



Appeal Decision

Inquiry held on 21 to 23 January 2025

Site visit made on 23 January 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13/02/2025

Appeal Ref: APP/Q1825/W/24/3350905

Land West of Hither Green Lane, Redditch

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A. Rowan, Barratt David Wilson Homes (Mercia) against the decision of Redditch Borough Council.
 - The application Ref is 21/01830/FUL.
 - The development proposed is a 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.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure at Land West of Hither Green Lane, Redditch in accordance with the terms of the application, Ref 21/01830/FUL, subject to the conditions in the attached schedule.

Procedural Matters

2. The name of the appellant on the appeal form is stated solely as Barratt David Wilson Homes (Mercia). This differs from the applicant details as are set out on the planning application form. I am however satisfied that the appellant has the authorisation for the appeal to proceed. As an appeal can only ordinarily proceed in the name of the applicant, it is those details which are included in the banner heading above.
3. The appellant submitted an amended proposed site layout plan¹ with the appeal for the purposes of showing changes to surface materials and tree planting, together with amended house type elevations and a revised Design and Access Statement (revised DAS). This was in order to respond to design matters. In applying the tests under the Holborn Studios Ltd judgment², these proposed amendments do not represent a substantive difference from that which the Council considered at the time of its decision. The site layout is overall similar, and the number of proposed dwellings has not changed. Nor do the proposed amendments result in procedural unfairness as other parties have had the opportunity to comment on these changes during the appeal through written representations and at the Inquiry.

¹ Ref: ME-24-21AB

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Accordingly, I have considered these amended plans and revised DAS in my decision.

4. The proposal has been considered by the Secretary of State in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017). A screening direction has been issued which states that the proposal is not Environmental Impact Assessment development.
5. The Inquiry included the consideration of a draft agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106 Agreement) which concerned planning obligations related to the provision of supporting infrastructure, affordable and custom build housing, and a reconfigured golf course. A completed and executed version of the S106 Agreement was submitted after the close of the Inquiry.
6. The Council refused the planning application, in summary, on the grounds of the loss of designated open space, character and appearance related to design matters and that the new housing provision would not justify the loss of open space in light of the Council's housing land supply position. It considered there would be conflict with the Council's development plan. However, the Council's Statement of Case subsequently set out that the Council had resolved to not defend the appeal. It also stated that it would not be presenting any evidence to support the reasons for refusal.
7. This is however not the position of the North Redditch Communities Alliance (NoRCA) and other interested parties. They continue to maintain objections which centre on the loss of open space and recreation, and character and appearance, amongst other issues. NoRCA has also provided detailed objections on traffic and transport grounds. These were contained in the main issues for the Inquiry, as agreed at the Case Management Conference that I held and as I set out in my opening remarks at the Inquiry.
8. NoRCA and the Worcestershire Acute Hospitals NHS Trust were permitted to submit Inquiry Statements at the same time as when the appellant submitted its Proofs of Evidence. In the case of NoRCA, this covered the main issues and a number of other topics. A Flood Risk and Drainage report was omitted and so on receipt of this document, the appellant was permitted a short time to comment on it after the close of the Inquiry. Similarly, NoRCA was given a short time after the Inquiry to comment on a Highways and Transport Rebuttal Proof of Evidence that the appellant submitted shortly before the Inquiry. The appellant was then also permitted to provide its response to NoRCA's comments.
9. At the Inquiry NoRCA submitted an extract from the GOV.UK website titled 'Check your long term flood risk' which concerned the Abbey Hotel Golf & Country Club. The appellant was given a short time to respond after the Inquiry and produced new evidence by way of a sequential test report. As such, NoRCA was given the opportunity to respond to that new evidence and then the appellant to provide final comments. I have taken the totality of the evidence before me into account in my decision.

Main Issues

10. The main issues are (i) the effect of the proposal on green infrastructure provision with regard to designated open space and recreational use; (ii) the effect on the

character and appearance of the area, including design quality; (iii) transport matters by way of traffic impact and the use of modes of transport other than the car; and (iv) if harm arises, whether this would be outweighed by the benefits of the proposal.

Reasons

Green Infrastructure Provision

11. The appeal site comprises part of an existing golf course, together with areas of scrubland. There are trees and hedgerows on its boundaries and located internally within the site, as well as ponds and ditches. The trees are protected by a blanket Tree Protection Order. The site slopes gradually north to south. In the north-east corner, there is a brick building, a maintenance area for the golf course and a small car park. Close to this area are signs of a base related to a lodge style development. The golf course is a private facility and there is no formal public access, apart from a footpath in the southern fringes of the site. There is a further access that is used by golfers. The site area measures approximately 9.85 hectares (ha).
12. The remaining parts of the golf course outside of the site extend around a residential area known as Abbey Park, which is accessed off Hither Green Lane. The associated Abbey Hotel complex lies on the opposite side of this road to the site. To the south of the site is the River Arrow and the River Arrow Country Park, while to the west is the Meadow Farm public house and hotel, and an area of open grazing land. To the north, beyond Dagnell End Road, is a linear arrangement of dwellings that are set back from this road, and some open grazing land.
13. Under the Key Diagram of the Council's Borough of Redditch Local Plan No. 4 (2017) (Local Plan), the site is shown within the Urban Area. On the Proposals Map, it is designated as Primarily Open Space. While the Proposals Map does not designate green infrastructure, as the site is the subject of an open space designation it follows that it should also be considered as green infrastructure. However, it does not count towards local open space standards, as it does not provide publicly accessible open space.
14. Policy 11 of the Local Plan affords protection to green infrastructure in that it recognises its importance and contribution to Redditch. It seeks to safeguard the network and for development to contribute positively towards it. Benefits are sought in relation to people, wildlife and character and appearance. As the Council has not produced its own green infrastructure strategy, it is reliant on the Worcestershire Green Infrastructure Strategy 2023-2028 where the majority of the site lies within the Bromsgrove-Redditch corridor. There is an emphasis on environmental quality, socio-economic enhancements, ancient countryside character and health related improvements.
15. The proposal would clearly result in the loss of green infrastructure by virtue of the construction of the proposed 214 dwellings, internal roads and other supporting infrastructure on such open land. The loss would be twofold in that it would physically reduce the amount of land that would be available for recreational use and it would lessen views of what is not an unappealing green and visual resource, in particular for local residents and which no doubt contributes towards their well-being.

