impact

- 6.9.9 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 value of the land as an open area.
- 6.9.10 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).
- 6.9.11 A Landscape and Visual Appraisal (LVA) has been prepared in support of the application by SLR Consulting Ltd (SLR). The report identifies the potential landscape and visual receptors which could be affected by the proposed development, and then assesses the potential level of effects which could occur for these receptors if the development were to take place.

- 6.9.12 The LVA confirms that the Site is not covered by any statutory or non-statutory designations for landscape quality or value, such as National Parks, Areas of Outstanding Natural Beauty or Special Landscape Areas, nor is it crossed by or adjacent to formal rights of way. The Site does include trees covered by a Tree Protection Order (TPO). Land to the north of Dagnell End Road is designated as Green Belt.
- 6.9.13 The appraisal concludes that the effects of the proposed development upon landscape receptors would be localised and concentrated upon the Site itself. There would be a major / moderate and negative effect upon the enclosed tall grassland and scrub receptor, and a moderate and negative effect on the enclosed golf fairways. The hedgerow network would also undergo moderate and negative effects. In character terms the landscape effects would be focused on a transition area on the settlement edge, and these effects would be moderate and negative. For the landscapes outside of the Site the effects would be minor or moderate/minor and neutral in nature.
- 6.9.14 In summary, the negative landscape effects of the proposed development would be focused upon part of the Site, but landscapes outside of the Site would experience only relatively minor and neutral effects. The development would therefore comply with Policies 13 (Primarily Open Space) and 16 (Natural Environment) of the Borough of Redditch Local Plan and Section 15 of the NPPF.

6.10 Flooding and Drainage

- 6.10.1 A Flood Risk Assessment (FRA) and Drainage Strategy has been prepared by Travis Baker (July 2023) and is submitted as part of the application. The assessment considers the impact of the development in respect of flood risk and provides a drainage strategy for the development.
- 6.10.2 Following a review of the Environment Agency's online flood maps, the majority of the Site is within flood zone 1. However, a small proportion of the Site to the south is located within flood zone 2 and 3. As the area proposed for development is located within flood zone 1, the sequential test is not required and the principle of residential development from a flood risk perspective is acceptable.
- 6.10.3 There are minor instances of surface water flooding identified within the Site, and this is mainly limited to existing low points and small ditches, ponds and pools within the Site. These ponds and pools will become redundant following the development of the site.
- 6.10.4 Infiltration testing has been carried out in selected trial pits. The test results show that no significant infiltration was recorded over a timed period of approximately 4 hours and therefore, it is considered that surface water from the development could not be effectively discharged by soakaway drainage and an alternative drainage solution will need to be sought.
- 6.10.5 A surface water drainage scheme has been designed to incorporate Sustainable Drainage Systems (SuDS) and pollution prevention measures. The required surface water storage will be in the form of an attenuation basin with a vortex flow control to provide flow restriction. The basin will be maintained by a bespoke management company under the requirements of the Flood and Water Management Act.
- 6.10.6 With regards to foul drainage, foul water generated by the proposals will be directed to the existing combined 375mm public sewer. A sewer capacity assessment was requested by Severn Trent Water to assess any impact on the existing network. The assessment will not have an impact on the development. The SUDS maintenance strategy and full correspondence with Severn Trent Water is found within the appendices of the FRA.
- 6.10.7 The FRA concludes that the proposed development will not be subject to significant flood risk nor will it increase the flood risk to the surrounding area.

6.11 Air Quality

- 6.11.1 An Air Quality Assessment has been prepared by BDW Trading Limited and is submitted with this planning application.
- 6.11.2 The assessment considers construction phase dust impacts and operational phase road traffic emissions.
- 6.11.3 A qualitative construction phase dust assessment was undertaken in accordance with the relevant guidance and measures were recommended for inclusion in a DMP to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of the construction phase dust emissions is considered to be 'not significant', in accordance with IAQM guidance.
- 6.11.4 A detailed road traffic emissions assessment was carried out to consider the impact of development-generated road traffic on local air quality at identified receptor locations. The development was not predicted to result in any new exceedances of the relevant air quality objectives and the impact of the development on local air quality was predicted to be 'negligible' in accordance with IAQM and EPUK guidance.
- 6.11.5 Pollutant concentrations were predicted across the proposed development Site. Concentrations of NO₂, PM₁₀ and PM_{2.5} were all predicted to be below the relevant air quality objectives and therefore, the Site was considered to be suitable for the proposed residential use with regard to air quality.
- 6.11.6 As such, the proposed development is considered to comply with Policy 19 (Sustainable Travel and Accessibility) of the Borough of Redditch Local Plan and paragraph 186 of the NPPF.

