



Appeal Decisions

Inquiry Held on 25-28 May and 1 June 2021

Site visits made on 20 May and 29 May 2021

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2021

Appeal A

Appeal Ref: APP/P1805/W/20/3265948

Land at Perryfields Road, Bromsgrove

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against Bromsgrove District Council.
 - The application Ref 16/0335/OUT, is dated 23 March 2016.
 - The development proposed is outline application for the phased development of up to 1300 dwellings (C3); up to 200 unit extra care facility (C2/C3); up to 5ha of employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); First School; open space; recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future consideration, except for details of the means of access to the site from both Kidderminster and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road/Kidderminster Road and Perryfields Road/Stourbridge Road) submitted for consideration at this stage.
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Appeal B

Appeal Ref: APP/P1805/W/21/3268752

30 Rock Hill, The former Greyhound Inn and junction of Fox Lane and Rock Hill Bromsgrove, B61 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against Bromsgrove District Council.
 - The application Ref 20/000300/FUL, is dated 25 February 2020.
 - The development proposed is alterations to the junction of Fox Lane and Rock Hill to form a roundabout junction and demolition of the former public house, 'the Greyhound Inn'
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Decision

1. Appeal A is allowed and planning permission is granted for the phased development of up to 1300 dwellings (C3); up to 200 unit extra care facility (C2/3); up to 5ha of employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, D1); First School; open space; recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and

reserved for future consideration, except for details of the means of access to the site from both Kidderminster Road and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road/Kidderminster Road and Perryfields Road/Stourbridge Road) at Land at Perryfields Road, Bromsgrove in accordance with the terms of the application, Ref 16/0335, dated 23 March 2016, subject to the conditions on the attached schedule.

2. Appeal B is allowed and planning permission is granted for alterations to the junction of Fox Lane and Rock Hill to form a roundabout junction and the demolition of the former public house, the Greyhound Inn at 30 Rock Hill, The former Greyhound Inn and junction of Fox Lane and Rock Hill, Bromsgrove B61 7LR in accordance with the terms of the application, Ref 20/000300/FUL, dated 25 February 2020, subject to the conditions on the attached schedule.

Procedural Matters

3. The application which is the subject of Appeal A is in outline with all matters reserved for future consideration, except for access details from Kidderminster Road and Stourbridge Road. I have considered the proposal on this basis.
4. Both appeals result from the failure of the local planning authority to determine them in the prescribed timescale. On 16 March 2021, the Planning Committee of Bromsgrove District Council (BDC) subsequently resolved that had it been able to determine them, it would have approved both applications, subject to conditions and in the case of Appeal A, a planning obligation.
5. Appeals A and B are linked in the sense that the proposed development in Appeal A would, according to the transport assessment, require the implementation of the junction improvements in Appeal B.
6. I have amended the description of the proposed development in Appeal A from that set out on the application form in order to reflect the description within the statement of common ground and as confirmed by both main parties at the inquiry. The description change adds in a reference to a first school.
7. A planning officer from BDC attended the inquiry and gave a brief opening statement. He also contributed to the round table sessions on conditions and the section 106. However, BDC did not present any formal evidence to the inquiry.
8. There was one Rule 6 party, the Worcestershire NHS Trust. It made a brief opening statement and its representatives attended the round table session on the Section 106. A number of interested persons and parties gave statements to the Inquiry including a local action group Whitford Vale Voice (WVV), and the Bromsgrove Society.
9. I made a detailed site visit for both appeal sites and their environs prior to the inquiry opening and also visited the off-site junctions referred to in submitted evidence. I undertook a second site visit during the inquiry.
10. An environmental statement (ES) for the Perryfields site accompanied the planning application. It has been updated several times since the submission of the application in 2016. Regulation 76 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 sets out transitional

arrangements and confirms that those projects which had submitted a formal EIA scoping request before 16 May 2017 would continue to be considered under the 2011 regulations (as amended). This is the case for the Perryfields Environmental Statement. I am satisfied that the ES meets the 2011 regulations.

11. A set of core documents was prepared for the inquiry. Documents which were added after the inquiry opened are listed and appended to this decision.
12. A final executed version of the Section 106 agreement was received on 13 July 2021, after the close of the inquiry.
13. On 21 July a revised National Planning Policy Framework (the Framework) was published. I gave the main parties an opportunity to make any comments that they thought necessary as being relevant to their case. I took these into account in my decision. All paragraph numbers relating to the Framework in this decision refer to the revised version.

Main Issues

14. Having regard to the positions of the parties, representations made and the evidence before me, I consider that the main issues are:

Appeal A

- The effect of the proposal on highway safety and the operation of the highway network; and,
- The extent to which the proposed development is consistent with national planning policy and the development plan for the area

Appeal B

- The effect of the proposal on highway safety and the operation of the highway network; and,
- Whether any harm caused by the loss of the undesignated heritage asset is outweighed by the benefits.

Reasons

Highway safety and the operation of the highway network

15. The appeal site in Appeal A adjoins the western urban edge of Bromsgrove. It occupies land to the south of the intersection of the M42 and the M5. The appeal site extends to around 72 hectares. The M5 lies to the west, Kidderminster Road to the south and the existing urban area of Bromsgrove to the east.
16. Perryfields Road runs through the centre of the appeal site, from Kidderminster Road to Stourbridge Road. The appeal site consists mainly of large fields either side of Perryfields Road, but mainly on the M5 side. On the Bromsgrove side of Perryfields Road there is an existing school and some existing residential developments. There are scattered properties and farm and small holdings across the site. Battlefield Brook, runs across the northern part of the site.

17. The proposed development would represent a significant urban extension to Bromsgrove. It would involve the development of around 1300 new homes including affordable homes, together with supporting services and infrastructure. It would incorporate a new first school, local centre, new employment provision and new recreational open space amongst other facilities.
18. The appeal site in Appeal B consists of a junction where Fox Lane and Rock Hill meet, together with the site of a former public house, the Greyhound Inn. The appeal site is within the built-up area of Bromsgrove. The proposal in Appeal B is linked to Appeal A because the junction improvements which are sought are necessary as part of the off-site highways works for the Perryfields scheme. The appeal site in Appeal B lies over 1km away from the Perryfields site.
19. Policy BDP 16 of the Bromsgrove District Plan 2011-2030 (the Local Plan) sets out a commitment to secure sustainable transport and active travel. It is supported by other policies such as Policy BDP19 which seeks high quality design, BDP22 which seeks to deliver viable low carbon climate resilient developments and BDP25 which supports health and well-being.
20. Policy BDP5A of the Local Plan identifies the town expansion sites and sets out requirements including those in relation to transport and travel. The supporting text to Policy BDP5A makes it clear that one of the key overarching objectives of the town expansion sites is that development should minimise the use of car-based travel.

