



# Planning Committee

Wed 10 Sep  
2014  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

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# Access to Information - Your Rights

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- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council's Website:

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:**

**Janice Smyth**  
**Democratic Services Officer**  
**Town Hall, Walter Stranz Square, Redditch, B98 8AH**  
**Tel: (01527) 64252 Ext. 3266**  
**e.mail: [janice.smyth@bromsgroveandredditch.gov.uk](mailto:janice.smyth@bromsgroveandredditch.gov.uk)**

# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## **GUIDANCE ON PUBLIC** **SPEAKING**

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The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair) as summarised below:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Public Speaking - in the following order:-
  - a) Objectors to speak on the application;
  - b) Supporters to speak on the application;
  - c) Applicant to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Committee Services Team (by 12 noon on the day of the meeting) and invited to the table or lectern.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
- Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.
- After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)

- 4) Members' questions to the Officers and formal debate / determination.
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**Notes:**

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the "environmental factors" (in the broad sense) which affect the site.
- 2) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 3) Late circulation of additional papers is not advised and is subject to the Chair's agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 4) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team by 12 noon on the day of the meeting.

**Further assistance:**

If you require any further assistance prior to the meeting, please contact the Committee Services Officer (indicated at the foot of the inside front cover), Head of Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair's place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### **Chair**

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Democratic Services Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### **Running Order**

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

**Refreshments** : tea, coffee and water are normally available at meetings - please serve yourself.

### **Decisions**

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### **Members of the Public**

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Democratic Services Officer.

### **Special Arrangements**

If you have any particular needs, please contact the Democratic Services Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### **Further Information**

If you require any further information, please contact the Democratic Services Officer (see foot of page opposite).

### **Fire/ Emergency instructions**

**If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.**

**If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.**

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

**The emergency Assembly Area is on Walter Stranz Square.**



# PLANNING

## Committee

10<sup>th</sup> September 2014

7pm

Council Chamber Town Hall

### Agenda

#### Membership:

Cllrs:	Andrew Fry (Chair)	Andrew Brazier
	Alan Mason (Vice-Chair)	Wanda King
	Joe Baker	Yvonne Smith
	Roger Bennett	David Thain
	Michael Braley	

<p><b>1. Apologies</b></p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.</p>
<p><b>3. Confirmation of Minutes</b> (Pages 1 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 6<sup>th</sup> August 2014.  (Minutes attached)</p>
<p><b>4. Planning Application 2014/036/FUL - B &amp; Q DIY Supercentre, Jinnah Road, Smallwood, Redditch, Worcestershire B97 6RG</b>  (Pages 5 - 30)  Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration.  Applicants: B &amp; Q Plc. and ASDA Stores Ltd  (Report attached – Site Plan under separate cover)  <b>(Central Ward)</b></p>
<p><b>5. Planning Application 2014/096/OUT - The Jolly Farmer Public House, Woodrow Drive, Woodrow, Redditch, Worcestershire B98 7UH</b>  (Pages 31 - 42)  Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider an Outline Planning Application with access and layout for consideration, for the demolition of a Public House and the erection of 14 dwellings.  Applicant: Malvern Estates PLC and Unique Pub Properties Ltd  (Report attached – Site Plan under separate cover)  <b>(Greenlands Ward)</b></p>

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<p><b>6. Planning Application 2014/190/OUT - 25 Broad Ground Road, Lakeside, Redditch, Worcestershire</b></p> <p>(Pages 43 - 52)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider an Outline Planning Application including matters of access, layout and scale, for a proposed rehearsal studio with offices.</p> <p>Applicant: Mr C Reed</p> <p>(Report attached – Site Plan under separate cover)</p> <p><b>(Lodge Park Ward)</b></p>
<p><b>7. Exclusion of the Public</b></p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p> <p><b>These paragraphs are as follows:</b></p> <p><b>subject to the “public interest” test, information relating to:</b></p> <ul style="list-style-type: none"><li><b>Para 1 - <u>any individual;</u></b></li><li><b>Para 2 - <u>the identity of any individual;</u></b></li><li><b>Para 3 - <u>financial or business affairs;</u></b></li><li><b>Para 4 - <u>labour relations matters;</u></b></li><li><b>Para 5 - <u>legal professional privilege;</u></b></li><li><b>Para 6 - <u>a notice, order or direction;</u></b></li><li><b>Para 7 - <u>the prevention, investigation or prosecution of crime;</u></b></li></ul> <p><b>may need to be considered as “exempt”.</b></p>
<p><b>8. Confidential Matters (if any)</b></p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>





# Planning Committee

6<sup>th</sup> August 2014

## MINUTES

### Present:

Councillor Andrew Fry (Chair), and Councillors Joe Baker, Roger Bennett, Michael Braley, Andrew Brazier, Natalie Brookes (substituting for Councillor Alan Mason), Yvonne Smith and John Witherspoon (substituting for Councillor Wanda King)

### Officers:

Steve Edden, Clare Flanagan and Ailith Rutt

### Committee Services Officer:

Jan Smyth

### 13. ADJOURNMENT

The Chair opened and adjourned the meeting to allow Members to read two Update Reports relating to Planning Application 2014/036/FUL (B & Q DIY Supercentre, Jinnah Road, Smallwood), in regard to information that had been received subsequent to publication of the Agenda. Both Update Reports had previously been published on the Council's Website and hard copies made available to the public gallery prior to the commencement of the meeting.

The meeting reconvened at 7.20pm.

### 14. APOLOGIES

Apologies for absence were received on behalf of Councillors Wanda King, Alan Mason and David Thain.

### 15. DECLARATIONS OF INTEREST

No declarations of interest were made.

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Chair

# Planning Committee

6<sup>th</sup> August 2014

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**16. CONFIRMATION OF MINUTES****RESOLVED that**

**the minutes of the meeting of the Planning Committee held on 9<sup>th</sup> July 2014 be confirmed as a correct record and signed by the Chair.**

**17. PLANNING APPLICATION 2013/254/FUL - LAND AT UPHILL, SAMBOURNE LANE, ASTWOOD BANK, REDDITCH, WORCESTERSHIRE**

Proposed demolition of 'Uphill' and erection of two detached dwellings

Applicant: Elevate Design Build

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions and Informatives set out on pages 9 to 11 of the main report.**

**18. PLANNING APPLICATION 2014/036/FUL - B & Q DIY SUPERCENTRE, JINNAH ROAD, SMALLWOOD, REDDITCH, WORCESTERSHIRE B97 6RG**

Reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration

Applicants: B & Q Plc and ASDA Stores Ltd

The following people addressed the Committee under the Council's public speaking rules:

Mr M Bourgeois, objector for Kingfisher Ltd Partnership  
Ms R Sidaway, objector for Town Centre Partnership  
Ms P Harvey, objector on behalf of self and other local residents  
Mr P Roberts, objector and local resident  
Mr P Bartram – on behalf of joint Applicant Asda Stores Ltd  
Ms J Sell – on behalf of joint Applicant B & Q Plc

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**RESOLVED that**

**this matter be DEFERRED for the Committee to have further time to consider the information provided in the two Updates on this application.**

(Members were of the view that a decision on the matter be deferred to allow the Committee more time to consider the additional information provided in the two Update reports for the application.)

**Following the conclusion of the above application, the meeting was adjourned for a second time at 20.35pm for a comfort break. The meeting reconvened at 20.42pm.**

**19. PLANNING APPLICATION 2014/105/OUT - THE PADDOCKS, ASTWOOD LANE, FECKENHAM, REDDITCH, WORCESTERSHIRE B96 6HG**

Outline application with one matter (Landscaping) reserved – 6 dwellings providing housing mix of 2 x 2 bedroom, 2 x 3 bedroom and 2 x 4 bedroom accommodation

Applicant: Mrs Pat Dormer

Mrs E Mitchell, the Applicant's Agent, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Outline Planning Permission, subject to:**

- 1) The satisfactory completion of a planning obligation ensuring that:**
  - \* Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD**
  - \* A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development**

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- \* Contributions are paid to the County Council towards County education facilities in accordance with the Councils adopted SPD
- \* Contributions are paid towards the County Council Infrastructure Delivery Plan; and

2) the Conditions and Informatives set out on pages 37 to 41 of the main report.

20. **PLANNING APPLICATION 2014/170/FUL - 1 ELLENBROOK CLOSE, BROCKHILL, REDDITCH, WORCESTERSHIRE B97 6TB**

First floor side extension over existing garage and single storey rear extension

Applicant: Mr G O'Rourke

Mrs P Storer, objector and Mrs T O'Rourke, the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions set out on pages 45 to 46 of the main report.**

(Officers reported on an error in the address of the Application site, which should have read Brockhill and not Batchley.)

The Meeting commenced at 7.03 pm  
and closed at 9.06 pm

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CHAIR

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**Planning Application 2014/036/FUL****Reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration****B and Q DIY Supercentre, Jinnah Road, Smallwood, Redditch, Worcestershire, B97 6RG****Applicants: B&Q Plc. and ASDA Stores Limited****Expiry Date: 3rd June 2014****Ward: CENTRAL****(see additional papers for Site Plan)**

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

This application was deferred by Members at their meeting on 6 August 2014 as the updated information was significant and extensive and more time was required to consider the details. Therefore, below is the report as published in the main agenda, followed by the two update reports published thereafter, for full consideration. Finally, there is a tally of representations received as updated at the time of publication, but no new matters have been raised in those received more recently. No new material considerations have been raised that require further updates at the time of publication.

**Site Description**

The site is formed from the existing B&Q warehouse retail site, and includes the surface car parking area to the north of the building, the building itself and the servicing areas to the rear (south). The site contains a large warehouse style building of brick plinth with metal clad upper and metal roof in pale grey. The site measures 3.5ha in area.

