

2. Proposed Development and Amendments

2.1. Introduction

2.1.1. This chapter of the ES sets out the description of the Proposed Development and the parameters assessed within the previous ES submissions to date, and the proposed amendments being sought to the Proposed Development through the S73 application. The information presented in this Chapter alongside the plans submitted for approval form the basis of the EIA and provides the level of detail required to enable the assessment of likely significant environmental effects in line with the EIA Regulations.

2.2. Proposed Development and Parameters Assessed within the Previously Submitted ES

2.2.1. The Proposed Development sought outline planning permission for a proposed:

“Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)”

2.2.2. The planning application (CDC ref: 14/02121/OUT) was granted permission on the 30th January 2020.

2.2.3. The submitted 2014 ES and its associated 2015 ES Addendum assessed and identified the likely significant effects of the outline Proposed Development proposal as set out in ' Chapter 5- The Proposed Development' of the 2014 ES and ' Chapter 2 – Summary of Proposed Amendments and Consultation Comments' of the 2015 ES Addendum. The assessed parameters in summary were as follows:

Table 2.1 – 2014 ES and 2015 ES Addendum Assessment Parameters (ref: 14/02121/OUT)

Land Use	GIA (m ²)	Parameter Plan
Residential Uses	156,395	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Hotel	2,600	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Veterinary Surgery	2,000	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
School	2,750	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Retirement Village	9,000	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Pub/Community Space	400	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Retail	700	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Health Facility	1,500	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Office	1,000	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Nursery	100	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Energy Centre	375	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Water Treatment Plant	450	Land Use – Parameter Plan 4 (drawing number 592-PL-103 Rev K)
Access and movement –	N/A	Movement and Access – Parameter Plan 7 (drawing number 1665/75/04)

Primary, secondary and tertiary streets, and 3 access points.		
Landscape, open space and public realm - A minimum of 40% of the Site area.	N/A	Landscape - Parameter Plan 3 (drawing number 592-PL-106 Rev H);
Foul and surface water drainage - primary swales	N/A	SUDs - Parameter Plan 8 (drawing number 1665/75/05 Rev B)

2.2.4. All building heights and densities within the Proposed Development are subject to compliance with Parameter Plan 5 - Building Heights (drawing number 592-PL-104 Rev H) and Parameter Plan 6 - Density (drawing number 592-PL-105 Rev H).

2.2.5. A list of the consented Parameter Plans associated with the granted, outline planning permission (ref: 14/O2121/OUT) is found below:

- Site Boundary Parameter Plan 1 (drawing number 592-PL-101 Rev B);
- Demolitions Parameter Plan 2 (drawing number 592-PL-102 Rev B);
- Landscape Parameter Plan 3 (drawing number 592-PL-106 Rev H);
- Land Use Parameter Plan 4 (drawing number 592-PL-103 Rev K);
- Building Heights Parameter Plan 5 (drawing number 592-PL-104 Rev H);
- Density Parameter Plan 6 (drawing number 592-PL-105 Rev H);
- Movement and Access Parameter Plan 7 (drawing number 1665/75/04);
- SUDs Parameter Plan 8 (drawing number 1665/75/05 Rev B)

2.3. Amendments being sought

2.3.1. The Applicant is seeking to alter the quantum and mix of the commercial uses through a S73 application. This will only effect land allocated for 'Social/Community' and 'Other Uses' on the Land Use - Parameter Plan 4 (drawing number 592-PL-103 Rev K).

2.3.2. An NMA application in relation to the granted outline planning permission (LPA ref.14/O2121/OUT) for the Proposed Development to alter the description of development to remove references to former use classes and replace these with the appropriate current use classes, and therefore also alter the approved the Land Use - Parameter Plan 4 (drawing number 592-PL-103 Rev K) to remove references to former use classes and replace these with the appropriate current use classes (ref:

24/01671/NMA) has been submitted to CDC in June 2024. This application remains undetermined with CDC (correct at the time of writing, January 2025).

2.3.3. As a result of the aforementioned NMA to alter class references (ref: 24/01671/NMA), which is presumed will be granted, Condition 44 is proposed to be amended in the S73 application as follows¹:

No more than a total of 8,000sqm floor space shall be provided for the mixed uses set out in Table 1 and each use shall not exceed the maximum Gross Internal Area for each specified use. These uses shall only be provided within the areas of the site annotated for ‘Other Uses’ and ‘Social/ Community’ on ‘Land Use Parameter Plan 4’ drawing number ~~592-PL-103-Rev-K P22-3093 DE 013~~.

