



# Planning Committee

Wed 10 Apr  
2019  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

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

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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, 10th April, 2019

7.00 pm

Council Chamber - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:	Michael Chalk (Chair)	Bill Hartnett
	Gemma Monaco (Vice-Chair)	Gareth Prosser
	Salman Akbar	Jennifer Wheeler
	Roger Bennett	Wanda King
	Andrew Fry	

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 - 12)
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 19/00130/FUL - 2 Brockhill Lane Brockhill Redditch B97 6QX - Councillor and Mrs Akbar (Pages 13 - 16)
6. Application 18/01515/OUT - Victoria Works, Edward Street, Redditch B97 6HA - Mr I White (Pages 17 - 36)
7. Application 19/00137/CUPRIO - Walnut Tree Farm Dark Lane Astwood Bank Redditch B96 6AS - Mr Adrian Nicholls (Pages 37 - 48)
8. Application 19/00318/FUL - Units 1 & 2 Enfield Industrial Estate Hewell Road Redditch B97 6BG - Councillor M Dormer (Pages 49 - 56)

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# Planning Committee

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Monday, 18 March 2019

## MINUTES

### Present:

Councillor Michael Chalk (Chair), and Councillors Salman Akbar, Bill Hartnett, Jennifer Wheeler, Pat Witherspoon, Joanne Beecham, Mike Rouse, Mark Shurmer and Julian Grubb

### Also Present:

Steve Hawley (Worcestershire County Council Highways)

### Officers:

Amar Hussain, Helena Plant, Steve Edden, Emily Farmer and Simon Jones

### Democratic Services Officer:

Sarah Sellers

## 71. APOLOGIES

There were apologies for absence from Councillors Roger Bennett, Andrew Fry, Wanda King, Gemma Monaco and Gareth Prosser.

The meeting was notified of the following Members who were attending as substitutes:

- Councillor Michael Rouse as substitute for Councillor Roger Bennett
- Councillor Pat Witherspoon as substitute for Councillor Andy Fry
- Councillor Mark Shurmer as substitute for Councillor Wanda King
- Councillor Joanne Beecham as substitute for Councillor Gemma Monaco
- Councillor Julian Grubb as substitute for Councillor Gareth Prosser

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Chair

# Planning

## Committee

Monday, 18 March 2019

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### 72. DECLARATIONS OF INTEREST

In relation to application 19/00130/FUL, Councillor Salman Akbar declared a Disclosable Pecuniary Interest in that the application had been submitted by himself and his wife in relation to the property they own at 2 Brockhill Lane, Brockhill, Redditch. Councillor Akbar left the room during consideration of this application and played no part in the debate or vote.

In relation to application 19/00130/FUL, Councillors Mike Chalk, Joanne Beecham, Julian Grubb, Bill Hartnett, Mark Shurmer, Mike Rouse, Jennifer Wheeler and Pat Witherspoon declared a collective Other Disclosable Interest in that they are acquainted with Councillor Salman Akbar as a fellow Councillor. All Members remained and considered and voted on the matter.

In relation to application 18/01626/S73 Councillor Bill Hartnett declared an Other Disclosable Interest in that he is acquainted with two of the speakers, namely Mr John Gittins and Councillor Anthony Lovell. Councillor Hartnett remained and considered and voted on these matters.

It was noted that some of the Members were acquainted with the speaker on behalf of Redditch Borough Council for applications 18/01600/OUT, 18/01509/OUT and 19/00075/OUT, Matthew Bough, in his capacity as an officer of the Council.

### 73. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE HELD ON 13TH FEBRUARY 2019

RESOLVED that

The Minutes of the meeting of the Planning Committee on 13<sup>th</sup> February 2019 be confirmed as a correct record and signed by the Chair.

### 74. UPDATE REPORTS

The published Update Reports for the applications were noted.

### 75. APPLICATION 18/01626/S73 - REDDITCH GATEWAY LAND ADJACENT TO THE A4023 COVENTRY HIGHWAY REDDITCH

Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of



hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.

Members were reminded that the original Hybrid Outline Planning Application had previously been approved in early 2018, following consideration of the application by Redditch Borough Council, Bromsgrove District Council and Stratford-on-Avon District Council.

Officers reported that the application for Variation of Conditions 2 and 8 related solely to the northern development parcel and did not impact on Redditch or Stratford. The developer was seeking changes to enable the construction of a larger single platform on one level. The changes were being pursued in order to meet the commercial requirements of a potential occupier, whose identity could not be revealed by the developer for commercial reasons. The changes proposed would involve making amendments to the development zones in the northern parcel although the quantum of floor space and ratios of use classes, including the requirement for 10% office space, would not change.

Members were referred to the Update Report which included consultation responses from the RBC Tree Officer and an update regarding the decision of the Bromsgrove District Council Planning Committee on 11<sup>th</sup> March 2019. It was noted that officers were recommending an additional condition to delay development, including earthworks, and tree/hedgerow removal until reserved matters had been approved in line with the decision taken by members of the Bromsgrove District Council Planning Committee.

The following speakers addressed the Committee under the public speaking rules:-

Mr Len Quartly - on behalf of Winyates Green Residents Association

Mr John Gittins - on behalf of Coughton Parish Council

Mrs Maureen Berry - on behalf of Mappleborough Green Parish Council

Mrs Claire Davies

Councillor Anthony Lovell - Ward Councillor for Winyates Ward

Mr Paul Rouse – on behalf of Stofford Developments (the applicant)

In response to questions from Members, Mr Rouse confirmed that under the variation application the brook on the western side of the site as opposed to the eastern side would be removed, and the watercourse would be re-directed with mitigation works including the planting of additional hedgerow. Further, that under the additional condition added by Bromsgrove District Council, any

environmental works would not take place until reserved matters had been considered.

Members discussed the application in detail and in doing so referred to some of the concerns raised by the public speakers including the potential environmental impact, including the diversion of Blacksoils Brook, the potential for parking problems from staff who might park in nearby streets, and the routing of HGV vehicles. Members noted that the potentially the project could be moving away from the original intention of providing job opportunities for skilled workers in the Borough.

In response to questions from Members officers confirmed that:-

- Under the revised plans, the brook would be diverted through the open space area to the East of the site.
- That levels of light would be subject to control by the local planning authority under proposed condition 39.
- That parking for staff should be available on site but that if any problems occurred the responsible body would be the Highways Authority which had powers to control on street parking.
- Compliance with HGV routing could be achieved by a variety of methods and dialogue on this aspect would be continuing via the Redditch Eastern Gateway Steering Group.

Members noted that the potential commercial occupier had not yet committed to the site, and that this caused a conflict between the request of the developer to carry out environmental works which could not then be reversed, and the risk that the commercial occupier might decide not to proceed. Officers clarified that this concern was addressed through the additional condition proposed in the Update Report, and that this would act as a safeguard to prevent any works taking place before the Reserved Matters application had been approved.

Members noted the position but expressed the view that this aspect needed careful monitoring and suggested that the discharge of the conditions relating to the environmental aspects of the variation application should have Member oversight.

#### **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 permission following agreement of the final scope and detailed wording and numbering of conditions set out on pages 57 to 73 of the main agenda, and subject to:**

**Planning**

## Committee

Monday, 18 March 2019

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- a) The inclusion of an additional condition set out in draft form on page 2 of the Update Report, namely that notwithstanding the approval of phase 1 earthworks in full, no development, including earthworks, tree or hedgerow removal ( with the exception of the hedgerow removal consented under application 18/01546/HEDG) shall take place until reserved matters have been approved for all development within that phase; and
- b) That the discharge of the conditions listed in the title of the application (conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37) be brought back to Planning Committee for decision.

[In relation to this agenda item Councillor Bill Hartnett declared an Other Disclosable Interest in that he is acquainted with two of the speakers, namely Mr John Gittins and Councillor Anthony Lovell. Councillor Hartnett remained and considered and voted on this matter.]

**76. APPLICATION 18/01600/OUT - LAND AT SANDYGATE CLOSE WEBHEATH REDDITCH - REDDITCH BOROUGH COUNCIL**

Outline application for the erection of 5 affordable housing No. 2-bed dormer bungalows with associated infrastructure

The application was for outline planning permission for the construction of 5 affordable housing two bedroomed dormer bungalows on Council owned land. It was noted that all matters were reserved for future consideration, namely access, layout, scale appearance and landscaping.

Whilst the detail would be subject to a further application, Officers were able to provide an indicative plan showing one potential configuration of the proposed dwellings which included a continuation of the cul-de-sac, a turning area and row of five dwellings each with two parking spaces.

Members were referred to the criteria for assessing applications for development on incidental open space land under Policy 14 of the Borough of Redditch Local Plan No. 4.

It was noted that the Council cannot currently demonstrate a 5 year supply of housing land and that for this application the presumption in favour of sustainable development would apply unless any adverse impacts would outweigh the benefits. Officers had concluded that any adverse impacts arising from granting

# Planning Committee

Monday, 18 March 2019

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permission for the residential development of the site would not significantly and demonstrably outweigh the benefits of the scheme as a whole which would provide affordable housing to meet the Council's identified housing needs. Accordingly, the scheme was recommended for approval.