The site is set adjacent to a large interchange on the main highway route running through the town, with residential development all around.

**Proposal Description**

This application proposes the subdivision of the existing store into two stores, retaining the B&Q DIY warehouse use at the western end in a reduced area, and creating an A1 retail use at the eastern end of the site. Associated with the new A1 use would be the insertion of a mezzanine floor to increase the trading floor area by a further 1242m<sup>2</sup>.

Servicing of both units would remain to the rear (south) of the building, whilst the surface parking area to the front/side would remain for the use of customers of both units albeit re-arranged, creating spaces as follows, including two spaces with electric car charging points:

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<i>Situation</i>	<i>Spaces</i>	<i>Disabled spaces</i>	<i>Total spaces</i>
Existing	495	12	507
Proposed	490	43	533

Various areas would be defined within the car park for trolley parking, and cycle shelters and hoops would be located at various points adjacent to the entry points to the building, to serve staff and customers of both units.

The proposal is for the new A1 retail unit to open 24 hours a day Monday to Saturday and 10am until midnight on Sundays and Bank Holidays.

The co-applicant is Asda, and whilst the planning application is for an open A1 retail unit, it is likely that initially at least, if permission were granted, the unit would be occupied by Asda. They state that if that occurred, an additional 400 FTE (full time equivalent) jobs would be created.

The retention of a restricted DIY warehouse use (currently occupied by B&Q) at the western end of the site is also proposed and included within the application. As such, the existing trade/service yard at the eastern end of the site would be removed, and replaced by an extension to service a home delivery shopping element of the new retail unit. At the western end of the site, where the DIY store would remain, the existing garden centre canopies would be extended to create a greater semi-external area for the display of bulky goods. A loading canopy for the DIY store would also be erected and the existing trade entrance canopy to the front of the store would be removed.

The application is supported by a Design and Access Statement, a Planning Statement, a Retail Statement and Addendum, a Transport Assessment, 2 framework travel plans (one for each occupier), an Energy (Climate Change) Statement, a Statement of Community Involvement, a Flood Risk Assessment, a Noise Assessment, a Ground Conditions Site Investigation Report and an Air Quality Assessment and Addendum.

Additional information was provided in June from the applicants to provide additional support for their application. This included viability data and assessment to attempt to demonstrate that it would be unviable to develop their required A1 retail foodstore on any of the sequentially preferable town centre sites.

**Relevant Policies :****Borough of Redditch Local Plan No.3:**

- CS02 Care for the Environment
- CS06 Implementation of Development
- CS07 The Sustainable Location of Development
- S01 Designing Out Crime
- BBE13 Qualities of Good Design
- BBE14 Alterations and Extensions

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BBE16 Shop fronts  
 BBE17 Shop front Security  
 BBE28 Waste Management  
 ETCR01 Vitality and Viability of the Town Centre  
 ETCR02 Town Centre Enhancement  
 ETCR04 Need and the Sequential Approach  
 CT07 Public Transport Infrastructure  
 CT12 Parking Standards

**Emerging Borough of Redditch Local Plan No. 4**

Policy 3: Development Strategy  
 Policy 19: Sustainable travel and Accessibility  
 Policy 20: Transport Requirements for New Development  
 Policy 30: Town Centre and Retail Hierarchy  
 Policy 31: Regeneration for Town Centre  
 Policy 39: Built Environment  
 Policy 40: High Quality Design and Safer Communities  
 Policy 41: Shopfronts and Shopfront Security

**Others:**

National Planning Policy Framework (NPPF)  
 Edward Street SPD  
 Church Road (Formerly known as North West Quadrant) SPD  
 National Planning Policy Guidance (NPPG)

**Relevant Planning History**

<b>Application reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
2002/108/FUL	Greenhouse And Canopy.	Approved	30/04/2002
2001/133/S73	Variation of condition 16 of 1999/210	Approved	21/5/2001
1999/210/OUT	Mixed use development of DIY warehouse, low cost and social housing, mosque and community hall/skills centre	Approved	7/11/2000
1996/142/FUL	Construction Of A Secure Area Off Existing Service Yard	Approved	25/04/1996

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### Consultations

#### **North Worcestershire Water Management (NWWM)**

The Flood Risk Assessment is acceptable to NWWM and there are no ordinary watercourses in the vicinity affected by the proposed development. No objection subject to condition

#### **Worcestershire Regulatory Services**

##### Air Quality

No objection providing the development proceeds in accordance with the reports submitted

##### Noise

Have reviewed the noise report that has been supplied for the above application. This is technically acceptable. The report concludes that in order for the site to be suitable for proposed development that certain mitigations measures would be required to reduce the noise levels to acceptable levels. It is therefore recommended that all of these measures are incorporated into the proposed development via the imposition of a condition, and that an informative be provided regarding best practice during demolition and construction.

##### Contaminated Land

In regards to contaminated land the site was remediated to a commercial end use therefore no objections subject to an informative.

#### **Severn Trent Water Ltd**

No objection subject to condition

### **Development Plans**

#### Initial comments:

Based on the information submitted to date, the proposal does not comply with planning policy as the sequential site assessment fails in two parts:

- insufficient evidence has been provided to demonstrate that part of the Church Rd/North West Quadrant site would not be available for redevelopment within a reasonable timeframe;
- in relation to the Edward Street site, the land which actually forms part of the Town Centre strategic site has not been considered by the Applicants in assessing whether it could reasonably accommodate the proposed Asda store.

In addition, there is a lack of detail regarding the Applicant's statement that a store-on-stilts format would not be economically viable in Redditch.

A foodstore located outside of the Town Centre would impact the ability of the Town Centre to attract an additional supermarket, which would undermine a key objective of emerging Local Plan No.4. Therefore, additional information which robustly discounts the



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Town Centre sites referenced above and justifies that the store-on-stilts format is not viable is required before this application can be considered compliant with planning policy.

### Additional comments:

There is a clear presumption in both national and local planning policy for 'Town Centre first'. Emerging Local Plan No.4 identifies a need for convenience retail in the town and allocates two strategic sites which could be redeveloped for such a use.

Paragraph 24 of the NPPF states that a sequential test should be applied to planning applications for main Town Centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan, as is the case with this proposal.

The NPPG provides more information on how the sequential test should be used in decision making (para 010) including a checklist which asks:

- o *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the Town Centre. Any associated reasoning should be set out clearly.*
- o *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential Town Centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

The Applicants have considered two sites that the Council has identified through emerging Local Plan No.4 as their preference for locating a food store in or directly adjacent to the Town Centre (Policy 31, Emerging Local Plan No.4). The Applicants have also considered different store formats to their preferred trading format in relation to the two sites. However, as detailed above, it is not considered that the Applicants have provided a robust enough justification that either the alternative store format is not viable in Redditch nor that the strategic sites are unavailable, unsuitable or unviable and therefore have not satisfied the sequential test. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test, it should be refused.

Furthermore, the strategic sites are in locations which are accessible by a range of modes of transport and would allow for 'linked journeys' to be made with other destinations in the Town Centre . Opportunities for linked journeys are much reduced at the B&Q site and it does not have the range of sustainable transport options available to Town Centre locations.

It is acknowledged that Asda is one of the only major supermarkets that does not have a presence in Redditch. There is also an identified need for convenience retail in the town. However, a foodstore located outside of the Town Centre would impact the ability of the Town Centre to attract an additional supermarket, which would undermine a key objective of emerging Local Plan No.4.

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In conclusion, it is recommended that, from a planning policy perspective, this application should be refused.

### Further comments:

Additional comments specifically relating to the viability work carried out by the applicant:

#### *Sequential Assessment & Viability*

My memo of 22<sup>nd</sup> May recommended that, from a planning policy perspective, the application should be refused. This was primarily based on the fact that the applicants had not provided a robust enough justification that the sequentially preferable sites are not viable for the proposed supermarket. In response to this the applicants have submitted a viability assessment of three sites that area in or adjacent to Redditch Town Centre:

- Church Road
- Edward Street
- Kingfisher Centre

The applicants have tested two different options for both the Church Road and Edward Street sites. A site within the ownership of the Kingfisher shopping centre has also been assessed in response to representations made by the shopping centre to this application.

The sequential test and viability assessment carried out by the applicants concludes that none of the five sites can be considered viable or deliverable as a result of individual site constraints, the unattractiveness of building a 'store on stilts' and land assembly issues. Consultants GVA have reviewed the applicant's submission and have also carried out a development appraisal of the sites to test the applicant's conclusions.

In summary, GVA conclude:

- the approach and assumptions used by the applicant in their development appraisals and the land assembly costs calculations are reasonable;
- they are satisfied that the applicant has adopted a sufficiently flexible approach by looking at alternatives for the Church Road and Edward Street sites, given recent case law ("Dundee Judgement")
- the applicants may have taken an optimistic approach to certain costs which may be much higher once a scheme is progressed

#### *Conclusion*

The viability information submitted by the applicants and GVA's critique of this work shows that, although there is a planning policy preference for a supermarket on a site in or adjacent to the town centre, there is not currently a viable site in a sequentially preferable location to the application site.

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### Climate Change Manager

No comments received.

### County Highway Network Control

The Transport Assessment submitted with the application has been reviewed and found to be acceptable. The trip rates and modal shares accord with the County Council's recommendations and the nearby junctions are shown to be operating within capacity.

The existing parking facilities are shown to be sufficient for the proposal and the retained B&Q use.

In order to promote sustainable travel, discussions have been held with the Applicants and the following contributions have been suggested.

- A per annum subsidy for 10 years to secure the 64 service, which is currently under review by the County Council.
- A contribution to improve the safety of the adjacent subway by installing CCTV surveillance, thus making this route more attractive to the general public

Cycle parking facilities adjacent to the new store.