6.12 Noise

- 6.12.1 A Noise Assessment has been prepared by Air & Acoustic Consultants Limited (September 2021) and is submitted with this planning application.
- 6.12.2 The assessment concludes that the existing noise climate at the Site is dominated by traffic on the nearby B4101 road with minor additions from the A441 and the car park of the Meadow Farm Inn. The baseline noise environment was established by way of a baseline noise survey, which consisted of two unattended measurements over a 7-day period.
- 6.12.3 In terms of any potential construction impacts, assuming the appropriate mitigation measures are employed, these can be minimised to the point that any impacts would be temporary in nature and result in the LOAEL.
- 6.12.4 The Noise Assessment advises that predictive modelling of the potential noise impacts from the existing noise environment has been undertaken to understand the operational phase impacts. The predictions show that under reasonable worst-case conditions the most exposed properties closest to the B4101, A441 and the Meadow Farm Inn have the potential to exceed the BS8233 and WHO criteria for internal noise levels.
- 6.12.5 However, with the inclusion of the proposed mitigation measures (which includes a suitable glazing and ventilation strategy and noise barriers) the potential for adverse impacts is considered to be low, which would also represent NOEL to LOAEL.
- 6.12.6 As such, the amenity of residents would be not harmed from noise and the Site is accordingly considered to be suitable for the development in accordance with Section 15 of the NPPF.

7 Draft Terms of Agreement for a S106 Agreement

7.1 Draft S106 Heads of Terms

- 7.1.1 Paragraph 57 of the NPPF confirms that planning obligations should only be sought where they meet all of the following tests:
- a. Necessary to make the development acceptable in planning terms;
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in scale and kind to the development.
- 7.1.2 A full S106 package is under discussion and will be agreed with the Council.
- 7.1.3 Any requests for S106 contributions will be considered by the Applicant in light of the provisions of regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraphs 55 to 57 of the NPPF.

8 Summary and Conclusions

8.1 Summary

8.1.1 This Planning Statement has been prepared by Stantec on behalf of Barratt David Wilson Homes Mercia to assess the planning matters arising from a planning application for the following description of development at Land off Hither Green, Redditch:

'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'

8.1.2 The proposed development comprises 214 dwellings at Land off Hither Green Lane, Redditch, including a range of dwelling types, sizes and tenures throughout the Site.

8.2 Decision Making Approach

8.2.1 The Development Plan consists of the adopted Borough of Redditch Local Plan, which was adopted in January 2017.

8.2.2 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:

- d) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - A Golf Report has been submitted as a part of this application which demonstrates that the Site is surplus to local golf facilities. It is the Applicants intention to submit an updated golf assessment to support the previous report in that there is a wider provision in the area.
- e) 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
 - The Site is presented in a suitable and sustainable location for the proposals. Despite the quantity of the golf course space being reduced as a part of the scheme, the remaining space and reconfigured golf course will be of higher quality and better than existing provision. The open space onsite would be made more accessible to existing and future residents, and the golf course would be made fit for the future.
- f) The development is for alternative sports and recreational facilities, the benefits of which clearly outweigh the loss of the current or former use.
 - As a starting point, an 18 hole golf course remains on site. As referenced above, the golf course is to be reconfigured to a more playable and compatible facility in relation to the hotel. The new golf course will be of high quality and become a more useable space for members and visitors. As such, the benefits of redesigning the course and providing a sustainable residential development, clearly outweigh the loss of its former use.

8.2.3 As detailed above, the Site is identified as 'Primarily Open Space' within the Redditch Local Plan. Policy 13 (Primarily Open Space) is therefore considered to be relevant. Noting the policy

criteria in assessing applications for development on primarily open space, it is recognised that as a part of the proposals, an enhanced and reconfigured golf course will be provided. Therefore, the relationship between the hotel and golf course will be strengthened as a part of the proposals and there will be no quantitative loss of accessible open space.

- 8.2.4 As set out within the Open Space Study (2023), the Site is identified as an outdoor sports facility with limited accessibility and has not accounted towards the open space standards. 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.
- 8.2.5 Taking the above into consideration, it is proposed that as a part of the development of the Site, the golf course is reconfigured to a more playable par 3 18 hole golf course 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, which will ensure that its position as a tourist asset is protected for the future.
- 8.2.6 The recent Land off Torbay Drive appeal decision (3311/282) is noted, where the Inspector recognised that despite North East Lincolnshire Council having a housing land supply position of 13.1 years, it is evident that there is a history of undersupply in the area. Further to this, the Inspector advised that the housing land supply figure *“is not a ceiling and exceeding this is a positive outcome, particularly given the national context of a housing crisis and the overall emphasis in national policy to significantly boost the supply of housing.”*
- 8.2.7 The proposed development therefore represents a significant opportunity to deliver the following economic, social and environmental benefits to Redditch Borough and the wider area including:
- The delivery of 214 no. dwellings in an accessible location, creating a sustainable residential development adjacent to the existing built form of Redditch;
 - A contribution towards meeting the housing needs for Redditch Borough and Bromsgrove District as a Housing Market Area, and the Greater Birmingham and Black Country Housing Market Area (GBBCHMA);
 - The provision of 66 affordable dwellings and 2 self / custom build units;
 - A mixture of dwelling types comprising 1, 2, 3 and 4 bedroom dwellings will be provided to assist in improving housing choice within the local area;
 - Promotion of development in a sustainable location which is well located for public transport connections and to promote pedestrian and cycle trips;
 - A contribution to the economy through local construction jobs during the construction phase of the development. Furthermore, the use of local tradesmen and services along with materials will help to sustain the local economy through supply chain multipliers;
 - The creation of 3.4ha of publicly accessible play areas and open space;
 - Additional landscaping and planting throughout the Site; and
 - Biodiversity enhancements across the Site.
- 8.2.8 The supporting technical documents submitted as part of the Planning Application have demonstrated compliance with the requirements of the adopted Local Plan and NPPF. In light of its compliance with the Local Plan and in the absence of overriding harm and taking into

account the significant benefits arising from the proposed development, it is considered entirely appropriate to grant Planning Permission.