16. Such an effect would though be tempered by the proposal providing over 3 ha of publicly accessible open space, including play space, amenity spaces and trees. The Council's updated Open Space Study (2023) show the Ward where the site lies has a deficiency in relation to a number of the open space typologies, as well as an overall deficiency, when compared to local standards. The addition made by the proposal would assist in alleviating this shortfall. It would also not substantially diminish a green network, as much of this lies to the south of the site associated with the Arrow Valley Country Park. To the north, this is already limited by Dagnell End Road, as well as by the existing dwellings.
17. Policy 12 of the Local Plan aims to maintain minimum standards of open space provision, as well as requiring that new development makes provision in accordance with its adopted standards, amongst other matters. Minimum standards would be maintained as there would be the addition of publicly accessible open space. Nor is their substantive evidence to suggest that the proposal would not meet the Council's adopted open space standards for development.
18. Policy 13 of the Local Plan concerns the protection of the Primarily Open Space designation. The policy sets out 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. Unlike Policy 11, Policy 13 therefore includes an inherent balancing exercise. It then sets out a number of factors that will be taken into account. A number of these factors which centre on environmental and amenity matters, green infrastructure, alternative provision on site and relationship and links to other open space areas have already been addressed in relation to my consideration of Policies 11 and 12. The recreational value and the merits of protecting the site for open space use, as well as the broader merits, are considerations though that warrant further investigation.
19. The remaining golf course would be reconfigured to accommodate the holes that would be lost to the proposal. Material that would be not required from the site would be used in the required groundworks for the golf course. While there is some uncertainty over whether this in itself would require planning permission, the S106 Agreement in any event provides for these works to occur prior to the occupation of the development.
20. The current characteristics of the golf course does not lend itself to the modern game or as a hotel run facility, based on the evidence before me. The market for the golf course and the hotel has changed from when it first opened in 1985. The size of the hotel has grown and it is now clearly more dependent on the golf breaks market and at a time where in broad terms golf participation has decreased, save for a rise related to the Covid-19 pandemic. This seems compounded by what is the challenging nature of playing a round on the course, which I was told principally related to its length, but also to its water features and rough grassland.
21. It is therefore not surprising that in order for the golf and hotel facility to try to maintain its future as a business that it is seeking to invest in the golf course in a way that attracts its key golf break market. This is not to say that the membership is not important, but members with low handicaps are not in great numbers, and an 18 hole course would still be available for use, and for public pay and play use. Monies would also likely be used to improve drainage, given that the underlying

- clay soil can lead to poor playing surfaces. The proposal would contribute to such improvements through the investment that would be generated through the sale of the land.
22. The reconfigured golf course would result in a 500 metre (m) walk between two of the holes, but in overall terms, this would not be a great disbenefit. I was informed there are already walks of distance between some of the holes. Whether or not the existing course can be considered 'championship standard' has a limited bearing as this appears to be a colloquial term, rather than one which is officially defined in the sport.
23. The occupation of development trigger contained In the Section 106 Agreement would result in a period of time when there would not be a full 18 holes available for use. This would seem unavoidable if material from the appeal site is to be utilised and the reconfigured holes would need some time to bed in. The trigger though provides assurance that the full reconfigured 18 holes would be provided because there would be no rationale in commencing to build a housing development if it was not intended that the houses would be occupied. The necessary development needed to keep the golf course as 18 holes would thus not be sidelined or not delivered, and so this addresses matters which England Golf raised during the consideration of the planning application.
24. Under Policy 13, the merits of the proposal are strong in that as well as for providing publicly accessible open space on site, it would crucially also provide for a reconfigured golf course in order that such a beneficial recreational facility is maintained in this location. It would thus keep the recreational amenity value and the leisure offer. Need for the development under the policy is also not limited to recreation and open space benefits, and so the benefits of the proposal in relation to housing provision, as well as associated social and economic benefits, are also of relevance. It provides a compelling case for the need for the development which would result in the loss of Primarily Open Space. As a consequence, that the site is not allocated for housing development does not alter my views.
25. Similarly, for the purposes of where paragraph 104 of the Framework protects existing open space and sports, including formal play spaces, criterion b) would apply. This is as a result of the loss resulting from the proposed development being replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
26. Taking into account the above as a whole, I conclude that the proposal would not have an unacceptable effect on green infrastructure provision with regard to designated open space and recreational use. It would comply with Policy 12 in relation to open space provision, and Policy 13 over the loss of Primarily Open Space land as the need for development outweighs the value of the land as an open area. It would also comply with paragraph 104 of the Framework due to the replacement provision that would be provided.
27. It would not strictly comply with Policy 11 because of the loss of green infrastructure, although this conflict attracts limited weight for the reasons that I have set out. I further consider this matter later in my decision.

Character and Appearance

28. Abbey Park presents a spacious and verdant character with dwellings set on large plots with open frontages. The dwellings are mainly two storey houses, with some bungalows. The houses are detached, large, and uniform or complimentary in their design. It presents a planned fairly low density layout and appears to have been largely unchanged by new development subsequent to its original construction. The hotel is a larger structure, but is broadly in keeping with these surroundings.
29. The dwellings on the opposite side of Dagnell End Road are of a more varied design and there are not the same unifying characteristics as on Abbey Park. Meadow Farm presents a cluster of buildings, some of which are historic in their origin. I was also referred to more distant new build estates. These however more closely relate to the main built up area of Redditch and are well separated from the site. They only inform its character to a limited degree.
30. The proposal has sought to split the design into 3 separate character areas. Given the size of the site and the variety in built form on its different sides, there is some merit in this approach, rather than simply considering design matters as a whole. Closest to the existing dwellings on Abbey Park, the Hither View Character Area would itself present a spacious development of detached dwellings with a tree belt retained. The proposed built form would only incur close to the site boundary in this direction where access would be taken, opposite the hotel. While the density may still be higher than on Abbey Park, the difference would not be appreciable, in particular as most of the proposed dwellings would be set back beyond the tree belt or else separated by open space from the site boundary.
31. The Dagnell Way Character Area is of a higher density and is reflective of more of a mix of house types. It would be well separated from the lower density Abbey Park and there are less design cues in this part of the site and surroundings to inform its design. The courtyard feature that it would incorporate is not a particular characteristic of the immediate surroundings, but as it would lie centrally on the site, the higher density that would result would not render this design feature unacceptable. The smaller Bordesley View Character Area is also of a higher density, but this lies on the opposite side of the site to Abbey Park. It is closest to Meadow Farm and so reflects the clustering of buildings there is on this adjacent site. This Character Area also includes some open space, again to reflect this adjacent site.
32. In overall terms and having regard to the variation in the character areas, the density would not be unacceptable. It would fall within the density range that is set out in Policy 5 of the Local Plan of between 30 and 50 dwellings per hectare. The layout of the proposal largely reflects these character areas and includes not insignificant areas of trees and open space, as well as the varying densities. Development is largely linear, apart from a number of cul-de sacs, and this is not unreflective of Hither Green Lane itself. The provision of affordable housing should not lead to any compromises on layout or density, but it is well spaced out throughout the proposal so as not to lessen the effect on the character.
33. In terms of the external appearance of the proposed dwellings, it is not a prerequisite for a development to mimic the nearest dwellings to a site, as long as a high quality design is achieved. It is acknowledged there would be an overall greater use of hipped roofing, render, separate garages and 2 and a half storey

dwellings than on Abbey Park, and less timber detailing. Yet, the proposed dwellings in the Hither View Character Area would be more akin to these neighbouring dwellings. Variety in size and types of dwellings, including semi-detached and terraced housing, aids the housing mix across the proposal, which in itself provides a less monotonous type of development than if all the proposed dwellings were more similar.