The financial contributions should be secured by Section 106 obligation and the cycle parking via the imposition of a condition.

The County Council therefore has no objection to the grant of permission, subject to the above Section 106 agreement heads of terms, conditions relating to the additional travel plan information required and the cycle parking provision.

### County Public Rights Of Way

No objection subject to informative

### Public Consultation Response

14 comments have been received in support of the proposal for the following reasons:

- Increase in employment opportunities for the town
- Keen to see an Asda in Redditch
- Positive impact on college

12 comments have been received in objection to the proposal for the following reasons:

- Enough A1 food retail in Redditch already, no need for more
- Negative impact on Town Centre and its attractiveness
- Sales competition on site should be prevented
- Should use empty sites in Town Centre, not this occupied unit

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- Should support Town Centre businesses which this won't
- Would prevent future Town Centre foodstores which would be more desirable
- Alternative town centre sites available and deliverable
- Wouldn't serve Town Centre workers
- Would reduce Town Centre business over time
- Would harm the vitality and viability of the Town Centre
- Demonstrable support for a town centre alternative
- Sites in the Town Centre have been discounted without good reason
- Preferred format of applicant considered but no other possible options
- Negative impact on adjacent residential area
- Limited public transport to site so not very accessible location
- Unsustainable location
- Need to ensure sufficient car parking provided
- Likely congestion (similar to Tesco/Coldfield Drive) on surrounding local road network
- Would need to extend resident only parking permit scheme in adjacent streets and increase patrols
- Increase in traffic will worsen existing rat runs towards Mount Pleasant
- Noise nuisance to surrounding local residents
- Land may still be contaminated and not appropriate for food use
- 24hr alcohol sales would increase ASB (anti-social behaviour) in the area and increase risk of crime
- Should reduce number of pedestrian access points to reduce risk of crime spilling in and out of the site
- Landscaping needed to minimise noise impacts
- The proposed water tank should be screened
- B&Q very successful and wouldn't leave if this not approved
- Negative impact on DIY sales offer in Redditch

2 further comments have been received raising potential issues as noted above, but not expressing a preference for or against.

**Assessment of Proposal****Background information**

The existing unit on the site trades as a DIY warehouse, and as such has restrictions in its planning consent that prevent it from operating as an unrestricted A1 retail foodstore. These restrictions are in place via conditions and a legal agreement and thus remain enforceable. If this application were to be approved, consideration would need to be given to whether such restrictions should be re-applied or not as part of the proposals discussed below.

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### Policy principles

The site is undesignated for a specific use within the current and emerging local plan, and therefore any proposals should be considered in terms of their impact on the site and surroundings.

The proposed use, however, is governed by policies both nationally and locally that seek to restrict their locations for specific reasons. It is a policy objective to ensure that retail development of this size occurs in main Town Centre locations which are accessible by a range of modes of transport and where they can benefit from and provide benefits to other uses which are also most appropriately located in these centres, such as leisure and recreation facilities. This is also intended to increase sustainability by encouraging 'linked trips'.

Another significant policy objective is that the proposed retail use, due to its size, would not result in harmful effects on the existing town and district centres and therefore an impact assessment is required.

The policy objective is supported by the requirement for applicants to demonstrate that their proposals are located in the nearest available site to the Town Centre that would be suitable for their proposed use. This is a strict sequential test to ensure that A1 foodstores are located in town (or district) centres whenever possible.

Further, the evidence that underpins the emerging local plan identifies a need for a retail unit within the town centre of Redditch and therefore the plan specifically identifies two potential Town Centre strategic sites where such a use would be welcomed. These are on Church Road and at Edward Street, within and adjacent to the Town Centre.

Since the submission of this application, a further site has become publicised by its owner as one available and suitable for this type of development, which is the replacement of car park four within the town centre with parking at lower levels and a two storey foodstore at existing shopping mall level linking into the Kingfisher Centre and at the level above. This site has also been taken into account in considering this application.

The policy tests relating to whether the principle of this development is acceptable or not relate to the NPPF tests which are to do with the sequential location relative to the Town Centre, and the impact of the proposal on existing town/district centres and other retail facilities. The policy further requires that where viability is questioned in relation to more central locations, a site must be considered in terms of whether it is deliverable, available and viable to develop for the proposed use within a reasonable time period. The additional information provided by the applicants has sought to demonstrate that the town centre sites do not meet these tests.

Whilst it is acknowledged that the Church Road site would not be easy to assemble (due to a number of different land ownerships) and develop upon (due to topography), it is not considered that the Applicants have pursued this to a great enough extent to be able to discount it robustly - no attempt has been made even to contact landowners and

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establish whether land assembly could occur and in what timescales. The Applicants advise that there would be significant abnormal costs associated with the site but have not provided any evidence to justify this claim. Further, the Applicants raise highway and access matters as a barrier to development, but the County highway officer has advised that it would be possible to achieve suitable access to the site and that the extent and cost of any associated off site works would be unlikely to be as great as the Applicants claim. Their additional evidence demonstrates that the cost and delay of assembling the site, together with the need to re-arrange the highway network layout in that area would be sufficient to make the site unviable and undeliverable, as well as noting that it isn't currently available.

The Edward Street site falls partially within the Town Centre strategic site designation and partially within an employment use designation where B1/B2/B8 employment generating uses would normally be sought. However, given the proximity to the Town Centre and the identified need for a store, it is likely that this would outweigh the constraints of the policy restriction. (This precedent has already been set elsewhere in the town.) That aside, this is not a reason that the Applicants have cited as being a barrier to the development of this site.

The Applicants claim that the Edward Street site is separated from the Town Centre and would not allow for a development that was visually engaging and attractive, and again that there would be significant abnormal costs and highways difficulties. Again, the County highways officer has confirmed that it would be possible to achieve suitable access to the site and that the extent and cost of any associated off site works would be unlikely to be as great as the Applicants claim. Insufficient space is available on this site for a store comparable in size to that proposed and its associated parking, even in a 'store on stilts' format, and therefore the site is not considered to be economically viable. It is considered that this site would lend itself to a high quality gateway scheme that would announce entry into the Town Centre and as such the Applicants difficulty of visibility is disputed. As a result of the additional details it is now accepted that this site is not viable to deliver the applicant's particular requirements.

In terms of car park 4, the applicants claim that the site is too small to be able to re-provide the existing quantity of general parking, along with a store and its associated parking requirement. They claim that there would be an overall loss of parking in the town centre which would not be acceptable. There are also issues relating to its availability, however the parking provision requirements on this site appear to make it an unviable proposition.

The Applicants state that their preferred trading model of store, in terms of layout, shape, size etc, would not fit easily onto any of these sites, however they have not justified their preference or demonstrated that no format could be achieved on either site. They have further stated that they feel that they would be unable to compete if they were forced into providing a 'store on stilts' format, where the parking is provided below and then travelators/lifts transport shoppers above to the store floor(s). It is noted that this model of

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store is provided in other locations in the area, both within the town of Redditch and within easy reach outside the Borough.

There appears to be no information available to the council to support or refute the basis of the assumption that current town centre parking levels should be maintained and that the addition of a foodstore would lead to an increased requirement for parking overall within the town centre. The requirement for parking associated with a town centre foodstore could also be considered in more detail if a town centre site were proposed as it would be likely to be near to the bus and train stations and therefore there may be potential for a discounted quantum of parking. However, further information on this evidence has been sought as it is critical to the consideration of both the Edward Street and car park 4 sites and any further information on this matter will be provided in the update paper.

Reluctantly, it seems that the Council have to accept that at the current time, this is the only pending application for a foodstore in Redditch that would meet the need identified in the evidence base for the emerging local plan and this suggests that there are no other interests in providing a foodstore in any format on any site in the town. The viability information has been independently considered and verified by experts and it seems that in the current economic climate, the town centre sites are not viable for the type of foodstore development proposed here. This therefore addresses the policy requirement that the sequential test be met.

Whilst there may be other sites available outside the Town Centre, but closer to it than this site, these would also fall foul of the 'Town Centre first' policy requirements and are unlikely to be preferable and therefore have not been taken into account in this case, given the seeming availability and designation of Town Centre sites.

Turning to the impact assessment provided by the Applicants, this is considered to be acceptable. Taking into account the evidence that supports the emerging local plan and identifies a need for a new store, then it is not a surprise that the evidence demonstrates that no harmful impact from a new store in the Town Centre would arise. However, it is noted that minimal potential impacts on the Lodge Park District Centre might arise as a result of this proposal, which might be less likely to occur were the proposed use to be located within the Town Centre, at a greater distance from the district centre and therefore in less direct competition. This is not considered to be significant enough to warrant refusal on its own.

In addition to the concerns regarding the non-compliance with policy as detailed above, the longer term impact on the town as a whole should be taken into account. If an A1 use were to be allowed in this out of centre location, it would be highly unlikely that another operator would seek to open a foodstore within the Town Centre. This would result in a lack of deliverability of the emerging Town Centre policies which seek to attract a Town Centre foodstore in line with national policy and local evidence, but also the associated impacts of having a foodstore in the Town Centre and the potential for linked trips and other business would be lost.

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It is considered necessary to continue the current DIY warehouse restrictions on that part of the site, in order that in future the A1 unrestricted use could not be rolled out to the site as a whole and result in significant negative impacts on the town and district centres outside the Council's control and therefore this restriction is to be retained within the legal agreement associated with this application.

Having considered the principle of the development, the remaining matters must also be considered and then weighed accordingly:

Design and external appearance

The proposed plans show the extent of the changes and locations thereof, but the detail of the plant is limited, as this would normally be dealt with at a later stage. Therefore, these details could be agreed via the imposition of conditions if necessary. The design of the proposed canopies for the DIY store is similar to those already on the site and is therefore considered to be acceptable in its design and materials. The external appearance of the majority of the built form on the site would remain largely unchanged from public view. The service areas to the rear would be protected by acoustic fencing, blocking noise and view to the public areas of the site and the residential properties beyond, and as such are considered to be acceptable.