The Transport Assessments and models

21. A planning appeal decision ¹ was issued in February 2021 which gave planning permission for development of around 490 dwellings on a site at Whitford Road, Bromsgrove and also for the junction improvements and the demolition of the Greyhound Inn which are the subject of appeal B. The proposal at Fox Lane/Rock Hill differed from the current appeal in so far as it involved the creation of some residential development on the site.
22. The proposals have been supported by detailed transport assessments. The traffic impact assessment has been undertaken using a microsimulation Paramics model and standalone junction assessments.
23. The submitted transport assessments have been scrutinised by the highway authority and its specialised consultants, Jacobs. The highway authority has raised no objections. Mott MacDonald, consultants appointed by the District Council, have also scrutinised the submitted appraisal. As a result, the assessments have been updated in some aspects, such as extending the study area to allow for a manual assessment of traffic distribution towards Catshill in the light of comments made.
24. The detailed consideration of the assessments, the modelling process and the findings resulted in the officers being able to recommend to the Planning Committee on 16 March 2021 that the Council should support the proposal. The officer report to that meeting sets out in detail how the assessments have been scrutinised and that both the highway authority, and the planning authority are satisfied with their findings. I place significant weight upon the findings of both the highway authority and the planning authority in this regard.

¹ APP/P1805/W/20/3245111

25. The junction proposed at Fox Lane/Rock Hill was fully assessed by the Inspector in the Whitford Road decision. The technical design and operation of the junction in this proposal does not depart from that scheme. I place significant weight on the decision of my colleague in this respect.
26. The Perryfields development would be accessed through the creation of two new junctions. A new junction would be created on Stourbridge Road to the north of the existing Perryfields Road junction. To the south of the site there would be a new roundabout junction created on Kidderminster Road. These would be the two main access points, with other accesses provided from the existing Flockbury Mill Lane and from the northern part of the existing Perryfields Road which would provide access to part of the site.
27. A spine road would run through the site and would be designed for speeds of 20mph in order to create an environment conducive to cycling and walking. This is consistent with the Local Plan transport policies for the site and for the district as a whole in seeking good design and to create more opportunities for sustainable transport.
28. The proposal includes a series of active travel and mobility measures, secured primarily through a planning obligation, but the traffic assessments have not taken account of these in the modelling process. A number of junction and transport infrastructure improvements are proposed to be made as part of the Perryfields development. These include the Fox Lane/Rock Hill scheme but also a number of other locations around the town.
29. Whitford Vale Voice (WVV) contest a number of assumptions and findings of the transport assessment. One of WVV's main arguments is that the personal travel planning allowance of 12% in relation to modal shift is excessive. This figure was requested by the highway authority's consultants and the appellant considers that a more realistic allowance could be 20%. I am satisfied, on the basis of the evidence, that the 12% figure is appropriate to be used within the assessment. However, I recognise that it would make little material difference to the overall model results.
30. WVV consider that the traffic modelling has not been updated to reflect committed schemes since December 2017. The appellant states that the modelling assumptions were agreed with the highway authority and the local planning authority in 2019 and that significant additional developments will not have been omitted. The Whitford Road and Foxlydiate developments are included. Even if there are some peak hour vehicle trips from the Whitford Road development not included, I concur with the appellant's case that it would make a minimal difference to the overall findings. I consider that the modelling data is robust in this regard.
31. The model used has had to make certain assumptions on which routes should be identified as part of the exercise. WVV disagrees with some of these such as not including Charford Road within the report. However, I consider that this and other assumptions fed into it does not make the model flawed or that there would be materially different findings. The model's assumptions have been agreed by the highway authority and the planning authority and have been scrutinised by separate transport consultants. Indeed, those consultants considered that it was not necessary to report on the Charford Road link and junction given the very small amount of Perryfields generated traffic passing through them.

Off site junction/road improvements

32. The proposed development includes direct works to four junctions and either contributions towards comprehensive highway improvements already proposed by the highway authority or alternatively specific delivery of works at three junctions.
33. WVV is concerned that the contribution for the improvements at the Birdbox Junction is unjustified and does not meet the Community Infrastructure Regulation 122 tests as there is no drawn up scheme. The planning obligation provides for the appellant to step in and carry out an improvement scheme if the highway authority does not.
34. I am satisfied that the contributions set out in respect of all the other junctions are as accurate as can be expected and that based upon the evidence, arrangements are in place, or will be put into place, for the implementation of all of the required improvements.

The Fox Lane/Rock Hill junction

35. A number of representations expressed concerns about the impact of the proposed junction scheme in Appeal B and in particular the impact on the existing convenience store and the operation of the bus service.
36. The submitted plans clearly show that the existing layby which runs along the south western side of Rock Lane on the M5 side of the junction is to remain. On my first site visit at the morning hour peak, I was able to park in the layby and walk the few metres to the shop door. I consider that whilst the nature of the junction will change significantly, there would still be the opportunity, largely as there is now, for those visiting the shop to park there. I also consider that the proposal would not have an adverse effect on the servicing of the store as I would expect vehicles to service the store in a generally similar way to which they do now.
37. On my second site visit I observed a bus pulling into the layby in order to pick up a passenger at the bus stop. At the inquiry, the appellant's transport witness said that buses would not pull into the layby, but clearly they may do when no cars are parked there. I consider that buses would be likely to continue to use the bus stop in the same way as they do currently post the implementation of the roundabout scheme.
38. Councillor Mallett referred me to an email from 2016 in which the Transport team leader at Worcestershire County Council referred to the design at that time being not favourable as a long-term solution on this important route and that other solutions were being investigated. The design before me however does have the support of Worcestershire County Council, and is already part of an approved scheme. I therefore attach little weight to the email from 2016 in my decision.

Potential for 'rat running'

39. WVV is also concerned about the potential for traffic to cut through neighbouring communities including Millfields, Sidemoor and other areas. Such concerns are often to the fore when major developments are proposed and there is a worry that traffic may percolate through the existing urban areas causing issues of highway safety and environmental harm. WVV argues that

some routes through the existing urban areas have not been picked up by the model. I accept the appellant's case that a reasonable number of routes through existing areas need to be selected and fed into the model, and that not all possible options can be or indeed need to be modelled.