34. Chimneys would also not be as a common feature as on Abbey Park, but would be found on a number of the proposed dwellings at gateway and landmark points in order to aid placemaking. The quality of the external materials that would be used can be ably controlled through the imposition of a planning condition so that the materials have to be agreed first by the Council prior to the construction of the proposed dwellings.
35. There is no evidence to suggest the proposed parking levels are not to local standards and the layout also incorporates a bus loop and pedestrian and cycle connections to outside the site, to promote the use of modes of transport other than the car. When taken together, this may lessen the likelihood of parking in an unsightly manner if other modes of transport are used. Whether or not the visitor parking levels are appropriate, either way this would result in parking that would be likely obvious in the streetscene, whether in dedicated spaces or at the roadside. Parked cars are a feature of many a housing development.
36. As a whole, the density, layout, design and visual impact of the proposal would not be out of character with its setting on the edge of Redditch. In particular, the Hither View Character Area reflects the heightened sensitivity of this part of the site, closest to Abbey Park. Regardless of whether it would be an 'urban development', however that can be defined in this context, the proposal is appreciably informed enough by its surroundings to sit comfortably in this location.
37. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. Accordingly, it would comply with Policies 4, 5, 6, 8, 39 and 40 of the Local Plan where they concern housing size, scale and density; the densities that will be sought in Redditch Borough; mixture of dwellings, including affordable housing; contributing positively to the local character of the area; a high quality design that compliments the local surroundings and materials; and, appropriate siting and layout with distinctive corner buildings, landmarks, gateways and focal points at key junctions and other important locations.
38. The proposal would also comply with the Council's High Quality Design SPD (2019) (High Quality Design SPD) as it would provide a high standard of design on a new type of development, including with the design principles which it sets out for new dwellings which incorporate layout and surroundings. It would also accord with the Framework where it concerns achieving well designed places, including that good design is a key aspect of sustainable development and developments that are sympathetic to local character, amongst other considerations.

Transport Matters

39. From where access would be taken into the proposal from Hither Green Lane, the junction with Dagnell End Road lies a short distance away. Dagnell End Road joins the A441 Birmingham Road (A441) to the west at a traffic light controlled junction. To the south the A441 provides a major route into Redditch, and to the north towards the M42 and Birmingham.

40. The footpath in the southern part of the site, which is lit, links to a footway alongside the A441 at Bordesley Bridge, a short distance to the west of the site. This in turn provides access to a number of services in Redditch, the closest of which is the Abbey Stadium, as well as bus stops. Other services accessed in this direction include a roadside hotel/restaurant and a business park. Redditch town centre, which has a good range of services and a railway station, lies approximately 2 miles away from the site on foot. A large supermarket lies in between. The adjacent Meadow Farm site includes a hotel and restaurant. The Abbey Hotel incorporates a number of leisure facilities. Dagnell End Road does not contain a footway along the vast majority of its length. To the north of the Dagnell End Road and the A441 junction lies a petrol station/garage site, which incorporates a moderate sized foodstore.

Traffic Impacts

41. The appellant has undertaken junction capacity assessments, and of those it is the A441/ Dagnell End Road signalised junction that merits most investigation over the traffic impacts. The junction is to be subject of improvements under the Brockhill housing development, on the opposite side of the A441 and to the south-west. These improvements will include significant widening works at the junction to increase the number of lanes entering and exiting the junction, as well as the creation of signalised pedestrian crossings and associated central islands across both Dagnell End Road and the A441.
42. These proposed improvement works are due to take place within a timescale that would relate to the delivery of the proposal, based on what I was told at the Inquiry, and potentially well before. In any event, the appellant has committed to providing these improvements if they are delayed by the developer of the Brockhill housing development. This would be addressed through a planning condition. They form the highways mitigation for the proposal and need to be considered as such.
43. A number of traffic counts have been undertaken at this junction by both the appellant and NoRCA which date from 2019 and towards the end of 2024. As these were over a 5 year period, it is unsurprising that the figures vary and had the potential to be influenced by external factors such as the Covid-19 pandemic and roadworks associated with statutory undertaker works. Of these various data sets that have been presented to me, the appellant's April 2024 counts are most compelling. It is of a more recent date compared to the earlier counts and cover both the AM and PM peak periods. The later NoRCA count did not cover the PM peak.
44. It is not a matter of dispute that the practical reserve capacity of the junction would be breached, but rather for the purposes of paragraph 116 of the Framework, the crux is whether such an effect would be severe. In this case, this would largely depend on whether the peak hour pedestrian crossing demand would cause unacceptable delays to traffic. It would however be extremely unlikely, even at a future base date, that the pedestrian crossings would be called at every cycle of the traffic lights. As the junction is found in a peripheral urban location, this would not reasonably be the case.
45. Excluding this more extreme and unlikely scenario, the worst increase in delay that would arise would be 21 seconds per Passenger Car Unit. This would arise on the A441 (north) during the PM peak. Even when this is considered as part of a

residual cumulative impact, this would not be a severe impact on the road network. The threshold cannot reasonably be considered breached at this level, and certainly not at a lower level again of what would be effectively any additional delay. While I have been referred to other appeal decisions on this matter, it depends on the traffic impacts of each case. In coming to my view, I have considered the traffic generation predicted by this proposal, including with committed developments that have been presented in the modelling, the operation of the junction and the mitigation under the Brockhill development.

46. A roundabout is found on the A441, approximately 300 m to the south of the Dagnell End Road junction. While I note comments about traffic blocking, the stretch of the A441 is to be the subject of improvements to increase lane capacity to the south of the Dagnell End Road junction and the evidence I have on queue lengths does not suggest this would be the case. Traffic impacts would also become more diffuse further away from the site itself. This would not amount to a severe impact.
47. A proposal which is subject to a planning appeal does not in itself require validation from the Highway Authority, although I have considered what it said during the course of the planning application, including on the Transport Assessment. Whether traffic impacts would not be unacceptable is a matter of judgment for the planning decision-maker.

