



Planning Committee

Mon 18 Mar
2019
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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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

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
- 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 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

Monday, 18th March, 2019

7.00 pm

**Council Chamber - Town Hall
Redditch**

Agenda

Membership:

Cllrs:

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

Bill Hartnett
Gareth Prosser
Jennifer Wheeler
Wanda King

1. Apologies

2. Declarations of Interest

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

3. Confirmation of Minutes (Pages 1 - 4)

4. Update Reports

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

5. Application 18/01626/S73 - Redditch Gateway Land adjacent to the A4023 Coventry Highway Redditch (Pages 5 - 74)

Report attached - for site plan see Site Plans agenda

6. Application 18/01600/OUT - Land at Sandygate Close Webheath Redditch - Redditch Borough Council (Pages 75 - 88)

Report attached - for site plan see Site Plans agenda

7. Application 18/01509/OUT - Land at Heronfield Close Church Hill South Redditch - Redditch Borough Council (Pages 89 - 100)

Report attached - for site plan see Site Plans agenda

8. Application 19/00075/ OUT - Land adjoining 1 Fladbury Close Woodrow North Redditch B98 7RX - Redditch Borough Council (Pages 101 - 110)

Report attached - for site plan see Site Plans agenda

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- 9.** Application 18/01448/FUL - 48 Church Road Webheath Redditch B97 5PG - Mr K Best (Pages 111 - 116)

Report attached - for site plan see Site Plans agenda

- 10.** Application 19/00097/FUL - Unit 5 Lakeside Industrial Estate New Meadow Road Lakeside Redditch B98 8YW - Ms A Marshall (Pages 117 - 120)

Report attached - for site plan see Site Plans agenda

- 11.** Application 19/00130/FUL - 2 Brockhill Lane Brockhill Redditch B97 6QX - Councillor and Mrs Akbar (Pages 121 - 124)

Report attached - for site plan see Site Plans agenda



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Wednesday, 13 February 2019

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Salman Akbar, Roger Bennett, Andrew Fry, Bill Hartnett, Gareth Prosser, Wanda King and Pat Witherspoon

Also Present:

Officers:

Amar Hussain, Helena Plant and Steve Edden and David Edmonds

Democratic Services Officer:

Sarah Sellers

64. APOLOGIES

Apologies for absence were received from Councillor Jenny Wheeler; Councillor Pat Witherspoon attended as substitute for Councillor Wheeler.

65. DECLARATIONS OF INTEREST

In relation to application 18/1283/FUL (The Queens Head), Councillor Mike Chalk declared an other disclosable interest in that his home is located in very close proximity to the site. Councillor Chalk left the room during the consideration of this item and took no part in the deliberations.

In relation to application 18/1283/FUL (The Queens Head), Councillor Pat Witherspoon declared an other disclosable interest in that she lives on Bromsgrove Road a short distance away from the application site. Councillor Witherspoon stated that she had no prior knowledge of the application. Councillor Witherspoon remained and considered and voted on the matter.

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Chair

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**66. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE
HELD ON 9TH JANUARY 2019**

RESOLVED that

The Minutes of the meeting of the Planning Committee on 9th January 2019 be confirmed as a correct record and signed by the Chair.

67. UPDATE REPORTS

The published Update Reports for the applications were noted.

**68. APPLICATION 18/00662/FUL - KENMAR PUMPHOUSE LANE
WEBHEATH REDDITCH B97 5PP - MR A BRITTAN**

Demolition of existing dwelling and erection of five, two storey detached dwellings with ancillary garages and parking

Mr James Davis, a local resident, and Mr Alan Smith, the agent of the applicant addressed the Committee under the Council's public speaking rules.

It was noted that the Update Report included an amendment to Condition 2 set out on page 19 of the main agenda which reflected the re-numbering of the plans for house types and elevations to match the plot numbers referred to on the site layout plan.

RESOLVED THAT

Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives set out on pages 19 to 25 of the main agenda but with Condition 2 substituted as detailed below:

Substitute Condition 2

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

- Location Plan, Drawing no. 1839.01.A
- Proposed Site Plan, Drawing no. 1839.02H
- House type plans and elevations for plots 1 and 5 as per drawing 1839/E
- House type plans and elevations for plots 2, 3 and 4 as per drawing 1839/04B

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

**69. APPLICATION 18/1283/FUL THE QUEENS HEAD 125
BROMSGROVE ROAD BATCHLEY REDDITCH B97 4RL - MR
RAVINDER SINGH**

Refurbishment of existing single storey extension including new windows to front elevation; new basement; new single storey extensions to rear of public house

Councillor Gemma Monaco (Vice Chair) acted as the Chair for this item, in place of Councillor Mike Chalk who did not participate and left the room (as outlined below).