40. In the case of the Fox Hill/Rock Lane scheme there is a concern from WVV and others that traffic will use the Millfields area to cut through instead of using the new junction. On my site visit I observed morning peak hour flow at this junction and the surrounding area. I also noted that some of the road network in the Millfields area had a character of narrow streets and several sharp turns. Given that the new junction would improve capacity and flow, I concur with the view of my colleague at the Whitford Road appeal who considered that there would be little incentive for drivers to leave the through roads and cut through the Millfields area.
41. In respect of Sidemoor, it is possible that some traffic from Perryfields will percolate through the existing urban area. However, some of these journeys would inevitably be to legitimate destinations in that area. Given the new road infrastructure on and off site and the provision for cycling, walking and public transport as part of the proposal allied with its sustainable location, I consider that there is no evidence that the proposal would lead to harm in respect of highway safety or the environment in the immediate neighbouring residential areas.

Western Distributor Road

42. One of the main issues raised by objectors, in written submissions both in relation to the appeal and the application and in statements given to the inquiry, concerns the concept of a western distributor road (WDR). The WDR would be a road to relieve traffic on the western side of Bromsgrove. There are some very strong views amongst local residents that such a road should be part of the road network on the western side of the town and that without it the Perryfields proposal should not be allowed to proceed. It is clearly a view of many local residents making representations that the WDR is needed to support further expansion of the town.
43. There is however no policy in the current Local Transport Plan (LTP4) for such a road. The LTP4, adopted in 2017, notes that a longer term strategy for Bromsgrove district is under development which will include amongst other things the case for a potential western bypass for Bromsgrove and that the outcomes will feed into future versions of the Worcestershire Local Transport Plan and the Bromsgrove Local Plan. The District Council has agreed that these reviews may consider the concept of the WDR.
44. However, the WDR is not set out within LTP4 and significantly it is not set out within the Local Plan. The allocation BROM2 in the Local Plan does not make reference to it nor does it require it to be provided or land reserved for its future delivery. Some of the statements to the inquiry suggested that the appeal proposal should be delayed until the reviews of the LTP4 and the Local Plan had taken place. I consider there is no basis for doing that nor do I agree that there is any basis in policy or in law for conditioning an approval such that it could be dealt with through the consideration of reserved matters.

Other transport matters

45. Councillor Mallett made reference to the journey time which could result post development from Willowbrook Garden Centre to Rock Hill. The appellant considers that this increase could be around seven minutes in the peak time and around one and a half minutes off peak, whereas Councillor Mallett suggested that this could be around 14 minutes. The proposed new development would inevitably lead to some delay compared to the existing position especially since road speeds would be reduced and the spine road would not follow a straight line. I consider that this does not undermine the transport assessments or fall into the category of severe impact on the network.
46. The proposed development would include public transport contributions including provision for additional measures should the Whitford Road scheme not proceed. Furthermore, the proposed 'Mobility, Monitor and Manage' scheme, set out and secured within planning obligations, would provide additional security to help ensure that opportunities for non-car means of travel from and to the site were maximised over time.

Conclusions on transport

47. A major urban extension to the town will inevitably lead to more vehicular trips and place pressure on the existing highway network than would be the case if the development did not happen. However, the location of this proposal does enable trips to the surrounding community and the town centre to be made on foot, by bike or by public transport. The new and improved links for non-car modes of transport secured through planning obligations and conditions will facilitate this. Furthermore, the new development itself includes new education, community, recreation and retail facilities which will help to promote local movements especially by non-car means. The inclusion of 20mph speed limit designed roads within the scheme and the design of the road network generally will encourage walking and cycling.
48. The proposal has been supported by very detailed transport assessments and will include a package of measures to improve a number of junctions and roads in the town as well as the creation of new junctions to serve the development itself. The transport assessments have been scrutinised over a considerable period of time by separate transport consultants on behalf of both the highway authority and the local planning authority. Both authorities consider the proposal acceptable in transport terms.
49. WVV have provided significant and well researched challenge to the transport evidence over a period of time. However the officer report to Planning Committee on 16 March 2021 reports that the District Council's consultants Mott McDonald conclude that the strategy of managing car based demand and the promotion of sustainable travel choices, including the use of flexible transport fund set out in the 'Mobility, Monitor and Manage' provisions, is likely to address earlier concerns raised by the consultants in respect of excess demand for car trips at peak times and resulting highway impacts.
50. Having considered all of the material before me, I consider that I have no demonstrable evidence to indicate that the proposal would lead to harm to highway safety or to severe impacts on the network. The proposal would therefore accord with Paragraph 111 of the Framework which makes it clear

that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Consistency with the development plan and national planning policy

The development plan

51. The development plan comprises the Bromsgrove District Plan 2011-2030 (2017) (the Local Plan). Policy BDP2 of the Local Plan sets out a settlement hierarchy in which Bromsgrove is the only main town. There is a target for the provision of 7,000 additional dwellings over the period 2011-2030 (Policy BDP3). Reference is made to the immediate release of town expansion sites in order to help meet this requirement. Policy BDP5A identifies three town expansion sites. One is the subject of the Whitford Road appeal decision (Site BROM3), one is at Norton Farm to the north of the town (BROM1) and the other, BROM3 is the Perryfields site, the subject of this appeal, Appeal A. These are set out clearly on the Key Diagram within the Local Plan.
52. The supporting text to Policy BDP5 of the Local Plan states that Bromsgrove Town is the most sustainable location for significant new growth within the District due to the variety of services, facilities, and employment opportunities, in addition to public transport links. The text states that it is the most logical location for growth. The town expansion sites had previously been removed from the Green Belt and identified as potential future expansion land.
53. Policy BDP5A.3 of the Local Plan states that BROM 2 the Perryfields site, will contain approximately 1300 dwellings, 5 hectares of employment land (office and light industry), a local centre and community facilities. Further detail is set out in parts 4 and 5 of the policy about the requirements for the local centre and the community facilities. Part 7 of the policy sets out further requirements across the town expansion sites including a requirement for development to incorporate a high proportion of 2 and 3 bedroomed properties. In relation to BROM2 there is a specific requirement for an extra care facility of around 200 units. It is clear from the provisions of the policy that there is a requirement for development to maximise opportunities for walking and cycling and to incorporate significant improvements in passenger transport. Further requirements include the creation of green corridors around the Battlefield Brook, and detailed masterplanning.
54. Map 1 in the Local Plan sets out the boundaries of the three town expansion sites, and these are also set out in the Key Diagram and the policies map. Within the allocation for BROM2 there are some small parts which have already been developed such as the affordable housing scheme at Oldfield Road which I shall return to later. The allocation also includes the open space area at Kings George Close which the policy requires to be set out as adult football pitches as part of any proposals.
55. In addition, the appeal site boundary extends onto a field which lies in the Green Belt between the allocation and the M5/M42 interchange. This field is proposed to be used as recreational open space and the appellants case is that the proposal would accord with the National Planning Policy Framework.