Use of Modes of Transport other than the Car

48. I have been referred to what distances might be viewed to be acceptable for walking for accessing local services and facilities³, and how they should be measured. Such distances are though for guidance only and again it is for the decision-maker to consider whether accessibility is acceptable. While not all facilities are within these preferred walking distances, a broad range of services are within reasonable distances. This includes those directly adjacent to the site to those that are accessed off the A441. As the location is on the edge of a large town, this is perhaps not unsurprising and this favours the location of the proposal. The services are also not of a limited nature.
49. However, the means of access for pedestrians and cyclists is restricted at present due to the existing infrastructure. The appellant is proposing a number of improvements to encourage non-vehicular modes of transport and to utilise those which are proposed under the Brockhill housing development. These would provide improvements along the River Arrow route to the A441, along the A441 itself to provide shared facilities for both pedestrians and cyclists, and a new footway along the southern side of Dagnell End Road. The services would become more accessible for pedestrians and cyclists and the train station would become more accessible for cyclists.
50. The submitted plans ably show how the works under the proposal scheme would tie into those associated with the Brockhill housing development. Where the land that is the subject of the improvements under the proposal is not under the ownership of the site landowner or the appellant, I was informed this was Highway Authority/Council land and hence such improvements would be deliverable through Grampian-type conditions.

³ Chartered Institution of Highways and Transportation, Providing for Journeys on Foot (2000), Manual for Streets.

51. The proposal would also provide for a bus service to pass through the northern part of the site. The related existing service provides a loop service through the eastern part of the town and the town centre, and it would be diverted into the site. A community bus service would also be provided so that elderly and disabled residents would be able to access local services.
52. I agree that the diverted bus service would result in somewhat of a circuitous route and timings may not be ideal in terms of accessing the town centre and beyond by rail. I also acknowledge there is some question over whether the footway can be sufficiently widened over Bordesley Bridge, as this is a pinch point along the A441. The new footway along Dagnell End Road would also not be lit and so this would restrict its use outside of daylight hours.
53. Nevertheless, the improvements need to be considered in the round and they would provide the proposal with sufficient access to local services by modes of transport other than the car. In particular, it would ease access for walking and cycling. It would also provide for what is a required improvement as regards bus services, given that I was told that only school buses currently serve Abbey Park. Measures in the submitted Residential Travel Plan would also encourage the use of these mitigation measures, as well as promote general awareness. All of these matters can be addressed through planning conditions or else the planning obligations that are proposed. They would offer a genuine choice to limit the need to travel by the car.

Conclusion on Transport Matters

54. I conclude that the proposal would not have an unacceptable effect on transport matters by way of traffic impact and the use of modes of transport other than the car. Hence, it would comply with Policy 19 of the Local Plan which sets out to reduce the need to travel by car and increasing public transport use, and that cycling and walking are to be maximised. It would also comply with Policy 20 of the Local Plan where it concerns transport assessment and travel plan matters, safe and convenient access, accessibility to local services, parking standards, cumulative effects and use of conditions and obligations.
55. The proposal would also accord with paragraphs 115 and 117 of the Framework where they concern the prioritising of sustainable travel modes, safe and suitable access, a vision led approach, pedestrian and cycle movements and the needs of people with disabilities and reduced mobility. It would also comply with paragraph 116 as this is not a situation where the proposal should fail due to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Other Matters

Flood Risk

56. The majority of the site lies in Flood Zone 1 (low risk of flooding). A small part of the southern part of the site towards the River Arrow lies in Flood Zone 2 (medium risk of flooding) and 3 (high risk of flooding). No built development is proposed in these areas of higher risk. When the application of flood risk allowances and Environment Agency (EA) modelled levels are considered, this would not approach

the level that would cause substantially greater flood risk on the site in having regard to the modelled level where the River Arrow passes the site.

57. There is no dispute that parts of the golf course have been subject to flooding on occasion, but photographic evidence⁴ indicates this principally relates to the land closest to the river and where built development is not proposed. While there has also been some criticism of the use of EA data, the appellant has considered higher levels than is shown by the EA modelling and has still adequately demonstrated the risk of flooding in this regard would not be unacceptable. Nor is there evidence that the site would be the subject of flooding from groundwater or artificial sources.
58. Where the site is shown to be the potential subject of surface water flooding, this is largely restricted to existing water features and which, by and large, will be retained and not the subject of built development. Where they will not be retained, they will no longer form surface water drainage features and the proposal would provide for a more comprehensive drainage system than is found on the site at present. A sequential risk-based approach would therefore not reasonably lead to a site with a lesser risk. In any event, the Sequential Test Report does not lead me to believe there would be sites that are more suitable as others have already been completed, under construction, not suitable for residential development or similarly at risk from flooding.
59. I have also been referred to various appeal decisions which concern flood risk, but based on a reading of those decisions, the issue was considerably more extensive on those sites, potentially encompassing flooding from a variety of sources and involving outline applications where there is inherently more uncertainty over the final development. These do not reasonably apply in this case, and the sequential test does not show there are sequentially preferable sites.
60. The proposed means of surface water drainage would include ponds, swales/shallow basins, the use of pipe inlets and an outfall. It has been adequately demonstrated that the attenuation pond proposed would have adequate storage. In terms of drainage details, such as the width of and positioning of pipes and so forth, these are matters that can be addressed through a drainage condition. Subject to such a condition, the proposal would not have an unacceptable effect on flood risk.

Biodiversity

61. The application submission contained a number of ecological reports, including an Updated Preliminary Ecological Appraisal and various surveys, including those related to protected species. The nearest statutory designation to the site is the Dagnell End Meadow Site of Special Scientific Interest. This would be separated from the proposal by the reconfigured golf course and Abbey Park. Natural England considered that the proposal would not have a significant adverse impact on this designated site and I see no reason to disagree. It is an area of ancient pasture that would be unaffected by the proposal.
62. The site is itself not the subject of ecological designations, although it lies close to the River Arrow Local Wildlife Site. While the site contains natural features of note, such as scrubland, water features, trees and hedgerows, it also contains manufactured golf course features such as fairways and greens. No doubt it is

⁴ NoRCA, Flood Risk Impact statement, Flood Risk Sequential Test response

used by wildlife, and I observed deer on the site visit, yet features such as tree belts and water features would be retained, and open space is comprehensively included in the proposal and which also incorporates a number of retained trees. A number of further mitigation features are also proposed, including where there may be protected species present and where there may be adverse effects on habitats. These include bat and bird boxes, wildflower grassland, a new attenuation pond feature close to the River Arrow and habitat enhancement, as well as measures to minimise disruption during construction. These are matters which can be ably addressed through ecology based planning conditions.

63. As the planning application was submitted prior to the introduction of the statutory Biodiversity Net Gain (BNG), it is not bound by a 10% increase. Nevertheless, the Framework does set out that development should secure measurable net gains for biodiversity. The appellant is proposing such a gain of 1.84% in habitat units and a 4.85% in hedgerow units on land under the ownership of the golf course, close to the River Arrow. I am aware that BNG levels have been the subject of objection, but the BNG that is proposed would be policy compliant. Overall, the proposal would not have an unacceptable effect on biodiversity interests.