Appendix A - Site Location Plan

Appendix B – Local and National Policies

8.3 Borough of Redditch Local Plan (2017)

- 8.3.1 **Policy 2: Settlement Hierarchy** – The location and scale of development should accord with the settlement hierarchy. Redditch urban area will be the focus for development.
- 8.3.2 **Policy 3: Development Strategy** – Sites focused in Redditch are encouraged to be developed earlier in the Plan Period. The suitability of sites to be brought forward for development will be determined following satisfactory demonstration of how all necessary infrastructure will be funded and delivered. Should the required rates of housing delivery not be achieved, the Borough Council will employ proactive planning measures.
- 8.3.3 **Policy 5: Effective and Efficient Use of Land** – Densities of between 30 and 50 dwellings per hectare will be sought in Redditch Borough. Higher densities should be provided near to public transport exchanges and where it can be demonstrated that there will be no detrimental impact on the amenity, character and environmental quality of an area.
- 8.3.4 **Policy 11: Green Infrastructure** – The existing GI network will be safeguarded and new development will be required to contribute positively to the GI network. Opportunities will be sought to improve and maintain the network for the benefit of people, wildlife and the character and appearance of the Borough.
- 8.3.5 **Policy 12: Open Space Provision** – The Borough Council will aim to maintain minimum standards of open space provision as identified in the Open Space Needs Assessment and Playing Pitch Strategy. New development will be required to make provision for new and/or improvements to open space, sports and recreation facilities in accordance with the Open Space Provision Supplementary Planning Document (SPD).
- 8.3.6 **Policy 15: Climate Change** – All new development must have regard for the need to be climate-resilient and applications will be judged against the criteria set out within the Policy.
- 8.3.7 **Policy 16: Natural Environment** – All development proposals will be expected to demonstrate how the use of natural resources will be minimised; protect and, where appropriate, enhance the quality of natural resources; demonstrate the Borough's distinctive landscape is protected, enhanced or restored; avoids any significant adverse impact on skylines and hill features; where possible retain trees; and contribute to the achievement of relevant Worcestershire Biodiversity Action Plan targets where appropriate.
- 8.3.8 **Policy 17: Flood Risk Management** – All sites in excess of 1ha in size or located in Flood Zone 2, 3a or 3b will require a comprehensive Flood Risk Assessment.
- 8.3.9 **Policy 18: Sustainable Water Management** – All development proposals will require the inclusion of Sustainable Drainage Systems to manage surface water runoff on site.
- 8.3.10 **Policy 19: Sustainable Travel and Accessibility** – Transport will be coordinated to improve accessibility and mobility, so that sustainable means to travel, reducing the need to travel by car and increasing public transport use, cycling and walking are maximised.
- 8.3.11 **Policy 20: Transport Requirements for New Development** – A Transport Assessment will be required where it is considered that development will have a significant transport implications. A Travel Plan will be required alongside all developments which generate significant amounts of movement. All proposals should incorporate safe and convenient access arrangements in their design for all potential users.

- 8.3.12 **Policy 22: Road Hierarchy** – The Borough Council will continue to endorse and pursue the principles of a structured road hierarchy and will seek to extend such principles to any new development.
- 8.3.13 **Policy 28: Supporting Education, Training and Skills** – Developers of all major applications will be required to provide education and training or funding towards the provision of education and training for local residents.
- 8.3.14 **Policy 29: Broadband and Telecommunications** – All developments should make provision for the service infrastructure required at the design stage of any proposal suitable for occupiers of all development.
- 8.3.15 **Policy 36: Historic Environment** – Designated heritage assets including listed buildings, structures and their settings; conservation areas; and scheduled monuments, will be given the highest level of protection and should be conserved and enhanced. Applications for development affecting any heritage asset or its setting must be accompanied by a heritage statement. The level of detail should be proportionate to the significance of the heritage asset and the likely level of impact.
- 8.3.16 **Policy 39: Built Environment** – All development in the Borough should contribute positively to the local character of the area, responding to and integrating with the distinctive features of the surrounding environment, particularly if located within a historic setting.
- 8.3.17 **Policy 40: High Quality Design and Safer Communities** – Good design should contribute positively to making the Borough a better place. A number of criteria are provided that new development schemes will be expected to demonstrate.

8.4 National Planning Policy Framework

Achieving Sustainable Development

- 8.4.1 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 states that '*the purpose of the planning system is to contribute to the achievement of sustainable development*'.
- 8.4.2 Sustainable development has three overarching objectives, being economic, social and environmental, and planning should therefore perform each of these roles (Paragraph 8). These objectives are mutually dependant and should not be considered in isolation.
- 8.4.3 When considering the sustainability of the proposal, in the context of the three objectives the proposal is considered to have significant benefits as follows:
- 8.4.4 *Economic Role:* The proposed residential development of 214 dwellings will contribute to the economy through local construction jobs during the construction phase of the development. The use of local tradesmen and services along with materials will help to sustain the economy through supply chain multipliers. Once the dwellings have been built and occupied, the new residents will contribute to the local economy through additional expenditure in local shops and services.
- 8.4.5 *Social Role:* The delivery of 214 dwellings will have the potential to make a substantial contribution to the creation of a strong and vibrant community. The development will provide a number of social benefits for the existing / future residents of Redditch including the provision of new areas of formal and informal public open space for use by the wider community. 66 of the proposed dwellings will be affordable which will help to increase the range and type of dwellings and tenures available within the locality, contributing to the creation of a mixed / balanced community.