56. Policy BDP6 of the Local Plan sets out the requirement for development to make contributions to and provision for infrastructure to support growth. Policy BDP8 requires provision for affordable housing of up to 40% on sites of 200 or more dwellings. BDP16 seeks to secure sustainable transport provision.
57. The scale of the proposed development would accord with the expected number of homes within the Local Plan for this allocation. Around 210 units have already been built and there is also a small area of the allocation which is outside of the boundary of this application. The size of that area was estimated by the Council and the appellant at the Inquiry at around 1.74 ha. There were no known constraints to its delivery for housing in the future. These factors would mean that the expected delivery of the allocation would be around 1550 homes in total, comprising homes built and yet to be built. I shall come onto what this over provision might mean later in my decision.
58. The proposal also accords with the development plan in respect of providing a local centre, employment units, an extra care scheme and community facilities as required by Policy BDP5A.
59. There is a requirement for 40% affordable housing across the whole allocation in accordance with Policy BDP5A.7 and BDP8. The scheme would provide for 30% across the expected 1300 new dwellings but taking into account the existing 210 affordable units already built on the site, the 40% figure would be met overall. The Council has accepted that this would meet the 40% affordable housing requirement and this is set out in their officer report to Planning Committee and within the statement of common ground. Furthermore Policy BDP8.6 provides that where a development site is brought forward on a piecemeal basis, the Council will assess affordable housing targets for each part of the site on a pro-rata basis, having regard to the overall requirements generated by the whole site. I consider that the proposed development meets the development policies in respect of affordable housing requirements.
60. Policy BDP13 of the Local Plan seeks to ensure that there is a balanced portfolio of employment sites in the district. Part d of that policy sets out that employment opportunities within the town expansion sites will be promoted. The proposed development meets that policy by the provision of employment space within the scheme.
61. The Local Plan sets out a commitment to secure sustainable transport and active travel, not only through Policy BDP16 but through Policy BDP19 which seeks high quality design, BDP22 which seeks to deliver viable low carbon climate resilient developments and BDP25 which supports health and well-being. The supporting text to Policy BDP5A makes it clear that one of the key overarching objectives of the town expansion sites is that development should minimise the use of car based travel.

The Greyhound Inn

62. The parties agree that the former Greyhound Inn which is proposed to be demolished as part of the Fox Lane/Rock Hill development within Appeal B, is a non-designated heritage asset. The building dates from at least the mid-nineteenth century. The value of the asset was considered by the Inspector in the Whitford Road appeal and planning permission was given for its demolition. The building has evolved over time which has diminished its value and more recently has been subject to fire damage which I could observe on my site

visit. The Inspector gave moderate weight to the loss of the building given its limited value. I have no reason to come to a different view. Its loss would nevertheless conflict with Policy BDP20 of the Local Plan which seeks to safeguard heritage assets.

Conclusions on the development plan

63. The proposed development in Appeal B would conflict with Policy BDP20 of the Local Plan due to the loss of the non-designated heritage asset. However, it would in all other respects accord with the Local Plan.
64. The proposed development in Appeal A, Perryfields, would accord with the Local Plan and would enable the bringing forward of the BROM2 allocation a major part of the strategic objective of the Local Plan.

Other considerations

Housing Land Supply

65. There is agreement between the parties that the Council is unable to demonstrate a five-year supply of housing land. Indeed, it is not disputed that there is only around 3.18 years supply. Furthermore, the Council is underdelivering on housing such that its Housing Delivery Test figure is 69%.
66. Although the application which is the subject of Appeal A is in outline, the appellant has provided evidence that an early start is expected to be made on the site and that development can commence from both the southern and northern sides of the site. Technical and design work is well advanced and first reserved matters applications would be expected around at the end of the Summer, 2021. The appellant has indicated that expected delivery would be around 100 units per annum rising to 100-140 per annum.
67. The appellant is a major national housebuilder and I have not been provided with any evidence which would suggest there would be a delay on progressing to reserved matters approval and delivery. The scheme in total is expected to deliver more than the 1300 homes on the allocation, for reasons explained earlier in my decision. I consider this as an additional benefit.
68. I place significant weight on the ability of the proposal to help the housing land supply position in the district and on the ability of the proposal to deliver homes clearly needed at an early point. The proposal is integral to addressing the acknowledged housing land supply shortage within Bromsgrove district.

Other benefits

69. The proposal would deliver a number of benefits, mainly required by planning policy. These include the provision of affordable housing, an extra care home, new employment provision on around 5ha of land to the south west of the Perryfields site, new community facilities and a new first school. The provision of new cycle and walking routes would also provide benefits to the residents of the new development and existing residents of the town. I give these considerable weight.
70. There would be economic benefits as a result of the jobs provided in the school, the local facilities and in construction. There would also be an uplift to the economy of the town, particularly the town centre through increased

expenditure by local residents and workers as a result of the scheme. I attach moderate weight to such benefits.

Planning Obligations

71. The executed Section 106 agreement for the Perryfields scheme provides for a number of planning obligations
72. There are a number of obligations which relate to contributions to off-site transport schemes. These include the A38 BREP schemes and junction improvement schemes. These are set out as staged payments with specific trigger points relating to the occupation of a certain number of dwellings. There is also a standalone clause which provides for the works being done by the owners if this is necessary.
73. There are also contributions towards public transport, public transport infrastructure, and to sustainable infrastructure. There is also provision for a public transport review to assess whether there is additional support required for the bus service to serve Perryfields. There is also a detailed obligation for the monitoring and managing of mobility including the establishment of a flexible travel fund along with a steering group to oversee it and the setting up of a mobility hub scheme.
74. An obligation requiring a contribution towards the proposed First School is set out. The contribution of £6.1M would be paid in stages related to the number of dwellings occupied. There is also provision for the laying out and servicing of the site for the First School.
75. The contribution towards education has been the subject of detailed discussion between the appellant and the education authority given the time period which has elapsed from submission of the application to the inquiry. In that time, pupil number forecasts have changed as has the policy context. The school is a requirement of the Local Plan. Since the submission of the application there has been an uplift in anticipated child yield arising from the Perryfields scheme and consideration of current Department for Education guidance has led to an increase in cost per place. It has been agreed that no contribution would be required for middle school or high school provision. I am therefore satisfied that the contribution and provisions agreed are appropriate.
76. The planning obligations make provision for sport and recreation provision including a new pavilion, playing pitches and off-site contributions. There are also obligations relating to informal open space and arrangements for management and maintenance of both formal and informal space.
77. A contribution of around £807,315 is set out in the planning obligations for health services. This would be paid to, and used by, the Worcester NHS Acute Hospitals Trust (the Trust) to meet annual shortfalls in NHS service revenue as a result of the proposed development. The Trust has provided detailed evidence as to why the contribution is necessary and how it has been calculated. It argues that if not mitigated, the long-term impact of the proposed development on the Trust's health care services is significant. The Trust is currently running at 85% bed capacity and the way in which NHS standard contract funding operates would lead to a deficit for up to 18 months from the occupation of a dwelling which would in turn create a knock on effect on other services.

