



# Planning Committee

Wed 23 May  
2018  
7.00 pm

Council Chamber  
Town Hall  
Redditch



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

**If you have any queries on this Agenda please contact**

**Sarah Sellers**

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# **REDDITCH BOROUGH COUNCIL**

## **PLANNING COMMITTEE**



## **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) Ward Councillors
  - d) Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic 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) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)
- 2) 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. 4 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.
- 3) Members of the public may record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. An area next to the Press table has been set aside for any members of the public who wish to film or record. The Council asks that any recording of the meeting is done from this area to avoid disruption. Recording or filming of meetings is not authorised when the Committee is considering exempt/confidential information. For agenda items that are exempt, the public will be asked to leave the Chamber
- 4) 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.
- 5) 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.
- 6) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or email on: [sarah.sellers@bromsgroveandredditch.gov.uk](mailto:sarah.sellers@bromsgroveandredditch.gov.uk) before 12 noon on the day of the meeting.

## **Further assistance:**

If you require any further assistance prior to the meeting, please contact the Democratic Services Officer (indicated on the inside front cover), Head of Legal, Equalities and 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.

# Planning

COMMITTEE

Wednesday, 23rd May, 2018

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

***Please note that membership of this Committee will be confirmed following the Annual General Meeting of the Council on Monday 21<sup>st</sup> May***

**1.** Apologies

**2.** Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

**3.** Confirmation of Minutes (Pages 1 - 4)

**4.** Update Reports

To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)

**5.** Application 2018/00275/FUL - 18 - 21 Padgets Lane South Moons Moat Redditch B98 0RB - Mr Paul Jones (Pages 5 - 10)

Report attached – for site plan see Site Plans Agenda

**6.** Application 2018/00339/FUL Land North of Nash Road Old Forge Drive Greenlands Redditch - Mr A Plant (Pages 11 - 30)

Report attached – for site plan see Site Plans Agenda

**7.** Application 2018/00499/FUL Bodycare Unit 19 Kingfisher Shopping Centre Kingfisher Walk Central Redditch B97 4EY - Splendid Hospitality Group/ The Kingfisher Centre (Pages 31 - 36)

Report attached – for site plan see Site Plans Agenda

**8.** Appeal Outcomes (Pages 37 - 40)

For Members to receive an information report regarding Planning Appeals for the period from November 2017 to May 2018

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## Planning Committee

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Wednesday, 14 March 2018

### MINUTES

#### Present:

Councillor Andrew Fry (Chair), Councillor Yvonne Smith (Vice-Chair) and Councillors Roger Bennett, Michael Chalk, Matthew Dormer, Jennifer Wheeler and Nina Wood-Ford

#### Officers:

Amar Hussain, Helena Plant and Sarah Hazlewood

#### Democratic Services Officer:

Sarah Sellers

#### 68. APOLOGIES

Apologies for absence were received from Councillor Wanda King and Councillor Gareth Prosser. Councillor Pat Witherspoon attended as substitute for Councillor Wanda King.

#### 69. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 70. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE HELD ON 14TH FEBRUARY 2018

RESOLVED that

The Minutes of the meeting of the Planning Committee on 14<sup>th</sup> February 2018 be confirmed as a correct record and signed by the Chair.

#### 71. UPDATE REPORTS

The published Update Report for the various Applications to be considered were noted.

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Chair

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**72. APPLICATION 2017/00737/FUL - THE FORGE MILL 164  
EVESHAM ROAD HEADLESS CROSS REDDITCH B97 5ER**

14 no. one bedroom apartments involving the erection of a new apartment block and conversion of former Forge Mill Public House and associated car parking, green space and infrastructure.

It was noted that the Update Report included further information on the division of section 106 contributions; officers were recommending that the total of £14350 be divided between Worcestershire County Council Highway Authority and towards open space provision.

Councillor Baker-Price, Ward Councillor and Ms Sian Griffiths, agent for 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, 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:**

- (i) a financial contribution for mitigating the impact of the development on the highway network**
- (ii) a financial contribution for informal open space and playing pitches.**

**and**

**b) the Conditions and Informatives detailed on pages 12 to 15 of the main agenda report.**

**73. APPLICATION 2018/00044/FUL - LAND ADJACENT TO 55  
WEATHEROAK CLOSE WEBHEATH REDDITCH B97 5TF**

New one storey and a half dwelling (Amendment to Application No: 2014/367/FUL to create additional dormer)

Officers clarified that site was located on land in between number 56 and number 55 Weatheroak Close. Officers further clarified that a total of 10 objections letters had been received, and informed Members that in addition to the summary of objections on the Update Report, and on page 18 of the main agenda report, additional objection points had been received as follows:-



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- that a dormer property would be out of keeping with the street;
- that the proposed dwelling would result in an invasion of privacy for number 45 Blackstich Lane;
- that the application should be considered by Planning Committee.

Officers confirmed that all the objections had been considered and the officer recommendation remained as per the main agenda report, that permission be granted.

It was noted that the Update Report also included additional conditions numbered 7 to 9 and that officers were recommending to ensure that the conditions on Application 18/00044/FUL would mirror the conditions under the existing planning permission under reference 2014/367/FUL.

### **RESOLVED THAT**

**having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions detailed on pages 19 and 20 of the main agenda, and conditions 7 to 9 detailed on page 2 of the Update Report.**

The Meeting commenced at 7.00 pm  
and closed at 7.40 pm

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## **PLANNING COMMITTEE**

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**Planning Application 18/00275/FUL**

**Extensions and alterations to existing units (part retrospective) to include: recladding, insertion of new windows and doors, creation of new entrances to units 18 and 19, demolition of existing mezzanine floors and construction of new mezzanine floors to create new office accommodation**

**18 - 21 Padgets Lane, South Moons Moat, Redditch, Worcestershire, B98 0RB**

**Applicant: Mr Paul Jones  
Ward: Winyates Ward**

**(see additional papers for site plan)**

The author of this report is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 881655 Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk) for more information.

### **Site Description**

The proposed site is located on land which falls within an area designated as a Primarily Employment Area on the Borough of Redditch Local Plan No.4 Policies Map.

It is located within South Moons Moat Industrial Estate on Padgets Lane, with the Coventry Highway to the north and Churchhill Brook to the east. The site is made up of 4 large industrial units, which are currently metal clad and brick and are currently unoccupied, although are currently being refurbished. There are two car parks within the site, one is to the west of units 20 and 21 and the other is to the south of unit 19. There is a service yard in the middle of the 4 units, which has two access points; one from the south of the site between units 19 and 21 and the other is to the north of unit 20.

### **Proposal Description**

The proposal is to alter and extend the existing units. The proposal is part retrospective as some of the works, including the internal alterations to the mezzanine floors and the recladding of the units has already begun.