Obligations Contained in the Section 106 Agreement

64. The obligations in the S106 Agreement bind the owner to covenants with Redditch Borough Council and Worcestershire County Council. The contributions concern the integrated care board; healthcare; off-site sports; teenager and young person's provision; town centre improvements; waste and recycling management; education related to first, middle, high and special education need and disabilities schools; and, highways which involves bus infrastructure and service, school and community transport contributions.
65. Based on the evidence presented by the Worcestershire Acute Hospitals NHS Trust, that contribution would be used for infrastructure costs related to the proposal and not for general resourcing of the NHS. In relation to provision for expanding capacity at doctor surgeries, this is the purpose of integrated care board contribution.
66. The obligations also concern affordable housing on the basis of 24 Shared Ownership Units and 42 Social Rented Units. In the event that a registered provider could not be found, this would be made as an equivalent contribution. The obligations also provide for the 2 serviced plots for custom build. Local Planning Authorities are to support custom build housing under the Framework.
67. The obligations also concern the golf course reconfiguration works. These are to be carried out and completed prior to the occupation of the proposal. This is consistent with my views on the timing of these works and to ensure these works are carried out in lieu of the loss of part of the golf course to the proposal.
68. Interested parties have raised a number of concerns over how the proposal would impact on local services, infrastructure, amenities, healthcare and education. The contributions made by the proposal in these respects would be wide-ranging and would reasonably address where the proposal would result in an increase in demand.
69. Having regard to the evidence before me, it has been demonstrated all of the obligations are necessary to make the development acceptable in planning terms,

directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in paragraph 58 of the Framework and the Community Infrastructure Levy Regulations (as amended, 2019), where they apply to each of the obligations. They also provide for the proposal to be compliant with the development plan in these respects. As a result, I have taken them into account in my decision.

Benefits

70. Due to the introduction of the December 2024 standard method for calculating local housing need (LCN), the Council cannot demonstrate a 5 year housing land supply (HLS) in accordance with the Framework. The appellant has set out that the supply is 1.8 years and reports the Council's supply figure as 2.8 years. Either way, the shortfall is significant. While the Council surpassed considerably the need to demonstrate a 5 year HLS prior to the December 2024 LHN, that is no longer the most up to date position. That the Council has met the Housing Delivery Test does not negate the need to demonstrate a 5 year HLS.
71. The proposal would make a contribution of 214 units to assist in reducing the deficit against the shortfall. It would also contribute to meeting the Local Plan housing requirement and so receives support from Policy 4. It would also support the Government's objective of significantly boosting the supply of homes. While the Council may historically have had sufficient allocated and committed sites, that situation has now changed and housing supply is also not based on a ceiling approach. What might happen with the apportionment of housing land with the neighbouring Bromsgrove District Council in the future is also largely speculative and so does not change the current position. The contribution to housing supply attracts very significant weight in my decision.
72. Although the provision of 66 of the units as affordable housing would be required to ensure that the proposal would accord with Policy 6 of the Local Plan, it would also have the greater benefit of enabling provision for those who would not be able to obtain general market housing. The appellant's evidence has set out there has been a shortfall in affordable housing provision and this has not been contested. This attracts significant weight. The appellant's evidence also shows a need for custom build housing and the 2 plots proposed would also contribute to meeting that need. This attracts moderate weight.
73. The proposal would benefit the economy through construction and the future occupiers would also support the economy through their expenditure and sustain existing services. Both the construction and operational phases would likely result in further employment. The proposal would also contribute towards broader economic growth through increased housebuilding. In this case, it would also benefit the golf course as a local business in order to safeguard its future. The economic benefits attract significant weight.
74. Some of the other measures that are the subject of the Section 106 Agreement attract moderate weight. Open space improvements and the like would also benefit existing, as well as future, residents. The provision of publicly accessible open space on the site would also attract this level of benefit, as would enhanced pedestrian connectivity, as this would also benefit existing local residents. BNG attracts limited weight as a benefit because the percentages involved are fairly modest. I am less persuaded that design quality is a particular benefit because

the Council's High Quality Design SPD is not framed in the terms of setting a specific local design code and which is the focus of where support is afforded through national policy.

Other Issues Raised

75. The Council is due to commence a review of its Local Plan and the nature of this process is that it will take account of local views on what and where to build housing, in accordance with the Written Ministerial Statement of 30 July 2024 (WMS). This will likely include the consideration of a number of alternative sites, so that development is brought forward in appropriate locations. However, the preparation of the plan is at a very early stage. Parts of the evidence base are under preparation and as yet there is no updated Local Development Scheme that would set the timetable, based on what I was told at the Inquiry.
76. The intention of the WMS in this regard is to ensure that Councils have up to date development plans in order to accommodate growth through identifying enough land. However, it is not the case that the consideration of non-allocated housing sites is on hold until then. If it was, it would conflict with the Government's stated intention in building the homes we need, under the WMS. It would also be in conflict with where the Framework states that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. No such justification exists in this case.
77. The dismissed appeal decisions that I have been referred to on flood risk grounds were published after the draft revisions to the Framework. Clearly, appeals can still be dismissed after the publication of the Framework. It simply falls for each decision-maker to consider whether to dismiss or approve an appeal in light of the development plan, the Framework and other considerations. It is a matter of planning judgement. This does not take my deliberations any further.
78. A number of the effects from the proposal would be typical of those that would result from a residential development. Noise would likely be simply of a domestic nature and the environmental impacts of the predicted traffic levels on residents would not be unacceptable, especially as it would not need to use Hither Green Lane where it passes the existing dwellings. Waste generation and sewage would be dealt with through refuse collections and the use of the mains sewer. There would also be the additional contribution to waste management through a planning obligation. It would thus be unlikely that undue contamination would arise based on the current use or that the River Arrow would become polluted as a consequence of the proposal. The site itself does not fall within an area of air quality management, based on the evidence before me, to warrant further control. A number of these matters can also be dealt with through conditions, where necessary, and this also includes relevant construction effects.
79. Some trees and hedgerows would need to be felled to accommodate the proposal. The better specimens would though remain, and particularly the tree belt nearest the properties on Abbey Park, which is of notable amenity value. Hence, I do not find where there would be a loss of trees to be harmful. I also do not consider there would be landscape harm because the golf course is not itself a natural or countryside landscape, is fairly well visually contained and the best tree specimen would be retained. A number of the intended mitigations would seek to limit climate

change impacts, such as through encouraging use of modes of transport other than the car, BNG measures and electric vehicle charging through Building Regulations.