Sustainability: Transport, highways, parking and access

The Transport Assessment submitted in support of the application is considered to be acceptable; however more detail is required in the two travel plans (one for each operator). This could be dealt with through the imposition of a condition seeking further information prior to the commencement of the development/use. The parking provision shown accords with the adopted standards in the local plan and is therefore considered to be acceptable subject to its provision and retention.

In terms of the sustainability of the site and how to access it, the County highways team have recommended that an annual contribution be sought for the first ten years of the operation of the site towards the provision of a diversion of the 64 bus route into the site such that the bus shelter on the access to the site could be brought into use.

In order to encourage greater pedestrian access to the site via the existing subway under the Alvechurch Highway from nearby residential areas, a contribution towards improvements to its lighting, surfacing and security through the provision of a CCTV camera linked into the existing network monitored from the Town Hall has also been agreed with the Applicants. These financial contributions could be achieved through the signing of a Section 106 legal agreement.

The proposal includes cycle parking provision for staff and customers of both stores around the external walls of the building in close proximity to entry points. It is considered that sufficient cycle parking has been proposed, and that it would be of suitable quality and under cover. This is therefore considered to be compliant with the policy requirements.



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### Contaminated land, noise and air quality

Worcestershire Regulatory Services have examined the information provided by the Applicants, sought additional information and then confirmed that there are no concerns regarding these three matters, subject to the imposition of appropriate conditions and informatives.

### Other issues

It is noted that a proposal such as this would bring additional job creation to the town, which would normally be considered to be beneficial and to be supported. However, this would be the case whatever the location, and if it were in a more accessible location would have a wider reach in terms of potential applicants. It is never possible to restrict the search for employees and therefore to some extent there is always the risk that some of the available jobs would go to people from outside the area.

In terms of community safety and antisocial behaviour there is a low level of concern currently around this site from the community safety team, and efforts to reduce this or at least prevent it worsening would be welcomed. The proposed improvements to the subway to make it safer and more likely to be used are welcomed, however it is unclear whether the increase in activity at the premises resulting from longer opening hours and increased customer numbers would increase or decrease the potential for antisocial behaviour. It could result in greater surveillance decreasing unwanted activity, or it could attract more activity over a longer period.

### Legal agreement

The matters identified that would be covered in a legal agreement in order to comply with policy requirements are:

- Retention of current DIY Warehouse restrictions on remaining DIY warehouse element of store
- Annual contribution for ten years towards subsidising the bus route 64 to access the site (index linked)
- Contribution to provide subway safety enhancements including lighting, CCTV camera and connection to existing CCTV network
- Signage to guide pedestrians from the site to the town centre and its facilities
- Financial contribution towards town centre enhancements in order to encourage linked trips and improve the pedestrian environment at the south east end of the town centre
- Retention of existing parking requirement that the time allowed for parking on the site be such that linked trips can occur without time limits preventing this

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### Conclusion

In weighing up all the material considerations noted above, it is considered that the proposed use and development does not accord with the local and national planning objectives of locating this type of use within the town or district centre and in the long run would be likely to prevent the delivery of the Town Centre strategic sites in relation to a food store, as the evidence only supports one further store in the town.

However the creation of additional jobs is seen as an economic benefit to the town; the other detailed elements of the proposal largely appear to comply with policy requirements; the long term harm to the town as a whole and especially to the vitality and viability of the town and district centres is difficult to prove; the viability of town centre potential sites has not been proven and therefore the policy tests appear to have been met in this case such that there are no reasons in principle or in detail to reject the proposed development, despite its potential long term impacts on the town as a whole.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning Regeneration to GRANT planning permission subject to:**

#### **a) a planning obligation ensuring:**

- the restriction on the sale of goods to DIY warehouse at the western end of the site; and
- an annual contribution for a ten year period, index linked, towards the subsidy of a bus route that accesses the site; and
- a contribution towards subway enhancements as detailed above; and
- a contribution towards or the provision of a scheme of signage to lead pedestrians from the site to the town centre; and
- the retention of the existing parking restrictions that ensure that the car park can be utilised for trips to the town centre (unless included in the conditions); and
- a contribution towards town centre enhancements; **and**

#### **b) conditions and informatives as summarised below:**

- 1) Time limit for commencement of development
- 2) Details of roof plant to be agreed and implemented
- 3) Additional travel plan details as requested by highways to be agreed and implemented
- 4) Provision and retention of cycle parking
- 5) Condition requested by NWWM
- 6) Development to occur and be maintained as per the noise and air quality reports
- 7) Condition requested by STW
- 8) Additional security and safety information to be provided to the satisfaction of the community safety officer and implemented as agreed

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- 9) Car park management strategy to be agreed and implemented
- 10) The store shall not open to public trading until the car parking provision has been laid out and marked out and this shall thereafter be maintained
- 11) Approved plans specified

**Informatives**

- 1) NB S106 attached
- 2) NB contaminated land comments
- 3) NB PROW comments
- 4) NB positive and proactive working (PPA)
- 5) NB separate advertisement consent will be required for any proposed signage not benefitting from deemed consent

**Procedural matters**

This application is being reported to the Planning Committee because the application requires a S106 Agreement; and because the application is for major development (more than 1000m<sup>2</sup> of new commercial floorspace); and because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.

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**Update published Monday 4<sup>th</sup> August 2014:****Additional representations:**

Since the publication of the agenda papers and report recommending approval, the following additional information has been received:

Three comments in objection relating to:

- Noise report would not result in no noise disturbance to residents
- Increase in ASB likely as a result of 24 hour opening
- Inadequate viability assessment of alternative town centre site at car park 4
- Incorrect weight applied to different elements in recommendation
- Information provided to demonstrate that car parks in the town centre are underutilised and therefore that the car park 4 proposals would not result in pressure on car parking
- Recent public consultation on car park 4 demonstrates support for the proposal
- Supermarket operator is irrelevant to the planning considerations
- Allowing this proposal would result in significantly detrimental long term impacts on the town centre and the potential level of investment it could attract and its resultant overall vitality
- Significant information and detail supporting the car park 4 proposal has been received

One comment in support relating to:

- Keen to see an Asda as like the brand
- Concerned about parking in local roads

**Officer comments:**

Following receipt of the additional information detailed above, Officers have reviewed the case as a whole, the policy context and tests and the weighing of the different material considerations in reaching a recommendation. Highlighted below in detail, for information, are the some extracts from policy and officer responses thereto in context. The bulk of the guidance for considering and determining matters relating to retail development are contained within the NPPF and expanded in the NPPG (National Planning Practice Guidance), as noted in the main report.

The NPPF, at paras 24-27, details the two town centre use tests for proposed out of centre sites – the sequential test and the impact test. It concludes by saying:

*“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*

The NPPG states in relation to the sequential test that:

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*“Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision.”*

Turning firstly to the sequential test, the applicant has demonstrated, subject to their preference of store format/layout, that neither of the two town centre strategic sites as designated in the emerging local plan 4 can viably be developed at the current time. They have examined some information in relation to the car park 4 site proposal and reached a similar conclusion, along with identifying a lack of information to support or refute the assertion that the potential loss of parking provision in the town centre would be of detriment. Whilst the policies require flexibility when considering size/format of stores, to some extent this has been addressed in the information provided.

Turning to the impact test, this has never been a matter of dispute – there is a recognised need for a foodstore in Redditch, as evidenced in the emerging local plan and therefore any detrimental impacts on existing town and district centres in terms of direct competition are minimal. However, the links associated with the location of a supermarket in the town centre rather than at a distance from it are such that the location is critical as it has a long term impact on the wider benefits of the store.

The information submitted by the Kingfisher centre owners seeks to demonstrate that it would be viable to re-provide car park 4 with both parking and a store and link this into the existing Kingfisher Shopping Centre such that a food store would be viable and deliverable but also that would maximise the linked benefits to the wider town centre through linked trips and shared footfall on a long term basis. This information suggests that the viability of this site has not been adequately proven either way, either by the applicants or by third parties, and therefore it is considered that the sequential test and viability information available to determine this application is inconclusive and thus the test not fully satisfied.

Policies 30 and 31 of the emerging local plan 4 detail that the evidence behind the plan demonstrates that in order to retain and enhance the vitality and viability of the town centre, significant regeneration should be encouraged and schemes that could harm that regeneration should therefore be resisted wherever possible.

Therefore, whilst it appears from the advice of consultants that the sequential test and impact test have largely been addressed and met, consideration still needs to be given to whether or not other material considerations outweigh this. These other considerations include the longer term impacts on the town centre and its regeneration of locating a foodstore outside the town centre, as well as any negative impacts of the proposal on the application site.

It is harder to quantify or provide evidence regarding the concept of the wider impacts of the location of a foodstore, however it is acknowledged within the principles of national and local planning policy that this is a critical factor and that is why town centre sites are

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sought wherever possible. The longer term loss of trade to other town centre units, the loss of linked trips and the loss of footfall within the town centre from a unit outside the centre, rather than in it, is clearly significant though. This is why attempts have been made to seek recompense from Asda through the proposed S106 legal agreement to achieve enhancements to the links to the town centre from the B&Q site and to the town centre itself. However, whether this is considered to be sufficient is also a matter that must be weighed in the balance.