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

Mrs Michelle Bayliss            )  
Mrs Susan Lawless            ) Local residents in objection  
Mrs Rosemary Greenfield    )

Mr Matthew Bough - Housing Strategy & Enabling Team Leader (on behalf of the applicant)

In discussing the application Members noted some of the concerns raised by the public speakers including loss of open space for children to play, and issues around parking which the speakers had described as very limited at weekends and evenings. Officers clarified that the plan of the configuration of the site was indicative only, and it would be open to the applicant when making the application for reserved matters to consider other layouts which might enable the preservation of green open space.

## 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 83 to 87 of the main agenda and the inclusion of an additional informative requesting that the Applicant consider alternative designs for the development to maximise the usable green open space and parking.**

[Councillor Joanne Beecham left the meeting at the end of this agenda item.]

### 77. APPLICATION 18/01509/OUT - LAND AT HERONFIELD CLOSE CHURCH HILL SOUTH REDDITCH - REDDITCH BOROUGH COUNCIL

Outline application for the erection of 3 No. affordable 2-bed houses with associated infrastructure (affordable housing)

The application was for outline planning permission for the construction of 3 affordable two bed roomed houses on Council owned land. It was noted that all matters were reserved for future consideration, namely access, layout, scale, appearance and landscaping.

Whilst the detail would be subject to a further application, Officers were able to provide an indicative plan showing one potential configuration of the proposed dwellings. Although not for decision at this stage, the plan showed the proposed access route from Heronfield Close with parking spaces for the new dwellings being added to the existing row of parking space on the southern boundary of the site.

As already noted under agenda item 6, Members were referred to the criteria for assessing applications for development on Incidental open space land under Policy 14 of the Borough of Redditch Local Plan No. 4.

Mr Matthew Bough, Housing Strategy & Enabling Team Leader (on behalf of the applicant) addressed the Committee under the Council's public speaking rules on behalf of the Applicant.

In response to questions from Members, officers confirmed that secure cycle parking as referred to at paragraph 8 on page 97 of the agenda could be included by a variety of means, and did not have to take the form of a single storage structure to serve the three dwellings.

Members also referred to the shortage of parking spaces in the vicinity of the application site and discussed the option of the final decision being amended, if possible, to provide additional communal parking spaces.

## **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 95 to 99 of the of the main agenda, and the inclusion of an additional informative requesting that the Applicant consider alternative designs for the development to improve the number of communal parking bays.**

### **78. APPLICATION 19/00075/ OUT - LAND ADJOINING 1 FLADBURY CLOSE WOODROW NORTH REDDITCH B98 7RX - REDDITCH BOROUGH COUNCIL**

Outline application for the erection of 2 No. 2-bed bungalows with associated infrastructure (affordable housing)

The application was for outline planning permission for the construction of 2 two bed roomed bungalows on Council owned land on the corner of the cul-de- sac at Fladbury Close. It was noted

that all matters were reserved for future consideration, namely access, layout, scale, appearance and landscaping.

Whilst the detail would be subject to a further application, Officers were able to provide an indicative plan showing one potential configuration of the proposed dwellings with 4 parking spaces for the new dwellings on the southern boundary of the site.

As already noted under agenda item 6, Members were referred to the criteria for assessing applications for development on Incidental open space land under Policy 14 of the Borough of Redditch Local Plan No. 4.

Mr Matthew Bough, Housing Strategy & Enabling Team Leader addressed the Committee under the Council's public speaking rules on behalf of the Applicant.

#### **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 107 to 109 of the of the main agenda.**

#### **79. APPLICATION 18/01448/FUL - 48 CHURCH ROAD WEBHEATH REDDITCH B97 5PG - MR K BEST**

##### Proposed 2 Bed Bungalow

Officers outlined the application which was for the construction of a 2 bedroom bungalow on land that formed part of the rear garden of 48 Church Road. The proposed dwelling would be accessed from a new driveway leading from the existing access off Church Road that currently serves 48 Church Road.

With regard to amenity, it was noted that the proposed dwelling would have a shallow rear garden and that there would be a change of levels, with the existing dwellings at Neighbrook Close at the rear being at a slightly higher level. As these were two storey dwellings, officers had looked very carefully at the issue of amenity and had concluded that there would be an overbearing impact on for future occupiers of the proposed bungalow. For this reason the application was recommended for refusal.

Mr Alan Smith (agent), and Mr Ken Best (applicant) addressed the Committee under the public speaking rules.

During the debate Members questioned whether the degree of overbearing was sufficiently significant for the application to be refused, taking into account that in other respects the proposal was

within policy. Following discussion two motions were moved as follows:-

- (1) That that application be refused in accordance with the officer recommendation;
- (2) That the application be granted with the inclusion of standard conditions as to highways, boundary treatment, materials, timing and plans.

Upon being put to the vote the amended motion at paragraph 2 was adopted as the substantive motion.

**RESOLVED that**

**Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the standard conditions outlined above.**

**80. APPLICATION 19/00097/FUL - UNIT 5 LAKESIDE INDUSTRIAL ESTATE NEW MEADOW ROAD LAKESIDE REDDITCH B98 8YW - MS A MARSHALL**

Change of use from B8 distribution to D2 assembly and leisure

Officers outlined the application which had been submitted by a health and fitness business who wanted to utilise a unit for a D2 leisure use which was currently allocated as a B8 use. Officers highlighted the lack of evidence that the unit had been marketed for a B8 use for sufficient time since it had been vacated in September 2018. The site was within an area designated as a Primarily Employment Area under Policy 24, and change of use to D2 would be contrary to this policy. No sequential testing had been carried out by the Applicant, and officers were aware of other suitable units which would have been available in preferable locations within the Town Centre.

**RESOLVED that**

**Having regard to the development plan and to all other material considerations planning permission be refused for the reasons set out below:**

1. The proposed change of use to D2 would result in a loss of land designated for employment (B1, B2, B8) purposes. In the absence of any justification for this loss, the proposal is considered to be contrary to Policy 24 of the Borough of Redditch Local Plan No.4.
2. The applicant has failed to satisfy Paragraph 86 of the National Planning Policy Framework which requires that a

sequential test be applied to planning applications for main town centre uses that are not in an existing centre. The creation of a D2 use in a location outside the town centre in an area poorly served by public transport would be likely to generate a significant quantity of unsustainable trips in private vehicles contrary to Policy 30 of the Borough of Redditch Local Plan No.4 and the provisions of the National Planning Policy Framework.

**81. APPLICATION 19/00130/FUL - 2 BROCKHILL LANE  
BROCKHILL REDDITCH B97 6QX - COUNCILLOR AND MRS  
AKBAR**

Conversion and extension of existing double garage to form living accommodation and creation of a new room over

Mrs Julie Muckle of 1 Wheelers Lane addressed the Committee under the public speaking rules in objection to the application.

In response to points raised during public speaking officers gave clarification to Members on the following points:-

- That loss of light to the neighbouring property at 1 Wheelers Lane had been considered, but taking into account the orientation of that property in relation to the application site, officers were satisfied that there was no material loss of light.
- That loss of parking spaces through conversion of the double garage was not a material factor; there was a larger than average parking area available for the property which officers believed would be sufficient for up to five vehicles.
- That officers did not believe that the extension would be overbearing. Due to the orientation of the roof lights at the front of the extension and the dormer windows at the rear of the first floor extension, there were no issues of overlooking regarding the property at 1 Wheelers Lane. For the same reason, there was no justification to request the fitting of obscure glazing.

Members discussed separation distances between the proposed extension and the rear of 1 Wheelers Lane. Officers confirmed the policy on separation distances was silent on the issue of the distance between existing rear walls to proposed flank walls. However, officers had judged the separation distances to be acceptable.



# Planning

## Committee

Monday, 18 March 2019

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A motion was put forward and seconded that the application be deferred to enable the Members to conduct a site visit.

Upon being put to the vote it was **RESOLVED** that:

**Consideration of application 19/00130/FUL be deferred in order for Members to conduct a site visit.**

[In relation to this agenda item Councillor Salman Akbar declared a Disclosable Pecuniary Interest in that the application had been submitted by himself and his wife in relation to the property they own at 2 Brockhill Lane, Brockhill, Redditch. Councillor Akbar left the room during consideration of this application and played no part in the debate or vote.

Councillors Mike Chalk, Joanne Beecham, Julian Grubb, Bill Hartnett, Mark Shurmer, Mike Rouse, Jennifer Wheeler and Pat Witherspoon declared a collective Other Disclosable Interest in that they are acquainted with Councillor Salman Akbar as a fellow Councillor. All Members remained and considered and voted on the matter save for Councillor Beecham who had already left the meeting.]

The Meeting commenced at 7.00 pm  
and closed at 10.40 pm

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**PLANNING  
COMMITTEE**

10th April 2019

**Planning Application 19/00130/FUL****Conversion and extension of existing double garage to form living accommodation and creation of new room over****2 Brockhill Lane, Brockhill, Redditch, B97 6QX****Applicant: Councillor Salman Akbar  
Ward: Batchley and Brockhill Ward****(see additional papers for site plan)**

The author of this report is Sue Lattimer, Planning Officer (DM), who can be contacted on Tel: 01527 881336 Email: s.lattimer@bromsgroveandredditch.gov.uk for more information.

**Members will be aware that this application was considered at Planning Committee on 18<sup>th</sup> March 2019. The application was deferred to allow Members to visit the site. The site visit took place on Friday 29<sup>th</sup> March 2019.**

**Site Description**

No.2 Brockhill Lane is a semi-detached three bedroomed dwelling of brick and tile construction having accommodation over three floors. The property has an attached double garage to its (south-east) facing flank wall.