Mr Ravinder Singh (applicant) and Mr Michael Bharya (agent) addressed the Committee under the Council's public speaking rules.

RESOLVED THAT

Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives set out on pages 31 to 32 of the main agenda.

[In relation to this item Councillor Mike Chalk declared an Other Disclosable Interest in that home is located in very close proximity to the site. Councillor Chalk left the room during the consideration of this item and took no part in the deliberations.]

[In relation to this item Councillor Pat Witherspoon declared an Other Disclosable Interest in that she lives on Bromsgrove Road a short distance away from the application site. Councillor Witherspoon stated that she had no prior knowledge of the application. Councillor Witherspoon remained and considered and voted on the matter.]

**70. APPLICATION 18/01491/OUT - LAND FRONTING 10 TO 15
CLIFTON CLOSE AND REAR OF 32 TO 36 BRINKLOW CLOSE
MATCHBOROUGH WEST REDDITCH B98 0HE - REDDITCH
BOROUGH COUNCIL**

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

The application was for outline planning permission for the construction of 5 two bedroomed dormer bungalows on Council owned land. It was noted that all matters were reserved for future

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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 Drayton Close.

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 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.

In response to questions from Members officers confirmed that the existing footpath that crossed the northern section of the site was under the control of Worcestershire County Council, and that prior to works commencing an application would have to be made for it to be stopped up. Based on the indicative plan, a new path had been included which would be positioned adjacent to the northern boundary of the proposed dwellings.

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 page 40 of the main agenda.

The Meeting commenced at 7.03 pm
and closed at 8.05 pm

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Planning Application 18/01626/S73

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.

Original description of development (for 17/01847/OUT, 17/00700/OUT, 17/00701/OUT): 'Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; And Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023'

Redditch Gateway Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire, ,

Applicant: Redditch Gateway Infrastructure Ltd

Ward: Winyates Ward

(see additional papers for site plan)

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

1.0 Consideration and Determination of Cross Boundary Application

- 1.1 Three identical applications have been submitted which include land within three LPA boundaries (Stratford, Bromsgrove and Redditch).
- 1.2 The consideration of the impacts of a development proposal are not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Bromsgrove District. For reference this relates to land North of the Coventry Highway and Blacksoils Brook / east of Ravensbank Business Park.

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2.0 Site Description

- 2.1 The site extends to approximately 31.5 ha (78 acres) and is within two main land parcels to the north and south of the A4023 Coventry Highway, a main dual carriageway arterial road linking from the A435 which forms the eastern boundary of both parcels.
- 2.2 The site lies on the edge of the built-up area of Redditch, approximately 2.5 miles from the town centre. The land is presently in agricultural use.
- 2.3 To the north of the A4023, the northern parcel (10.28ha) increases in level in a north/easterly direction and is formed from a series of fields, currently grazed and defined by semi/mature hedgerows. Trees are generally confined to the hedgerows except for a few isolated specimens. The Blacksoils Brook bisects the northern parcel along an approximately north-east / south-west alignment. A former chalk pit is evident within one of the fields.
- 2.4 To the south of the A4023, the southern parcel (21.24 ha) is relatively flat and in a broadly triangular shape. As with the northern parcel, it is formed by a series of fields defined by hedges.
- 2.5 Land both immediately north and south of the A4023 is set lower than the level of the road. The A435, part of the strategic highway network, linking Birmingham and Evesham (via the A46 and crossing the M42) forms the eastern boundary. It changes from a dual carriageway to single carriageway towards the southern boundary of the site as it approaches Mappleborough Green.
- 2.6 Two public rights of way, namely 585(C) and 588(D) cross the northern part of the application site, (within Bromsgrove's jurisdiction), and emerge on the northern side of the A4023 Coventry Highway, where they intersect with rights of way 799(C) [running north west towards Ravensbank Drive] , 800(C) [running south east along the western edge of the site], and 641(C) [which links to Far Moor Lane just south of the Blue Inn].
- 2.7 The site is neither within nor adjacent to a Conservation Area and does not include any statutorily or locally listed buildings. The site is not subject to any Tree Preservation Orders.
- 2.8 The majority of the land to the north of the northern land parcel is formed by agricultural land and mature woodland. The exception to this is Gorcott Hall, a Grade II* listed building and associated grounds (containing related listed structures) whose boundary with the site is formed by a mature hedge. The northern parcel is bounded to the west by existing employment developments including the Ravensbank Business Park. The southern boundary to the northern development land is formed by the A4023.

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- 2.9 The A4023 and A435 also form the respective northern and eastern boundaries to the southern, development land parcel. To the west lies existing commercial development (hotel and car showrooms) and established residential development off Far Moor Lane. A pedestrian footpath 800(C) runs along the western and southern site boundaries, south of which is Longhope Close, including Lower House, a Grade II listed building. A screen of mature trees and hedgerow also runs along the eastern boundary. To the southeast of the site and on the other (eastern) side of the A435 are the School and Yew Tree and Church Cottages and the School House (formerly 1 and 2 School Cottages), which are Grade II Listed.

