

Update Report 1



Planning Committee

Mon 18 Mar
2019
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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Planning

Monday, 18th March, 2019

7.00 pm

**Council Chamber - Town Hall
Redditch**

Agenda

Membership:

Cllrs:

Michael Chalk (Chair)
Gemma Monaco (Vice-Chair)
Salman Akbar
Roger Bennett
Andrew Fry

Bill Hartnett
Gareth Prosser
Jennifer Wheeler
Wanda King

4. Update Reports (Pages 1 - 4)

Update Report attached

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**Redditch Borough Council
Planning Committee**

**Committee Updates
18th March 2019**

18/01626/S73 Redditch Gateway Land Adjacent To The A4023, Coventry Highway

Additional Consultation Responses

RBC Tree Officer

- The proposed scheme prior to the variation required the loss of a number of veteran Oak trees to which I would object. The variations highlighted with in revised scheme will require the loss of further valuable veteran Oak trees along with additional sections of hedge line with various age class and species trees standing within them. Therefore I object to the revised scheme due to its impact on the valuable hedge and tree stock on the site. I particularly object to the loss of T18 and T46 both veteran Oak trees as I feel that there is scope by use of appropriate methods of construction and in amending the layout of the scheme to allow the retention of these two trees.
- This proposal highlights an intension to remove a large proportion of the hedge and tree line standing along the Blacksoils Brook. I believe that this hedge and brook line demarks the County boundary and as such is a hedge that would be defined as Important within the Hedgerow Regulations (1997). A number of hedges have already had to be removed to accommodate the existing scheme and this remaining hedge provides an important green corridor for wild life across the site and in the area in view of the wider existing development and road network. Therefore I would object to the loss of the section of the culverting of the brook and the removal of the hedge as highlighted.
- Mitigation replanting has been proposed to offset the loss of the trees and hedges as required under this scheme. I would argue It is difficult if not impossible to mitigate with new planting against the loss of veteran trees in real terms. However if there is no option but to loss any veteran trees then a high grade and size of mitigation replanting above that which would normally be expected should be provided as substantial size of stock is readily available in today's market.
- There is a woodland block to the North of the site which is bordered by a ditch line. The proposed scheme highlights a requirement to lower the land levels within the site within the cut and fill land level adjustments required. It was not possible due to limited access to the woodland to measure the stem Diameter at Breast Height (DBH) of the trees on the boundary of the woodland. However on visual inspection and estimation I feel there are a number of trees in the area of the closest point of development (3metres) that would have DBH of between 800 -1000mm and therefore would require a BS5837:2012 Root Protection Area to a radial distance from the main stems of between 9.6-12metres. The constraint on root plate development of these trees created by the ditch line will have potentially reduced the level of root development within the site. However i feel that the ground works required to level the site will still have a slight impact on the root plates of a number of the larger boundary trees. I would not expect the level of influence envisage to harm the health or stability of the trees but any root pruning will need to be done in accordance with BS3998:2010 recommendations / guidance.

Conclusion:

I object to the proposed revised scheme due to its level of impact on the valuable tree and hedge stock on the site.

Update Regarding Relevant Planning History

18/01596/S73 Bromsgrove District Council

On 11th March 2019, members of the Bromsgrove District Council Planning Committee resolved to delegate the **GRANT** of Planning permission in consultation with the Chairman of Planning Committee.

BDC Members principal concern was that the hedgerow, veteran trees and Blacksoils brook should not be removed until the reserved matters application had been granted, because there was no real certainty that the scheme necessitating their removal would go ahead. As the application essentially sought consent to do the opposite, (permit the enabling works before reserved matters is granted) this did not appear feasible. However, at the Chairman's discretion, the agent was permitted an opportunity to clarify that a condition to address this was acceptable to them.

Officers suggested that rather than defer the item, that members may wish to consider delegating authority to grant to officers, on the proviso that the Chairman of Planning Committee had sign-off on a condition which limited commencement of enabling works (including hedgerow tree and brook removal) until the reserved matters had been granted for that parcel.

Accordingly, committee decided to delegate authority to the Head of Planning to grant permission following agreement of final sequence, scope and wording of other conditions, but subject to the prior agreement of a condition by the Chairman of committee which ensures that the hedgerow / Blacksoils brook and veteran trees can't be removed before reserved matters have been approved for that parcel.