The property shares a vehicular access directly from Brockhill Lane, with numbers 4, 6, 8 and 8a Brockhill Lane. Beyond the property's south-east boundary lie No.1 and 3 Wheelers Lane with No.5 Wheelers Lane beyond the north-east boundary.

A raised bank and hedgerow to the frontage screens much of the site from Brockhill Lane.

**Proposal Description**

The proposal is to convert and extend the existing double garage to form living accommodation (kitchen extension, dining room and 'family room') and to raise the ridge height serving the existing 'hipped' roof over the garage in order to create two new bedrooms.

In order to provide light and ventilation to the new bedrooms, two rooflights are proposed to be inserted in the roof slope facing towards Brockhill Lane, whilst a single pitched roof dormer window matching in terms of size and design to those present on the existing dwelling would be inserted to the rear facing roof slope.

## **PLANNING COMMITTEE**

10th April 2019

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### **Relevant Policies :**

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

#### **Others**

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

### **Relevant Planning History**

None

### **Public Consultation Response**

2 letters have been received in objection to the application.

Comments received are summarised below:

- Overlooking from the development would result in a loss of privacy
- Proposals would be imposing resulting in a loss of outlook
- Loss of light to neighbouring dwellings

Other matters which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

### **Assessment of Proposal**

The application relates to a semi-detached property in a residential area. Planning applications received for extensions and alterations to dwellings are expected to be of high quality design that reflects or complements the local surroundings and materials. Guidance contained within the Council's SPG 'Encouraging Good Design' is expected to be incorporated within development proposals.

The standing space or 'headroom' needed to accommodate the two new bedrooms above the existing garage and thus complying with the building regulations, requires the ridge line currently serving the double garage to be raised (from approximately 4.95 metres) to approximately 5.65 metres. This alteration, together with other external alterations which include a modest extension (approximately 1.25 metres in depth) beyond the existing garage door; windows to walls and roof to the front elevations and bi-fold doors and a dormer window to the rear elevation are considered to respect the character and appearance of the host dwelling and would not harm the visual amenities of the area.

**PLANNING  
COMMITTEE**10th April 2019

---

Considering the application proposals against spacing standards as set out in the Councils SPG 'Encouraging Good Design' and having regard to the orientation of the host property which is located to the north of No.1 Wheelers Lane, your officers are satisfied that the amenities enjoyed by the occupiers of nearby dwellings would not be prejudiced, taking into consideration matters pertaining to loss of outlook; loss of light and loss of privacy.

The proposed development complies with the provisions of the development plan and is considered to be acceptable. This scheme has raised no other material planning issues and would constitute a sustainable form of development in accordance with the requirements of the National Planning Policy Framework.

**RECOMMENDATION:**

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

**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) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

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

Drawing number C1819/54 dated 4th February 2019

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

**Informatives**

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

**PLANNING  
COMMITTEE**10th April 2019

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**Procedural matters**

This application is being reported to the Planning Committee because the applicant is a Councillor at Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.

**PLANNING  
COMMITTEE**

10th April 2019

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**Planning Application 18/01515/OUT****Outline application for the demolition of redundant factory and erection of up to 75 residential units (matter of scale to be considered under application)****Victoria Works, Edward Street, Enfield, Redditch, B97 6HA****Applicant: Mr Ian White: Birgan Ltd**  
**Ward: Central Ward****(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 for more information.

**Site Description**

The application site comprises a substantial vacant manufacturing and office building Victoria Works is bounded by Britten Street to the west and Edward Street to the east, with a one-way traffic system operating within these roads.

The majority of the 0.44 ha application site comprises a large rectangular, flat-roofed grey brick building.

The building provides a gross internal floor area on two levels of 5,977m<sup>2</sup> (64,337 sq. ft) with the northern end of the site being a small service yard. The site was last occupied by Smithers-Oasis Ltd, a manufacturer of floristry products, and has remained vacant since 2008.

To the north of the site lies Vernier Springs works whilst to the south lie the locally listed buildings of Ashleigh Works and Nos. 20 and 22 Bromsgrove Road.

With the exception of 'The Business Centre' immediately to the north-east, the land between Edward Street and the railway line, (referred to as the 'Clive Works' site) has been cleared of its former buildings. The site falls outside the defined Town Centre boundary as defined on the Borough of Redditch Local Plan No.4 Policies map, the railway line marking its western boundary.

**Proposal Description**

This is an outline application to demolish the existing factory building and to replace it with a residential scheme to provide up to 75 residential units with all matters reserved for future consideration with the exception of scale which is to be considered here. Matters reserved for future consideration would be those of layout, appearance, means of access and landscaping.

## PLANNING COMMITTEE

10th April 2019

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Other than in respect of scale, the submitted drawings are purely for illustrative purposes but are intended to show how 75 units **could be** rather than **would be** accommodated within the site.

The illustrative scheme proposes four blocks of accommodation, with Blocks 1 – 3 being two rows of town houses fronting Edward Street and Britten Street within the northern end of the site (referred to as 'Victoria Mews'); and Block 4 being an apartment building within the southern part of the site (referred to as 'Victoria Works').

### Victoria Mews

The indicative scheme proposes 20, two bed town houses and 6, three bed townhouses in two parallel rows of 13 houses fronting Edward Street and Britten Street.

The houses fronting Edward Street, which are identified as Block 1 would all be two bed 3-storey buildings which would have level ground floor access from the pavement. The rear part of the ground floor would provide a covered parking space, accessed from the interior of the site, above which would be two floors of accommodation.

Due to the higher level of Britten Street, pedestrian access to the town houses fronting this road would be at first floor level, with the lower level being used as a covered parking space access from the rear. Houses fronting Britten Street would therefore appear as only two-storey dwellings. Use of the roof space is envisaged in order to provide the third bedroom, with rooflights within the front roof plane and incorporation of a dormer window within the rear.

### Victoria Works apartment block

The illustrative site layout plan indicates how a total of 49 apartments (19 one bed and 30 two bed) could be provided within a 5-storey apartment block (Block 4) within the southern part of the site fronting Edward Street, (referred to as 'Victoria Works').

The car parking area for the apartments would be between the rear of the building and Britten Street, with each of the 30, two bed apartments having a single allocated parking space. Due to the differing levels within the site, the parking area adjacent to Britten Street would be largely hidden from view.

The 19, one bed apartments would be car free. Justification for this is set out within the applicants Transport Statement and will be discussed later in this report.



**PLANNING  
COMMITTEE**10th April 2019

---

This application is supported by a Transport Assessment (TA), Flood Risk Assessment (FRA) and Sustainable Urban Drainage Scheme, an Ecological Appraisal, Land Contamination report and a noise assessment.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 6: Affordable Housing

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 24: Development within Primarily Employment Areas

Policy 31: Regeneration for Town Centre

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

SPG Employment Land Monitoring

SPG Open Space Provision

SPD Affordable Housing Provision

SPD Education contributions

Worcestershire Waste Core Strategy (WWCS)

**Relevant Planning History**

None

## PLANNING COMMITTEE

10th April 2019

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### Consultations

#### **WCC Highways**

No objections raised, subject to the applicant entering into a S106 agreement to provide financial contributions for off-site infrastructure.

The application has been supported with a Transport Assessment that assesses the trip generation of the current site and compares that to the proposed use. It is clear that there is a reduction in trips as a result of the new development which results in a reduced highway impact and results in there being no justification to seek contributions to improve network infrastructure. However it is important to recognise that as a result of the proposal that new demands are expected through an increase in walking and cycling activity. The site can access rail, retail and leisure activities on foot within a few minutes walk, however improvements are needed to local cycle route 18 to ensure that the site provides a high quality link to employment areas to encourage sustainable transport. Based on this additional demand it is appropriate to seek contributions to that route. The applicant has chosen to make contributions to the Highway Authority to deliver personal travel planning in lieu of the provision of a residential travel plan and this is best addressed through a section 106 agreement.

The application does not seek to determine the internal layout at this stage although a detailed layout has been provided. The layout demonstrates the parking and turning facilities which could be delivered. Parking provision would be lower than the published standards, however, the Highway Authority concurs with the applicant that given the highly sustainable location of the site, a reduced parking level would be acceptable. This would of course need to be assessed as part of any future reserved matters application but is not considered to be an impediment to the proposal.

The Highway Authority concludes that there would be no justifiable grounds on which an objection could be maintained.

#### Planning Obligations

Specific Purpose - Improvements to local cycle route 18 to include signage and markings  
Contribution - £20,000

Trigger - Prior to the First Occupation of Any Dwelling

Specific Purpose - Personal Travel Planning

Contribution - £15,000 (£200 per dwelling)

Trigger - to the First Occupation of Any Dwelling

## PLANNING COMMITTEE

10th April 2019

---

### **Worcestershire Archive and Archaeological Service**

No objections subject to the inclusion of an archaeology condition

### **WCC Education**

State that in this case, a contribution would be payable to the County Council for education provision in accord with the adopted SPD in the case of development providing two bedroomed (or more) open market dwellings. Contributions would support works at the catchment area schools: Holyoakes Field First and Birchensale Middle School

### **North Worcestershire Water Management**

No objection to the proposed development subject to the imposition of a condition regarding a site drainage strategy

### **Economic Development**

The application site comprises a substantial vacant manufacturing and office building lying almost immediately to the west of Redditch Railway Station and the adjacent Town Centre.