### **Relevant Policies:**

#### **Borough of Redditch Local Plan Adopted January 2017**

Policy 1: Presumption in Favour of Sustainable Development

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 18: Sustainable water Management

Policy 23: Employment Land Provision

Policy 24: Development within Primarily Employment Areas

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**Others**

NPPF National planning Policy Framework

NPPG National Planning Policy Guidance

**Relevant Planning History**

2014/344/FUL	Retrospective permission - relocation of storage building	Approved	11.02.2015
2004/068/FUL	Relocation Of Storage Building And Extension To Industrial Premises	Approved	23.04.2004
2001/177/FUL	Storage Building	Approved	03.10.2001
1998/361/FUL	Extension to Industrial Premises And Alterations To Entrance	Approved	29.09.1998
1998/027/FUL	Erect New Chimney	Approved	09.03.1998
1997/380/FUL	Single Storey Extension	Approved	30.12.1997
1996/483/FUL	Replacement Timber Storage unit	Approved	07.01.1997
1996/442/FUL	Extension to Car Park	Approved	02.12.1996
1995/127/FUL	Location of Portacabin for Night/Weekend Security Personnel	Refused	24.05.1995
1993/496/FUL	Construction of Additional Car Parking	Approved	03.03.1994
1982/252/ADV	Two non-illuminated Signs	Approved	12.08.1982

**Consultations****Cadent Gas Ltd**

No objection to proposed development, however apparatus has been identified as being in the vicinity of the proposed works, so Cadent Gas Ltd have highlighted various responsibilities that the applicant must discharge before and during the development.

**Arboricultural Officer Expired 19/04/2018**

No objections to this proposed application, in relation to any tree related issues, subject to conditions.

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### **Drainage Engineers Internal Planning Consultation Expired 19/04/2018**

The proposed application is considered acceptable from a flood risk perspective.

### **Economic Development And Regeneration Service Expired 19/04/2018**

No Comments Received To Date

### **Highways Redditch Expired 19/04/2018**

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

### **Public Consultation Response**

**Site Notice** Expired 26/04/2018

**Press Notice** Expired 27/04/2018

**12 Neighbour Letters** Expired 19/04/2018

No comments received to date

### **Assessment of Proposal**

The application site is located within a Primarily Employment Area as defined in the Borough of Redditch Local Plan No.4 as such the proposed development is considered to be acceptable in principle.

The proposal, which is part retrospective, includes the addition of two small extensions to unit 19, to create a small link between the existing external storage building and the main warehouse and a new reception area on the south eastern corner of the building. Units 18 and 19 would also be reconfigured, with the demolition of the existing mezzanine floors and the construction of 2 smaller mezzanine floors, one within each unit to enable these units to be occupied independently if required. To facilitate these changes, the proposal includes alterations to the fenestration of these two units and the demolition of the existing entrance to unit 18.

The alterations to the fenestration of units 18 and 19 would include, blocking up the windows in the eastern elevation and inserting new windows and doors within the currently blank southern elevation of unit 19 and the western elevation of unit 18. It is considered that these changes would give these units a more visible and defined frontage when viewed from the existing car park to the south of unit 19, and increase the natural surveillance of this existing car park and the service yard.

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The proposed development also includes the recladding of the units in a Grey Metal Profiled sheeting. Although most of the buildings along Padgets Lane are clad in a green metal profiled sheeting, there are some that are clad in a grey material. As such it is not considered that the proposed cladding would affect the overall industrial character and appearance of the area.

The proposal does also include the demolition of part of the mezzanine floors within the units 20 and 21, however no major fenestration changes are proposed to these units.

Overall, due to the scale and design of the proposed alterations and extensions, it is considered that the proposed works would reflect the existing industrial character and appearance of the area.

### Highways

The Highway Authority does not consider that the proposed development would have a severe impact on the highway safety; as such they have raised no objection to the proposal.

### Flooding

The site is located within Flood Zone 2 and 3 and based on this designation the site is considered to be at flood risk. Based on the surface water flood maps it also appears that there is also large levels surface water pooling on the site.

However, given the extent of the proposed extensions and alterations and the presence of the surface features; which include: a flood bund and culverted water course, North Worcestershire Water management consider that the proposed development would be acceptable from a flood risk perspective. They have however suggested that the owner of the site may wish to consider providing flood resilient measures to the proposed extension and the existing buildings.

### Conclusion

Overall it is considered that the proposed development accords with the policies in the Local Plan and is acceptable.

### RECOMMENDATION:

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

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

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Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The materials used on the external faces of the buildings shall be-

Cladding- Single skin WA6 Metal Profiles sheeting ref 38914 colour Goosewing Grey 10a05 with Merlin Grey Trims  
All brick work shall match the existing brick work  
Windows and doors shall be- PVC-U High Performance Colour- white

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 3) The development hereby approved shall be carried out in accordance with the following drawings:

Location Plan at Scale 1:1250

Drawing No. P-100 Rev. A - Site Block Plan

Drawing No. P026 Rev. A- North and South Courtyard Elevations

Drawing No. P025 Rev. A- East and West Elevation- unit 20 and 21

Drawing No. P024 Rev. A- North and South Elevation- Unit 20

Drawing No. P023 Rev. A- West Elevation- Unit 18 and 19

Drawing No. P022 Rev. A- South Elevations- Unit 19

Drawing No. P021 Rev. A- East Elevations- Unit 18 and 19

Drawing No. P020 Rev. A North Elevations- Unit 18

Drawing No. P011 Rev. A Proposed Area Plans- Units 20 and 21

Drawing No. P010 Rev. A- Proposed Ground and First Floor Plan- Unit 20 and 21

Drawing No. P009 Rev. A- Demolition Plan- units 20 and 21

Drawing No. P007 Rev. A- Proposed Areas Plan- Units 18 and 19

Drawing No. P006 Rev. A- New Office- Unit 18

Drawing No. P005 Rev. A- First Floor Plan- Unit 19

Drawing No. P004 Rev. A- Ground Floor Plan- Unit 19

Drawing No. P003 Rev. A- Proposed Ground and First Floor Plan- Units 18 and 19

Drawing No. P002- Demolition Plan- Unit 18 and 19

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) All trees and hedges to be retained within or adjacent to the site shall be protected throughout all phases of construction in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.

Reason: In order to protect the trees, hedges and landscape features which form an important part of the amenity of the site and adjacent properties.

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- 5) No materials, temporary buildings or any plant and machinery shall be stored or erected within the Root protection areas of any trees or hedges that are to be retained within or adjacent to the site.

Reason: In order to protect the trees, hedges and landscape features which form an important part of the amenity of the site and adjacent properties.

- 6) Any retained or replacement trees or hedges that are either damaged, diseased or removed, within 5 years of the first occupation of the refurbished buildings hereby approved, shall be replaced by trees and hedges that are of suitable size and species.

Reason: In order to protect the trees, hedges and landscape features which form an important part of the amenity of the site and adjacent properties.

**Procedural matters**

This application is reported to Planning Committee for determination because the application is for major development, and as such the application falls outside the scheme of delegation to Officers.