- 8.4.6 *Environmental Role:* The proposed development has been carefully designed in order to make a positive contribution to the built environment. A high-quality landscape is proposed which includes multi-functional green infrastructure (GI) such as children's play areas, informal recreational areas, SuDS features, buffer planting, retained trees, woodland copse, hedgerows and other habitat creation.
- 8.4.7 Paragraph 11 requires development proposals which accord with the Development Plan to be approved without delay. Where the Development Plan is absent and policies of relevance are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, or if any specific policies indicate otherwise at Footnote 7. None of the criteria at Footnote 7 are applicable to the proposed development.
- 8.4.8 Where policies were adopted prior to the publication of the NPPF, due weight should be afforded to them according to their degree of consistency with the Framework.
- 8.4.9 Paragraph 15 advises that the planning system should be genuinely plan led, with succinct and up to date plans.

Decision Making

- 8.4.10 Paragraph 47 advises that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Delivering a Sufficient Supply of Homes

- 8.4.11 Paragraph 60 sets out the Government's objective of 'significantly boosting' the supply of housing. Local Planning Authorities should deliver their full objectively assessed needs for both market and affordable housing and to consider any needs that cannot be met in neighbouring Authorities. Paragraph 60 goes on to advise that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 8.4.12 Local Planning Authorities should identify and update annually a five year supply of available housing land as a minimum (Paragraph 75).
- 8.4.13 Annex 2 of the NPPF details the different tenures of affordable housing to include the following:
- Affordable rent;
 - Starter homes;
 - Discount market sale; and
 - Other affordable routes to home ownership.

Promoting Healthy and Safe Communities

- 8.4.14 Planning decisions should aim to achieve healthy, safe and inclusive places which promote social interaction, are safe and accessible and enable and support healthy lifestyles (Paragraph 96).
- 8.4.15 Paragraph 97 requires policies to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 8.4.16 Paragraph 103 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 facilities, the benefits of which clearly outweigh the loss of the current or former use.

Promoting Sustainable Transport

- 8.4.17 The NPPF requires significant development to be focussed on locations which are or can be made sustainable through limiting the need to travel or offering a genuine choice of modes of travel (Paragraph 109).
- 8.4.18 Development proposals should ensure appropriate opportunities to promote sustainable modes of transport can be accommodated; safe and suitable access can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and any significant impacts arising from the development can be mitigated to an acceptable degree (Paragraph 114).
- 8.4.19 Paragraph 115 goes on to state that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impact on the highway network would be 'severe'.
- 8.4.20 Paragraph 116 sets out a number of criteria for development proposals including giving priority to pedestrian and cycle movements, addressing the needs of those with disabilities and reduced mobility and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making Effective Use of Land

- 8.4.21 Paragraph 128 requires Local Planning Authorities to support development which makes efficient use of land. This should take account of the need for different types of housing, the prevailing character of an area and the importance of securing well designed and beautiful, and attractive places.
- 8.4.22 Paragraph 129 advises that area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently whilst also creating beautiful and sustainable places.

Achieving Well Designed and Beautiful Places

- 8.4.23 The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Paragraph 131).
- 8.4.24 Paragraph 135 sets out a number of criteria that new development will be expected to achieve including good architecture, layout and appropriate / effective landscaping; establishing or maintaining a strong sense of place; and creating inclusive and accessible places.
- 8.4.25 Paragraph 136 considers the important contribution that trees can have to the character and quality of the urban environment. Where possible, planning policies and decisions should ensure that trees are incorporated into new developments and new streets are tree lined.
- 8.4.26 Paragraph 139 advises that permission should be refused where development is not well designed and fails to reflect local design policies and government guidance on design, taking

account of any local design standards or supplementary planning documents such as design guides and codes.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 8.4.27 The NPPF requires the planning system to support the transition to a low carbon future (Paragraph 157).
- 8.4.28 When determining planning applications, Local Planning Authorities should take account of layout, building orientation, landscaping and massing to minimise energy consumption (Paragraph 162).
- 8.4.29 Paragraph 165 advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from high-risk areas. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere (Paragraph 173). Applications for major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Paragraph 175).

Conserving and Enhancing the Natural Environment

- 8.4.30 The NPPF recognises the role of the planning system in contributing to and enhancing the natural and local environment (Paragraph 180) across a number of technical disciplines.
- 8.4.31 Paragraphs 185-187 seek to minimise the impact on biodiversity and geodiversity. In particular, priority habitats and protected species should be preserved.
- 8.4.32 Paragraphs 189-191 require new development to be appropriate to its location in order to prevent unacceptable risks from pollution and require sites to be appropriately remediated. Where a site is affected by contamination, the developer is responsible for ensuring that the development is safe.