Whilst the site is identified on the adopted proposals map as an area that is primarily for employment purposes, there are a number of factors we feel need to be taken into account in terms of the determination of the application, as follows:

- \* The site has been vacant since 2008 (when the previous occupier Smithers-Oasis vacated) and since this time the property has been actively marketed by a number of agents, without success in securing an occupier for the existing unit;
- \* The location of the site for a business occupier is not considered to be overly attractive; this is mainly due to the accessibility of the site and the lack of yard space. It is also understood that the building has a restricted height due to the first floor configuration and it is our understanding that the way that the building was originally constructed makes it difficult to retrofit to meet varying occupier requirements;
- \* The current building is unsightly and does not provide a positive frontage or relationship with the wider uses in this area and therefore it's removal could provide a betterment to the current use;
- \* The area that is subject to the application is located in close proximity to the identified 'Town Centre Strategic Site', which is a policy that seeks to deliver new development uses within Redditch. The application site therefore has some synergies with the adjacent strategic site, which is currently being considered for comprehensive development, linked to providing greater numbers of residential units within the town centre;
- \* The application site is considered to be situated in a sustainable location and surrounded by a mix of uses and the proposal would help to deliver an active use on land that is currently underutilised. Furthermore, the development of residential uses in this location would help to support the facilities and services that are located in close proximity to the site.

## PLANNING COMMITTEE

10th April 2019

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Whilst the loss of employment land is something to be resisted, in this instance, the agents have marketed the site for a period well in excess of the policy provisions within the adopted Local Plan and limited interest for a continuing economic use has been shown during this time. Therefore, it is felt that considering alternative uses that provide a potential betterment in design terms, as well as delivering active use in this area is a positive next step.

It is considered that the proposal is in line with emerging aspirations to see more residential development to be delivered in the town centre environs and this site could act as a 'first phase' in delivering comprehensive development around the Railway Station area and the identified 'Town Centre Strategic Site', which is located on the opposite side of the road along Edward Street. The delivery of new uses and residential units in particular, is something that the Government are keen to see within central locations of towns across the country.

Therefore, given the evidence provided and the emerging thoughts with regards to redevelopment of the town centre and its adjacent sites, we are supportive of the proposal which seeks to deliver an active use on a vacant brownfield site that will add some vitality and vibrancy to this part of the town.

### **WRS - Contaminated Land**

No objection subject to land remediation conditions

### **WRS - Noise**

The Noise Assessment prepared by Resound Acoustics has been reviewed which concludes that providing appropriate external building fabric materials are used, particularly glazing, internal sound levels should be achieved that meet the internal noise level criteria set out in BS 8233:2014 and WRS technical guidance. I am satisfied that noise does not pose a constraint to the proposed development, and the development should not unduly constrain operations at Vernier Springs.

A noise assessment, specifying glazing standards and ventilation to achieve internal noise levels in line with BS8233 should be submitted as part of any application for reserved matters.

### **Urban Design: Place Services**

Comments summarised as follows:

The proposed mixture of apartments and 2-3 bedroom dwellings across the application site is considered to be acceptable with the apartments and mews style dwellings addressing many of the site constraints. The promotion of an active frontage will benefit the streetscene where levels have been used to benefit the built form.

It is noted the break in development to the south east corner of the site benefits both screening to parking while allowing the neighbouring locally listed building to be appreciated in its own entity. This allows a break where new development can progress

## PLANNING COMMITTEE

10th April 2019

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and be designed in a manner that doesn't mimic but reference. The principle of the development as submitted is considered to be acceptable.

### Public Consultation Response

2 letters have been received raising comments which are summarised below:

- Traffic levels may increase to the detriment of highway safety
- There are already parking problems in Edward Street. Concerns that existing problems would be exacerbated. Sufficient on-site parking should be provided
- As an established manufacturing production business based next door to the proposed site we have a number of concerns we will need to continue to have full access to our site for our staff, suppliers and customers - this includes HGV and other lorries
- Vernier Springs are not a noisy operator but we may require noisier processes in the future. Having regard to the proposed residential use we need to ensure that this is not an issue now or in the future.
- Any Utility interruptions during the build would have massive implications for us as a business in terms of loss of production, effects on machinery, loss of heating or water for any period of time
- Dust arising from construction works could upset our existing air compressing units and very accurate CNC machines. As a minimum a high screen should be erected to reduce this possibility from occurring

### **Procedural matters**

This outline application includes an indicative layout and various indicative sketches and perspectives, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate 75 residential units, and not how the site **would** be developed.

### Assessment of Proposal

#### Principle of development

The site falls within a Primarily Employment Areas where Policy 24 states that non employment development will only be permitted where:

- i) such development would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned; and
- ii) it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment. Consultation must be undertaken with the Economic Development and Regeneration Service by the applicant to ascertain this; or

**PLANNING  
COMMITTEE**10th April 2019

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

It impinges upon residential amenity;

It causes substantial transport network, highway or traffic problems:

It creates other adverse environmental effects; or

Technical reasons such as land stability or fundamental infrastructure problems.

A marketing report prepared by Fisher German confirms that the application site has remained vacant since 2008 and has been on the market until its purchase by the applicant in early 2017. The report identifies the following significant constraints to commercial re-use:

- accessibility – access to the property is via a one-way road network which is very restrictive;
- the lack of a suitable yard for loading and storage;
- restricted height – a first floor runs throughout most of the building which restricts the usability of the space, particularly for warehouse operations; and
- a lack of natural light – the building has minimal windows and therefore internally is very dark.

The Councils Economic Development team comment that the site has been actively marketed for employment use for well in excess of the 2 years and 3 month period set out in the Councils Employment Monitoring SPG, without success and your officers have concluded that the loss of the site not cause or accentuate a significant shortage of land for employment use in the Borough.

The submitted evidence confirms that the site is no longer viable for continued employment use and that therefore the requirements of Policy 24, criteria i) and ii) have been satisfied. Therefore the principle of development is considered to be acceptable.

#### Density of Development

The site measures a little less than ½ hectare in area and proposed 75 units of accommodation would represent a density significantly higher than 100dph.

The 2019 National Planning Policy Framework requires local planning authorities and developers to make effective use of previously-developed land, especially if this would help to meet identified needs for housing where land supply is constrained.

## PLANNING COMMITTEE

10th April 2019

---

Section 11 of the Framework emphasises the importance of making effective use of land, and with respect to density, Para 123 comments that:

*“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site:*

The paragraph continues by stating that minimum density standards should be considered and that local planning authorities should refuse applications which they consider fail to make efficient use of land.

Policy 5 of the Borough of Redditch Local Plan (Effective and efficient use of land) encourages densities in excess of 70 dwellings per hectare *“in locations close to public transport interchanges”*.

### Scale

Scale is a matter to be considered under the current application. Whilst the ‘Victoria Mews’ apartment block is proposed to be five storeys in height, this would not exceed the height of the Ashleigh Works building to the south. Indicative plans show that the fifth storey is predominantly set back from the fourth to limit its visual impact. The proposed town houses would be three storeys in height to Edward Street and due to the difference in ground levels, would appear as two storey to Britten Street. The scale of development proposed is considered to be acceptable given the context of the sites surroundings.

The applicant has previously explored the potential of redevelopment as a single form of residential type, such as a solely apartment or town house scheme, but has concluded that a mix of accommodation is required to maximise appeal to the market and produce a viable scheme. The proposed mix of development is considered to reflect the objectives of the planning policy framework by resulting in a more visually interesting scheme.

### Layout and appearance

Although layout and detailed appearance are matters reserved for future consideration, the illustrative designs shows how new development could be designed to enhance the area and respect the historic context of surrounding ‘industrial heritage’ buildings, such as Ashleigh Works and the locally listed buildings fronting Bromsgrove Road.

Photographs submitted with the application illustrate the significant degree to which the existing monolithic building detracts from the character and appearance of both Edward Street and Britten Street.

Enhancement can be achieved by strong street frontages reflecting the historic street pattern, and the incorporation of the following design features:

## PLANNING COMMITTEE

10th April 2019

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### Victoria Works apartments

- the use of red facing brick at upper floor levels, rather than more modern materials such as steel or render, in order to reflect materials used in the surrounding area;
- contrast to be provided by the use of a medium / light red brick at ground floor level and the use of grey weatherboard cladding to the top floor;
- two large end gables, with grey slated roof;
- animation of the elevations through the use of glass balustrade balconies to the second and third floors;
- incorporation of large warehouse-style windows with engineering brick arches and sills which create a vertical emphasis.

### Victoria Mews town houses

- proportions and design approach typical of traditional town houses;
- the use of a similar palette of materials to the apartment building, being red facing brick and slate roof;
- the use of blue engineering brick feature window arches and sills;
- the use of black railings to the front of the properties fronting Edward Street, behind which would lie small areas of greenery; and
- the 'hiding' of all car parking spaces from public view, these being exclusively to the rear of the new housing.

Overall, the proposed approach is considered to achieve a visually interesting scheme which respects the historic context of the surrounding area.

Your officers consider that it is important for the site to provide an active frontage to both Edward Street and Britten Street despite the relative narrowness of the site. Separation distances between the rear of the two rows of townhouses has been maximised as far as practicable, within the constraints of the width of the site. The separation distances range from between 18.5m and 19.5m which is a little under the 21m width set out in the Councils SPG but is considered acceptable in this case, given the sites urban location.