78. The Inspector at the Whitford Road appeal considered that a similarly based health service contribution was necessary to make the development acceptable in planning terms and that it would meet the other requirements in the Community Infrastructure (CIL) regulations 2010. I have also been provided with a number of other appeal decisions where similar contributions have been agreed. In addition, I have been referred to case law. I am satisfied on the basis of the evidence that the obligation is appropriate and meets the necessary tests.
79. There are also obligations covering Sustainable Urban Drainage, waste management, the local and community centre, the preparation of an Employment strategy, the detail of affordable housing provision, and extra care.
80. Having regard to paragraph 57 of the Framework and planning practice guidance, I consider that all of the planning obligations are necessary to make the proposed development acceptable in planning terms, are reasonably related in scale and kind to the development and meet all the statutory requirements of Regulation 122 of the CIL regulations.

Conditions

81. Suggested conditions, agreed by the main parties, were the subject of discussion at the inquiry and a small number of amendments were suggested in respect of both appeals.
82. For Appeal A there is a need for standard conditions relating to the submission of reserved matters applications, and the time period of the approval. A condition listing the plans to which the permission relates is necessary for certainty. A phasing plan would be required given the size and nature of the development, and a condition is imposed to secure this along with a condition requiring the submission of a design code, in the interests of good design.
83. There is a need to impose a condition to remove permitted development rights and to limit floorspace for the employment element of the Perryfields scheme as without such controls development could depart from that assessed and may not be consistent with the form of expected employment provision on the site. Details of the operating hours and other arrangements for the employment units are required to be submitted in the interests of the living conditions of future residents.
84. A construction environment management plan is required in both appeals in the interests of residential amenity and protection of the environment.
85. On the Perryfields scheme, conditions are required to secure details of foul surface water drainage and water efficiency measures, in the interest of the environment. Given specific ecological and environmental interest on the site, conditions are required to secure the submission of a landscape and ecological masterplan, measures to protect the Battlefield Brook corridor and a habitat survey. In the interests of archaeology, conditions are also imposed to require a programme of archaeological work to be submitted prior to commencement and subsequent possible measures implemented.
86. A condition is imposed to require a land contamination report prior to commencement and to ensure that remediation measures would be implemented, given the site characteristics and the need to protect ecological

features. Details of tree protection measures would be required in the interests of amenity, and a condition is imposed in this regard. Also, in the interests of amenity, conditions require the submission of details of hard surfacing and boundary treatment, landscaping and landscape management.

87. Conditions are also imposed to control noise including earth bunds and a noise mitigation barrier in the interests of living conditions of future residents particularly given the nearby motorways. Also given the location of the site a condition is imposed to require ball stop fencing in association with the recreational use of the site. Conditions are also imposed to require details of play areas and public open space to be submitted and approved. In the interests of protecting the night sky from light pollution on an edge of countryside site, a condition is imposed to require details of lighting schemes through the relevant phases.
88. A number of conditions are imposed in the interests of highway safety including road levels and controls to secure the implementation of highway measures through occupancy triggers and the severance of Perryfields Road. A travel plan condition is imposed in the interests of sustainable transport.
89. In respect of Appeal B a condition is necessary to only allow the scheme to be implemented once a start is made on the Perryfields site, in order to ensure that the public benefits weighed in the balance to justify the loss of the non-designated heritage asset are to be realised. In addition to the standard time limit condition, a condition listing the plans to which the permission relates is imposed for certainty. Specific conditions are also imposed on the Fox Lane/Rock Hill scheme to require the enabling of an appropriate access to the site from Albert Road in the interests of highway safety, to secure appropriate boundary treatment in the interests of residential amenity, to protect existing trees which are to be retained and to secure new landscaping in the interests of amenity.

Planning Balance and Conclusion

90. I have found that the Perryfields proposal would not lead to harm in respect of highway safety or the operation of the highway network. I have found that the proposed development in the Perryfields case would comply with the development plan as a whole.
91. The Perryfields site is allocated for the development proposed in the Local Plan. It is a development which is fundamental to the strategic objectives and growth strategy of the district. The site is in a sustainable location adjoining the existing urban area and within cycling and walking distance of Bromsgrove town centre and other facilities nearby. The suite of on and off site transport measures and new infrastructure provision drawn up over a long period of time and secured through planning obligations would help to ensure that the proposed development would be sustainable and knitted into the fabric of the town. These and the mixed-use elements of the scheme itself including new employment, would help to realise the integrated town expansion site vision set out in the Local Plan. It would provide a significant boost to the economy of the town centre and to Bromsgrove as a whole. The proposal is supported by both the local planning authority and the highway authority.
92. The Perryfields proposal would lead to a number of benefits. Fundamentally the scheme would deliver homes in a district where there is not a five-year supply

- of housing land by some margin and where the delivery of new housing is below the level required by Government. The significant weight attached to this benefit adds to the case in its favour.
93. Paragraph 11 c of the Framework is very clear. Development proposals that accord with an up to date development plan should be approved without delay. Furthermore paragraph 60 of the Framework highlights that it is a Government objective to significantly boost the supply of homes.
94. The Fox Lane/Rock Hill development is necessary to enable the Perryfields scheme to take place, that itself is a major public benefit. A condition would link the two so that it could not be commenced until a start had been made on the Perryfields site. I have found no highway safety or operational harm with this scheme. Having regard to paragraph 203 of the Framework, I conclude that the balance weighs substantially in favour of the proposal having regard to the significance of the non-designated heritage asset.
95. For the reasons set above, and having regard to all evidence before me, I conclude that both appeals should be allowed.