80. Bordesley Abbey is a Scheduled Monument which lies south-east of the site. It largely takes the form of a ruin. It is well separated from the site by the River Arrow and open land and vegetation. The layout of the proposal would maintain open space on the side nearest this designated asset. Any visual effect would be limited due to the intervening distance, vegetation and landform. The significance of the asset would be sustained. There are grade II listed buildings that are found on the Meadow Farm site. Their historic interest lies in their fabric and there are already later buildings on this neighbouring site. The proposed use of brown coloured windows and doors in more of a cottage style on the proposed dwellings on this nearest part of the appeal site would be in a sympathetic style to these buildings, and it would assist in sustaining the significance of the assets. No harm would arise to heritage assets.
81. Concerns have not unexpectedly been raised by a number of interested parties over how the Council came to decide not to defend the appeal, given the Planning Committee's decision to refuse. I was also referred to the views of the Council's Strategic Planning and how these were in contrast to that of the Committee Report recommendation. I have though fully incorporated the Council's reasons for refusal into my main issues, and so these planning matters have been wholly considered. Hence, there has been no disadvantage from these events in my decision. Beyond this, such matters are not for my consideration and similarly with regard to land covenants on the golf course. While the accuracy of some of the appellant's submissions have also been queried, the consideration of the appeal submissions as a whole enables me to come to my decision.

Planning Balance

82. The harm which arises in this case relates to green infrastructure in as far as I have found conflict with Policy 11 of the Local Plan. As I have set out, I have though attributed limited weight to the conflict with this policy. It does not amount to not complying with the development plan as a whole.
83. I have not considered the physical loss of designated Primarily Open Space as a harm because the proposal complies with the related Policy 13. This policy does permit its loss based on the need outweighing the value and taking account of the criteria of the policy. Effects on golf provision also need to be considered in the round and while there would be a longer walk between two of the greens, the proposed reconfiguration of the golf course is intended to safeguard its future. Hence, I also do not find harm in this regard that I need to take account of in the planning balance.
84. Set against the green infrastructure harm that would arise under Policy 11 are the benefits associated with the proposal. These centre on the contribution to lessening the HLS shortfall and housing provision, affordable housing and the economic benefits, as well as the other social and environmental benefits. Taking these benefits together, they attract very significant weight in my decision.
85. A flat balancing exercise would support the grant of planning permission. This is because the adverse impact attracts limited weight, while the benefits attract very significant weight. If I were to agree that the presumption in favour of sustainable development under paragraph 11 d) ii of the Framework were to be applied, any

adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. While Policy 1 of the Local Plan reflects a previous iteration of the presumption, the proposal would still accord with it for similar reasons. The planning balance therefore favours the proposal.

Conditions

86. I have imposed conditions which concern the statutory time limit for implementation and the approved plans, in the interests of certainty. I have also imposed a condition concerning land contamination in the interests of public health and a Construction Ecological Management Plan condition in the interests of biodiversity. I have imposed an Ecological Management Plan condition, also in the interests of biodiversity.
87. I have also imposed a condition concerning the drainage strategy of the site. Following discussions at the planning conditions round table session at the Inquiry, as well as for biodiversity reasons, this is imposed to minimise flood risk and provide a satisfactory means of drainage. It is also reflective of the appellant's response to comments made by Waterco to FRA and Drainage Strategy as that agrees that a number of matters need further investigation, refinement or consideration in relation to the precise drainage arrangements.
88. Conditions involving a Construction Environmental Management Plan and the access visibility are both imposed in the interests of highway safety. In the case of the latter, it is reasonable for this to apply prior to development taking place to enable the safe passage of construction vehicles. A condition is also imposed in relation to tree protection, in the interests of the amenity value of the trees that are to be retained. An archaeological works condition is included to protect the historic environment. This includes specific reference to trial trenching as the appellant has accepted this needs to be required by condition⁵. A condition concerning the external materials is imposed in the interests of character and appearance.
89. Conditions regarding soft and hard landscaping are imposed in the interests of character and appearance, and biodiversity. The triggers for the submission of details under these conditions is prior to the commencement of any dwellings as this is reasonable and necessary. I have not included specific reference to details of the Public Open Space and Incidental Open Space, beyond timing, as the soft landscaping condition already refers to all parts of the site not covered by buildings, and so this would already include these areas. Reference to samples related to the hard landscaping condition has also been deleted as their potential requirement would be imprecise under the wording that was put to me.
90. A condition relating to site levels is imposed in the interests of protecting living conditions, and character and appearance. An alternative trigger of the submission of details prior to the commencement of any dwellings would not be reasonable and necessary as levels changes on the site may need to take place prior to that trigger. A condition is also imposed concerning external lighting, in the interests of biodiversity. I have excluded private gardens, as I do not consider this to be

⁵ Proof of Evidence: Planning, paragraph 5.1.71

reasonable and I have also restricted the details in the condition to those which I consider necessary.

91. I have also imposed conditions in the interest of highway safety which requires the implementation of the highway improvements works at the Dagnell End Road and A441 junction. Similarly, a condition is imposed concerning the implementation of the access, parking and turning facilities. Conditions are also imposed concerning pedestrian and cycle improvements close to the River Arrow, on A441 and on Dagnell End Road, in the interests of promoting modes of transport other than the car. Such details are to be based on the submitted drawings. Conditions concerning cycle parking and the residential travel plan are imposed for the same reason. A condition is also imposed concerning an updated noise assessment to reflect the revised site layout, in the interests of protecting living conditions.
92. A separate condition concerning play equipment is not reasonable and necessary, as it is already addressed by the hard landscaping condition, and so it is not imposed. The same applies regarding a separate condition about management and maintenance arrangements, as these can be addressed through details submitted under the soft landscaping and drainage conditions. A separate condition concerning BNG is not imposed as this is incorporated into the Ecological Management Plan condition.
93. Where conditions are pre-commencement, there is agreement through the draft planning conditions schedule and at the Inquiry. Where I have altered the wording of the remaining conditions put forward, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

94. The proposal would comply with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. For the reasons set out above and having regard to all matters raised, the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in Annex 1.
- 3) The development hereby permitted, other than that required to be carried out as part of an approved scheme of remediation, must not commence until criteria 1 to 6 have been complied with:
 1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this shall be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
 2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation.
 6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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

- 4) No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include the following:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vi. A non-native invasive species protocol (e.g. for Japanese knotweed);
 - vii. The times during construction when specialist ecologists need to be present on site to oversee works;
 - viii. Responsible persons and lines of communication;
 - ix. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
 - x. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and
 - xi. The submission of a verification report by the ECoW or similarly competent person(s) to the Local Planning Authority at the end of the construction period.
- The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 5) Notwithstanding the submitted details, prior to any above ground works of the development hereby permitted commence an Ecological Management Plan (EMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the EMP shall include:
- i. Description and evaluation of features to be managed;
 - ii. Ecological trends and constraints on site that might influence management;
 - iii. Aims and objectives of management (including those related to species);

- iv. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
- ix. Ongoing monitoring and remedial measures;
- x. Timeframe for reviewing the plan;
- xi. Details of how the aims and objectives of the EMP will be communicated to the occupiers of the development; and
- xii. A Habitat Enhancement Management Plan (HEMP) to include measures to create or enhance existing habitats within the Biodiversity Net Gain off-setting site. The HEMP will cover a period of 30 years (at minimum) post-construction.