Table 2.2

Land Use	Maximum GIA (sqm)
Hotel (Class C1)	2,600sqm
Veterinary Surgery (Class D1 <u>E(e)</u>)	2,000sqm
Pub/Community (Classes A4/D1 <u>Sui Generis/F.2</u>)	400sqm
<u>Retail, Restaurants and Cafés, Financial and Professional Services, Drinking Establishments, and Hot Food Takeaways</u> (Classes A1, A2, A3, A4, A5 E(a)(b)(c) and Sui Generis)	700sqm
Office (Class B1 <u>E(g)(i)</u>)	1,000sqm
Health Facility (Class D1 <u>E(e)</u>)	1,500sqm
Nursery (Class D1 <u>E(f)</u>)	100sqm
Energy Centre (Sui Generis)	375sqm
Water Treatment Plant (<u>Sui Generis</u>)	450sqm

¹ The proposed revised wording to the conditions is identified below. Text proposed for deletion is identified in red bold text and is crossed out (for example: ~~deleted~~). Revised wording is identified in red, bold, underlined text (for example: revised wording).

Schedule to the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and for no other purpose(s) whatsoever.

2.3.4. The Section 73 application is now anticipated to propose the further additional amendments to Condition 44:

*No more than a total of 8,000sqm floor space shall be provided for the mixed uses set out in Table 1. ~~and each~~ **No use shall not exceed the maximum Gross Internal Area for each specified use, unless an updated Transport Assessment demonstrates that an alternative mix of uses would not give rise to a material increase in traffic movements to and from the site has been submitted to and approved in writing by the Local Planning Authority.** These approved uses shall only be provided within the areas of the site annotated for 'Other Uses' and 'Social/ Community' on 'Land Use Parameter Plan 4' drawing number P22-3093_DE_013.*

Table 2.3

Land Use	Maximum GIA (sqm)
Hotel (Class C1)	2,600sqm <u>2,000sqm</u>
Veterinary Surgery (Class E(e))	2,000sqm <u>300sqm</u>
Pub/Community (Classes Sui Generis/F.2)	400sqm <u>500sqm</u>
Retail, Restaurants and Cafés, Financial and Professional Services, <u>Drinking Establishments and Hot Food Takeaways</u> (Classes E(a)(b)(c) and (Sui Generis))	700sqm <u>300sqm</u>
Office (Class E(g)(i))	1,000sqm <u>1,000sqm</u>
Health Facility (Class E(e))	1,500sqm <u>500sqm</u>
Nursery (Class E(f))	100sqm <u>500sqm</u>
Discount Food Store (Class E(a))	2,500sqm
Energy Centre (Sui Generis)	375sqm
Water Treatment Plant (Sui Generis)	450sqm

Schedule to the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and for no other purpose(s) whatsoever.

- 2.3.5. These requested alterations could not be considered or approved as part of the NMA application.
- 2.3.6. As a result of the aforementioned NMA to alter class references (ref: 24/01671/NMA), which is presumed will be granted, Condition 45 is anticipated to be amended as follows:
- No individual Retail unit allowed for in Table 1 of condition 44 shall exceed 150m2 in Gross Internal Area with the exception of a single unit up to a maximum of 300m2 which shall be for uses within Use Class A1 E of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments). If provided, the single retail unit over 150m2 for uses falling within Use Class A1 E shall remain within that Use Class and it shall be used for no other Use whatsoever. Thereafter retail units shall not be amalgamated.***
- 2.3.7. The Section 73 application is then expected to seek the following amendments to Condition 45:
- No individual Retail unit allowed for in Table 1 of condition 44 shall exceed 150m2 in Gross Internal Area with the exception of a single Discount Food Store unit of up to a maximum of ~~300~~500m2 which shall be for uses within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments). If provided, the single retail unit over 150m2 for uses falling within Use Class E shall remain within that Use Class and it shall be used for no other Use whatsoever. Thereafter retail units shall not be amalgamated.***
- 2.3.8. The building heights of any built form within the ‘Social/Community’ and ‘Other Uses’ areas would be unchanged. They are subject of the consented ‘Building Heights – Parameter Plan 5’ (drawing number 592-PL-104 Rev H) associated with the Himley Village development. Within this area building heights could range between a minimum height of 4m and maximum height 16m.
- 2.3.9. The density of any built form within the ‘Social/Community’ and ‘Other Uses’ are unchanged. They are subject of the consented ‘Density – Parameter Plan 6’ (drawing number 592-PL-105 Rev H) associated with the Himley Village development. Within this area building densities could range between 15–45 dwellings per hectare.
- 2.3.10. No further changes are being proposed.
- 2.3.11. The above amendments are reflected in the following revised parameter plan accompanying the S73 application:
- Land Use – Parameter Plan 4 (P22-3093_DE_013)
- 2.3.12. Land Use – Parameter Plan 4 (P22-3093_DE_013) is included as **Figure 1.4** of this ES Addendum 1.
- 2.3.13. The S73 application, if granted, will allow the Applicant to have greater flexibility in the land uses within the ‘Social/Community’ and ‘Other Uses’, whilst keeping within development parameters subject of the EIA. The parameters listed in this Chapter set the maximum extent of the parameters and control the Proposed Development to ensure that any detailed design complies with the Application Plans within this ES and controls those aspects of the Proposed Development capable of having significant environmental effects, as defined in the EIA Regulations.
- 2.3.14. The EIA will assess reasonable worst-case scenarios on a topic-by-topic basis, as required. Where information is not available, the EIA will make reasonable assumptions which are clearly set out and

based on professional experience of developments of a similar nature and scale, as well as professional judgement.