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**Planning Application 18/00339/FUL**

**Erection of 5 buildings for B1/B2/B8 use of up to 30,745sqm including ancillary office space, together with associated parking, service yards, landscaping, foul and storm water drainage, and new site access from Old Forge Drive.**

**Land North Of Nash Road, Old Forge Drive, Redditch, Worcestershire, ,**

**Applicant: Mr A Plant  
Ward: Greenlands Ward**

**(see additional papers for site plan)**

The author of this report is Simon Jones, Planning Officer (DM), who can be contacted on Tel: 01527 548211 Email: [simon.jones@bromsgroveandredditch.gov.uk](mailto:simon.jones@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The application site is roughly rectangular and covers an area of some 7.44 hectares. It is bounded by Old Forge Drive to the east and Nash Road to the South. To the north of the site is a large industrial unit currently occupied by Pilkingtons. To the south and west is a group of smaller industrial units comprising the IO Centre and Greenlands Business Centre. To the east of the site, on the opposite side of Old Forge Drive, is Arrow Valley park. There are two antenna masts to the western end of Nash Road on the boundary of the site. The site is predominantly level with a shallow fall across it running west to east of approximately 2.8m.

**Proposal Description**

This application seeks full permission for the erection of 5 buildings for B1/B2/B8 use of up to 30,745sqm including ancillary office space, together with associated parking, service yards, landscaping, foul and storm water drainage, and new site access from Old Forge Drive

Each building would have its own service yard. There would be car parking spaces for each building with quantum in accordance with current parking standards as set out in Policy 20 (Transport Requirements for New Development) and Worcestershire Local Transport Plan No3. Provision for covered cycle spaces would also be provided. Electric charging points for a minimum of 5% of the parking spaces will be provided and provision to expand this to 10% will be included as part of the proposed development. Details of the electric charging point are included with this application.

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**Relevant Policies :****Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 3: Development Strategy

Policy 5: Effective and Efficient use of Land

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 18: Sustainable water Management

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 23: Employment Land Provision

Policy 24: Development within Primarily Employment Areas

Policy 26: Office Development

Policy 28: Supporting Education, Training and Skills

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

**Others**

National Planning Policy Framework

**Relevant Planning History**

The site was first developed as a foundry in the 1950s. The foundry had several owners over the years including Alunna tubes, British Alcan and British Aluminium. The foundry closed in the late 2000's and the site has not been used since. The site has been cleared of the previous foundry and buildings forming the tube factory which consisted of a total gross internal area of approximately 35,800m<sup>2</sup>. The site had become contaminated during its use and was given a "Special Site Designation" by the Environment Agency in 2007. Work to decontaminate the site commenced in 2016 in agreement with the Environmental Agency. This work is detailed in the submitted "Ground investigation overview - remediation planning statement" document which accompanies the application.

2016/350/HYB	Hybrid application for the construction of up to 30,745sqm of B1, Light Industry, B2 General Industry and B8 Storage and Distribution with ancillary offices including, parking and servicing areas in outline with matters of layout, scale, appearance and landscaping reserved for future consideration; full application for the means of access from Old Forge Drive and Nash Road and internal service roads including details of foul and surface water drainage.	Approved	17.03.2017
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**Consultations****North Worcestershire Water Management**

The proposed site is located within the river Arrow catchment and is located approximately 100 meters from the channel. Environment Agency maps indicate that the majority of the site is located within Flood Zone 1 however there is a proportion of the site designated as flood zone two. This has been identified and addressed in the FRA. The road embankment between the site and the river makes it impossible for the area of the site indicated as flood zone 2 to be flooded by the river. Based on the surface water flood maps there is also minimal surface water pooling to the site even at the 1 in 1000 year level.

The applicant proposes to discharge to the storm to the adjacent water course; the FRA and the drainage plan detail the measures taken on site to provide sufficient retention of storm water. Within the Redditch local plan it is now a requirement that all development sufficiently restricts storm runoff up to the 1 in 100 year return period, this has not been achieved on this site. The proposed drainage scheme provides 2190 meter cubed of water storage and restricts discharge from the site at the 1 in 100 year return period to 230l/s.

It is stated within the newly adopted local plan policy 5.2 section i, that reuse and regeneration of Previously Developed Land (PDL) will be actively encouraged. Where the economic viability of a scheme on PDL is questionable, and can be fully demonstrated by the applicant, the Borough Council may negotiate a more appropriate level of infrastructure provision. It is still considered that the proposed scheme will deliver betterment over the current runoff rate from the site due to the impermeable nature of the sites soil.

There are contaminated land issues on the site, Trichloroethylene is an existing industrial pollutant that is present within the site soils and it is required that to ensure that there is no leaching of this contamination through the new drainage system that the proposed tanks should be lined with an impermeable liner.

The applicant should also submit a maintenance plan for all drainage systems to make sure that they are kept to capacity for the duration of their use; this is to ensure that flood risk is not caused or exacerbated on site or in the surrounding areas. It is recommended that the following planning conditions are added to any permission granted for this application:

**Arboricultural Officer**

No Objection subject to conditions

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The level of and species selection of mitigation planting shown has clearly taken previous comments into account, although I am concerned with the potential future pressure longer term sustainability the tight growing positions within the areas of local hardstanding that will be placed on the Pears to be planted within the carpark of unit 5, Hornbeams located along the main drive to the front of unit 2 and unit 1 as well as the Liquidambar within the carpark of unit 4. Therefore, I would request that a suitable grade of Structural Soil Cell material is used twinned with a porous top surface within the expected future root development area of these trees in maturity to prevent undue root growth restriction, root damage to the local hard standings and allow the trees to flourish.

The proposed scheme requires the removal of a section of G1 as shown indicatively on Drawing number: 6010 - Tree Removal Plan, for the construction of the new main access of Old Forge Drive.

This tree group is highly prominent along Old Forge Drive with a line of cohesive group of Common Ash (*Fraxinus excelsior*) situated on land in the ownership of Redditch Borough council. I would have no objections to the loss of a number of these trees within the group to facilitate the access road providing the remaining trees within the group are afforded full protection in accordance within BS5837:2012 throughout any ground or construction works on site. I would further request that the road junction is designed so that the RPA of the remaining trees in G1 which will require a BS5837:2012 RPA of 3.3 metres are not influenced by the road junction and access road. As highlighted in the Tree Removal Plan drawing No.0160 the loss of a number of these trees within G1 are to be replaced with a level of mitigation planting along the South Eastern boundary of the site with Field Maple, Hazel, Holly, Ash & Hornbeam which I would be in agreement with.

There is no objection to the level of tree removal required to facilitate the access providing that the remainder of G1 is protected in accordance within BS5837:2012

### Conclusions

No Objection subject to conditions:

Retained trees, including the remainder of G1, and their Root Protection Areas (RPA) must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.

The mitigation planting within carparks is constructed using Structural Soil Cell material twinned with a porous top surface within the expected future root development area of these trees in maturity, to allow for future root growth.

No storage of plant/materials within the RPAs of any retained trees.

Excavations within the RPA of what is to be retained within G1 must be carried out by hand and in accordance with BS5837:2012.

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Any existing or replacement tree that fails or is removed or seriously damaged/diseased within 5 years of completion is to be replaced with trees of suitable sizes/species.

### **Environment Agency**

#### **Contaminated Land**

We have the following comments to make on this planning application (18/00339/FUL) which relate solely to the protection of 'Controlled Waters'. Matters relating to Human Health should be directed to your Public Protection team.

We have reviewed the following document in support of this application: 'St Francis Group Former BA Tubes Redditch - Land Contamination Report' G&J Geo-environmental Consultants Ltd March 2018.