Mike Worden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Morag Ellis QC

Instructed by Paul Male and Duncan Williams of
Evershed Sutherland

She called

Richard Shaw
Mike Axon
Duncan Williams

Director, Savills
Managing Director, Vectos
Principal Associate, Evershed Sutherland (Section
106 RT)

FOR THE LOCAL PLANNING AUTHORITY:

Simon Jones BA, DipTP,
MRTPI

Principal Planning Officer, Bromsgrove District
Council

FOR THE RULE 6 PARTY:

Ms Leenara Antaa-Collier

Partner and Solicitor, The Wilkes Partnership LLP

She called

Alex Roberts
Jo Newton

Director, DLP Planning (for Section 106 RT)
Director of Strategy and Planning,
Worcestershire Acute Hospitals NHS Trust (for
Section 106 RT)

INTERESTED PERSONS:

Councillor Luke Mallet

County Councillor Bromsgrove ward, District
Councillor Hilltop ward, local resident

Councillor Janet King
John Gerner
Ron Skidmore

CPRE Worcestershire and District Councillor
Bromsgrove Society and Whitford Vale Voice
Chairman, Bromsgrove Society

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Appellant's opening statement
- 2 Bromsgrove District Council opening statement
- 3 Worcestershire Acute NHS Trust opening statement
- 4 Bromsgrove Society and Whitford Vale Voice opening statement
- 5 Worcestershire County Council Education Infrastructure statement
- 6 Worcestershire County Council updated CIL compliance statement
- 7 Worcestershire County Council Education Planning Obligation statement
- 8 Worcestershire County Council Local Transport Plan 4
- 9 Bromsgrove District Council Minutes of Council 21 April 2021
- 10 Worcestershire County Council Transport email March 2016
- 11 Draft amended s106 Version EVS 25 May 2021 plus appendices
- 12 Photograph and plan of exposed rock outcrop Whitford Road (submitted by appellant)
- 13 Appeal A Perryfields revised suggested conditions
- 14 Appeal B Fox Lane/Rock Hill revised suggested conditions
- 15 Note regarding housing delivery rates and commencement (submitted by appellant)
- 16 Appeal Decision Barwood Strategic Land, Tamworth (submitted by appellant)
- 17 Note regarding education contribution 1 June 2021 (submitted by appellant)
- 18 Appellant's closing submissions

APPEAL A - SCHEDULE OF CONDITIONS

- 1) On each development phase, details of the access, appearance, landscaping, layout, and scale in that phase, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. This condition may be discharged on an individual development phase, or element of infrastructure, basis.
- 2) The first application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. All subsequent reserved matters applications shall be made not later than 10 years from the date of this permission.
- 3) On each development phase hereby permitted, the development shall commence not later than 3 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 19378-09U Application Boundary Plan; 173050B_A08B Kidderminster Road; 173050B_A09 Stourbridge Road Signalised Junction; 19378 46N Figure 3.1 Parameter Plan – Land Use; 19378 47H Figure 3.6 Parameter Plans – Access & Movement Plan; 19378 48N Figure 3.3 Parameter Plans – Noise Mitigation; 19378 49J Figure 3.4 Parameter Plan – Open Space & Green Infrastructure; 19378 50L Figure 3.5 Parameter Plan – Drainage; 1937851P Figure 3.2 Parameter Plan – Development Heights
- 5) Prior to the submission of any application for the approval of reserved matters, a Phasing Plan covering the entire site and which indicates the development phases for which all reserved matters applications will be made, shall be submitted to and approved by the local planning authority. Development shall take place in accordance with the Phasing Plan and reserved matters applications shall be submitted in accordance with it and refer to the development phase to which they relate.
- 6) As part of the first reserved matters application for any development phase (save for advance works, infrastructure, servicing and utilities), a Design Code shall be submitted to, and approved in writing by the Local Planning Authority. The Design Code shall take account of the principles set out in the Design and Access Statement. The Design Code can be updated during the course of the development subject to agreement with the local planning authority. The reserved matters for each development phase, should substantially accord with the Design Code and the parameters plans. The Design Code shall include the following:
 - i. Extent of the contextual area its character, role, views, and relationship to other contextual areas;
 - ii. High-level block types and principles to establish its urban structure and built- form characteristics, building heights, building typologies, and structure of public and private spaces, leading to understanding of delivery of stated densities;
 - iii. Retention, representation, acknowledgement or interpretation of the site's built and cultural heritage and former uses;

- iv. Movement hierarchy, including principles of street hierarchy, adoption of highway infrastructure and typical street cross sections, building frontage and plot boundary set-backs, siting, variation and treatment;
 - v. The housing mix, subject to complying with the requirements of the District Plan.
 - vi. Any key groupings /buildings at focal points including relevant key height, scale, form, building materials and design features, and broad location of adaptable dwellings and self-build or custom-build dwellings;
 - vii. Design approach to open spaces and the public realm, including materials palette, signage, accommodating utilities and servicing (visual elements and locations) and for other street furniture, and the integration of green infrastructure;
 - viii. Treatment of development edges along site boundaries and green spaces;
 - ix. The overall approach to incorporation of ancillary infrastructure;
 - x. Car and cycle parking layout principles for all uses and building types;
 - xi. Design for servicing and public transport for all uses and development areas;
 - xii. Innovative solutions to a range of environmental issues, to maximise resource efficiency and climate change adaptation through external or internal features, passive means, such as: landscape contribution, layout/ orientation, massing, and external building features;
 - xiii. Details of measures to minimise opportunities for crime.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the Employment Land shall only be used for a maximum of up to 12,500sqm (GFA) of B1c (light industrial) and up to 7,500sqm (GFA) of B1a (office) floorspace and for no other purpose (including any other purpose in Class B1 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order)
- 8) No development approved within a development phase shall be commenced until a Habitat Management Plan for the management and long-term maintenance of that part of the site has been submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall identify the impact that the development phase would have on local ecology and set out how this will be mitigated based on the recommendations of the Environmental Statement. The plan shall also detail timing and provision for implementing the plan. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 9) No development shall take place on a development phase 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 for that development phase and site investigation has been undertaken and completed. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- 10) No development within a development phase shall be occupied until the site investigation and post investigation assessment which includes that development phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured
- 11) No demolition works or development within a Development Phase, shall commence on site until a Construction Environmental Management Plan, to include details of -
 - i) The name, e-mail and direct telephone number for the site manager for that phase
 - ii) A programme of works including a plan detailing the extent of the phase to which the CEMP relates
 - iii) The type, volume and frequency of construction traffic movements
 - iv) Construction traffic routing and how will be monitored and enforced
 - v) The proposed point(s) of access/egress for construction traffic
 - vi) Measures to segregate construction traffic from other traffic utilising the site
 - vii) The origin, amount, and nature of any imported soils
 - viii) The maximum number of staff anticipated to be working on site and the number, location, and delineation of parking spaces for site operatives and visitors
 - ix) The location for the loading and unloading of plant and materials (including delivery times and swept path analysis for those vehicles
 - x) The location, security and means of storage of plant and materials used in constructing the development
 - xi) Measures to control the deposition of mud onto the local road network

- xii) Measures to control the emission of dust, dirt, noise and vibration during construction
- xiii) Measures to protect watercourses and soil from pollution
- xiv) Locations and measures to control the emissions where in situ bioremediation or soil washing takes place.
- xv) Hours of working on site
- xvi) A travel plan for the workforce including the promotion of car sharing
- xvii) Measures to avoid the inadvertent entrapment of wildlife during construction.