2.3.15. For clarity, the above **Table 2.1** is reproduced below with additional commentary on whether there are any proposed amendments to each previously assessed land use as part of this S73 application:

Table 2.4- ES Addendum 1 Assessment Parameters comparison table with 2014 ES and 2015 ES Addendum Assessment Parameters (ref: 14/O2121/OUT)

Land Use	Original GIA (m ²) subject of 2014 ES and 2015 ES Addendum supporting (ref: 14/O2121/OUT)	Proposed Amendments as part of this S73 Application (m ²)	Parameter Plan subject of Proposed Amendments as part of this S73 Application
Residential Uses	156,395	No changes	Land Use - Parameter Plan 4 (P22-3093_DE_013)
Hotel (Class C1)	2,600	Reduction to 2,000	Land Use - Parameter Plan 4 (P22-3093_DE_013)
Veterinary Surgery (Class E(e))	2,000	Reduction to 300	Land Use - Parameter Plan 4 (P22-3093_DE_013)
School	2,750	No changes (2,750)	Land Use - Parameter Plan 4 (P22-3093_DE_013)
Retirement Village	9,000	No changes (9,000)	Land Use - Parameter Plan 4 (P22-3093_DE_013)
Pub/Community (Classes Sui Generis/F.2)	400	Increase to 500	Land Use - Parameter Plan 4 (P22-3093_DE_013)
Retail, Restaurants and Cafés, Financial and Professional Services, Drinking Establishments and Hot Food Takeaways (Classes E(a)(b)(c) and (Sui Generis))	700	Reduction to 300	Land Use - Parameter Plan 4 (P22-3093_DE_013)

Health Facility (Class E(e))	1,500	Reduction to 500	Land Use – Parameter Plan 4 (P22-3093_DE_013)
Office (Class E(g)(i))	1,000	No changes (1,000)	Land Use – Parameter Plan 4 (P22-3093_DE_013)
Nursery (Class E(f))	100	Increase to 500	Land Use – Parameter Plan 4 (P22-3093_DE_013)
Energy Centre	375	No changes (375)	Land Use – Parameter Plan 4 (P22-3093_DE_013)
Water Treatment Plant (Sui Generis)	450	No changes (450)	Land Use – Parameter Plan 4 (P22-3093_DE_013)
Discount Food Store (Class E(a))	N/A	Addition of 2,500	Land Use – Parameter Plan 4 (P22-3093_DE_013)
Access and movement – Primary, secondary and tertiary streets, and 3 access points.	N/A	No changes	Movement and Access – Parameter Plan 7 (drawing number 1665/75/04)
Landscape, open space and public realm – A minimum of 40% of the Site area.	N/A	No changes	Landscape – Parameter Plan 3 (drawing number 592-PL-106 Rev H);
Foul and surface water drainage – primary swales	N/A	No changes	SUDs – Parameter Plan 8 (drawing number 1665/75/05 Rev B)

2.4. Consultation Comments

- 2.4.1. A S73 Application was submitted in June 2024 (ref: 24/01670/F) for a variation of Condition 44 and 45 (Use and Class of building) of 14/02121/OUT. This application was deferred as invalid on the

28th June 2024 as the Planning Officer requested an EIA Addendum be submitted with the application.

- 2.4.2. The S73 Application (ref: 24/01670/F) submitted in June 2024 included different wording for Condition 44 and 45. CDC raised concern following that submission that the proposed changes to the Condition 44 and 45 wording were not sufficiently precise and could give rise to multiple scenarios that would need to be considered.
- 2.4.3. Subsequently, the Applicant undertook preliminary testing scenario assessment work to establish a more precise quantum and mix of commercial uses. This assessment work is laid out in the Scoping Report validated on the 18th December 2024 (ref: 24/03328/SCOP).
- 2.4.4. Revised wording of the S73 Application for Condition 44 and 45 has now been implemented and this EIA Addendum 1 supports this revised wording to the S73 Application.
- 2.4.5. The primary amendment to Condition 44 re-introduces the maximum floor space limits which the original S73 submission sought to remove and seeks to give the Council the ability to approve alternative floorspace mixes. A developer would however be required to submit an updated Transport Assessment to the Council for approval, to demonstrate that mix of uses would not give rise to a material increase in traffic to and from the Site. This would give greater flexibility for developers taking the Site forward in the future, allowing them to respond dynamically to market conditions without the need for further S73 applications. Condition 44 is also amended to include for a Discount Food Store (Class E(a)). Condition 45 is amended to allow for this and to ensure the two conditions are consistent.
- 2.4.6. The revised wording for Condition 44 and 45 is reflected in 'Section 2.3 Amendments Sought' of this chapter.