Appeal Decision

Hearing held on 16 August 2023

Site visits made on 15 and 17 August 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/B2002/W/22/3311282

Land to the west of 30 and 31 Torbay Drive, North East Lincolnshire, Grimsby DN33 3DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin Snape of Snape Properties Ltd against the decision of North East Lincolnshire Council.
 - The application Ref DM/0285/22/FUL, dated 27 March 2022, was refused by notice dated 4 November 2022.
 - The development proposed is 64 dwellings consisting of bungalows, houses, detached garages, access roads, drives including landscape works.
-

Decision

1. The appeal is allowed and planning permission is granted for 64 dwellings consisting of bungalows, houses, detached garages, access roads, drives including landscape works at land to the west of 30 and 31 Torbay Drive, North East Lincolnshire, Grimsby DN33 3DQ in accordance with the application, Ref DM/0285/22/FUL dated 27 March 2022 subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr Kevin Snape of Snape Properties Ltd against North East Lincolnshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council highlight a significant change in circumstance since their decision on the application. The North East Lincolnshire Local Plan (2018) (LP) is now more than 5 years old and as such the standard method to calculate the Council's housing land need has been applied to determine the Council's 5-year housing land supply position. Based on this approach the Council state that they can demonstrate a supply of 13.1 years. I return to this later on in my decision.
4. The appellant has produced a signed and dated planning obligation under Section 106 of the Town and Country Planning Act (1990). The planning obligation would secure affordable housing and a play area on site and a financial contribution towards primary and secondary education.

Main Issues

5. The main issues are:

- The effect of the proposed development upon the character and appearance of the area and the Waltham and Grimsby and New Waltham Strategic Gap; and
- The effect upon the safe and efficient operation of the local highway network.

Reasons

Character and appearance

6. LP Policy 5 sets out that permission for development in open countryside, outside the defined development boundaries of settlements will be limited to certain types of development and where they have regard to a number of generic design criteria. The policy does not support the provision of market housing in countryside locations. The justification to Policy 5 states that the nature and form of settlement edges has informed the process of defining development boundaries including key characteristics, views and distinctive features, visual open space and sensitivity to change.
7. LP Policy 40 designates strategic gaps to protect the setting and separate identity of settlements. The supporting text to the policy states that the aim of the gaps is to maintain the openness of land to prevent the coalescence of settlements.
8. The development proposes the construction of 64 dwellings comprising a mix of bungalows and two storey dwellings with a wildflower meadow and woodland extending over around 2 hectares along the field edge.
9. The appeal site lies within the Waltham and Grimsby and New Waltham strategic gap and beyond the defined development boundary of Scartho. The appeal site is triangular in shape comprising agricultural land subdivided from the wider field by immature hedgerow. It forms part of the wider agrarian landscape between the settlements of Scartho and New Waltham, defined by gently undulating fields and wooded areas. The site's open character contributes to the large field pattern and the rural appearance of the landscape.
10. That said, the site is also heavily influenced by the amount of built development locally with existing residential development extending along the site's northern and eastern boundary. The dense housing and its arrangement along the edges of the site results in a hard and domesticated edge between the built form and the countryside beyond.
11. At the time of my site visit I walked along Public Right of Way 70 (PRoW) that extends across the fields between Scartho and Waltham. In my view, when leaving either settlement, along the PRoW, the initial experience is one of an abrupt change from a built-up environment to rurality. The rural character increases when walking along the PRoW as more extensive views of the surrounding open countryside and big skies become more apparent. However, one does not fully escape the urban environment and the presence and extent of the built form is still very apparent from within this landscape.

12. The North East Lincolnshire Landscape Character Assessment (NELLCA) and North East Lincolnshire Landscape Character Assessment, Sensitivity and Capacity Study (NELLCASCS) documents state that the site falls within an 'Open Wooded Farmland' area which is characterised by a predominantly flat, low lying visually open landscape emphasised by arable farmland, hedgerow field boundaries and interspersed woodland blocks. The documents indicate that the area has a medium sensitivity to change and a medium-low capacity for additional development.
13. The Council advised that there have been no changes of material significance to the landscape since the NELLCA and NELLCASCS were produced. The appellant, on the other hand, takes a different view and contends that the baseline established in these documents has moved on in part due to urbanisation, traffic and more people using the countryside.
14. The application was accompanied by a Landscape Character Assessment (LCA), which examines and appraises the landscape character of the site and the surrounding area. The LCA identifies the presence of an 'Urban Fringe' along the edges of Scartho, Waltham and New Waltham influenced by increased human activity resulting in a 'zone of transition' between the built environment and surrounding rural landscape.
15. I acknowledge that the site sits within a pleasant landscape. However, the contribution it makes to the wider rural landscape is somewhat undermined by the presence of the domesticated margin of land that runs along the settlement edge and two sides of the site.
16. There would be encroachment into the countryside and urbanisation of the site resulting from the proposed development. However, it would be read as a logical extension of the established built form. The layout, form and heights of the dwellings would be commensurate with housing locally and the swathe of green infrastructure and extensive landscaping would provide a visual connection and transition between the built form and the agrarian landscape to the south.
17. The proposed landscaping would reduce the perception of urban encroachment creating a considerable soft and verdant edge assimilating the proposed development into the local landscape. Conditions relating to the management of the green infrastructure for the lifetime of the development would maintain adequate landscaping for the long term.
18. Scartho and Waltham are separated by a single field, albeit a large one. The likelihood of coalescence is one of perception and it is important to understand how the area is experienced as people move through it. Grimsby Road is a busy route passing through the landscape to the east of the site connecting Waltham to Grimsby. When travelling along the road the gap between the two settlements is not discernible, and views of the site are largely screened by vegetation. Therefore, there would not be any significant appreciation of the proposed development and the encroachment into the rural landscape from the road.
19. Whilst I note the Council's comments it is not the purpose of the planning system to protect private views. The proposed development would be most evident in localised views along the PRoW. However, residential development is not an anomalous feature in the area and the development would be read as a

continuation of the established built form and experienced in the context of the dense built form that flanks the site on two sides.