Following completion of the works on site, in line with the published remediation statement (July 2016), we subsequently reviewed the above referenced 'Remediation Verification Report' in March 2017. It is our opinion that the site works have been satisfactorily completed in relation to the area of the site that was designated a Special Site, and that a significant pollution risk to controlled waters no longer exists in relation to the site.

We previously commented on the outline planning application for this site in 2017, and had no objection to the relevant discharge of condition application in relation to land contamination. As such, we have no further requirements for investigation or remediation of contaminated land in relation to controlled waters.

As noted within the Corstorphine and Wright document 'Design & Access Statement - Proposed Industrial Units, Old Forge Drive, Redditch' March 2018, deep drainage excavations will be avoided on site due to the determination of the site as contaminated land.

There remains a risk of contamination at this site that could be mobilised by surface water infiltration from any proposed sustainable drainage system (SuDS). Therefore, we would agree that the use of infiltration SuDS is not appropriate in this location.

On this basis, we would recommend that the following planning condition is included on any planning permission granted:

### **Worcestershire Regulatory Services**

#### **WRS- Contaminated Land**

Worcestershire Regulatory Services (WRS) have reviewed the application in relation to contaminated land and air quality. Comments and recommendations for both of these areas are set out below.

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WRS previously reviewed and accepted the report entitled 'St Francis Group Former BA Tubes, Redditch Land Contamination Report' produced by GEO Environmental Consultants Ltd, dated March 2018, reference GJ079-LCR-V2-FINAL, and accompanying comments, in relation to the previous planning permission.

The report provides a review of remediation works undertaken on the site and provides further risk assessment in terms of human health for a commercial setting. The report makes recommendation for the use of a clean cover system in any areas of soft landscaping due to asbestos being identified in a small number of soil samples as part of previous site investigation work.

As such WRS recommend that the following conditions are attached to any planning permission to ensure the appropriate clean cover system is installed in all landscaped areas and provision relating to unexpected contamination should significant further contamination be encountered during works on site.

### *WRS - Noise:*

The submitted noise assessment appears satisfactory and indicates that noise from internal and external activities, associated with the proposed units, should not adversely impact on nearby sensitive receptors.

In terms of any external plant / equipment, the noise limits specified within the assessment should be complied with although I assume that installation of such plant / equipment would be subject to separate planning application(s).

### *WRS - External Lighting:*

The proposed external lighting appears satisfactory and therefore I have no objection to the application in terms of light nuisance.

### *WRS - Construction Method Statement:*

The submitted Construction Method Statement appears to adequately cover noise and dust control but not vibration. The applicant should ensure that during the construction phase site operations comply with the recommendations of BS 5228-2:2009+A1:2014 Parts 1 & 2 Code of Practice for Noise and Vibration on Construction and Open sites and the applicant should also refer their contractor(s) to the WRS Demolition and Construction Guide (attached) and ensure that the recommendations therein are complied with.

### *WRS - Air Quality*

WRS recommended the standard air quality mitigation measures for a development of this type for the previous planning permission (ref 2016/350/HYB). In support of this new application documents have been submitted relating to Electrical Vehicle Charging Points

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(technical drawing 122/E/002) and Low Nox Boilers (Statement on use of Low Nox Boilers reference 122/E3, dated Feb 2018). WRS are in agreement with the proposals made in these documents and recommend that the measures are included as part of the planning permission.

### **Highways Redditch**

No Objection subject to conditions

### **Natural England**

Natural England has no comments to make on this application.

### **Worcestershire Archive And Archaeological Service**

Withdraw their earlier comments regarding the potential of this site to hold remains of archaeological significance following additional information that major remedial works were undertaken on the site to clear it of aluminium contaminants in 2016. The works involved the excavation and soil mixing up to 4 metres in depth and soil surging to 2 metres in depth across the whole site in order to treat the contaminants. This will have removed any archaeology formerly present on site.

### **Public Consultation Response**

Consultation Letters were sent to the occupiers of neighbouring residential properties and commercial businesses.

A series of site notices were also erected along the site frontage to Nash Road and Old Forge Drive.

No representations had been received at the time of preparing this report.

### **Assessment of Proposal**

#### **Principle of Development**

Part 5.5 of BoRLP4 Policy 5 states that : "With respect to non-residential development, schemes on 'previously developed land', which propose the redevelopment of tired or redundant sites, will be considered favourably."

The site constitutes 'previously developed land', is roughly rectangular in shape and covers 7.44 hectares. It was last used for B2 General Industrial purposes and is presently vacant. The site is zoned as a Primary Employment Area in the adopted Borough of Redditch Local Plan No.4. (BoRLP4)

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The eastern portion of the application site is annotated in the BoRLP4 as an allocated employment site IN20. The site has been formally identified for employment use for at least 10 years. Last year, Planning Committee approved a hybrid application for the same quantum of development on the same site.

The previous foundry and buildings forming the British Aluminium tube factory consisted of a total gross internal area of approximately 35,800m<sup>2</sup>. This proposal provides for up to 30,750m<sup>2</sup> which is a reduction of 16%. This lower density development provides for an enhanced working environment and is still considered to make efficient use of previously developed land.

Part 26.4 BoRLP4 Policy 26 states that: "Office development (Use Class B1a) will be considered favourably in Primarily Employment Areas, provided the total floorspace in any one location does not exceed 5,000 sq m. A condition is recommended to ensure that office development does not exceed this limit."

### Accessibility

Criterion (i) of BoRLP4 Policy 19 states that "Transport will be coordinated to improve accessibility and mobility, so that sustainable means of travel, reducing the need to travel by car and increasing public transport use, cycling and walking are maximised. This will be achieved by: i. meeting development requirements in accessible locations and taking account of interactions between uses. This includes maximising accessibility to, from and between public transport modes and interchanges (bus and rail)"

The site is located in a sustainable location, with walking and cycling catchments accommodating large areas of residential development for potential commuters and there is also a local convenience store within close proximity of the site for employees to get some lunch. Additionally, there are bus stops located on Studley Road and Auxerre Avenue, to the west and south of the site, that are located comfortably within 400m of the development site. The bus stops are on the routes of five services, providing frequent trips around Redditch, local villages and larger centres including Birmingham.

### Noise Mitigation

A Noise Assessment has been submitted with this application. This concludes that: The layout plan shows how all external activities, such as the movements of vehicles and loading/ unloading operations within the service areas, will be screened from existing dwellings by the existing industrial units or by the new buildings themselves; that loading bay doors largely face away from surrounding receptors and will be screened from local receptors; and that any noise radiated from the walls of each building would also be screened by other intervening buildings. Therefore, the proposed site layout represents good acoustic design to minimise noise from the development.

The submitted Noise Assessment show that the operations inside the new buildings would cause no harm to the residential amenity of dwellings closest to the application site



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due to noise from inside the building, and the proposed cladding for the buildings provides adequate noise attenuation to satisfy the requirements of condition 13 of the extant application ref 2016/350/HYB. Although the proposed operations could be present at night, there would be no risk of sleep disturbance.