### Impact of the proposals on highway safety

Access is not for consideration under this application. However, illustrative plans show that a single vehicular access point to the development would be created from Edward Street. The proposed access would be 5m wide with 2m footways on either side. The vehicle access would provide access for residents' cars to the Victoria Works apartments to the left. To the right, access would be provided for residents' cars to the town houses.

Pedestrian and cycle access would be via Edward Street with 2m footways alongside the vehicle access into the parking areas providing ground floor access to the apartments and town houses.



## PLANNING COMMITTEE

10th April 2019

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There would be direct pedestrian access to each town house from Edward Street and Britten Street.

It is envisaged that bin stores for the new houses would be located within two centrally located bin store holding areas. The bin store for the apartment building would be located centrally to the left of the access road.

In relation to the town house parking, this would not be located directly in front of each new house, but to the rear. Your officers consider that car parking immediately to the front of dwellings would result in visual clutter, would create a multitude of dropped kerbs and would lead to future pressure for front curtilages to be paved over. Further, setting back the two rows of town houses by at least 5 metres from Edward and Britten Street respectively would significantly reduce rear window separation distances between the rows, harming future amenity. Therefore, to meet the Highway Authority's standard of two parking spaces per dwelling, the scheme proposes the provision of two tandem spaces per unit, one of which would be within a covered enclosure at ground floor level, with the main living accommodation of the house being within the above two floors.

In relation to the parking for the proposed apartments, each 2-bed apartment would have its own dedicated parking space, with the 1-bed units being 'car free'. A detailed justification for this approach has been set out within the submitted Transport Statement and is agreed by the Highway Authority.

The indicative layout also includes two additional parking spaces, specifically for the charging of electric vehicles. It is also proposed that there would be a 7Kw electric charging point for each town house.

A total of 132 cycle parking spaces would be provided within the development, with 80 spaces being provided within two secure and covered areas to the rear of the proposed Victoria Works apartment building and 2 spaces per dwelling to be provided within each proposed townhouse.

Worcestershire County Council provides a personalised Travel Planning advice service for all future residents of residential developments in lieu of the need for a formal Travel Plan process. The applicant has agreed with the Highway Authority to commit to provide Worcestershire County Council an agreed sum to allow them to provide travel plan advice to future residents.

In relation to transport issues, Section 9 (Promoting sustainable transport) of the NPPF requires that:

*“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health.”*

## PLANNING COMMITTEE

10th April 2019

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Subsequent paragraphs set out the Government's priorities for maximising travel choice, with particular emphasis of public transport, cycling and walking.

Policy 19 of the Local Plan (Sustainable Travel and Accessibility) focuses on the need to reduce private car use and increase the use of public transport.

The proposed parking for the town houses meets the WCC parking standards based upon Worcestershire County Council's Streetscape Design Guide.

Parking for the apartments, at one space allocated to each 2-bed apartment also meets the requirements of the Streetscape Design Guide and the indicative layout provides for adequate servicing.

In relation to the parking provision for the 1-bed units, the County's 'Streetscape Design Guide' states:

*"For both residential and commercial developments in town and city centres the applicant may choose not to provide car parking spaces at all. Consideration must be given to the opportunity to access the site sustainability, the availability and capacity of public car parks, existing parking restrictions, the number of linked trips and the implementation of an approved Travel Plan or welcome pack."*

The application site lies in a highly sustainable location, adjacent to the Town Centre and within 2 minutes' walk of the rail and bus stations. In addition, the applicant has agreed to fund personalised Travel Planning advice to future residents in lieu of a Travel Plan and welcome parks. Residents would therefore be fully aware of parking at the point of purchase and would be provided with detailed, personalised advice on alternative modes of travel. Moreover, the applicant has undertaken a Parking Survey which confirmed the availability of over 50 unrestricted parking spaces from 7 pm onwards within the vicinity of the site. Car park free development for the 1-bed apartments is therefore considered to comply with the provisions of adopted guidance.

The proposed development therefore does not raise any transport or highway concerns.

### Landscaping

Although landscaping is a Reserved Matter, the illustrative scheme shows how opportunities for landscaping can be maximised within the constraints of the site's urban location and limited width.

The scheme proposes landscaping around the car parking area of the apartment block, especially along the Britten Street frontage which would enhance the appearance of the area. It also provides for the apartment block to have a small set-back from the Edward Street footpath allowing for some tree planting and landscaping to the front of the building.

## PLANNING COMMITTEE

10th April 2019

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Small set-backs from the back of the pavement also allow for the provision of green areas in front of the front entrances of the town houses (as opposed to the property's opening out directly onto the footpath). In addition, the illustrative scheme allows for the provision of small planted areas between the curtilages to the rear.

### Drainage

The application is accompanied by a Flood Risk Assessment and Sustainable Urban Drainage Scheme. This proposes a significant improvement to surface water drainage at the site via the use of rainwater harvesting and the use of an underground crate attenuation system within the vicinity of the apartment car parking area, the outfall from which would connect to the public sewer which runs along Edward Street. NWWM raise no objections to the application subject to the imposition of a drainage condition.

### Residential amenity considerations

Your officers are satisfied that no loss of residential amenity would result from granting permission and would provide future occupiers of the development with a decent standard of amenity. Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission. A detailed, further noise survey would need to be submitted as part of any reserved matters application which would be expected to pay particular attention to the northern part of the site beyond which lies existing businesses. No objections have been received from WRS (noise) following consultation.

### Affordable housing

Borough of Redditch Local Plan Policy 6 (Affordable Housing) requires the provision of 30% affordable housing on sites of 11 or more dwellings, incorporating a mix of tenure types.

Paragraph 63 of the NPPF states that:

*“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”(equivalent to the existing gross floorspace of the existing buildings)*

Further guidance to that contained within Paragraph 63 of the NPPF which allows for a 'Vacant Building Credit' to be applied to any proposals that involve the demolition of an existing building can be found at Paragraph 21 (reference ID:23b-021-20160519) of the National Planning Policy Guidance which states:

*“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the*

**PLANNING  
COMMITTEE**10th April 2019

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*local planning authority calculates any affordable housing contribution which will be sought”*

Accordingly, the Guidance requires a ‘credit’ to be applied which is the equivalent of the gross floorspace of any vacant building being demolished as part of the scheme and deducted from the overall affordable housing calculation.

The calculation of any Vacant Building Credit (VBC) should be based on an assessment of comparable gross external area, or floorspace (GEA). The gross internal floorspace of the existing building is 5,977 sq. m which is an equivalent to a GEA of 6,156 sq. m. The GEA of the application scheme has been calculated to 6,079 sq. m. Full details of relevant calculations are set out in the Floor Areas Schedule submitted as part of the application. Because no increase in the amount of floorspace at the site would result, as such no affordable housing provision is due.

Sustainability

The application site is located within easy walking distance of Redditch Town Centre which provides the expected wide range of commercial, retail and leisure facilities. It is also within two minutes’ walk of the Town’s rail and bus stations. The proposed residential redevelopment therefore benefits from the Frameworks “presumption in favour of sustainable development” and also complies with the Frameworks objective of significantly boosting the supply of housing.

In addition, the scheme meets the Frameworks requirement to make “effective use” of under-utilised land, with the proposed density of redevelopment reflecting the site’s highly sustainable location.

As referred to with respect to recent reports presented to the Planning Committee for new residential development, currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. Paragraph 11 of the National Planning Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the framework is engaged and the presumption in favour of sustainable development, as set out in the Framework applies. Where relevant policies are out of date, Paragraph 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

## PLANNING COMMITTEE

10th April 2019

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### Other matters

Sections 100ZA(4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant.

### Planning obligations

Because the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation, a S106 agreement has been drafted. The obligation in this case would cover:

Contributions towards off site open space provision due to increased demand/requirements from future residents, required in compliance with the SPD. In this case, a contribution to support improvements to the existing toddler and junior play area at the site at Terrys Field together with open space improvements for informal recreation at Plymouth Road has been agreed

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

Contributions to Worcestershire Highways in accordance with the Infrastructure Delivery Plan (IDP) and the WCC Local Transport Plan Development Control (Transport) Policy

Contributions towards County Education facilities in accordance with the Councils adopted SPD towards supporting works at the catchment area schools: Holyoakes Field First and Birchensale Middle School (for non-affordable dwellings providing 2 or more bedrooms)

The applicant confirms its agreement to make financial contributions with respect to the matters set out above

### Conclusion

The existing building is an unattractive monolithic structure which has a highly negative visual impact on two important 'gateways' into the Town Centre, from the train station and from Bromsgrove Road.

The site has been vacant since 2008 and is considered unsuitable for any form of continued commercial re-use. Its proposed redevelopment therefore meets the requirements of Local Plan Policy 24.

The site is ideally located for residential redevelopment, being located within easy walking distance of Redditch Train Station, the bus station and the wide range of facilities within the Town Centre. The application therefore benefits from the NPPF's presumption in favour of sustainable development and Local Plan Policy 5's support for high density development.

**PLANNING  
COMMITTEE**10th April 2019

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The illustrative scheme shows a how a mixed scheme of high density apartments and lower density town houses could create a new vibrant and attractive development which would successfully reflect the Victorian industrial heritage of remaining buildings.

The proposed scheme would arguably serve as a catalyst for the redevelopment of the wider area in a manner which would be compatible with the Borough Council's objectives for enhanced vitality and viability of the Town Centre and promotion of sustainable development.