20. When leaving Waltham along the PRow the experience of leaving the built form of the village and entering the countryside would remain largely the same. The local experience would evidently change when leaving Scartho through the introduction of houses and associated roads along a stretch of the PRow. However, the separation between the proposed dwellings and the path together with the soft landscaping along its length would maintain a relatively open and green aspect along the northern section of the PRow ensuring its quality is not diminished.
21. Furthermore, once beyond Torbay Drive there would be an impression of a rural setting. The abrupt change in character from suburban development to one of countryside and the perception of big skies would still be apparent from this point onwards. As such, the sense of leaving one place before arriving at another would remain. Whilst some might say that this change would be dramatic it does not necessarily mean that it would be harmful either in visual terms or in respect of how the local area is experienced.
22. In coming to my decision, I have paid regard to the value that local residents place on the strategic gap as an open green space for their general wellbeing.
23. Taking into account the localised effects of the proposed development and that it would not unduly harm the existing visual relationship between Scartho and Waltham leads me to conclude that there would be an adequate physical and perceptual gap between the two settlements so that coalescence would not occur and the separate identities of the two villages would not be diminished.
24. Whilst the proposal would encroach into open countryside the impact would be somewhat offset by the introduction of the extensive area of meadow and woodland softening the built form and integrating development into the landscape. As such, the proposed development would accord with LP Policies 22, 40 and 42 which, amongst other things, require developments to have a high standard of sustainable design; regard to landscape context and seek to protect the setting and separate identities of settlements.
25. Despite the above, there would be conflict with LP Policy 5 which seeks to direct new development to within settlement boundaries.

Safe and efficient operation of the local highway network

26. The proposed development would join Torbay Drive, which forms part of the adopted highway, resulting in an extension of the adoptable road and footpath. Traffic to and from the dwellings would pass along through an existing residential area including Torbay Drive and Boundary Road. With this in mind I have paid regard to the concerns raised about additional vehicular traffic and on street parking pressures in the area.
27. The appellant's Transport Statement (TS) used the TRICS database to estimate the number of trips that would be generated per dwelling in the AM and PM peak hours. The database is based on real world data and the trip generation figures were accepted by the Highway Authority.
28. The appellant's evidence indicates that the proposed development would generate 35 two-way peak hour movements, which they contend would not

result in a severe impact on the road network or highway safety. This is a view shared by the Highway Authority.

29. I acknowledge that it is likely that most households would have more than one vehicle. However, at the time of my site visits, on a weekday morning and afternoon, I observed that Boundary Road, Torbay Drive, Totnes Road and Dawlish Road were lightly parked, with very low levels of vehicle and pedestrian movements along them. Whilst I appreciate that this is a snapshot in time, there were no obvious signs of significant movements along the road, congestion or parking stress in the area.
30. The roads in the local area serve dwellings which suggests traffic speeds are likely to be low. There is reasonable visibility along Torbay Drive and surrounding roads and pedestrians, cyclists and cars would be able to see each other. In addition, visitors that do not have knowledge of the road layout or area are likely to drive more carefully and consciously.
31. Local residents submit that the surrounding roads and junctions are frequently gridlocked. However, this does not tally with my observations or the appellant's evidence which indicates that the surrounding highway network is operating within capacity and the proposed development would not significantly impact upon it.
32. I also note the proximity of local services and facilities and public transport links that would be directly accessible from the site via dedicated footpaths. Therefore, future occupiers would not be overly reliant on private vehicles as suitable options exist for residents to access services and facilities on foot and by public transport.
33. Drawing these matters together I am satisfied that the proposed development would not generate unacceptable levels of traffic or lead to driver frustration or conflict on account of the existing road conditions along Torbay Drive and surrounding roads.
34. Whilst there may be some potential for conflict between cars and vehicles associated with the construction phase a condition for a construction management and traffic plan would manage construction traffic during this phase to minimise such instances.
35. In terms of refuse collection, I have considered the swept path diagrams provided and find that refuse lorries would be able to enter the site and manoeuvre within the estate roads without hinderance. The make up or condition of the local roads is not a matter for me in consideration of this appeal.
36. I have taken into account that my visits were undertaken during the school summer holidays, but my observations are consistent with those outlined within the appellant's TS which was undertaken during school term time. Despite the comments received it is evident that the appellant's highway assessment has regard to other committed developments in the area. Accordingly, I am satisfied that the TS is sufficiently robust in this regard.
37. Notwithstanding the representations received regarding additional cars and parking, the Highway Authority had raised no objection to the planning application. There is no compelling evidence before me so as to lead me to a different conclusion in respect of this matter.

38. As such, based on the evidence before me, I am satisfied that the proposed development would not adversely affect the safe and efficient operation of the highway network. It would accord with LP Policy 5 which, amongst other things, requires developments to have regard to access and traffic generation.