BS4142 assessments show that operations inside the new buildings would have a low noise impact on local dwellings. All external activities would be fully screened by new and existing buildings. As a consequence, operations outside the building would not result in an unacceptable level of noise disturbance to dwellings in the vicinity and there would be no change to the ambient noise climate at local dwellings. Therefore, no specific measures are required to mitigate noise from the development apart from those inherent within the site layout and the building design.

### Flood risk

A Flood Risk Assessment has been submitted as part of this application. There is a small area that falls within Flood Zone 2, but detailed topographical survey levels suggest that such flooding could not reach the site due to other surrounding constraints. Hence, although the likelihood of flooding at a 1:1000 year return period event will be negligible, the proposed scheme will provide an area of floodplain compensation volume that will utilise some of the car park area on the south eastern unit. Apart from this small area in the south-east corner that is potentially in Zone 2, the site is not at risk from fluvial flooding as it is in Very Low Risk (former EA Flood Zone 1) according to the Environment Agency's classification. The development would mitigate the risk of surface water flows with the use of appropriate drainage. There are no other potential flood hazards that are considered to be of risk to the site. It is therefore concluded that the development will be low risk in respect of flooding and causing flooding elsewhere. Accordingly, it is considered that there would be no impediment to development on flood risk grounds.

### Surface Water Drainage

The applicant proposes to discharge to the storm to the adjacent water course; the FRA and the drainage plan detail the measures taken on site to provide sufficient retention of storm water. Policy 18 of the BoRLP4 now makes it a requirement that all development sufficiently restricts storm runoff up to the 1 in 100 year return period.

The site will drain at a restricted rate of 230 l/s via a vortex flow control into the Wharrington Brook in the southeast of the site. This is a 70% improvement on existing site discharge as previously agreed with North Worcester Water management in the FRA.

It is considered that the proposed scheme will deliver betterment over the current runoff rate from the site due to the impermeable nature of the sites soil and is therefore acceptable.

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### Land Contamination

The site had become contaminated during its use and was given a "Special Site Designation" by the Environment agency in 2007. Work to decontaminate the site commenced in 2016 in agreement with the Environmental agency. This work was completed December 2017 and a land contamination report that accompanies this application was commissioned. This concluded that the site is now suitable for commercial use and the Land Contamination Report (December 2017) by G&J Environmental demonstrating this was submitted directly to Worcestershire Regulatory services early December 2017, and then formerly to discharge Condition 4 of the extant consent ref 2016/350/HYB on 14/12/2017 and is currently being discharged. Worcestershire Regulatory Services (WRS) were kept fully aware of the works as they progressed and have been issued copies of all associated reports issued to date.

### Scale and Appearance

BoRLP Policy 40.2 states that *"All development, including proposals for individual buildings, public and private spaces and wider development schemes will be expected to: i. be of a high quality design that reflects or complements the local surroundings and materials"*

The buildings would have a maximum external height of 14.3m to the top of parapet, rising to a maximum ridge height of 15.8m. This allows for a clear internal height of up to 12.5m to underside of haunch which meets institutional standards and allows for future flexibility for tenants and operators. Roofs rise at a shallow pitch of 6 degrees, to minimize the height of ridge lines. The roofs are split into multiple bays which allows the differential height requirements to be accommodated and ridge lines to be kept to a minimum.

The buildings would be clad in high specification composite metal cladding and built up metal cladding and be constructed to provide a modern energy efficient envelope. Silver and anthracite grey colours are proposed for external cladding which are considered to be acceptable in this context.

The footprint of the proposed development, when completed, would ensure sufficient external space is retained for circulation and manoeuvring.

### Trees and Landscaping

Criterion (v) of BoRLP4 Policy 16 states that *"A high quality natural environment and landscape is integral to delivering the Vision of BORLP4. In order to achieve this all relevant proposals will be expected to: v. where possible retain existing trees"*

A tree survey has been undertaken by appropriately qualified persons and a tree constraint plan accompanies the tree survey along with this application. Part of the development site at the eastern end fronting Old Forge Drive is covered by a historic

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'blanket' area Tree Preservation Order TPO. This is detailed on drawing 12806- 160 which also details the trees to be removed to make way for the development. To mitigate this loss additional trees are proposed to be planted along the Old Forge Drive Frontage as indicated on drawing 160. Due to the loss of trees to create the new access and trees within the eastern portion of the site allocated for development a high level of mitigation planting throughout the site comprising Extra Heavy Standard trees of 16 to 18cm girth is recommended. A condition is recommended to secure this outcome as part of the reserved matters application.

Existing landscaping to the southern Nash Road boundary would be maintained and enhanced. It is proposed that full landscaping details for the remainder of the site would be submitted at a later date and as such are a reserved matter.

Detailed landscaping plans accompany this application. These illustrate our proposal to apply feature landscape design within key focal areas such as entrance points to units. Trees have been incorporated into the car parks to help break up the hard surface. A tree Survey has been undertaken by Aspect Arboriculture and a tree constraint plan accompanies the tree survey along with this application. Condition 17 of the previously approved application ref 2016/350/HYB required an arboricultural method statement, this was submitted and approved and a copy accompanies this application.

Part of the development site at the eastern end fronting Old Forge Drive is covered by a historic blanket TPO. A tree removal plan was approved in the previous application and this area of the site has now been cleared as part of an enabling works package. New trees are proposed throughout the site to mitigate the loss of the previously removed trees.

As the site lies within an area of similar buildings, it is considered that such structures would not appear intrusive in this context. Your officers are satisfied that the retention and reinforcement of boundary planting along with control over external materials and colour will help to soften the appearance of these buildings.

The proposed footprint allows a consolidated area of semi-mature tree-growth to be retained and enhanced along the boundary with Old Forge Drive, allowing a visual buffer to be maintained where a former belt of Poplar trees were removed (due to their age and condition)

### Ecological Impacts

BoRLP Policy 16 states that in order to maintain a high quality natural environment and landscape this *“all relevant proposals will be expected to: ii. protect and, where appropriate, enhance the quality of natural resources including water, air, land, wildlife corridors, species (including protected species), habitats biodiversity and geodiversity”*

An Ecological Scoping Survey has been submitted as part of the application. Five species of common birds were recorded during the survey although no evidence of nesting birds

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was present. The existing trees offer suitable nesting habitat and the loss of suitable nesting habitat should be mitigated. There was no evidence to suggest the presence of other protected species such as badgers, reptiles, bats, water vole, Great Crested Newt, and Barn Owl. Accordingly, no further ecology surveys have been recommended. The survey did not identify any potential to support roosting bats; although the site does offer limited foraging opportunities.

### Highway Safety

Criterion (iii) of BoRLP4 Policy 20 states that: *"all proposals should incorporate safe and convenient access arrangements in their design for all potential users (including pedestrians, cyclists, emergency services and waste collection vehicles). Access arrangements should be designed to reflect the function and character of the development and its wider surroundings"*

Accident analysis has shown how one incident occurred during the times of what could be classified as conventional peak periods, at 08:50, in the study area analysed. There were only being four recorded incidents over the five-year period analysed, of which were all classed as 'slight' in severity and these were not all clustered in one location.