That would mitigate the risk of a scenario where the trees and hedgerow and brook are needlessly removed if any future tenant decided not to proceed or some other proposal subsequently emerged which did not require the loss of those features.

18/03746/VARY Stratford-on-Avon

On 13th March 2019, Stratford-on-Avon District Council resolved to **GRANT** Planning Permission

<https://www.stratford.gov.uk/news/news.cfm/current/1/item/136841>

Recommendation

As main agenda but subject to an additional condition (the draft wording of which is outlined below):

Notwithstanding the approval of phase 1 earthworks in full, no development, including earthworks, tree or hedgerow removal (with the exception of the hedgerow removal consented under application 18/01546/HEDG) shall take place until reserved matters have been approved for all development within that phase.

18/01600/OUT Sandygate Close, Redditch**No Updates****18/01509/OUT Land At, Heronfield Close****No Updates****19/00075/OUT Land Adj To 1 Fladbury Close, Redditch****No Updates****18/01448/FUL 48 Church Road, Webheath**

Further comments have been received from the neighbouring occupier who objected to the proposal in regards to the revised plans. They have set out that the revised plans with the new fence and hedging resolves their concerns.

They have however made comment regarding the type of hedging to be used, due to the potential for root disturbance given the proximity of it to their property. They have also requested that the works to the existing garage at No. 48 should commence first in order to allow easy access to the rear garden in order to minimise disruption to them during construction.

19/00097/FUL Unit 5, Lakeside Industrial Estate**Consultations****RBC Strategic Planning Comments:**

Comments summarised as follows:

Policy 24 - Development within Primarily Employment Areas of the Borough of Redditch Local Plan No.4 (BORLP4) applies in this case.

Paragraph 24.2 of this policy states, that development will not be permitted where it would restrict the current or future use or development of PEAs for employment purposes. This change of use would prevent this unit being used for an employment use.

This policy clearly states, at paragraph 24.3 that non employment development will only be permitted when it meets criteria (i) and (ii) or criterion (iii). The applicant has not presented supporting information relating to these criteria, therefore the accompanying Planning Statement is not considered appropriate or adequate to support the proposal.

Criterion (i) states: "such development would not cause or accentuate a significant shortage of

land for employment uses in the Borough or area concerned."

The site is relatively small, amounting to an approximate total site area of 0.034ha, which would not cause or accentuate a significant shortage of employment land at this time. However, the applicant has failed to address criterion (ii) or criterion (iii) alongside criterion (i), which is a requirement of this policy.

Criterion (ii) states: "it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment."

The Council requires a site to be marketed for approximately two years and three months (Employment Land Monitoring SPG, para 2.10) before alternative uses are considered, as this is considered to represent a reasonable length of time to ensure that a site is genuinely redundant for its intended use. The applicant has provided no information to demonstrate that this requirement has been met.

Criterion (iii) states: "the site is no longer appropriate for employment use because of at least one of the following reasons and these problems are incapable of resolution in the foreseeable future:

- o it impinges upon residential amenity;
- o it causes substantial transport network, highway or traffic problems;
- o it creates other adverse environmental effects; or
- o technical reasons such as land stability or fundamental infrastructure problems."

The applicant has not provided robust evidence in relation to any of these requirements in order to satisfy criterion (iii).

In terms of Policy 24, this application and its supporting evidence is contrary to policy.

Having regards to Policy 30 of the Local Plan, the proposal is for a fitness studio (D2 use class) which, in terms of planning policy, should initially be directed to a town centre location. The applicant has not provided evidence that a sequential test has been undertaken to demonstrate that there are no suitable alternative locations available for this type of use, as set out in Paragraph 86 of the NPPF.

Conclusion

National and Local Planning Policies require that applications for main town centre uses that are neither in an existing centre nor in accordance with an up-to-date plan should have a sequential test applied (Paragraph 86). This has not been provided by the applicant.

The applicant has not provided robust supporting evidence in relation to criteria (i) and (ii) or (iii) of Policy 24 in order to establish that a non-employment development should be permitted.

This application cannot be supported from a Planning Policy perspective.

19/00130/FUL 2 Brockhill Lane, Redditch

No Updates