Other Matters

39. Despite the representations received there is no substantive evidence, before me, to suggest that the development would increase the risk of flooding locally or that the capacity of the attenuation pond proposed would not be sufficient to serve the development. Furthermore, conditions have been imposed for details of the drainage strategy including its implementation and long term maintenance.

40. The appellant has submitted a Preliminary Ecological Appraisal Report (PEA) which sets out that the site comprising arable land with improved grassland margins is sub optimal to support a number of protected species including great crested newts, badgers and bats. I acknowledge the PEA was undertaken outside the optimal survey period for some protected species. However, there is no credible information before me to question its conclusion, particularly as the Council's Ecologist did not raise any objections to the application.

41. Furthermore, a condition has been imposed requiring an updated great crested newt survey to be undertaken prior to any development taking place on site. In the event that protected species were found on site the development could not proceed until adequate mitigation was secured. As such, I am satisfied that the appellant has adequately demonstrated that there are no insurmountable ecological constraints on and around the site.

42. There is no credible evidence before me to suggest that the proposed development would result in instances of anti-social behaviour or that it would put additional pressure on local services including healthcare. Issues such as land ownership and ransom strips fall outside of what I consider in my decision.

Planning balance

43. There is no dispute between the two main parties that the Council can demonstrate a five-year supply of deliverable housing land. Therefore, paragraph 11 d) of the Framework is not engaged by this particular factor.

44. Paragraph 11 d) of the Framework is also not engaged because the most relevant policies for determining the application are not out of date. For these reasons, the planning balance set out in Section 38(6) of the Planning and Compulsory Purchase Act is the one to be applied in this case.

45. The Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, whilst the development plan has primacy in decision making, there are circumstances where material considerations may indicate that a decision otherwise than in accordance with the plan should be taken.

46. Proposing housing on the appeal site conflicts with the LP as it would be located beyond a defined settlement boundary. However, this harm would be tempered because the appeal site sits on the edge of Scartho neighbouring residential development. Furthermore, it is an agricultural field heavily influenced by

existing built form and a domestic margin. I therefore give this conflict with the development plan moderate weight.

47. Whilst the Council can demonstrate a deliverable housing land supply of 13.1 years this has come about due to the use of the standard method to calculate the Council's housing land need. Based on the information before me until recently the supply stood below 5-years at around 4.2 years. It is also evident that there is a history of undersupply in the area.
48. With this in mind the construction of open market housing would make a reasonable contribution towards housing supply in the area. Despite the current position the five-year housing-land supply figure it is not a ceiling and exceeding it is a positive outcome, particularly given the national context of a housing crisis, and the overall emphasis in national policy to significantly boost the supply of housing.
49. Whilst the provision of affordable housing would "wash its face" in the words of the Council, the importance of affordable housing at the site of different tenures and sizes cannot be underestimated. The Council could not produce any substantive evidence to indicate that they are meeting the needs of the local community in respect of the delivery of affordable homes. Accordingly, I give the delivery of affordable homes significant positive weight in the planning balance.
50. The construction of 64 dwellings would provide jobs albeit this would be largely short term limited to the construction phase. Future occupiers would help maintain or enhance services in the area including in Scartho, Waltham and Grimsby. These are factors in favour of the proposal.
51. A biodiversity net gain of 25% for general habitat and 72% for hedgerow habitat would be achieved. This is possible because the appeal site is arable land and, in common with much agricultural land, it offers relatively low existing biodiversity value. This biodiversity net gain alongside the provision of approximately 2 hectares of publicly accessible open space and play equipment on the edge of Scartho would be benefits of the scheme to which I attach significant positive weight.
52. The proposed development would not adversely affect highway safety, increase the risk of flooding or unduly affect protected species. However, these are matters of neutral consequence in the overall balance.
53. The planning obligations would contribute towards supporting or improving local education infrastructure. However, the obligations would essentially mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence in the overall balance.
54. Whilst there would be some minor conflict with the LP in respect of the location of development, I find that the economic, social and environmental benefits of the proposal would significantly and demonstrably outweigh the harm and outweighs the conflict with the development plan. A decision should thus be taken otherwise than in accordance with the development plan.

Conditions

55. I have considered the imposition of conditions in accordance with the Framework and the Planning Practice Guidance. In the interests of precision

- and clarity I have undertaken some rationalisation of the conditions suggested by the Council.
56. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty.
57. Conditions relating to the external materials, site levels, landscaping, tree protection, the open space and woodland are necessary in order to ensure the satisfactory appearance of the development. A condition ensuring the ongoing management and maintenance of the external areas including the play equipment has also been imposed.
58. In the interests of human health conditions relating to unexpected land contamination and for an air quality improvement scheme to be submitted have been imposed.
59. In the interests of sustainability and biodiversity conditions for details of a sustainable drainage scheme, ecological enhancements and for an updated great crested newt survey to be carried out have been imposed.
60. A condition for details of the estate roads and footways has been imposed in the interests of highway safety. For similar reasons and in order to protect the living conditions of nearby residents a condition for a Construction Management and Traffic Plan has been imposed.
61. The Council has suggested removing permitted development rights for additions or alterations to the roof, falling within Classes B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of the proposed bungalows.
62. I acknowledge that paragraph 54 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, in this particular instance it is necessary and reasonable to remove permitted development rights to ensure the satisfactory appearance of the development and in order to safeguard the living conditions of neighbouring occupiers.
63. The Council has suggested a condition for a scheme of water efficiency and re-use. Such matters are dealt with by other legislation ie. Building Regulations and therefore, I do not find that it is reasonable to impose such a condition.
64. The Council has suggested a condition restricting deliveries to and from the site during the construction phase. This condition would form part of the details required as part of the Construction Management and Traffic Plan condition. Therefore, it is not necessary to impose a separate condition.