Officers consider that this is a very finely balanced matter, but that on reflection, it is possible that too much weight was given to the seeming near compliance with the sequential test over and above the other pertinent material considerations in the original published report. It is now considered, as detailed above, that the recommendation should read as follows, and officers would prefer that this recommendation be the one taken into consideration at the meeting on 6 August:

### **RECOMMENDATION:**

***That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:***

1. The location of an A1 retail foodstore in this out of centre location would be likely to result in long term harm to the vitality and viability of the Redditch Town Centre and to other district centres in the town as it would not result in linked trips and associated footfall within the town centre or maximise the benefit of the sustainability of a town centre location which includes the potential for more trips by non-car modes. Therefore, despite the possible compliance of the proposal with the relevant policy tests, the adverse impact on the wider economy is still considered to outweigh this. It is therefore considered to be contrary to the objectives of the NPPF and NPPG and Borough of Redditch Local Plan No.3 Policies E(TCR)1 and E(TCR)4 and emerging Borough of Redditch Local Plan No.4 Policies 30,31.
2. The location of the proposed use and development is outside the defined town and district centres in Redditch, and as such does not meet the policy requirements to locate A1 retail foodstores within town and district centres as set out in the NPPF at paragraphs 24, 26 & 27, Borough of Redditch Local Plan No.3 Policies E(TCR)1 and E(TCR)4 and emerging Borough of Redditch Local Plan No.4 Policies 30,31. Sequential and impact assessments, including viability assessments, have been provided to justify this out of centre location, however this is not considered to be sufficient evidence to justify fully this development in this location and therefore it is considered that the proposal would be likely to result in harm to the vitality and viability of Redditch Town Centre and Lodge Park District Centre.

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**Update published Wednesday 6<sup>th</sup> August 2014:****Additional representations:**

Since the publication of the agenda papers and the initial update report, additional representations have been received. As at noon, the total number of representations was as follows, and any further received beyond that time will be updated verbally in the officer presentation at the committee meeting. Only further new issues or concerns have been raised above those already reported in the main agenda and the first update report are included below.

46 representations against the proposal

- Wouldn't feel safe using a supermarket in this location

91 representations in support of the proposal

4 representations raising issues without supporting or objecting

A further letter from the applicants has also been received, and is appended in full to this update.

**Officer comments:**

Members are reminded that the application is for an A1 retail foodstore, and that the potential operator is irrelevant in terms of the planning decision. Many of the representations received, especially those in support, relate solely to the presence of a particular operator within the town, and neither to the location or the use on the application site, and thus weight should not be attached to them as part of the planning process.

The issue of safety is addressed in the main report and if it were the only concern could be adequately dealt with. However, given the content of the main report and the update paper, the recommendation remains as stated on the update paper:

***That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reasons stated on the update paper.***







## Planning Application 2014/036/FUL – B&Q Plc. and ASDA Stores Limited Comments on Committee Report and Committee Report Update

6 August 2014

- 1 This note has been produced on behalf of B&Q Plc. and ASDA Stores Limited following the publication of Redditch Borough Council's Officer's Report to Planning Committee for Planning Application 2014/036/FUL on 29 July 2014 which recommended approval of planning permission and the subsequent Committee Report Update published on 5 August 2014 which recommended refusal.
- 2 The purpose of the note is to provide the Committee Members with clarification on a number of points within the two reports which the applicants believe to be misleading and / or incorrect.
- 3 **It must be clearly stated that such an about turn in decision making is unprecedented and has naturally given rise to serious concerns about due process.**
- 4 **Redditch has a recognised need for an additional foodstore and the proposals will create up to 400 new jobs in 2015 and retain the existing 119 jobs within the B&Q store. The proposals comply with the sequential and impact tests, as independently verified by the Council's external planning advisors, GVA.**
- 5 **The significant benefits of the development which guarantee an influx of new jobs as well as the retention of existing B&Q jobs in a policy compliant proposal, have seemingly been put to one side during a 3 day period for no justifiable reason and certainly one that is not supported by the development plan or government policy.**
- 6 **This sudden and unexplained change in direction is erroneous at best and contradicts the extensive and detailed analysis previously provided by officers and their appointed 3<sup>rd</sup> party advisors.**

### Comments on Committee Report Update

- 7 The 5 August Update Report reversed the officer's original recommendation for approval. The applicant's firmly believe that the positive recommendation is the correct one based on the proper application of planning policy.
- 8 The application offers an opportunity for the Council to create up to 400 jobs now, retain a further 120 existing jobs on the site; and to meet an acknowledged retail need now. The officers' judgement, after weeks of deliberation, was that the development was acceptable and policy compliant. The Committee are now being recommended to refuse permission for a proposal which will create up to 400 jobs (and retain a further 119 jobs on site) and millions of pounds of investment on the basis of unspecified and unquantified "long term impacts". Such a term does not exist within the development plan or NPPF and appears to have been created last week with no further explanation as to what it might mean. There is certainly no evidence put before the applicant of what these impacts constitute. A review of case law, Secretary of State and PINS appeal decisions also fail to reference such a term, and therefore the applicant cannot see how such an objection can be technically or lawfully levied.



- 9 The long term impact on the wider benefits of the store which the officers seek to base their suggested reasons for refusal on is not part of the impact test set out by paragraph 26 of the NPPF, which is only concerned with impact on investment in centres and impact on the vitality and viability of centres. The approach taken by officers appears to import an additional requirement into the NPPF policy tests, which simply does not exist.
- 10 We have not seen a balanced assessment of all the material considerations taken into account to reach the revised decision to recommend refusal or to assess the weight attached to each consideration by the LPA. There is certainly no such exercise in the supplemental comments of 4 August 2014. Given the lack of a clear assessment and the applications compliance with both local and national policy, it is difficult to see how such a conclusion can be justified by officers, particularly since there does not appear to have been any new information received or any material change in circumstances since the original report was published on 29 July 2014.
- 11 Officers have provided published analysis within the 29 July 2014 report which also comments on the professional opinions of 3<sup>rd</sup> party consultants which have been instructed by the Council to provide independent technical advice to inform decision making. This analysis includes the following conclusions, which it must be stated, have not been superseded by the 4 August 2014 report (as they address different nuances of the retail case) and therefore still stand as formal officer advice despite the revised recommendation:
- The viability information has been independently considered and verified by experts and it seems that in the current economic climate, the town centre sites are not viable for the type of foodstore development proposed here. **This therefore addresses the policy requirement that the sequential test be met.**
  - Turning to the impact assessment provided by the Applicants, this is considered to be acceptable. Taking into account the evidence that supports the emerging local plan and identifies a need for a new store, then it is not a surprise that **the evidence demonstrates that no harmful impact from a new store in the Town Centre would arise**. However, it is noted that minimal potential impacts on the Lodge Park District Centre might arise as a result of this proposal, which might be less likely to occur were the proposed use to be located within the Town Centre, at a greater distance from the district centre and therefore in less direct competition. This is not considered to be significant enough to warrant refusal on its own.
  - However the creation of additional jobs is seen as an economic benefit to the town; the other detailed elements of the proposal largely appear to comply with policy requirements; the long term harm to the town as a whole and especially to the vitality and viability of the town and district centres is difficult to prove; the viability of town centre potential sites has not been proven and therefore **the policy tests appear to have been met in this case such that there are no reasons in principle or in detail to reject the proposed development**, despite its potential long term impacts on the town as a whole.

12 The table below sets out our specific comments on the Update Report:

Update Report Text	Comments
<p>The NPPG states in relation to the sequential test that: “Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision.</p>	<p>The proposals comply with the sequential and impact tests, as independently verified by the Council’s external planning advisors, GVA and confirmed in both GVA’s letter of 31 July 2014 and the first and second paragraphs of the supplemental officer’s comments dated 4 August 2014.</p> <p>We have not seen a balanced assessment by the officers of all the material considerations to reach their decision, including how the immediate investment in Redditch as a result of the proposals (including the creation of up to 400 jobs and retention of a further 119 jobs) has been weighted compared to the unidentified potential long term impact on the town centre. There is certainly no such exercise in the supplemental comments of 4 August 2014.</p> <p>Section 38(6) of the PCPA 2004 (as amended) requires planning applications to be determined in accordance with the development plan (adopted) unless material considerations indicate otherwise. No material considerations have been defined and therefore under planning law a decision can only be made in accordance with the development plan.</p>
<p>Turning firstly to the sequential test, the applicant has demonstrated, subject to their preference of store format/layout, that neither of the two town centre strategic sites as designated in the emerging local plan 4 can viably be developed at the current time. They have examined some information in relation to the car park 4 site proposal and reached a similar conclusion, along with identifying a lack of information to support or refute the assertion that the potential loss of parking provision in the town centre would be of detriment. Whilst the policies require flexibility when considering size/format of stores, to some extent this has been addressed in the information provided.</p>	<p>A flexible approach has been adopted in the sequential assessment to consider the suitability of alternative sites, as required by paragraph 24 of the NPPF, and flexibility has been fully addressed.</p> <p>The sequential assessment has not been confined to sites which could accommodate the development in the precise form in which it had been designed but rather the analysis has also given consideration to the scope to accommodate development in a different format on the allocated sites within the town centre (including multi-level schemes with appropriate car parking and a reduced sales area scheme) and thoroughly assessed the sites on that basis. The assessment included a thorough assessment of the viability of the alternative schemes tested.</p> <p>GVA’s independent review of the assessment confirmed that there are no sequentially preferable sites which are suitable, available and viable to accommodate the proposals – including Car Park 4. This position was confirmed by GVA as recently as 31 July 2014.</p> <p>With regards to the lack of information on the loss of car parking associated with Car Park 4, the applicant has fully demonstrated that the proposals are not viable, as independently corroborated by GVA. This conclusion dismisses the site sequentially, and the impact of the</p>