As confirmed by WCC highways, the proposed residential use would result in fewer vehicle trips compared to the site's former use and would not lead to any highway or parking concerns.

Your officers have therefore concluded that the application would amount to sustainable development, and would not conflict with the Borough of Redditch Local Plan No.4 as a whole. Subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

**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 outline planning permission subject to:-**

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

- \* Contributions are paid to the Borough Council in respect to off-site open space, and equipped play in accordance with the Councils adopted SPD
- \* Contributions are paid to the Borough Council towards the provision of domestic and recycling bins for the new development
- \* Contributions are paid to Worcestershire County Council towards County education infrastructure in accordance with the Councils adopted SPD
- \* Contributions are paid to Worcestershire County Council for localised improvements to the cycle network and for personal travel planning

and

**b) The conditions and informatives as listed below:****Conditions:**

- 1) Details of the means of access, appearance, landscaping, and layout, (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**PLANNING  
COMMITTEE**

10th April 2019

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

- 3) The development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters to be approved.

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

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

***appropriate references to be inserted here***

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

- 5) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall include but not be limited to the following:-

- a) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- b) Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- c) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- d) measures to minimise dust from construction
- (e) measures to suppress construction noise

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety and neighbour amenity

**PLANNING  
COMMITTEE**10th April 2019

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- 6) No development above foundation level of the scheme hereby approved shall take place until a site drainage strategy has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff attenuation and treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 7) 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:
1. 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.
  2. 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".
  3. 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".
  4. 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



**PLANNING  
COMMITTEE**10th April 2019

---

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.

5. 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.
6. 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 approval of the Local Planning Authority prior to the occupation of any buildings.
7. 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

- 8)
  1. No development shall take place until a Written Scheme of Investigation for a programme of archaeological works have been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:
    - a) The programme and methodology of site investigation and recording.
    - b) The programme for post investigation assessment.
    - c) Provision to be made for analysis of the site investigation and recording.
    - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
    - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
    - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

**PLANNING  
COMMITTEE**10th April 2019

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2. The development shall not be occupied until the site investigation and post investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To protect any below-ground archaeological interests.

**Informatives**

- 1) The local planning authority has 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 negotiation and amendment.
- 2) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.
- 3) A noise assessment, specifying glazing standards and ventilation to achieve internal noise levels in line with BS8233 should be submitted as part of any application for reserved matters.

**Procedural matters**

This application is reported to Planning Committee for determination because the application is for major development. Further, the application requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers.

**PLANNING  
COMMITTEE**10th April 2019

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**Planning Application 19/00137/CUPRIO****Conversion of existing agricultural barn to create one dwelling.****Walnut Tree Farm, Dark Lane, Astwood Bank, Redditch, Worcestershire, B96 6AS****Applicant: Mr Adrian Nicholls  
Ward: Astwood Bank And Feckenham Ward****(see additional papers for site plan)**

The author of this report is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site comprises of four buildings within a courtyard surrounded by farmland. The site is served by a single vehicular access from Dark Lane which is a Public Right of Way that connects Dark Lane with Priest Meadow Close. The buildings on site comprise of a large farmhouse with annex to the south and west and a pitched roof brick built barn to the east. To north of the site is a dutch barn which is the building subject to this application. The existing building is currently used to store animal feed, farm machinery and fencing materials. Previously the building has been used to keep sheep, pigs, goats and poultry.

The existing dutch barn is constructed with 2.6-2.8m high masonry cavity walls with timber cladding on timber studwork above going up to eaves level. The roof is supported by a lightweight steel frame comprised of a series of arched trusses, with lightweight bracing in between, supporting a curved single skin corrugated metal sheet roof. The floor of the barn is concrete.

**Proposal Description**

The proposal is to convert the existing barn into one 4 bedroom dwelling. The site will utilise the existing access and parking will be provided within the existing courtyard. A small area to the rear of the building will be converted to garden space to serve the dwelling. The external appearance of the building will be relatively unaltered however the conversion does include the introduction of new window and door openings. The land beyond this area will be unaltered and will remain in agricultural use.

**Relevant Policies :**

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

## PLANNING COMMITTEE

10th April 2019

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National Planning Policy Framework  
National Planning Practice Guidance

### Relevant Planning History

1996/208/FUL	Improvements To Existing Dutch Barn	Granted	12.06.1996
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### Consultations

#### Highways Redditch

No highway objections to the proposed conversion of existing agricultural barn to create one 4 bed dwelling. The site is located within a residential location and is accessed off Dark Lane via a lane which is listed as Public Right of Way (PRoW) path no: 147. No new vehicular access is proposed for the proposed dwelling. Dark Lane benefits from a single lane and grass verges on both sides of the carriageway, no footpaths or street lighting are present on Dark Lane in the vicinity of the proposed dwelling. A PRoW footpath from the proposed dwelling leads to Dark Lane and Priests Meadow Close.

The applicant has provided 2 car parking spaces for the proposed 4 bed dwelling, however for this application to be acceptable applicant to from 3 car parking spaces in accordance with Streetscape Design Guide (spaces is available within the court yard).

#### WRS - Noise

No objection.

#### WRS - Contaminated Land

WRS have reviewed the above planning application for potential contaminated land issues of which none have been identified. Therefore WRS have no adverse comments to make in relation to contaminated land.

#### North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding) and we don't have any report issues to the property and surrounding barns.

The Environment Agency's surface flood maps shows surface water flood risk at the 1 in 1000 year return period. This is outside the required 1 in 100 year + an allowance for climate change standard of protection in which we require properties to be protected to, however it should not be ignored. Given there is as local flow route the applicant may look to install additional drainage to the access driveway and connect it into the nearby watercourse.

**PLANNING  
COMMITTEE**10th April 2019

---

The applicant has not demonstrated how they wish to dispose of their water, by way of a soakaway, watercourse or sewer. Therefore a drainage strategy condition is considered reasonable.

**Worcestershire County Council Countryside Service**

Redditch footpath RD-754 follows the principal vehicular access route for the development site.

It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

We have no objection to the proposals provided that the applicant notes the above and adheres to the following obligations:

- The Public safety of those using the right of way must be ensured at all times.
- There must be no disturbance of, or change to, the surface of the paths or part thereof without our written consent.
- There must be no diminution in the width of the rights of way available for use by the public.
- Buildings materials must not be stored on the rights of way.
- Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
- No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

**Arboricultural Officer**

I hold no objection to the proposed development with regards to tree related issues.

The site of the proposed development does contain a number of trees, the majority of which are small and akin to a well-established garden.

I do not envisage that the proposed development will have a detrimental effect on the surrounding vegetation or trees, however I would like to see the existing, retained, tree protected throughout all phases of the development in accordance with BS5837:2012.

**Public Consultation Response**

3 representations have been received raising objections which are summarised as follows;

- Loss of privacy to Nos. 68, 67 and 65 Priest Meadow Close

## PLANNING COMMITTEE

10th April 2019

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- Request for sufficient screening around garden to avoid overlooking
- Request that no windows face onto No. 65 Priest Meadow Close
- Change of use will set precedent on site for further development
- Conflict of access on public footpath
- Survey may have been undertaken when amphibians such as toads, frogs & possibly newts would have been dormant & hibernating and is therefore inaccurate.
- Pollution of Brandon Brook or ponds within the vicinity
- Proposal would result in more vehicles
- Noise nuisance

### Procedural matters

Members should note that this is not a planning application. In 2015 Central Government introduced a range of permitted development rights to allow the change of use of a variety of different buildings to a residential use without the need for full planning permission. These proposals are, however, subject to a 'lighter touch' prior approval process. As such the proposal has been submitted as a Prior Approval application under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A copy of the relevant part of the Order has been attached as an appendix to this report.

Class Q. a and b of the above legislation allows for a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order together with building operations reasonably necessary to convert the building. To establish whether the development can be considered under this process the application must be considered against the fixed criteria as outlined in detail within your officers report.

Where development can be considered under Class Q (a and b), development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to;

- a) transport and highways impacts of the development,
- b) noise impacts of the development
- c) contamination risks on the site
- d) flooding risk on site
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- f) the design and external appearance of the building.

Only the above list of considerations can be taken into account when making an assessment on this application. Having regards to this both Local and National policies relating to matters such as Green Belt and sustainability cannot be considered as part of this assessment.

## PLANNING COMMITTEE

10th April 2019

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### Assessment of Proposal

Prior approval is sought under Schedule 2, Part 3, Class Q (a & b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as the GPDO) to convert an agricultural building into one residential dwelling. The proposal therefore needs to be considered against the limitations and criteria listed within Q.1 and Q.2.

#### Criteria Q.1 of Class Q

Q.1 (a) specifically states that the last use of the building or the use of the building on 20th March 2013 must have been solely for agricultural purposes as part of an established agricultural unit. The applicant confirms that the site forms part of a registered agricultural holding with CPH number 17/435/0339 and was previously used for agricultural purposes specialty to keep sheep, pigs, goats and poultry. The current use of the barn is for the storage of animal feed, farm machinery and fencing materials. The use therefore accords with criteria Q.1 (a).

Q.1 (b-d) restricts the number of units and the scale of the units available under a Class Q application. The floor area of the building is 93sqm and the proposal is for one dwelling. The proposal is for one dwelling and therefore complies with this section.