Conclusion

65. For the reasons set out above the appeal succeeds.

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INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing Number 01.335.22 Rev C; Heather Plans and Elevations Drawing Number 04.335.22; Poppy Plans and Elevations Drawing Number 05.335.22; Fuchsia Plans and Elevations Drawing Number 06.335.21 Rev A; Fuchsia Plans and Elevations Drawing Number 08.335.21; Poppy Plans and Elevations Drawing Number 09.335.22; Elm House Plans and Elevations Drawing Number 11.335.21; Hornbeam Plans and Elevations Drawing Number 12.335.21; Walnut House Plans and Elevations Drawing Number 13.335.21; Aspen House Plans and Elevations Drawing Number 14.335.21 Rev A; Holly Plans and Elevations Drawing Number 15.335.22; Proposed Garage Plans and Elevations Drawing Number 16.335.22; Aspen Plans and Elevations Drawing Number 17.335.21 Rev A; Tracking Layout Drawing Number E844-05 Rev A; Feasibility Layout Drawing Number E844-FEAS Rev B; Feasibility Road and Sewer Sections Layout Drawing Number E844-FEAS20; Feasibility Road and Sewer Sections Layout Drawing Number E844-FEAS21; Proposed Block Plan Drawing Number 2.335.22; Topographical Survey 3.335.22; Topographical Survey Drawing Number 4109/10/001; Landscape Master Plan Drawing Number LMP_M010622_AH; Landscape Plan No.2 Drawing Number LP2_101622_AH; Landscape Plan No.3 Drawing Number LP3_101622_AH; Landscape Plan No.4 Drawing Number LP4_101622_AH and Proposed Site Plan Ecology Drawing Number 15.335.22 Rev H
- 3) No development shall take place until a Construction Management and Traffic Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management and Traffic Plan shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of the standards to which the roads and footways serving the development are to be constructed, and their management, have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the roads and footways have been constructed in accordance with the approved details.
- 5) No development shall take place until details of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a scheme for Air Quality Improvement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 7) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed dwellings, in relation to existing ground levels have been submitted to and approved in

- writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 8) No development shall take place until an up-to-date Great Crested Newt Survey is submitted to and approved in writing by the local planning authority. Should Great Crested Newts be found to be present then a mitigation strategy shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the recommendations set out in the survey and the mitigation strategy.
 - 9) No development shall take place until a scheme of ecological enhancement, based upon the conclusions and recommendations set out in the submitted Ecological Appraisal, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
 - 10) No development shall take place until details of the sustainable surface water drainage scheme including a phasing and implementation plan, following the principles shown on Drainage Layout Plan - E844-FEAS and details in the Flood Risk Assessment have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 11) No development shall take place, above ground, until management plans for the proposed open space, sustainable drainage system and play equipment has been submitted to and approved in writing by the local planning authority. The management plans shall include details of play equipment, long term design objectives, timing of the works, management responsibilities and maintenance schedules for them. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development.
 - 12) The open space and woodland belt shall be completed in accordance with the approved landscaping scheme shown on Landscape Master Plan Drawing Number LMP_M010622_AH; Landscape Plan No.2 Drawing Number LP2_101622_AH; Landscape Plan No.3 Drawing Number LP3_101622_AH and Landscape Plan No.4 Drawing Number LP4_101622_AH before occupation of the first dwelling and shall be maintained for the lifetime of the development.
 - 13) All the trees and planting shown on Landscape Master Plan Drawing Number LMP_M010622_AH; Landscape Plan No.2 Drawing Number LP2_101622_AH; Landscape Plan No.3 Drawing Number LP3_101622_AH and Landscape Plan No.4 Drawing Number LP4_101622_AH shall be protected, during the construction of the development, in accordance with details that have been submitted to and approved in writing by the local planning authority.
 - 14) No development shall take place, above ground, until a scheme for phasing and implementation of the landscaping through the rest of the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 15) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 16) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 17) The development hereby permitted shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority. The Plan shall be implemented in line with its terms.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions or alterations to the roof within Classes B and C shall be constructed on plots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

APPEARANCES

FOR THE APPELLANT:

Mark Johnson of Johnson Mowatt

Martin Carter of Kings Chambers

Graham Prior of Robert Doughty Consultancy

John Vernon of Northern Transport Planning

FOR THE LOCAL PLANNING AUTHORITY:

Richard Limmer – Major Projects Planner

Martin Dixon – Development Services Manager

Sarah Bowland – Landscape Architect

Ian King – Spatial Planning Manager

Lara Hattle – Senior Highway Development Officer

Councillor David Hasthorpe – Deputy Chair of Planning Committee

INTERESTED PARTIES:

Councillor Ron Shephard

Councillor Lottie Croft

Jane Arnold

Kevin Arnold

Tony Hardwick

Lee Hubbard

Shirley King

Pat Taylor

Jane Wilson