Consequently, it can be considered that there are no highway safety issues that could be exacerbated by the development proposals.

The Highway Authority have raised no objection to the proposal and the application is considered to comply with Policy 20 of the BoRLP4 and paragraph 32 of the NPPF.

### Conclusion

This application is a detailed application that has evolved from the previously approved hybrid application ref 2016/350/HYB. The gross internal area and use classes remain the same, as does the drainage strategy and proposed site access. The style of buildings are similar with the difference being that this application proposes 5 buildings compared to 4 of the previously approved application, but the overall floor area is the same.

The application scheme would deliver a range of benefits to the local economy and ensure the site is redeveloped for employment use securing the future of site. The scheme has the potential to provide a mix of employment units to the local market. It would create a number of direct and indirect economic benefits to the local area. The application is considered to accord with development plan policy, particularly Policies 1 and 23 of the adopted BoRLP4.

Overall, the application is considered to accord with the aims and ambitions of the NPPF, by providing economic regeneration, improved viability and sustainability of an established employment site at a suitable location for the proposed use, retaining and creating employment opportunities, and significantly enhancing the physical infrastructure.

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### RECOMMENDATION:

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

### Conditions:

#### TIME LIMIT

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### PLANS

2. The development hereby approved shall be carried out in accordance with the following plans and drawings -

004-18056-100 SITE LOCATION PLAN  
005-18056-6000 P-00 SITE MASTERPLAN  
006-18056-1001 P-00 PLOT 1 PROPOSED ELEVATIONS AND SECTION  
007-18056-1002 UNIT 1 FLOOR PLANS  
008-18056-1003 P-00 UNIT 1 ROOF PLAN  
009-18056-2001 P-00 PLOT 2 PROPOSED ELEVATION AND SECTION  
010-18056-2002 UNIT 2 FLOOR PLANS  
011-18056-2003 P-00 UNIT 2 ROOF PLAN  
012-18056-3001 P-00 PLOT 3 PROPOSED ELEVATION AND SECTION  
013-18056-3002 UNIT 3 FLOOR PLANS  
014-18056-3003 P-00 UNIT 3 ROOF PLAN  
015-18056-4001 P-00 PLOT 4 PROPOSED ELEVATIONS AND SECTION  
016-18056-4002 UNIT 4 FLOOR PLANS  
017-18056-4003 P-00 UNIT 4 ROOF PLAN  
018-18056-5001 P-00 PLOT 5 PROPOSED ELEVATIONS AND SECTION  
019-18056-5002 UNIT 5 FLOOR PLANS  
020-18056-5003 P-00 UNIT 5 ROOF PLAN  
021-18056-6001 P-00 PROPOSED EXTERNAL WORKS  
022-18056-6002 CYCLE RACK AND SHELTER

023-6474.P1\_PP.1.0.A - LANDSCAPE PLAN SHEET 0  
024-6474.P1\_PP.1.1.A - LANDSCAPE PLAN SHEET 1  
025-6474.P1\_PP.1.2.A - LANDSCAPE PLAN SHEET 2  
026-6474.P1\_PP.1.3.A - LANDSCAPE PLAN SHEET 3  
027-6474.P1\_PP.1.4.A - LANDSCAPE PLAN SHEET 4  
028-6474.P1\_PP.1.5.A - LANDSCAPE PLAN SHEET 5  
029-6474.P1\_PP.1.6.A - LANDSCAPE PLAN SHEET 6

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030-ARBORICULTURAL METHOD STATEMENT  
031-18056- 6010 TREE REMOVAL PLAN  
032-9286 TREE CONSTRAINTS PLAN AND SCHEDULE

034-CWA-17-142 FRA ADDENDUM NASH ROAD FINAL2-270218 PART 1  
035-CWA-17-142 FRA ADDENDUM NASH ROAD FINAL2-270218 PART 2  
036-CWA-17-142 FRA ADDENDUM NASH ROAD FINAL2-270218 PART 3  
037-CWA-17-142-530 P3 PROPOSED DRAINAGE STRATEGY  
038-CWA-17-142-535 P1 PROPOSED DRAINAGE DETAILS  
039-CWA-17-142-536 P1 PROPOSED DRAINAGE DETAILS

043-IPD-16-355 R.002I TRAVEL PLAN AND APPENDICES

044-CWA-17-142-500 P2 PROPOSED SITE LOCATIONS  
045-CWA-17-142-510 P3 PROPOSED LEVELS  
046-CWA-17-142-511-P1-SITE CROSS SECTIONS SHEET 1 OF 2  
047-CWA-17-142-512-P1-SITE CROSS SECTIONS SHEET 2 OF 2  
048-CWA-17-142-513 P1 SPINE ROAD LONG SECTIONS  
049-CWA-17-142-515 P2 PROPOSED CUT AND FILL  
050-CWA-17-142-520 P2 PROPOSED EXTERNAL WORKS  
051-CWA-17-142-525 P1 PROPOSED EXTERNAL DETAILS

058-2395-D-01 - ROAD LIGHTING PLAN  
059-LOW NOX BOILER DETAILS  
061-EXTERNAL LIGHTING DETAILS AND LUX LEVELS  
063-122 E 002 P1 ELECTRIC VEHICLE CHARGING POINT DETAILS

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

**LAND CONTAMINATION**

3. Contamination Assessment carried out at the site has identified the requirement for a clean cover system to be utilised in landscaped areas in order to protect future site users.

The following must be complied with prior to the occupation of any building. The below requirements can be undertaken in a phased manner where agreed in writing with the Local Planning Authority:

- (a) A scheme for clean cover design relating to landscaped areas must be submitted to and agreed in writing by the Local Planning Authority prior to any clean cover system being installed.

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(b) The approved clean cover scheme must be carried out in accordance with its terms prior to the occupation of any building unless otherwise agreed in writing by the Local Planning Authority.

(c) Following installation of the approved clean cover scheme a validation report that demonstrates the effectiveness of the clean cover system must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any building.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 48 of the Borough of Redditch Local Plan No.4.

**UNEXPECTED CONTAMINATION**

4. 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 in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority before development continues.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 48 of the Borough of Redditch Local Plan No.4.

**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

5. Construction traffic shall only use the accesses to Nash Road and Old Forge Drive. The development shall otherwise be undertaken in accordance with the submitted Construction Management Statement.

Reason: To protect existing and new occupiers from the unreasonable effects of noise, vibration, light and dust nuisance in accordance with Policy 35 of the Borough of Redditch Local Plan No.4.

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**NEW ACCESS**

6. Before any part of any unit is first brought into use, the new access off Old Forge Drive and associated highway works shall be laid out, constructed and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 20 of the Borough of Redditch Local Plan No.4 and to ensure the new access is designed to limit the influence into the remainder of the BS5837:2012 RPA of the Ash trees to be retained within G1.

**INTERNAL ESTATE ROAD**

7. Before any unit is first brought into use, the internal spine road shall be constructed in accordance with the approved drawings.

Reason: In the interests of highway safety in accordance with Policy 20 of the Borough of Redditch Local Plan No.4.

**PARKING AND SERVICE AREAS**

8. Before any unit is first brought into use, the parking and service areas shall be laid out and completed in accordance with the approved drawings and shall be retained for such purposes for the lifetime of the development.