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

The development shall be implemented in accordance with the agreed details including the timescales for implementation and review.

- 6) No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a drainage strategy has been submitted to and approved by the Local Planning Authority prior to the commencement of the works. The drainage strategy shall include long-term maintenance of the drainage systems and the mitigation measures for the River Arrow, the finalised drainage arrangements for the development and timings for its implementation. The development shall be implemented in accordance with the approved details and thereafter retained.
- 7) No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - Details of any temporary construction accesses and their reinstatement;
 - Details of any changes to construction vehicle routing and site management; and

- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Construction Environmental Management Plan shall be carried out and complied with in full during the construction of the development. Site operatives parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

- 8) No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until access visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction (for residential access onto Hither Green Lane) measured along the nearside edge of the adjoining carriageway and offset a vertical distance of 0.6 metres from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
- 9) No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until the fences for the protection of the trees to be retained have been erected in accordance with the submitted Arboricultural Impact Assessment (July 2023).

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

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

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

- 10) No development hereby permitted shall take place (including demolition, ground works and vegetation clearance) until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:
- a) The programme and methodology of site investigation, including trial trenching, and recording;
 - b) The programme for post investigation assessment;
 - c) Provision to be made for analysis of the site investigation and recording;
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;

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

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

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

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

a) planting plans;

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

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

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

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

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

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

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

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

- (a) the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
- (b) location, type and materials to be used for hard surfacing including specifications and details of manufacturer, type and design, colour and bonding pattern;
- (c) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate; and
- (d) minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, substations and other storage units);

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

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

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

- (a) levels of the existing site, together with indication of a recognised fixed datum point from which levels can be verified during the course of development and at completion;
- (b) the precise finished ground floor levels of the new dwellings relative to the existing development on the boundary of the site including the adjacent highway and adjacent properties; and
- (c) levels of all accesses to include pathways, driveway, steps and ramps.

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

- 15) Prior to the installation of any external lighting on the development hereby permitted, other than in private gardens, full details including height, design, location and intensity shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall only be carried out in accordance with the approved details.
- 16) None of the dwellings hereby permitted shall be occupied until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4 (planning permission ref: 19/00976/HYB) have been approved in writing and completed to the satisfaction of the Local Planning Authority and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.
- 17) None of the dwellings hereby permitted shall be occupied until the access, parking and turning facilities have been provided as shown in the Urban Design drawing titled 'Proposed Site Plan' Ref: ME-24-21AB and thereafter shall be retained. Where the access, parking and turning facilities relate to individual

dwelling plots these shall be provided prior to the occupation of the respective dwelling and thereafter retained.

- 18) None of the dwellings hereby permitted shall be occupied until the joint pedestrian / cycle route improvements to the River Arrow route as shown on Mode Drawing Ref: J32-5756-PS-013 Rev A have been implemented in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority.
- 19) None of the dwellings hereby permitted shall be occupied until the joint pedestrian / cycle route improvements on the A441 Birmingham Road as shown on Mode Drawing Ref: J32-5756-PS-014 Rev B (appendix B to the Proof of Evidence of Ben Fairgrieve) have been implemented in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority.
- 20) None of the dwellings hereby permitted shall be occupied until the joint pedestrian / cycle route improvements on Dagnell End Road as shown on Mode Drawing Ref: J32-5756-PS-012 Rev A have been implemented in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority.
- 21) Each individual dwelling hereby permitted shall not be occupied until the sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided for that respective dwelling in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of cycles only.
- 22) The Residential Travel Plan (the Plan) hereby approved, shall be implemented and monitored in accordance with the regime contained within the Plan. This shall include:
 - A Travel Information Pack will be produced and disseminated to residents, detailing the opportunities for sustainable travel to and from the site, including a potential range of incentives and the promotion of regional and national car share websites;
 - Use of public transport will be encouraged with up-to-date public transport timetables, bus maps and ticket information disseminated to the residents. The possibility of offering residents with discounted bus vouchers/passes with local operators will also be investigated and provided; and
 - Personalised Travel Planning will allow residents to contact the Travel Plan Coordinator (TPC) and arrange a meeting (either face-to-face or via email/telephone) to discuss their individual circumstances with the TPC who will assist in tailoring a travel plan specific to that resident, incorporating sustainable travel modes as much as possible.

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

- 23) None of the dwellings hereby permitted shall be occupied until a revised noise assessment, including mitigation measures for noise attenuation, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented prior to the occupation of any identified dwelling and thereafter retained.

Annex 1

Approved Plans	Drawing Numbers
Site Location Plan	ME-24-41
Housetype Distribution Plan	ME-24-27D J
External Materials Plan	ME-24-31F
Boundary Treatments Plan	ME-24-32E
External Surfaces Plan	ME-24-33E
Parking Management Plan	ME-24-35E
Refuse Management Plan	ME-24-36E
Adoption & Management Plan	ME-24-37E
Boundary Treatment Details	ME-24-43A
Entrance Feature Wall 1	ME-24-44
Entrance Feature Wall 2	ME-24-45A
Proposed Site Layout Plan	ME-24-21AB
Dagnell Way Plots 28(Opp), 41(Opp), 42(Opp), 43, 51(Opp), 52, 53(Opp), 54, 55(Opp), 56, 59(Opp), 60, 66(Opp), 67(Opp), 69(Opp), 171, 172, 173(Opp), 176, 177, 178(Opp), 188(Opp), 189, 199(Opp), 200	PL201
Dagnell Way Plots 25(Opp), 26, 39(Opp), 40, 49(Opp), 50, 77(Opp), 78, 79(Opp), 80, 81(Opp), 82, 149(Opp), 150, 151(Opp), 152, 168, 169(Opp), 174, 175(Opp), 193(Opp), 194, 195(Opp), 196(Opp), 197, 208(Opp), 209	PL202
Dagnell Way Plots 37(Opp), 38, 47(Opp), 48	PL203
Dagnell Way Plots 45(Opp), 46, 65, 71(Opp), 72, 179(Opp), 186, 190(Opp)	PL204
Dagnell Way Plots 73(Opp), 87(Opp), 203	PL205
Dagnell Way Plots 84, 86(Opp), 210(Opp), 211(Opp)	PL206
Dagnell Way Plots 19, 57(Opp)	PL207