Update Report Text	Comments
	<p>loss of Car Park 4 on the Town Centre is not a consideration for this application – it would only be a consideration if a scheme for Car Park 4 comes forward which results in the loss of this parking provision.</p>
<p>Turning to the impact test, this has never been a matter of dispute – there is a recognised need for a foodstore in Redditch, as evidenced in the emerging local plan and therefore any detrimental impacts on existing town and district centres in terms of direct competition are minimal. However, the links associated with the location of a supermarket in the town centre rather than at a distance from it are such that the location is critical as it has a long term impact on the wider benefits of the store.</p>	<p>It is agreed that the impact of the proposed store will mainly fall upon competing out of centre stores and not on the town or district centres. Impact on District Centres is referred to in both reasons for refusal; however there is no evidence to indicate that there would be an adverse impact on these centres. Indeed, regardless of where the store was located (in centre or the application site), there would be no prospect of linked trips with the district centres. Indeed the officer's comments of 4 August 2014 expressly concludes that "there is a recognised need for a food store in Redditch, as evidenced in the emerging local plan and therefore any detrimental impacts on existing town and district centres in terms of direct competition are minimal".</p> <p>On the long term impact on the wider benefits of the store – this is not part of the impact test set out by paragraph 26 of the NPPF, which is only concerned with impact on investment in centres and impact on the vitality and viability of centres. The approach taken by officers in this paragraph appears to import an additional requirement into the NPPF policy tests, which simply does not exist.</p>
<p>The information submitted by the Kingfisher centre owners seeks to demonstrate that it would be viable to re-provide car park 4 with both parking and a store and link this into the existing Kingfisher Shopping Centre such that a food store would be viable and deliverable but also that would maximise the linked benefits to the wider town centre through linked trips and shared footfall on a long term basis. This information suggests that the viability of this site has not been adequately proven either way, either by the applicants or by third parties, and therefore it is considered that the sequential test and viability information available to determine this application is inconclusive and thus the test not fully satisfied.</p>	<p>The sequential assessment is conclusive. GVA have independently reviewed the submissions and have concluded that the sequential test is satisfied. Their letter of 31 July 2014 expressly states:</p> <p><i>"As you will be aware, our Viability Critique (July 2014) has objectively assessed all five town centre sites, including Car Park No.4 at the Kingfisher Centre, and concluded that even in a 'best case' scenario, none are deemed viable when land assembly costs are taken into account."</i></p> <p>In addition, RBC policy officer's comments dated 25 July conclude: <i>"although there is a planning policy preference for a supermarket on a site in or adjacent to the town centre, there is not currently a viable site in a sequentially preferable location to the application site."</i></p>
<p>Policies 30 and 31 of the emerging local plan 4 detail that the evidence behind the plan demonstrates that in order to retain and enhance the vitality and viability of the town centre, significant regeneration should be encouraged and schemes that could harm that regeneration should therefore be resisted wherever</p>	<p>The emerging Local Plan 4 sets out a clear need for an additional foodstore within Redditch. It has been clearly demonstrated that the application site is the most preferable location to accommodate this and that it will not have an adverse impact on the town centre either in terms of impact on investments or town centre vitality</p>

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possible.	and viability.
<p>Therefore, whilst it appears from the advice of consultants that the sequential test and impact test have largely been addressed and met, consideration still needs to be given to whether or not other material considerations outweigh this. These other considerations include the longer term impacts on the town centre and its regeneration of locating a foodstore outside the town centre, as well as any negative impacts of the proposal on the application site.</p>	<p>The advice of RBC's consultants GVA is that the sequential and impact tests have been fully addressed.</p> <p>The longer term impacts have not been defined by the officers and cannot be quantified, nor has any attempt been made to do this.</p> <p>In terms of the Town Centre contribution, the LPA determined the scale of this contribution, which has been agreed by the Applicants, and must therefore have considered this sum of money sufficient to mitigate the impact of the location of the store.</p>
<p>It is harder to quantify or provide evidence regarding the concept of the wider impacts of the location of a foodstore, however it is acknowledged within the principles of national and local planning policy that this is a critical factor and that is why town centre sites are sought wherever possible. The longer term loss of trade to other town centre units, the loss of linked trips and the loss of footfall within the town centre from a unit outside the centre, rather than in it, is clearly significant though. This is why attempts have been made to seek recompense from Asda through the proposed \$106 legal agreement to achieve enhancements to the links to the town centre from the B&amp;Q site and to the town centre itself. However, whether this is considered to be sufficient is also a matter that must be weighed in the balance.</p>	<p>In terms of the Town Centre contribution, the LPA determined the scale of this contribution and must therefore have considered this sum of money sufficient to mitigate the impact of the location of the store.</p>
<p>Officers consider that this is a very finely balanced matter, but that on reflection, it is possible that too much weight was given to the seeming near compliance with the sequential test over and above the other pertinent material considerations in the original published report. It is now considered, as detailed above, that the recommendation should read as follows, and officers would prefer that this recommendation be the one taken into consideration at the meeting on 6 August.</p>	<p>The comment on the "seemingly near compliance with the sequential test" is misleading. GVA have independently reviewed the submissions and have concluded that the sequential test is satisfied in full, a conclusion which was also reached by RBC's policy officer.</p> <p>We have not seen a balanced assessment of all the material considerations taken into account to reach the decision to recommend refusal or to assess the weight attached to each consideration by the LPA. There is certainly no such exercise in the supplemental comments of 4 August 2014. Given the lack of a clear assessment and the applications compliance with both local and national policy, it is difficult to see how such a conclusion can be justified by officers, particularly since there does not appear to have been any new information received or any material change in circumstances since the original report was published on 29 July 2014.</p> <p>B&amp;Q and ASDA are offering an opportunity for the Council to create 400 jobs now; retain the existing jobs</p>

Update Report Text	Comments
	<p>within the B&amp;Q store and to meet an acknowledged retail need now. The officers' judgement, after weeks of deliberation, was that the development was acceptable and policy compliant. The Committee are now being recommended to refuse permission for up to 400 new jobs and millions of pounds of investment on the basis of unspecified and unquantified long term impacts; an approach that is not supported or justified by the NPPF or any other policy.</p>

### Clarifications to Original Committee Report

- 13 The second paragraph on Page 11 of the Report notes: *"Whilst there may be other sites available outside the Town Centre, but closer to it than this site, these would also fall foul of the 'Town Centre first' policy requirements and are unlikely to be preferable and therefore have not been taken into account in this case, given the seeming availability and designation of Town Centre sites"*.
- 14 A thorough sequential assessment has been undertaken, considering all potential alternative sites to accommodate the application proposals. In total ten sites have been identified, assessed and dismissed as not suitable, available or viable to accommodate the application proposals within the following submissions:

Submission	Date	Sites Considered
Retail Statement	February 2014	10 sites in total in and on the edge of Redditch Town Centre including: Church Road / North West Quadrant, Edward Street, The Kingfisher Centre including the car parks and existing edge of centre retail warehouse facilities.
Retail Statement Addendum	1 March 2014	Church Road / North West Quadrant, Edward Street and Kingfisher Centre Car Park 4
Supplementary Sequential Information	22 May 2014	Church Road / North West Quadrant, Edward Street and Kingfisher Centre Car Park 4
Further Sequential Information including Viability Assessments	June 2014	Church Road / North West Quadrant, Edward Street and Kingfisher Centre Car Park 4

- 15 Both the area of search and the methodology for identifying alternative sites were discussed and agreed with RBC at the pre-application stage. The area of search was focussed on sites within or on the edge of Redditch Town Centre, the preferred location for major retail developments and other uses that attract large numbers of people and the alternative locations considered were identified through discussions with RBC Officers, allocations within the emerging Redditch Local Plan No.4, any sequential assessments previously undertaken to support other retail proposals within the area and site visits undertaken by Deloitte.
- 16 There are no other suitable sites available outside the Town Centre, but closer to it than the application site and no out of centre sites were identified as part of this process.



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**Planning Application 2014/096/OUT****Outline application with access and layout for consideration, for the demolition of a Public House and the erection of 14 dwellings****The Jolly Farmer, Woodrow Drive, Woodrow, Redditch, Worcestershire, B98 7UH,****Applicant: Malvern Estates Plc & Unique Pub Properties Ltd  
Expiry Date: 19th August 2014  
Ward: GREENLANDS****(see additional papers for Site Plan)**

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site consists of a two storey brick, timber and tile public house with ancillary residential accommodation above, with a large surfaced car park accessed from Woodrow South. The site lies on the junction of Woodrow South and Woodrow Drive. The surrounding area is largely residential to the north, east and west, with an area of planting and greenery to the south of Woodrow Drive beyond which are further residential areas.

**Proposal description**

The application is for outline permission with matters of access and layout for consideration. Therefore, matters of appearance, scale and landscaping are reserved for consideration in a future application. The layout proposed (as amended and for consideration here) utilises the existing access to the site off Woodrow South, with residential units to the southern and eastern boundaries of the site in an L shape pattern with the access road running east/west from the entrance. A small parking area to the north of the access fronting Woodrow South but not accessed from it is proposed, to serve the dwellings to the north east of the site which front onto Woodrow South.

The application is supported by a design and access statement, a tree survey with additional tree information and a bat survey.