The approved details shall be implemented throughout the duration of construction in that Development Phase

- 12) No works or development shall take place within a development phase until a scheme for foul and surface water drainage has been submitted to and approved in writing by the local planning authority. If infiltration techniques are used, then the scheme shall include the details of field percolation tests

The peak runoff rate from the development for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event plus a 40% allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30-year rainfall event and not in any part of any building for the 1 in 100-year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100-year rainfall event shall be managed in exceedance routes that minimise the risk to people and property. The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

- 13) No development in any development phase (other than that required to be carried out as part of an approved scheme of remediation), shall commence until the following requirements have been complied with:
- a. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified any unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. 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 DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
 - b. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
 - c. Where the site investigation identifies that remediation is required, 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 approved by the Local Planning Authority prior to development taking place. 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.

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

e. 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 be subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

f. 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.

- 14) No phase of the development hereby permitted shall be commenced within a development phase until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place for that phase of the development. The scheme must include details of the erection of - protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until that phase of the development have been completed and all equipment, machinery and surplus materials have been removed.
- 15) Prior to the commencement of development within the Employment Land area a scheme of operating hours, servicing arrangements and external storage shall be submitted to and approved in writing by the Local Planning Authority. Opening hours, outside operations and external storage shall subsequently be implemented in accordance with the approved details.
- 16) Prior to commencement of development within any development phase associated with the formation of the sports pitches, technical details regarding ball stop fencing that shall protect the Motorway shall be submitted to the local planning authority and approved in writing following consultation with the highways authority for the M5 and M42 motorways. The submitted detail shall be in accordance with the

requirements of DMRB BD2/12. The fencing shall be constructed in full and in accordance with the approved details prior to the use of the associated sports pitches.

- 17) Prior to the commencement of development within any development phase which requires an acoustic barrier, full details of the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the location where the barrier will be sited, the height and length of the acoustic barrier proposed together with the specification for its construction. The acoustic barrier shall be provided prior to occupation of any dwelling which requires noise mitigation within a development phase in accordance with the approved details.
- 18) No development approved as part of any subsequent reserved matters consent shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the finished ground floor levels of all the approved buildings and the finished ground levels within that phase for all other areas of the site. The sections shall show the development relative to the ground levels adjoining the site. The development shall be carried out in accordance with the approved details. All buildings shall be designed with finished floor levels at least 150mm above adjacent external ground levels. Finished floor levels of the proposed residential development shall be set at least 600mm above the 1 in 100 year (+climate change) flood level.
- 19) Plans and particulars of the reserved matters referred to in Conditions 1 and 2 shall include details of the facilities for the storage of refuse for any apartments within the development and a location No individual apartment shall be occupied until approved refuse storage facilities to serve that dwelling have been provided in accordance with approved details.
- 20) The details submitted pursuant to condition 1 shall include full details of retained and proposed soft landscape works for that development phase incorporating a plan and accompanying planting schedule which shall include all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated, new planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The landscape works shall be carried out in full compliance with the approved landscape plans, planting schedule for the phase and implementation timescales.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development within that development phase. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

- 21) The details submitted pursuant to condition 1 shall include full details of all proposed hard surface areas have been submitted to and approved in

writing by the Local Planning Authority. Such details shall include proposed finished levels or contours, car parking layouts, other vehicle and pedestrian footpaths/access and circulation areas, hard surface materials. Development shall be carried out in accordance with the approved details. The approved hard landscaping plan shall be implemented within two years from the date when any of the dwellings in that development phase are first occupied.

- 22) The details submitted pursuant to condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details and prior to the occupation of the dwelling to which the boundary relates
- 23) The details submitted pursuant to condition 1 shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than domestic gardens (including landscaped open space and structural planting to include perimeter landscaped buffer zones) The landscape management plan shall be carried out as approved.
- 24) The details submitted pursuant to condition 1 shall include, where appropriate, full details of the treatment and finishes to all areas of communal public open space within that development phase and the timing of their implementation have been submitted to and approved in writing by the Local Planning Authority. Such details shall include areas of grass seeding/turfing, soft landscaping, construction of footpath details and details of the appearance, siting and finish to any boundary and their location and physical features to be installed. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained. Those areas identified as communal public open space shall be retained as such in perpetuity and shall not be used for any other purpose unless otherwise agreed in writing by the local planning authority.
- 25) The details submitted pursuant to condition 1 shall include, where appropriate, until a full specification for the Local Equipped Area of Play (LEAP) has been submitted to be submitted to and approved in writing by the Local Planning Authority. The development of the LEAP shall be undertaken in accordance with Fields In Trust 'Guidance for Outdoor Sport and Play' 2015 and in accordance with the approved details.
- 26) Noise levels within the dwellings hereby approved shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria (LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (SOAEL). Measures necessary to achieve this performance at properties identified at risk of exceeding the LOAEL shall be submitted to and approved in writing by the local planning authority prior to commencement of the development.

The mitigation measures so approved shall be completed prior to any dwellings to which they relate being first occupied and post completion testing to verify that the noise level requirements of this condition have been met shall be carried out at sample locations to be agreed by the

local planning authority before any of the dwellings hereby approved are first occupied. If the post completion testing shows that the limits set out in BS8223:2014 are exceeded within dwellings and/ or the upper limit of 55dB(A) is exceeded when measured from enclosed outdoor amenity areas, details of further mitigation to bring noise levels down to the required limits shall be submitted to and approved in writing by the local planning authority and the proposed further mitigation shall be carried out before the dwellings to which these measures relate are first occupied.

- 27) Prior to the commencement of development within a development phase adjacent to the M5 and M42 motorways technical details regarding the design of any earth bund and noise attenuation structures adjacent to the motorway shall be submitted to the local planning authority and approved in writing following consultation with the highways authority for the M5 and M42 Motorways. The submitted detail shall follow guidance set out in the DMRB HD 22/08 – Managing Geotechnical Risk (or as updated). The development shall be constructed in full and in accordance with the approved details.
- 28) Prior to the commencement of development on any development phase adjacent to the Battlefield Brook a scheme for the diversion of Battlefield Brook, including detailed plans for the diversion and after use of the existing farm track culvert, shall be submitted to and agreed in writing by the local planning authority. The scheme shall be in accordance with the Watercourse Assessment report (reference 20086/07-15/3748 rev A dated July 2015) and drawing number 20086_01_230_02 dated 20.03.15, including channel profile details. The scheme shall include detailed timing and provision for implementing the works. The scheme shall be implemented in accordance with the approved details.
- 29) No development shall take place on any development phase adjacent to the Battlefield Brook until a scheme for the protection and/or mitigation of water voles, a protected species under The Wildlife and Countryside Act 1981 as amended, is submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to avoid and mitigate impact upon associated habitat during construction works and post construction. A water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.
- 30) Save for undertaking site preparation works, no development within a development phase shall commence until details of an external lighting scheme for that development phase, have been submitted to, and approved in writing by, the local planning authority. The external lighting plan for that development phase adjacent to Battlefield Brook, must comply with the Guidance for the Reduction of Obtrusive Light criteria "E2" (Institute of Lighting Professionals, GN01:2011) and avoid light spillage onto Battlefield Brook. The approved details shall be implemented as approved prior to first occupation of that development phase. This condition may be discharged on an individual development phase basis.
- 31) No development phase shall be occupied until a Travel Plan has been submitted by the applicant and approved in writing by the local planning authority. This plan will thereafter be implemented and updated in