Dagnell Way Plots 15, 18, 20(Opp), 204, 207, 214(Opp)	PL208
Dagnell Way Plots 29, 32, 68, 70, 76(Opp), 159, 187(Opp), 198, 201	PL209
Dagnell Way Plots 16, 17(Opp), 85, 145, 170(Opp)	PL210
Dagnell Way Plots 58(Opp), 148(Opp), 213(Opp)	PL211
Dagnell Way Plots 30(Opp), 31	PL212
Dagnell Way Plots 44, 61, 191(Opp)	PL213
Dagnell Way Plots 62(Opp), 63(Opp), 64, 180(Opp), 181, 182(Opp), 183(Opp), 184, 185, 205(Opp), 206	PL214
Dagnell Way Plots 27(Opp), 74, 75(Opp), 83, 192, 202(Opp), 212(Opp)	PL225
Hither View Plots 4(Opp), 13(Opp), 14	PL215
Hither View Plots 1(Opp), 2(Opp), 6(Opp), 7(Opp)	PL216
Hither View Plots 107, 118, 128, 163, 164(Opp), 165(Opp)	PL217
Hither View Plots 3(Opp), 9(Opp), 10(Opp), 11, 24, 36, 114(Opp), 115, 116(Opp), 117(Opp), 119(Opp), 146(Opp), 156	PL218
Hither View Plots 12(Opp), 120, 147(Opp), 154(Opp), 155, 160, 166	PL219
Hither View Plots 121,(Opp), 129(Opp)	PL220
Hither View Plots 22(Opp), 23, 131	PL221
Hither View Plots 34(Opp), 35	PL222
Hither View Plots 5, 8 113(Opp), 157(Opp), 158(Opp)	PL223
Hither View Detached Plots 21, 108, 127(Opp), 161(Opp), 162, 167(Opp), Semi Detached Plot 130(Opp)	PL224
Hither View Plots 109(Opp), 110(Opp)	PL226
Hither View Plots 111(Opp), 112	PL227
Hither View Plots 33(Opp), 153(Opp)	PL237
Bordesley View Plots 94(Opp), 95. 96, 122(Opp), 123, 139(Opp), 140	PL228
Bordesley View Plots 97(Opp), 98(Opp), 99	PL229
Bordesley View Plots 102(Opp), 103	PL230

Bordesley View Plot 89	PL231
Bordesley View Plot 88(Opp)	PL232
Bordesley View Plots 136, 144	PL233
Bordesley View Plots 106, 132(OPP), 138, Archford Plot 90 (Opp), 91, 104(Opp), 105, 124(Opp), 125, 126, 133(Opp), 134, 135, 137(Opp)	PL234
Bordesley View Plots 92(Opp), 93(Opp), 100, 101, 141, 142	PL235
Bordesley View Plot 143	PL236

APPEARANCES

FOR THE APPELLANT:

Charles Banner	Kings Counsel, instructed by Kathryn Ventham, Director, Stantec
<i>He called</i>	
Ben Fairgrieve BA (Hons), MCIHT	Director, Mode Transport Planning
Mark Smith BA, MRICS, MBA	Director, Smith Leisure
Stephen Tucker BA (Hons), MA, MRTPI	Director, Stantec
Kathryn Ventham BSc (Hons), MSc, MRTPI	Director, Stantec
Scarlett Lambeth BSc (Hons), MA, MRTPI	Senior Planner, Stantec <i>(spoke at the planning conditions session)</i>
Matthew Scudamore	Solicitor/Partner, Gateley Legal <i>(spoke at the planning obligations session)</i>
David Green	Barratt David Wilson Homes (Mercia) <i>(spoke at the site visit)</i>

FOR THE COUNCIL:

Paul Lester	Principal Planning Officer
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INTERESTED PARTIES:

Chris Bloore MP	Member of Parliament, Redditch
Charles Robinson BTech(Hons), MPhil, MRTPI	TwelveTwentyOne Planning Services Ltd, on behalf of North Redditch Communities Alliance
Alan Bailes CTPP, MSc, FCIHT, FCILT, TPS	North Redditch Communities Alliance
Guy Edwards	North Redditch Communities Alliance
Angela Dixon	North Redditch Communities Alliance
Mark Jacobs	North Redditch Communities Alliance
Graham Smith	North Redditch Communities Alliance
Leenamari Aantaa-Collier	Partner, Wilkes
Dr Lisa Peaty MA (Oxon), DPhil	Deputy Director of Strategy and Planning, Worcestershire Acute Hospitals NHS Trust
Councillor Emma Marshall	Worcestershire County Council
Councillor Monica Stringfellow	Redditch Borough Council
Councillor Matt Dormer	Redditch Borough Council & Worcestershire County Council
Karen Ashley	Local Resident
Stephen Hornsby	Alvechurch Parish Council
Dr Simon Parkinson	Local Resident
Nitin Sodha	Local Resident
John Longley	Local Resident
Birgit Morris	Local Resident

INTERESTED PARTIES continued:

Edwin Thomas
David Lee

Local Resident
Local Resident

INQUIRY DOCUMENTS

- 1 Draft Planning Conditions document (undated version)
- 2 Planning Obligations and CIL Compliance Statement
- 3 Deed under the provisions of Section 106 of the Town and Country Planning Act 1990 relating to land at Hither Green Lane, Redditch, Worcestershire (Draft)
- 4 Flood Risk and Drainage Strategy Review for Abbey Park Residents Association dated 13/12/2024
- 5 Rebuttal Proof of Evidence – App 1 (Highways and Transport)
- 6 Appellant's Opening Statement
- 7 Opening Submissions on Behalf of the Local Planning Authority
- 8 Bus Service No. 62 Timetable & Route Change (From 28 August 2022)
- 9 Section 106 Calculation – Worcestershire Acute Hospitals NHS Trust
- 10 The Abbey Hotel Golf & Country Club, Dagnell End Road, Redditch B98 9BE (from GOV.UK 'Check your long term flood risk')
- 11 Planning Obligations and CIL Compliance Statement Addendum - Worcestershire Acute Hospitals NHS Trust
- 12 Closing Submissions on behalf of the Local Planning Authority
- 13 Appellant's Closing Submissions

DOCUMENTS SUBMITTED AFTER CLOSE OF INQUIRY

- 14 Additional Statement on Highways and Transport Aspects (NoRCA)
- 15 Response to comments made by Waterco to FRA and Drainage Strategy (appellant)
- 16 Flood Risk Sequential Test (appellant)
- 17 Flood Risk Sequential Test response (NoRCA)
- 18 Rebuttal (to Additional Statement on Highways and Transport Aspects) (appellant)
- 19 Response To NoRCA On Flood Risk And Flood Risk Sequential Test Matters (appellant)
- 20 Deed under the provisions of Section 106 of the Town and Country Planning Act 1990 relating to land at Hither Green Lane, Redditch, Worcestershire (Final)