**Relevant Policies :****Borough of Redditch Local Plan No.3:**

CS02 Care for the Environment  
CS05 Achieving Balanced Communities  
CS06 Implementation of Development

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CS07 The Sustainable Location of Development  
 BBE13 Qualities of Good Design  
 S01 Designing Out Crime  
 BBE28 Waste Management  
 BNE01A Trees, Woodland and Hedgerows  
 CT02 Road Hierarchy  
 CT11 Road Schemes  
 CT12 Parking Standards

**Emerging Borough of Redditch Local Plan No. 4**

Policy 2: Settlement Hierarchy  
 Policy 4: Housing Provision  
 Policy 5: Effective and Efficient use of Land  
 Policy 22: Road Hierarchy  
 Policy: 39 Built environment  
 Policy: 40 High Quality Design and Safer Communities

**Others:**

NPPF National Planning Policy Framework  
 National Planning Practice Guidance  
 Worcestershire Waste Core Strategy (WWCS)

**Relevant Planning History**

1980/019/FUL	Function room & New Bottle Store	Granted	28.02.1980
1987/046/ADV	Advertisement - Illuminated Swan Necked Lamps, Timber Roof Mounted Sign And Timber Tree Standing Post Sign	Granted	02.03.1987
1996/029/ADV	Illuminated Twin Post Free Standing V-Board Sign	Refused	27.02.1996
1997/062/ADV	Illuminated Sign Board	Granted	14.07.1997



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**Consultations – summary of comments received*****Arboricultural Officer***

This site is affected by Borough of Redditch TPO no.112 (1997), which protects four mature trees on the N and W boundaries, and off site from the northernmost corner it includes a line of mature trees running NW between Hampton Close and Chadwick Mews. All four individual protected trees may potentially be affected by this development. Therefore as a minimum requirement these will all need to be retained and sufficiently protected within the scheme in line with BS5837:2012, as there is no overriding justification for any excavations within their Root Protection Areas (RPAs).

My main concerns surrounding the retention and adequate root protection of T8, and retention of a barrier of buffer planting on the N boundary have both been suitably addressed in the amended proposed layout (drawing 01A). I therefore have no objection to this layout subject to a condition regarding protective fencing, its location and implementation.

The level of indicative landscaping throughout the site appears good. Details of species, sizes etc. will need to be agreed via the landscaping application in due course.

***Development Plans***

Support the principle of the proposal, and made comments prior to the scheme being amended:

This proposal would result in the loss of a public house and thus, a community facility. However, it is acknowledged that this public house has, over recent years, been subject of fluctuating of economic prosperity. The potential viability issues surrounding the retention of such a facility cannot be viewed as outweighing the need for a positive attempt to ensure sustainable development in an existing urban environment.

This proposal should facilitate the policy requirements of the Worcestershire Waste Core Strategy.

This proposal is in conformity with the principles of locating development within or on the edge of the urban area to meet housing needs and furthermore presents an opportunity for brownfield redevelopment.

In accordance with the NPPF para 215, due weight should be given to this policy as it is consistent with paragraphs 17(viii) and 111 of the NPPF, which encourage the effective reuse of previously developed brownfield land.

The proposal is suggesting direct frontage access on to Woodrow South, which is classed as a Local Distributor. Direct frontage access onto this road cannot be supported in policy terms.

Redditch Borough currently has 5.15 years supply of housing land, as of April 2014. The application site is considered as part of that land supply figure.

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The site is considered appropriate for housing to contribute towards the strategic housing requirement up to 2030 in the Borough of Redditch Local Plan No.4. Residential development is considered an appropriate use of the land in this location.

The principle of residential development proposed in this application is compliant with the NPPF and accords with the emerging Local Plan No.4 and the limited weight it can be given at this stage in its process.

However, a revised layout should be considered to remove direct frontage access onto the Local Distributor of Woodrow South.

Therefore, from a planning policy perspective, with a revised layout/ access, this application can be supported.

***Contaminated Land- Worcestershire Regulatory Services***

No objection subject to a condition regarding potential contaminated land issues.

***North Worcestershire Water Management***

According to Environment Agency maps the site is not located within a fluvial flood zone, and there is little evidence of surface water flooding at the site in question.

Severn Trent Water maps show that there is a public foul and surface water system to the western and northern boundary of the site. There is also a highway drainage system to the eastern boundary which connects into the surface water sewer to the north.

The applicant states that foul water will be disposed of via the mains and it will therefore be important for the applicant to gain permission from Severn Trent Water Ltd. to connect to this system. This can be addressed as an informative.

No objection subject to a condition regarding drainage details

***Highway Network Control***

No objection subject to conditions

***Landscape & Countryside Manager***

No Comments Received To Date

***Leisure Services Manager***

No Comments Received To Date

***Severn Trent Water Ltd***

No objection subject to condition and informative

***Waste Management***

No Comments Received To Date

***Worcestershire Archive And Archaeological Service***

No objection

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### ***Worcestershire Wildlife Trust***

No Comments Received To Date

### ***Housing Strategy***

No Comments Received To Date

### ***Community Safety Officer***

The development is located in an area with higher than average rates of criminal damage, burglary and anti-social behaviour. Crime and anti-social behaviour are concentrated on Chadwick Mews which is directly adjacent to the development site. During a site visit I observed evidence of multiple deliberate fires and graffiti in the nearby underpass beneath Woodrow Drive (reference no. 2255). The fence adjacent to the footpath to the West of the site has been reinforced with board-wire to reduce the risk of damage and in some areas is supplemented by trellis to deter climbing however it is in generally good condition. Natural surveillance of the footpaths at the West and South of the site is particularly limited. Although I visited during the day, street lights along this route would appear to be of a very dated design.

Whilst we cannot seek to address existing difficulties in this area, there are elements of the design of this proposal that should seek to minimise any further concerns in relation to community safety and these can largely be dealt with in connection to the detailed reserved matters application.

Welcomes the opportunity to offer further comments on this development at reserved matters stage.

### ***Education Authority***

Contributions should be sought in line with the adopted SPG; confirmation that the following are the schools affected:

First / Primary School:	Woodrow First
Middle School:	Woodfield Middle
Secondary School:	Kingsley College

### **Public Consultation Response**

Two representations have been received in objection for the following reasons:

- Loss of community facility
- Contribution of public house to local economy should not stop
- Current use not causing any harm to local community
- Loss of employment opportunities
- If current owners cannot continue, should sell to new operator not developer

A petition has been received containing 345 signatures, objecting on the following grounds:

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- Location allows for sustainable travel to public house and reduces dangers of drink driving etc.
- Public house carries out local charity fundraising successfully and regularly
- Community facility should be protected
- Has been open since 1972

### Assessment of Proposal

The application site lies outside of any specific land use designations in the local plan and sits within a residential area of the town. There is an identified need for housing development within the town.

Whilst it is accepted that the site is currently being run as a 'community facility' and has a trading public house upon it, the Council has no control over this facility and could not prevent its closure at any time. Further, there are no policies within the Local Plan to seek to protect and retain such facilities in this location.

As such, the principle of residential development on this site is considered to be acceptable.

### Access and layout

Woodrow Drive is designated as a district distributor road and Woodrow South as a local distributor road in the local plan. As such, the creation of new accesses onto either of these roads is prevented in order to maintain the safe and free flow of traffic around the road network.

The amended access and layout proposed is considered to be acceptable as it does not result in individual driveway access directly onto either road - it only utilises the existing access onto Woodrow South that currently serves the public house car park.

The proposed layout provides strong frontage development onto Woodrow South. The layout is similar to the pattern and grain of the residential development in the wider area and as such is not considered to be out of character or harmful.

The site includes a significant quantity of mature trees and landscaping including some protected by a TPO (Tree Preservation Order). Policies seek to retain particularly those that are protected, in order that the benefit to the landscape and the surrounding community is retained and maximised.

The amended layout of the proposal would not be likely to result in any harm to the TPO trees as the canopies are at a sufficient distance from the proposed dwellings that their root network would remain undisturbed. Whilst the canopies would cause some shading to rear gardens, this would not be so severe, due to distance and orientation, that it would result in any long term threat to the survival of the trees.

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Planning obligation

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation which in this case would cover:

- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, in compliance with the SPD; and
- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy; and
- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Woodrow First, Woodfield Middle and Kingsley College.

The applicant has agreed to enter into such an agreement and is working with the legal team on a draft version.

Other issues

Other conditions requested by consultees have been considered and included in the recommendation below where they are considered to be appropriate.

Conclusion

The proposal as amended is considered to be acceptable as it now complies with the policy requirements and is not considered likely to result in any harm to amenities.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, authority be delegated to the head of Planning and Regeneration to GRANT planning permission subject to:-**

**a) The satisfactory completion of a S106 planning obligation ensuring that:**

- Contributions are paid to the Borough Council for off-site open space, pitches and equipped play; and
- A contribution is paid to the Borough Council for the provision of wheelie bins for the new development; and
- A contribution is paid to the County Council towards County education contribution facilities;

**and**

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**b) Conditions and informatives as summarised below:**

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
  - (i) the expiration of three years from the date of the grant of outline planning permission; or
  - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-  
cale; appearance; landscaping

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 2) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

- 3) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

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- 4) No development approved by this permission shall be commenced until:
- a) A desktop study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval for writing by the LPA;
  - b) If deemed necessary as a result of the desktop study, a site investigation has been designed using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;
  - c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
  - d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA.

Reason: To identify contamination which may pose a risk to the environment or harm to human health and in accordance with National Planning Policy Framework.

- 5) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;
- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;
  - If the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with National Planning Policy Framework.

- 6) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005: Guide for Trees in relation to Construction, and such protection measures

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shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity and in accordance with Policy B(NE)1a of the Borough of Redditch Local Plan No.3.

- 7) Unless otherwise agreed in writing by the Local Planning Authority pursuant to the discharge of details in relation to the above planning conditions, the development hereby approved shall conform to the following approved plans:

Proposed site plan dated April 2014, drawing no 01 RevA

Reason:-To accurately define this planning permission, for the avoidance of doubt and in accordance with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

**Informatives**

- 1) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 2) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at [www.securedbydesign.com](http://www.securedbydesign.com) or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181
- 3) There are public sewers which cross the site. No buildings shall be erected or trees planted within 2.5 metres either side of these sewers. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.
- 4) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.



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- 5) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 6) It is recommended that the comments of the consultees are taken into account when working up the details of the remaining reserved matters application(s).