Reason: Reason: In the interests of highway safety in accordance with Policy 20 of the Borough of Redditch Local Plan No.4.

**TRAVEL PLAN**

9. No unit hereby approved shall be brought into use until the measures outlined in the Travel Plan in relation to marketing and communication; walking and cycling; public transport measures; car sharing/car clubs and reducing the need to travel have been fully implemented in accordance with that Plan.

Reason: In the interests of highway safety and capacity in accordance with Policy 20 of the Borough of Redditch Local Plan No.4

**DRAINAGE SCHEME**

10. The drainage scheme shall be constructed in accordance with the details provided within the FRA and drainage plan, to deliver the specified discharge rate of 230 l/s at the 1 in 100 year return period. The approved drainage scheme shall be completed prior to the first use of the development hereby approved.

All proposed subsurface tanks must be lined with an impermeable liner to ensure that there is no leaching of existing Trichloroethylene contamination from the site into the adjacent watercourse.



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Reason: In order to ensure drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area in accordance with Policy 18 of the Borough of Redditch Local Plan No.4.

### **DRAINAGE MANAGEMENT**

11. A SuDS management plan which includes details on future management and responsibilities, along with maintenance schedules for all SuDS features and associated drainage systems should be submitted to and approved by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime.

Reason: In order to ensure drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area in accordance with Policy 18 of the Borough of Redditch Local Plan No.4.

### **PROPOSED LANDSCAPING**

12. The proposed landscaping scheme shall be carried out concurrently with the development of each unit and completed within one year of substantial completion of each unit. The mitigation tree planting within the carparks shall be constructed using Structural Soil Cell material twinned with a porous top surface within the expected future root development area of these trees in maturity, to allow for future root growth. Any existing or replacement tree that fails or is removed or seriously damaged or diseased within 5 years of completion of the development is to be replaced with trees of suitable sizes/species.

Reason: To ensure the environment of the development is safeguarded and enhanced in accordance with Policy 39 of the Borough of Redditch Local Plan No.4.

### **MEANS OF ENCLOSURE (FENCES)**

13. The fencing shown on the Proposed External Works Plan number 021-18056-6001 P-00 shall be implemented in respect of each unit and associated curtilage before each is first brought into use. The approved boundary treatment for each unit shall be erected before each respective unit is first brought into use and thereafter retained in that form, notwithstanding the provisions of Schedule 1, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification)

Reason: In the interests of visual amenity in accordance with Policy 39 of the Borough of Redditch Local Plan No.4.

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**LIMIT ON B1(a) OFFICE SPACE**

14. With the exception of any integral ancillary office space within any of the resultant B1(b), B1(c); B2 and B8 units, the provision of any separate B1(a) office use shall be limited to a total not exceeding 5000sqm (gross internal floor area) across the site.

Reason: To ensure that office development is directed towards town centres and thereby accords with Policy 26 of the Borough of Redditch Local Plan No.4 and NPPF.

**TREE PROTECTION**

15. (i) Retained trees, including the remainder of G1, and their Root Protection Areas (RPA) must be protected during the site clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.

(ii) There shall be no storage of plant/materials within the RPAs of any retained trees.

(iii) Any excavations within the RPA of what is to be retained within G1 must be carried out by hand and in accordance with BS5837:2012.

Reason: In order to mitigate the risk of damage to the trees to be retained through excavation and/or encroachment of any heavy plant machinery into their BS5837:2012 Root Protection Areas in accordance with Policies 16 and 39 of the Borough of Redditch Local Plan No.4.

**EXTERNAL LIGHTING**

16. The external lighting to the buildings, parking and service areas shall be implemented in accordance with the approved details before those areas are first brought into use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external illumination of the development without planning permission having been granted by the Local Planning Authority.

Reason: To safeguard local amenities from the unreasonable effects of light trespass/nuisance in accordance with Policy 35 of the Borough of Redditch Local Plan No.4.

**ELECTRIC VEHICLE CHARGING POINTS**

17. Electric charging points shall be installed in 10% (as a minimum) of the allocated parking spaces at the development. This may be phased with 5% of spaces operational initially and a further 5% of spaces made EV recharging ready (i.e. incorporating appropriate cabling) to allow additional provision to meet future demand in accordance with the submitted details. The charging point must comply

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with BS7671 and the socket with BS1363 which must be provided with a locking weatherproof cover if located externally to the building.

Reason: Reason: To reduce carbon emissions in accordance with Policy 15 of the Borough of Redditch Local Plan No.4. Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles."

**SECURE CYCLE PARKING**

18. Secure cycle parking facilities should be provided at the development. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be submitted to and approved by the local planning authority prior to the first occupation of the development.

Reason: To reduce carbon emissions in accordance with Policy 15 of the Borough of Redditch Local Plan No.4 and Worcestershire County Council LTP3 Cycling Policy and Air Quality Action Plan (AQAP) Measure 5.3.7.

**LOW EMISSION BOILERS**

19. Prior to the first occupation of each unit, Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh shall be installed in each unit in accordance with the submitted document entitled 'Statement on use of Low Nox Boilers' reference 122/E3. The system shall thereafter be retained in that approved form.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site in accordance with Policy 15 of the Borough of Redditch Local Plan No.4.

**Procedural matters**

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

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**Planning Application 18/00499/FUL****Change of use from A1 (Retail) to A3 & A5 (Restaurant and takeaway)  
Installation of new extract and ventilation systems and condensers****Bodycare, Unit 19 Kingfisher Walk, Kingfisher Shopping Centre, Redditch****Applicant: Splendid Hospitality Group / Kingfisher Shopping Centre  
Ward: CENTRAL****(see additional papers for site plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The application site is located to the northern side of Kingfisher Walk within the Kingfisher Shopping Centre (KSC). The unit is currently occupied by 'Bodycare' which is an A1 class retail unit.

The existing frontage includes large glazed panels with white upvc frames. The Unit is attached to Wilkinsons (A1 use) to the west, with Burger King (A3/A5 use) to the east. Attached to Burger King to the east is 'Sallys' (an A1 class use). To the southern side of Kingfisher Walk, running in a west to east direction lie the following Units: McDonalds (A3/A5); Brighthouse Electricals (A1); Fill Your Jacket (A3/A5); Subway (A3/A5); CD Shoe Repairs (A1); E-Mist (A1); and Druckers (A3/A5).

**Proposal Description**

The proposal seeks permission to change the use of the Unit from an A1 use to an A3/A5 use. The expected occupier would be Kentucky Fried Chicken (KFC) although if permission were to be granted, any A3/A5 user would be able to occupy the Unit in the future.

**Relevant Policies****Borough of Redditch Local Plan No. 4**

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Policy 32: Protection of the Retail Core

**Others**

NPPF National Planning Policy Framework

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### Consultations

#### **Town Centre Co-ordinator**

No objection

#### **Redditch Strategic Planning and Conservation**

Comments summarised as follows:

The site is located within a Retail Core area, as identified in the Borough of Redditch Local Plan No.4 (BORLP4) Policies Map. Therefore, Policy 32: Protection of the Retail Core is of particular relevance.