Q.1 (e-f) requires the agricultural tenancy be terminated on site. The applicants have confirmed that the site is not under an agricultural tenancy agreement currently. The building therefore complies with this criterion.

Q.1 (g). Having reviewed the planning history no buildings have been constructed under Class A(a) or Class B(a) of Part 6 of the General Permitted Development Order since March 2013.

Q.1 (h). The Council have been mindful that the development should not result in external dimensions extending beyond the external dimensions of the existing building at any given point. The proposal will replace the existing cladding on the building and clad within some of the existing openings. The applicant has submitted a cross section that demonstrates the cladding will not extend beyond the external dimensions of the existing building and is therefore acceptable.

Q.1 (i) permits a series of building operations to the extent reasonably necessary in order to facilitate the conversion of the building to a dwelling. Case law has held that the cumulative extent of these works should not be so significant that the proposal results in a rebuild rather than a conversion of the existing building. The Planning Practice Guidance supports this by stating that the intention of the permitted development right is not to allow rebuilding work which would go beyond what is reasonably necessary for conversion to residential use. It is only where the existing building is already suitable for conversion for residential use that the building would be considered to have the permitted

**PLANNING  
COMMITTEE**10th April 2019

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development right. Furthermore, the case law established that it is a matter of judgement as to where the line is drawn between a conversion and a rebuild. The structural survey confirms that the building is in good structural condition and is suitable for conversion to a residential unit. The applicants have also submitted a schedule of works which outline proposed works required to convert the building. The existing lightweight steel frame is to be retained in its entirety in addition to the foundations and concrete base. The corrugated metal sheeting on the roof is to be replaced with lightweight composite panels. The existing masonry cavity walls and high-level timber studwork are to be largely retained, but adapted in certain locations in order to allow the insertion of windows and doors. The existing large barn doors are to be removed and the existing openings will be infilled with new windows, the new entrance door, new timber cladding and brickwork re-used from where new openings have been created elsewhere. The existing high level dark brown waney-edged cladding is to be removed and replaced with new natural coloured horizontal tongue and grooved cladding. Having regards to the proposed works it is considered that the alterations proposed fall within the scope of Class Q.

Q.1 (j-m). The site does not fall within article 2(3) land, a site of special scientific interest, a safety hazard area, a military explosive storage area, a scheduled monument or a listed building.

On the basis of the above, the proposal complies with the criteria included within paragraph Q. 1.

**Criteria Q.2 of Class Q**

As the development proposed is considered to constitute development under Class Q(a) and Class Q (b) development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to;

- a) transport and highways impacts of the development,
- b) noise impacts of the development
- c) contamination risks on the site
- d) flooding risk on site
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- f) the design and external appearance of the building.

The following assessment has been made with respect to these criteria:

Q.2 (a) The application utilises an existing vehicular access and has provided sufficient parking. Therefore the Highway Authority raised no objection to the proposal. The Public Rights of Way Officer has commented on this application and provided some advice for the applicant to ensure that the development does not create any disruptions to the public right of way. These have been included as an informative on this recommendation.



## PLANNING COMMITTEE

10th April 2019

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Q.2 (b) No objection has been received on noise grounds from Worcestershire Regulatory Services.

Q.2 (c) Worcestershire Regulatory Services have raised no objection to the scheme in respect of land contamination.

Q.2 (d) The site falls within Flood Zone 1 and is not shown to be susceptible to flooding. The drainage engineer consultee has raised no objection to the scheme subject to condition.

Q.2 (e) Given existing residential uses are within the locality it is not considered the location impractical or undesirable for a use falling within C3.

Q.2 (f) The building has been designed to ensure that the number of new openings are kept to a minimum. In addition the bricks will be re-used where possible. Having regards to this, the design is considered acceptable in this rural location.

No objections have been received from statutory consultees in relation to criteria (a) - (d) and therefore it is considered unreasonable to refuse the prior approval on these grounds.

### Public Consultation

Three objections have been received from neighbouring properties following the public consultation on this application. Nos. 68, 67 and 65 Priest Meadow Close have raised concerns in respect of their privacy as a result of the proposed conversion. The proposed dwelling does not result in any windows being installed in the east elevation facing into these dwellings. The garden area to the rear of the property is 25m from the rear of the dwellings along Priest Meadow Close and 9.5m to the rear of the gardens of the properties along Priest Meadow Close. In addition to this the boundary to the rear of these gardens benefits from dense vegetation. Having regards to these separation distances achieved and the existing boundary treatments the proposed dwelling is not considered to demonstrably harm the privacy enjoyed by these dwellings.

Concerns have also been raised in respect of the ecology report that has been submitted as part of this application. An Ecological Impacts Assessment Report was submitted by the applicant by Dr Penny Angold a consultant ecologist at AMPA Associates Limited. The surveys is dated January 2019 which is in the winter months however the ecologist has concluded that sufficient evidence was available on site to make an informed judgement on the impact of the proposal on local ecology. The report acknowledges that there are records of notable species in locations close to the development and this includes reptiles, amphibians, hedgehogs, badgers and bats. The report has outlined a detailed method statement that will ensure that no animals are killed or injured during the works and that there is no breach of current wildlife legislation. The method statements can be controlled by condition to ensure that the developer carry out these works in accordance with the advice given.

**PLANNING  
COMMITTEE**10th April 2019

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In respect of the conflict on the Public Right of Way (PRoW), the PRoW is currently used as a vehicular access for two dwellings and an annexe and therefore has a number of comings and goings. The introduction of an additional dwelling on this site would not create such a number of vehicles above and beyond the existing situation or in fact the farm vehicles that could currently use the track.

In respect of a noise nuisance, Worcestershire Regulatory Services have not objected to the scheme and it is not considered that one dwelling in the context of this site would create a harmful noise nuisance to the surrounding properties.

Comments have suggested that this development would set a precedent for future development on site. However, each application is to be considered on its individual merits.

In respect of the possible pollution to the brook and ponds in the vicinity, these are not in close proximity to the barn subject to this application and in any event would be protected under separate legislation.

**Conclusion**

On the basis of the information submitted with the application and all the comments received from the neighbouring properties and relevant consultees, the proposed conversion complies with Schedule 2, Part 3, Class Q of the GPDO.

**RECOMMENDATION:**

**That having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and to all other material considerations, Prior Approval is required and GRANTED subject to the following conditions:**

**Conditions:**

- 1) The development hereby approved under must be completed within three years starting with the prior approval date.

Reason: Required as a result of the provisions of Class Q, Part 3 Schedule 2 of the Town and Country Planning General Permitted Development Order 2015.

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

PRE001 REV D - Proposed North & East Elevations

PRE002 - Proposed South & West Elevations

**PLANNING  
COMMITTEE**10th April 2019

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PRP0D0 - Dutch Barn - Proposed Level 0  
PRP0D1 - Dutch Barn - Proposed Level 1  
PRP200 - Proposed Site Plan (1-200)  
PRP500 - Proposed Site Plan (1-500)  
PRS001 - Proposed Sections  
PRV001 - Proposed 3d View 1  
SIT000 - Site Location Plan

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

- 3) The proposed materials shall be in accordance with the details within the Schedule of works submitted with this application.

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

- 4) No works in connection with site drainage shall commence until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

Reason: In order to ensure no increase in flood risk on or off site.

- 5) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 3 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 6) The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 7) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

**PLANNING  
COMMITTEE**10th April 2019

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- 8) The Development hereby approved shall not be occupied until the parking facilities have been provided as shown on drawing 1853/PRP500 Rev C.

Reason: To ensure conformity with submitted details.

- 9) All trees shown as being retained shall be protected in accordance with the requirements of BS5837:2012 during the course of all on-site development works

Reason: To ensure adequate protection to trees in the interests of the visual amenities of the area

**Informatives**

- 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 negotiation and amendment.
- 2) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3) The applicant is advised to adhere to the following obligations:
- The Public safety of those using the right of way must be ensured at all times.
  - There must be no disturbance of, or change to, the surface of the paths or part thereof without our written consent.
  - There must be no diminution in the width of the rights of way available for use by the public.
  - Buildings materials must not be stored on the rights of way.
  - Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
  - No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

**Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.

**Appendix to application 19/00137/CUPRIO**

Extract from Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Permitted development**

*Q. Development consisting of—*

*(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or*

*(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

**Development not permitted**

**Q.1** Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

(b) In the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c) In the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(l) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

(j) the site is on article 2(3) land;

(k) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

### Conditions

**Q.2—(1)** Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

(f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in subparagraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

**PLANNING  
COMMITTEE**10th April 2019

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**Planning Application 19/00318/FUL**

**Change of Use of the existing property known as Premier House currently B1 / B2 Use Class to that of Sui-Generis Use Class, specifically Plant Hire , maintenance and sales, ancillary parking and fenced storage yard, along with a further vehicular access to Hewell Road and external storage yard**

**Units 1&2, Enfield Industrial Estate, Hewell Road, Enfield, Redditch, B97 6BG**

**Applicant: Mr M Dormer  
Ward: Abbey Ward**

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

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**Site Description**

The site is situated at the corner of Windsor Road and Hewell Road with vehicular access directly from Hewell Road. Premier House comprises two attached units with a combined floorspace of approximately 1200 square metres in area. The site falls within a Primarily Employment Area as defined within the Borough of Redditch Local Plan No. 4. A group of trees are situated within a landscaped area which exists between Premier House and Hewell Road. The trees are protected under the Borough of Redditch TPO No.164 (2016).