3.0 Proposal

- 3.1 The application site falls within the jurisdictions of Stratford on Avon District Council, Redditch Borough Council and Bromsgrove District Council, the composition of which is as follows:

- 20.5 hectares of the site falling within Stratford on Avon District Council
- 10.28 hectares of the site falling within Bromsgrove District Council
- 0.74 hectares of the site falling within Redditch Borough Council

- 3.2 Identical hybrid planning applications were submitted to Stratford-on-Avon District Council (17/01847/OUT), Redditch Borough Council (17/00700/OUT) and Bromsgrove District Council (17/00701/OUT) in June 2017. All three applications were granted by the respective Local Planning Authorities on 11 June 2018.

The hybrid applications approved:

- Outline planning application, with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved, for the development on a phased basis of 32 hectares of employment land for business/industrial uses (use classes B1, B2 and B8);
- Full planning application for Phase 1 Ground Engineering works (to create the first development plateau) and means of access to the site from the A4023

- 3.3 Identical S73 applications have been submitted to Stratford-on-Avon District Council (18/03746/VARY), Redditch Borough Council (18/01626/S73) and Bromsgrove District Council (18/01596/S73).

- 3.4 The applications seek to amend the approved scheme through changes to conditions attached to the original hybrid consent. Specifically, this application proposes the following changes:

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- Variation of condition 2 (approved 'full' plans) to reflect an amended Phase 1 Ground Engineering works which would facilitate the first development plateau. The amended plans provide for the earthworks necessary to create the approved access into both the northern and southern development parcels, and to create the first development plateau in accordance with the amended employment zones. The amended condition wording would refer to updated plans (5372-210 Rev A, 5372-211 Rev B, FUTHER PLANS);
 - Variation to condition 8 (approved 'outline' plans) to reflect amended parameters for the outline element of the development approved to the northern development parcel. The amended condition wording would refer to the updated parameters plan (5372-205 Rev T). The approved parameters for the southern development parcel would remain unchanged;
 - Variations 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 condition; and
 - Variation to conditions 28 and 29 to refer to the updated Floor Risk Assessment which has been undertaken to take into account the changes proposed to the Parameters Plan and Phase 1 Ground Engineering works to facilitate the first development plateau.
- 3.5 The Planning Statement submitted with the application outlines the reasons for the submission of this application.
- 3.6 A potential corporate occupier (whose identity is confidential for commercial reasons) has a requirement for a large floorplate warehouse building of approximately 31,000sqm GIA together with approximately 3,100 GIA of ancillary office accommodation.
- 3.7 In order to accommodate a building of the floorspace and aspect ratio required, a larger single development platform is required than can be accommodated within the employment zones approved through the original hybrid consent (Parameters Plan 5372-205 Rev L). In order to achieve the specific requirements of the occupier, the development zones in the northern development parcel need to be amended.
- 3.8 The approved parameters for the southern development parcel would remain unchanged.

Northern development parcel as APPROVED

Five employment zones to the following parameters:

- Area 1 to the northwest of the Blacksoils Brook (pink on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed above ordnance datum (AOD) 121.0

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- Area 2 to the northwest of the Blacksoils Brook (pink on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 128.0
- Area 3 to the northwest of the Blacksoils Brook (grey on approved parameters plan) – parking only
- Area 4 to the southeast of the Blacksoils Brook (yellow on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 124.0
- Area 5 to the southeast of the Blacksoils Brook (orange on the approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 122.0-123.0

A Landscape Buffer Zone to the southeast of the Blacksoils Brook, and perimeter landscaping adjacent to the brook and to the edges of the northern development parcel (all green on the approved parameters plan).

Northern development parcel as AMENDED

Four employment zones to the following parameters:

- Area 1 which would cross the Blacksoils Brook (requiring its diversion) (yellow on amended parameters plan) – area to include parking and servicing, maximum building height not to exceed AOD 123.0, maximum plant height not to exceed AOD 125.0 (this would be in place of Areas 1 and 2 as described above)
- Areas 2-4 to the east of the Blacksoils Brook (grey on approved parameters plan) – infrastructure
- Minor incursion into the approved Landscape Buffer Zone would be required, though the previous employment zone to the easterly corner of the site (Area 5 as described above) would be retained as landscaping, accommodating the rerouted Blacksoils Brook and public right of way.