- agreement with Worcestershire County Council's Travel Plan Co-ordinator and thereafter implemented as updated.
- 32) No more than 100 dwellings hereby approved shall be occupied until the highway improvements/offsite works/site access works comprising:
- (i) A roundabout at the Junction of Rock Hill / Fox Lane in general accordance with drawing WSP 7033-SK-005F
 - (ii) Approved Access Plan for a signal-controlled junction on B4091 Stourbridge Road in general accordance with drawing 173050B_A09
 - (iii) Cycle Improvements along Stourbridge Road in general accordance with drawing 20086_08_020_08
 - (iv) Improvements at the Church Street/ Market Street junction in general accordance with drawing 173050B-A11
 - (v) Improvements at the Worcester Road / Shrubbery Road junction in general accordance with drawing 173050B-A12
- Have been constructed and completed.
- 33) No more than 200 dwellings hereby approved shall be occupied until the works for a signal-controlled junction and roundabout on the A448 Kidderminster Road in general accordance with drawing 173050B_A08B has been constructed and completed.
- 34) No more than 325 dwellings hereby approved shall be occupied until the highway improvements works at the Stourbridge Road / Westfields (Catshill) roundabout in general accordance with drawing 173050B-A03 has been constructed and completed.
- 35) No dwellings hereby approved shall be occupied until a strategy and timescale for the severance of Perryfields Road has been submitted to the local planning authority and approved in writing. Thereafter any alteration to Perryfields Road shall be undertaken in accordance with that strategy.
- 36) The details pursuant to condition 1 shall include a scheme for the implementation of water efficiency measures. All residential dwellings shall incorporate water efficiency measures to a level of 110 litres per person per day. Non-residential development shall include water efficiency measures to seek to meet maximum specified BREEAM standards and a minimum of 25% for non-specified building types. No development within a development phase shall be occupied until the approved scheme has been implemented in accordance with the approved details.
- 37) The finished road levels along the main access spine road shall be constructed a minimum of 600mm above adjacent 1 in 1,000 year flood levels.
- 38) The soffit level of the new bridge over the Battlefield Brook shall not be less than 0.6m above the level of the modelled 1 in 100 year plus climate change event. Bridge abutments shall be set back a minimum of 1.0m from the bank top
- 39) Prior to the spine road between Stourbridge Road and Fockbury Mill Lane being opened to traffic, a maintenance and management scheme for the open space areas along the Battlefield Brook corridor, shall be submitted

to and approved in writing by the Local Planning Authority. The scheme shall include signage informing users that the area is liable flooding. Details of the number, form, size, design and disposition of that signage along the Battlefield Brook Open Space corridor shall be included in the submitted scheme. The approved signage shall be erected prior to the spine road between Stourbridge Road and Fockbury Mill Lane being opened to traffic.

END OF CONDITIONS FOR APPEAL A

APPEAL B – 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: Location Plan (2960 FR01); Fox Lane/Rock Hill Schematic Proposed Arrangement (7033-SK-005-F); Greyhound Inn Site Proposed Access (7033-SK-012-A)
- 3) The development hereby permitted shall not be commenced until development permitted in planning application 16/0335 (or any subsequent variation or replacement application) has commenced pursuant to s56 of the Town and Country Planning Act 1990 (or any equivalent provision in successor or replacement legislation) for land Perryfields Road, (allocated for development as BROM2 in the Bromsgrove District Plan).
- 4) The proposed demolition should be carried out in accordance with the recommendations within the Method Statement and Risk Assessment dated 26th September 2016. Prior to commencement of demolition a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. There afterwards the proposed demolition works shall be carried out in accordance with this plan. This shall include the following:-
 - (i) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - (ii) The times in which HGV arrivals and departures will be undertaken
 - (iii) Hours of working on site
 - (iv) Routing arrangements of HGV vehicles to and from the site.
 - (v) Details of site operative / lorries parking areas, material storage areas and the location of site operative's welfare facilities.

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

- 5) Prior to the commencement of any development on the site including any site clearance, demolition, excavations and import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing erected around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain in-situ until the development has been completed. No development or excavation, changes in ground levels, installation of equipment or utility services, shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site other than in accordance with details to be submitted to and approved in writing by the local planning authority before any such development or excavation occurs. There shall be no passage or use of machinery, storage of materials, burning or disposal of waste or the washing out of concrete mixing plants or fuel tanks in the area fenced off.
- 6) Before development commences details of a permanent means of enclosure to enclose the remnant land on the north side and west side of the new traffic island shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. These details shall include a plan detailing the position of all proposed means of enclosure and accompanied by a schedule specifying the type, height, composition and appearance of the means of enclosure proposed. The approved means of enclosure shall be erected before the new junction is brought into use, or in accordance with an alternate timescale to be agreed in writing by the local planning authority before development commences, and thereafter retained in that form, notwithstanding the provisions of Schedule 1, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification)
- 7) Prior to the commencement of development, a scheme of landscaping and a timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size and number of plants proposed. The landscaping scheme shall be implemented in accordance with the approved details and timeframe for implementation. If, within a period of five years from the date of the completion of the landscaping scheme, any tree or shrub planted pursuant to this condition, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 8) Notwithstanding details shown on Plan 7033-SK-012-A, visibility splays of 2m x 2m measured perpendicularly from the back of footway shall be provided on both sides of the access to the remnant land from Albert Road. The splays shall thereafter be maintained free of obstruction, not exceeding a height of 0.6m above the adjacent ground level.

- 9) The first 5 metres of the access onto the remnant land from Albert Road measured from the edge of the carriageway, shall be surfaced in a bound material within 1 month of the completion of the junction works
- 10) No gates serving the remnant land shall be erected within 5 metres of the adjoining carriageway edge, and any gates shall be made to open inwards only.

END OF CONDITIONS FOR APPEAL B

Richborough Estates