**Procedural matters**

This application is being reported to the Planning Committee because the application requires a S106 Agreement and because more than one objection has been received. As such the application falls outside the scheme of delegation to Officers.



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**Planning Application 2014/190/OUT****Proposed rehearsal studio with offices (outline permission with matters of access, layout and scale for consideration)****25 Broad Ground Road, Lakeside, Redditch, Worcestershire, B98 8YP****Applicant: Mr C Reed**  
**Expiry Date: 14th October 2014**  
**Ward: LODGE PARK****(see additional papers for Site Plan)**

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site is bounded by Shawbank Road to the north, Holloway Drive to the east and Broad Ground Road to the south. Beyond Holloway Drive to the east is the Arrow Valley Country Park, and the verges in this area are all grassed with mature tree and shrub planting along the perimeters of the industrial units that characterise the area.

The site is accessed by vehicles from Broad Ground Road and has a large metal clad industrial building in the middle which is currently under demolition. It is mostly used for the storage of parked haulage vehicles used by the company that occupy the site, who are a specialist transport firm.

**Proposal description**

The application is made in outline form with matters of access, layout and scale for consideration now. Therefore, matters of appearance and landscaping are reserved for consideration in a future application.

Vehicles would continue to use the existing entrance to the site from Broad Ground Road, with haulage vehicles continuing slightly right into the site and parking along the eastern and northern boundaries and in that portion of the site. The building would be located to the south west of the site, further forward than the building currently being demolished, with car parking to the front (southern) and western boundary. This would provide 49 parking spaces.

The application proposes the erection of a building for use by the current occupiers of the site in connection with their business. The building would have a variety of ancillary functions such as office accommodation, and also rehearsal studio space; the company that occupy the site transport set and other equipment relating to shows and concerts across the country. Between tours, much of this equipment is stored in the other warehousing premises nearby in the control of the applicant. The company needs a

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facility where stage sets can be rigged and de-rigged for practice purposes prior to going on tour, and where artists can use the stage set up to rehearse. Due to these requirements, the building would need to be relatively tall and accessible to large vehicles.

The application is supported by a Flood Risk Assessment, a Design and Access Statement and a Design Philosophy document. Additional information in the form of further plans and a sound report has also been received.

### Relevant Policies :

#### **Borough of Redditch Local Plan No.3:**

CS01 Prudent Use of Natural Resources  
 CS02 Care for the Environment  
 CS07 The Sustainable Location of Development  
 S01 Designing Out Crime  
 BBE13 Qualities of Good Design  
 EEMP03 Primarily Employment Areas  
 EEMP3A Development Affecting Primarily Employment Areas  
 CT12 Parking Standards

#### **Emerging Borough of Redditch Local Plan No. 4**

Policy 5: Effective and Efficient use of Land  
 Policy 19: Sustainable travel and Accessibility  
 Policy 23: Employment Land Provision  
 Policy 24: Development within Primarily Employment Areas  
 Policy: 39 Built environment  
 Policy: 40 High Quality Design and Safer Communities

#### **Others:**

NPPF National Planning Policy Framework  
 National Planning Practice Guidance

### Relevant Planning History

2013/297/FUL	Change of Use to Haulage Depot and Storage and erection of fencing	Approved	16.01.2014
2014/078/FUL	Erection of Security Lighting	Approved	12.06.2014

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**Consultations*****Highway Network Control***

No objection subject to conditions

***Community Safety Officer***

No Comments Received To Date

***Development Plans***

The applicant already occupies an additional unit on Shawbank Road. This proposal represents an opportunity for expansion and diversification of an existing locally-based business and would provide permanent occupancy on the application site. Furthermore, an expansion/ diversification opportunity should be considered as a positive market signal and compliant with the NPPFs growth agenda.

The Sui Generis nature of this proposal at this location is considered appropriate with respect to the following:

- Proposal site is in close proximity to the applicant's original premises
- Nature of fleet/ haulage movements and access to the strategic highway network
- Proposed building mass
- Noise generation during rehearsal periods

Sui generis uses are not recognised as employment development (in terms of the B1, B2 and B8 use classes). However, whilst this proposal is not classed as employment development, the nature of the proposal is suited to a business/ employment based location such as a Primarily Employment Area.

This proposal will ensure long-term permanent occupation of a site, which has a history of short-term occupancy. Furthermore, adjacent land at IN52, which will be used for the haulage element of the business, has remained vacant for a number of years.

This Sui Generis proposal would be compatible with surrounding uses in a Primarily Employment Area.

- This Sui Generis nature of this proposal falls within a Primarily Employment Area and is considered to be compatible with the existing land use and surrounding neighbours in accordance with Local Plan No.3 and Policy 24 in the emerging Local Plan No.4.
- This proposal offers an opportunity to expand and diversify an existing business in the immediate vicinity, which contributes towards the NPPFs economic growth agenda.

From a planning policy perspective, this application can be supported.

***Environment Agency***

No objection

***Economic Development And Regeneration Service***

No Comments Received To Date

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***Contaminated Land- Worcestershire Regulatory Services***

No objection subject to condition regarding potential contaminated land

***North Worcestershire Water Management***

Due to this development site being located within Flood Zone 2, I would like to take this opportunity to advise the applicant of other way of reducing flood risk to the site. I would recommend that finished floor levels are set to 600mm above the 1:100 yr flood level, or at a minimum no lower than finished floor levels of the previous, existing building on site. This would be permitted due to no known flood reports from the existing site.

I would also recommend that as a method of resilience, anti-flood, self-closing airbricks are installed for any airbricks that are to be placed near to ground level.

It may also be useful for the applicant to consider other SuDS techniques for the disposal of surface water, such as rainwater harvesting, water butts and permeable paving (ground-conditions permitting).

It is pleasing to see that the applicant will be including soft landscaping techniques for water storage.

Therefore no objection subject to a condition regarding the agreement of drainage details.

**Severn Trent Water Ltd**

No objection subject to a condition regarding drainage details.

**Public Consultation Response**

No comments received

**Assessment of Proposal****Principle**

The site lies within an area designated for employment purposes in the local plan, where uses that fall within classes B1 (office), B2 (general industrial) or B8 (storage/warehousing/distribution) are normally preferred. However, the accompanying policy in the local plan also supports the use of these areas for other related uses and especially those which fall within the sui generis use category, outside other specific classes of use. The location and nature of the proposed use should be considered and its potential impact on surrounding uses.

In this case, the use is related to existing B class uses carried out by the applicant company on this and other sites in the vicinity. Therefore, in locational terms it is considered appropriate. Further, it is on the edge of the employment zone and thus would create a buffer between the employment area to the west and the Arrow Valley Park to the east, almost a graduation from greater to lesser impact. The nature of the use is such that it would not be preferable to locate it in an alternative part of the town and particularly not within or near a residential area. Whilst it is unfortunate that it cannot be provided

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within the town centre in an even more sustainable location, it is not possible for this to be the location for everything; this site is considered to be an appropriate and acceptable site for this use. The principle in this case is therefore considered to be acceptable.

### Access, layout and scale

The proposal is considered to be acceptable in terms of its access point from Broad Ground Road and its internal layout and parking provision. Pedestrian flow between the car parking area and the building is separate from the flow of larger haulage vehicles into the other portion of the site and as such safety within the site is controlled as much as possible.

The building is located towards the western end of the site nearest to surrounding built form, which would result in clustering of the built form in this area. Whilst it is acknowledged that the scale of the building (at 20.5m high to eaves) is significant, and taller than many of the surrounding industrial properties, it is not considered to be so tall or bulky that it would cause substantial harm to visual or other amenities. The location of the building away from the Arrow Valley Park is also welcomed, as it retains a visual gap to the east of the site.

The site is considered to be accessible by a variety of modes of transport due to its employment designation and is therefore an appropriate place to locate this type of development.

### Other issues

The proposal is considered to be a good opportunity for the local economy, as it will provide additional jobs and bring in visitors and income to the wider local area. As such, it would meet the town's growth agenda.

It is noted that the building would be sound insulated within and outside and therefore it is not considered likely to raise any acoustic concerns. Any further information received on this matter will be reported in the Update paper.

Whilst the premises lie within flood zone 2, the advice from the relevant experts states that there are no additional concerns raised by this proposal as the quantity of hard surfacing on the site would not increase and as such nor would any run-off rates. It is noted that the existing water drainage and storage for the site is appropriate and deals adequately with run-off.

The proposal is solely for rehearsal purposes and would not give rise to any audience attendance and related transport/parking issues. The character of a use with an associated audience would be significantly different, in that it would result in large numbers of members of the public attending at the same time and resultant demands on transport and parking infrastructure which this proposal would not be able to accommodate. It is considered that to open the premises for public attendance would result in a change of use that would require permission through a separate application, and therefore it is not considered necessary to condition the prevention of audiences.

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### Conclusion

No other issues have been raised in this case, and therefore the proposal is considered to be acceptable in terms of its compliance with policy and it is unlikely to result in significant harm.

### RECOMMENDATION

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
  - (i) the expiration of three years from the date of the grant of outline planning permission; or
  - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-  
appearance; landscaping

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 2) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 3) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:



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- a. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
- b. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- c. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- d. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- e. 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.
- f. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the

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

- g. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with the National Planning Policy Framework.

- 4) Potential condition regarding implementation of sound measures as detailed in supporting information, if requested by WRS
- 5) Any conditions as requested by the highway officer
- 6) The development hereby approved shall be implemented in accordance with the following plans:

2422/02A  
2422/03  
2422/04  
2422/05  
2422/06  
2422/LP

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

**Informative**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through pre-application advice and discussion.

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**Procedural matters**

This application is reported to Planning Committee for determination because the application is for major development (more than 1000 sq metres of new commercial / Industrial floorspace), and as such the application falls outside the scheme of delegation to Officers.