The purpose of Policy 32 is to ensure the vitality of the Town Centre. Other uses complement the retail offer and enhance the vitality; however, there is a need to ensure that these uses do not stifle thriving shopping areas.

Policy 32 recognises that within the Retail Core, planning permission for a change of use from a Class A1 to A2, A3, A4 or A5 or any other use considered appropriate to a shopping centre will only be acceptable if the proposed use does not result in a continuous frontage of more than two non-retail units; (units are defined as shopfront width of about 6 metres; larger units will be assessed in terms of unit length). Proposals for non A1 uses that demonstrably contribute to the vitality and viability of the Centre will be assessed on their own merits.

In this case the proposed change of use would result in a continuous frontage of two non-retail units. i.e. the adjoining unit (Burger King) and the proposed development. The adjoining unit (Burger King) and the proposed would represent a very long continuous frontage of a non-retail uses, well in excess of the (*about 12m*) which the policy would allow. Therefore, the proposal is considered to be contrary to Policy.

The applicant has not demonstrated that the change of use to a non A1 use would contribute to the vitality and viability of the Kingfisher Shopping Centre (KSC) as required by Policy 32.

In conclusion, application 18/00499/FUL is not considered to be in accordance with the Development Plan.

### **Public Consultation Response**

Site Notice Displayed. No comments received

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### Assessment of Proposal

#### Policy 32

The site falls within the Town Centre retail core as defined on the Policies Map, which is an area of Primary Shopping Frontage. Policy 32 (Protection of the Retail Core) states that planning permission for change of use from Class A1 to Class A2, A3, A4 or A5 or any other use considered appropriate to a shopping centre will only be acceptable if the proposed use does not result in a continuous frontage of MORE THAN TWO non-retail units.

In this case, the unit is attached to Wilkinsons (an A1 use) to its western side, and to Burger King (an A3 / A5 use) to its eastern side. Attached to the Burger King Unit to its eastern side is an A1 retail unit (Sallys). As such the proposal would not result in a continuous frontage of more than two non-retail units.

However, unit widths should be given due consideration. The existing Bodycare unit has a shopfront measuring approximately 10.5 metres in width. The Burger King Unit measures approximately 16.3 metres in width. This combined Unit width (approximately 26.8 metres) is clearly well in excess of the 12 metre maximum width, given that Policy 32 defines a shopfront width of 'about 6 metres'.

Policy 32 comments that non A1 uses that demonstrably contribute to the vitality and viability of the Centre will be assessed on their own merits.

#### Other material considerations

Members may be aware that a unit within relatively close proximity to the application site and formerly occupied by Argos has been vacant for some time. Despite extensive marketing, the unit has remained vacant since January 2017. The KSC comment that the former Argos unit (which is located between an Opticians to the west and Poundland to the immediate east) has proved unattractive to potential occupiers due to the considerable size of the unit.

The existing Bodycare retail unit would not be lost since it would be relocated within part of the vacant (former Argos Unit). Discussions are currently taking place regarding the letting of the remaining floorspace which means that this unit is likely to be occupied in the near future aiding the vitality and viability of the retail core.

The development of 'The Hub' a little further to the west of the application site has already led to a general concentration of eating establishments in this area which help to support the 'Anchor' leisure / entertainment uses already present in this part of the centre (principally the Cinema and Gym). Such grouping is now becoming established nationwide business practice within shopping centres and the sites location lends itself well to supporting night time activities where links to the bus and train station are good.

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Your officers have concluded that it would be unlikely that the proposed use of Unit 19 would make the rest of the shopping centre less attractive to customers or potential investors.

### Other matters

The proposed plant / extraction systems which would be installed to the roof are minor in nature. They comprise 3 high level wall mounted condenser units and 3 high level wall mounted air conditioning units, all of which would be facing Izod Street. They would not be readily visible nor harmful to the visual amenities of the area and in your officers opinion are matters which require no further discussion.

### Conclusion

In conclusion, although the proposal would not result in a continuous frontage of more than two non-retail units, the (proposed combined) unit widths would exceed the 12 metre guideline set out under Policy 32.

The above aside, the existing Bodycare retail unit would not be lost since it would be relocated within part of the vacant (former Argos Unit) to the east and current discussions to let the remaining floorspace mean that the unit is likely to be occupied in the near future aiding the vitality and viability of the retail core.

Your officers have concluded that there is no evidence to suggest that the proposed A3 / A5 use would not actively contribute to the wider vitality and viability of the Kingfisher Shopping Centre and that therefore, on balance, the application is acceptable.

The Council has worked positively and proactively with the applicant on this application.

### **RECOMMENDATION:**

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

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be implemented in accordance with the following plans:

Location Plan; P100: Planning Proposed GA; R100A: Proposed Roof Plan



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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.

**Procedural matters**

This application is being reported to the Planning Committee because the proposal involves a change of use to A3 / A5 use. As such the application falls outside the scheme of delegation to Officers.

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**APPEAL OUTCOMES – INFORMATION REPORT**

Responsible Portfolio Holder	To be advised
Responsible Head of Services	Ruth Bamford

**1. Purpose of Report**

To receive an item of information in relation to the outcomes of recent planning appeal decisions. Officers will answer any related questions at the meeting as necessary.

**2. Recommendation**

**The Committee is asked to RESOLVE that**  
  
**the item of information be noted.**

**Report**

**3. Financial, Legal, Policy and Risk Implications**

There are no financial, legal, policy or risk implications for the Council arising from these decisions.

**4. Background**

Relevant planning application files and decisions.

**5. Consultation**

There has been no consultation other than with relevant Borough Council Officers.

**6. Author of Report**

The author of this report is Helena Plant (Development Management Manager) who can be contacted on 01527 881335 (e-mail [h.plant@bromsgroveandredditch.gov.uk](mailto:h.plant@bromsgroveandredditch.gov.uk)) for more information.

**7. Appendices**

Appendix - Outcomes of Planning Appeals

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**APPENDIX 1: OUTCOMES OF PLANNING APPEALS**

Reference	Site location	Proposal	Ward	RBC Decision type	Type of appeal	Appeal type	Appeal outcome
2016/109/FUL  Case Officer: Steve Edden	Johnsons Cars Ltd Clive Road Redditch Worcestershire B97 4BT	Proposed demolition of existing buildings and development of 45 Retirement Living apartments including communal facilities, landscaping and car parking.	Abbey Ward	Refused Application	Appeal Against Refusal	Public Inquiry	Appeal Allowed 18/12/2017
2017/090/FUL  Case Officer: Sue Lattimer	296 Birchfield Road Redditch Worcestershire B97 4LZ	First floor side extension (over the existing side garage) and two smaller rooms in the roof void.	West Ward	Refused Application	Householder Fast Track	Fast Track Appeal	Appeal Dismissed 18/12/2017

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17/01067/FUL  Case Officer: Charlotte Clift	19 Berkeley Close Redditch Worcestershire B98 0QB	Second storey extension to side of existing dwelling.	Winyates Ward	Refused Application	Houshold er Fast Track	Fast Track Appeal	Appeal Allowed 06/03/2018
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