**Background**

The applicant (Dormer Plant Hire) currently operates from 87-89 Evesham Road, Headless Cross with vehicular access to that site directly from Evesham Road to the west. The site is located to the north of the Evesham Road / Headless Cross Drive junction. The business, which currently employs 5 people wishes to re-locate from its existing location to the application site and seeks to expand. Between 10 to 12 staff are expected to be employed at the application site.

**Proposal Description**

Planning permission is sought for a Change of Use of the existing property known as Premier House whose use currently falls within the B1 and B2 Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended) to that of a Sui-Generis use, specifically in this case for Plant Hire, maintenance and sales, ancillary parking, together with a fenced storage yard. A new, additional vehicular exit to the south of the existing access point is also sought together with minor external alterations to the existing brick built building.

## PLANNING COMMITTEE

10th April 2019

---

### Relevant Policies :

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 16: Natural Environment

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 39: Built Environment

Policy 40: High Quality Design and Safer Communities

#### **Others**

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

SPG Designing for Community Safety

### Relevant Planning History

None

### Consultations

#### **WCC Highways**

Comments summarised as follows:

The Highway Authority has concluded that there would not be a severe impact on the surrounding highway network and that therefore there are no justifiable grounds on which an objection could be maintained. No objections are raised subject to the imposition of appropriate highway conditions. Parking provision to serve the use would be acceptable.

The applicant is proposing a one way left out only exit, therefore a vehicular visibility splay is only required to the right on exit in-order to see oncoming vehicles. The applicant has now provided 85th%tile (27mph westbound & 28 eastbound) speeds via a speed survey in the vicinity of the proposed exit on Hewell Rd. The recommended vehicular visibility splay in accordance with the 85th%tile speeds is: 2.4m x 39m and the splay has been shown on site layout 1850.02F

#### **North Worcestershire Water Management**

Comments summarised as follows:

From a flood risk perspective there are no objections to the development.

The car park should be appropriately drained and have appropriate pollution control measures to protect the adjacent Batchley Brook.

The car park should have an oil interceptor which is regularly maintained to avoid polluting the watercourse. An appropriately worded planning condition to this effect should be attached to any consent.



**PLANNING  
COMMITTEE**10th April 2019

---

**Worcestershire Regulatory Services**

No objection

**Arboricultural Officer**

Comments summarised as follows:

No objections are raised to the proposed development with regards to tree related issues. Mitigation for the loss of a small number of trees sitting within Group 2 (G2) of the Borough of Redditch TPO No.164 (2016) is required having regards to the loss of:

- \* 2x young Birch in fair condition
- \* 1x Semi mature Wild Cherry in fair condition but containing a large scar on its southern side
- \* 1x Western red Cedar in fair condition but again with a notable wound on the southern side.
- \* 1x Field Maple in good condition and fair form although its position and list towards the build make for an unsustainable position
- \* 1x Hornbeam on good condition and form with no notable defects

There is scope for some mitigation within the grassed area to the south west of Unit 2 where the Wild Cherry is proposed to be removed. Appropriate planning conditions to this effect should be attached to any consent.

**Police Crime Risk Manager**

No objection

**Public Consultation Response**

No comments received

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

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No.4 where the primary aim of Policy 24 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land.

The proposed plant hire use does not fall within the B1, B2, or B8 categories as set out under the above Use Classes Order, but neither does the use fall within any other defined use within the Order (such as A1 retail or D2 leisure for example). The category of use in this case is referred to as 'Sui-Generis' or 'of its own kind' or a use which is unique or different. Examples of Sui Generis uses include, amongst others: a scrap yard or a car show room. Many Sui-Generis uses sited within defined employment areas are compatible within such locations since they provide employment opportunities and are unsuited to many Town Centre or residential locations. Having regard to the proposed

## PLANNING COMMITTEE

10th April 2019

---

plant hire use, your officers are satisfied that the application site falling within the Enfield Industrial Estate is a suitable location for such a use and indeed a preferable location to that of the applicants current location which is situated within close proximity to residential uses and where goods vehicles access the site directly opposite a bus stop.

No objections are raised to the principle of the development for the reasons set out above.

### Highways, access and parking

The site currently accommodates 25 car parking spaces. The proposed use requires fewer spaces and as such, part of the existing car park to the rear of the site is proposed to be used for the storage of plant and materials within a fenced compound. A row of existing car parking spaces would be retained, with provision extended to accommodate further car parking such that 15 spaces to total would be provided for staff and visitors. Car parking provision is considered to be acceptable having regards to the particular nature of the proposed use.

The existing in/out vehicular (access/egress) point would be retained in its current form and a new 'one way' left out only exit would be created approximately 30 metres to the south-east from the main vehicular access. A traffic survey has been carried out and the highway authority are satisfied with its findings on the proviso that a vehicular visibility splay measuring 2.4 x 39m is provided to the right on exit in order that oncoming vehicles can be seen.

Given that visibility matters with respect to the proposed new 'exit only' point have been addressed and car parking provision would be acceptable, no objections are raised to the application on highway safety grounds.

### Tree matters

To facilitate the new 'exit only' point, a modest number of relatively small trees would need to be removed within 'group 2' of the Borough of Redditch TPO No.164. The Tree Officer is agreeable to their removal provided that new planting is introduced in mitigation for the loss and that retained trees are to be protected on site during construction of the new 'exit only' point. Conditions to this effect are recommended below.

### Perimeter fence

Much of the site is open to Hewell Road and the nature of the proposed business means that plant and equipment needs to be stored securely within a yard area. To this end, a dark green steel weld mesh security fence measuring 2.4 metres in height is proposed. Your officers are agreeable to the type of fence having regard to the impact of the fence upon the visual amenities of the area and its qualities in terms of security. Such fences are encouraged within the Councils SPG Designing for Community Safety and it is noted that the Police Crime Risk Manager has raised no objections to its use.

## PLANNING COMMITTEE

10th April 2019

---

### Trade Counter proposal

Minor external alterations are proposed to the elevation of Premier House which faces towards Hewell Road to the south-west. The alterations would introduce a shopfront entrance for Plant Hire Sales and act as a main entrance to the building. The changes are considered to be acceptable in design terms and would be partially screened by the trees protected by the Borough of Redditch TPO No.164.

As the site falls within an Employment Area, uses proposing primarily open retail sales as their main or only use (Class A1 of the Town and County Planning Use Classes Order) would not satisfy Policy 24 of the Borough of Redditch Local Plan No.4. However, established case law allows a floor area no greater than 10% of the total to be used for retail use in the form of a trade counter where the retail use of the building is clearly ancillary to the main use. In this case, your officers are satisfied that the primary use of the site would be that of plant hire and would therefore fall within the 'Sui-Generis' definition. Your officers have also taken into consideration the fact that the existing premises at Evesham Road, Headless Cross benefits from having a trade counter. Whilst it would be unreasonable to prevent the provision of a trade counter, in order to ensure that the plant hire use remains the principal use of the building, it is proposed to restrict the size of the trade counter to the area as shown on the submitted plans such that no more than 10% of the floorspace would be given over to retail use.

### Other matters

Sections 100ZA(4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of any pre-commencement condition. Written agreement to the terms of relevant recommended conditions set out below has been sought and agreed by the applicant.

### Conclusion

Overall, it is considered that the application proposals comprise sustainable development in accordance with the definition set out in the National Planning Policy Framework. The proposed development performs well against all three overarching objectives to sustainable development outlined at Paragraph 8 of the NPPF and is therefore recommended for approval.

### **RECOMMENDATION:**

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

### **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.

**PLANNING  
COMMITTEE**10th April 2019

---

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 carried out in accordance with the following plans and drawings:

***Appropriate references to be inserted here including site layout plan  
1850.02F***

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

- 3) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include new planting, trees to be retained, together with measures to be taken for their protection while building works are in progress.

Reason: In the interests of the visual amenity of the area

- 4) All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area

- 5) All retained trees within the site shall be afforded protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site and existing ground levels within the BS5837:2012 recommended Root Protection Areas of the trees to be retained shall be maintained. No storage of plant and materials shall take place within the RPAs of any retained trees and any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.

Reason: In the interests of the protecting the existing trees in to protect the visual amenities of the area

- 6) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

**PLANNING  
COMMITTEE**10th April 2019

---

Reason: In the interests of highway safety.

- 7) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces has been fitted with an electric vehicle charging point in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the charging point shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

- 8) The Development hereby approved shall not be brought into use until the visibility splays shown on drawing 1850-02F: Site Plan proposed have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 9) All surface water drainage from trafficked and parking areas and hardstandings shall be passed through an oil and chemical interceptor designed so as to have a capacity and details compatible with the site being drained and constructed to a specification submitted to and approved in writing by the Local Planning Authority before the drainage works are commenced. Roof water shall not pass through the interceptor.

Reason: In the interests of protecting watercourses from pollution

- 10) The area occupied by the trade counter shall be restricted to that shown on the approved plans; shall be no greater than 120 square metres in area and equate to no more than 10% of the total gross floorspace of the building.

Reason: The site is within a primarily employment area where A1 Class sales are not permitted unless such retailing is clearly ancillary to the main use and primary operation (in this case a plant hire)

**Informatives**

- 1) The local planning authority has 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 negotiation and amendment.

**Procedural matters**

This application is being reported to the Planning Committee because the applicant is a Councillor at Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.

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