4.0 Relevant Policies

4.1 The adopted Development Plan setting out the planning policy provisions relevant to development on the site as a whole comprise the following:

- Borough of Redditch Local Plan No.4 (2017)
- Bromsgrove District Plan (2017)
- Stratford-on-Avon Core Strategy (2016)

4.2 Redditch Local Plan No.4 (2017)

Policy 16 Natural Environment

Policy 22 Road Hierarchy

Policy 24 Development within Primarily Employment Areas

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4.3 Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP5B Other Development Sites
- BDP6 Infrastructure Contributions
- BDP13 New Employment Development
- BDP14 Designated Employment
- BDP16 Sustainable Transport
- BDP19 High Quality Design
- BDP20 Managing the Historic Environment
- BDP21 Natural Environment
- BDP22 Climate Change
- BDP23 Water Management
- BDP24 Green Infrastructure
- BDP25 Health and Well Being
-

4.5 Stratford-on-Avon Core Strategy (2016)

Relevant Policies in the Development Plan for this application are

- CS.1 Sustainable Development
- CS.2 Climate Change and Sustainable Construction
- CS.3 Sustainable Energy
- CS.4 Water Environment and Flood Risk
- CS.5 Landscape
- CS.6 Natural Environment
- CS.7 Green Infrastructure
- CS.8 Historic Environment
- CS.9 Design and Distinctiveness
- CS.10 Green Belt
- CS.15 Distribution of Development
- CS.22 Economic Development
- REDD.1 Redditch
- REDD.2 Redditch
- CS.25 Healthy Communities
- CS.26 Transport and Communications
- CS.27 Development Contributions

4.5 Others

- NPPF National Planning Policy Framework (February 2019)
- NPPG National Planning Practice Guidance
- Worcestershire County Council Local Transport Plan 3 (LTP3)
- Stratford on Avon District Design Guide (information guidance)

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- Historic England Good Practice Notes 2105:
 - GPA 1 – The Historic Environment in Local Plans
 - GPA 2 – Managing Significance in Decision-Taking in the Historic Environment
 - GPA 3 – The Setting of Heritage Assets
- Air Quality Action Plan for Alcester Road, Studley
- Warwickshire Local Transport Plan (2011-2026)
- Warwickshire Landscape Guidelines 1993
- Planning and Community Safety – Design and Crime Reduction 2006: Planning Advice Note (informal guidance)
- Green Infrastructure Study for Stratford on Avon District Council (2011)
- Stratford on Avon Employment Land Assessment 2011
- Corporate Strategy 2015-2019
- Stratford on Avon Business and Enterprise Strategy 2012-2015
- Stratford District Partnership 2026 Vision – Sustainable Community Strategy
- Guidelines for Landscape and Visual Impact Assessment (GLVIA3)
- National Character Areas 17.07.2012
- Guidance on Transport Assessment published jointly by Department for Transport and Department for Communities and Local Government 2007

4.6 Redditch Borough Plan

- 4.6.1 The Redditch Borough Local Plan 4 was adopted on 30 January 2017 for the period 2011-2031
- 4.6.2 Only a small part of the site providing pedestrian access into the main area of development lies within Redditch borough. However, the justification for the allocation of Redditch Gateway with Bromsgrove and Stratford-on-Avon is derived from the objectively assessed needs of Redditch. Redditch Gateway is therefore identified on the plan's key diagram.
- 4.6.3 BoRLPNo.4 Policy 23 identifies the employment land requirements for Redditch and notes that Redditch Gateway is *"a key initiative for employment provision to meet Redditch related employment needs."* Around 10ha is therefore allocated with Bromsgrove District adjacent to the existing Ravensbank development and further land in Stratford-on-Avon at Gorcott (c 7ha) and Winyates Green (c 12ha).
- 4.6.4 The policy continues that the development will provide a significant enhancement to the employment land supply through the creation of a "high profile and highly accessible" employment scheme that will benefit from links to the M42/M40 corridor, able to help support existing business in Redditch and provide opportunity to diversify the employment base.
- 4.6.5 Development requirements include the need for a comprehensive development on the basis of a phased Masterplan that provides for high quality employment in a landscaped setting and have a co-ordinated, Masterplan approach to delivering a new primary access.

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5.0 Relevant Planning History

17/00700/OUT (Redditch)	Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; and Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023.	Approved	11.06.2018
17/00701/OUT (Bromsgrove)			
17/01847/OUT (Stratford)			
18/01596/S73 (Bromsgrove)	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.	PENDING a decision at the time of preparing this report	Scheduled for consideration by BDC Planning Committee 11/03/2019

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6.0 Consultations

6.1 Beoley Parish Council (Bromsgrove)

Beoley Parish Council object to this latest flurry of applications which are leading to the development of a massive series of empty sheds within the Greenbelt. We have been consistent in our opposition to this development, and will continue to do so. Absolutely scandalous!

6.2 Mappleborough Green Parish Council (Stratford)

Object to the application for the following planning reasons:

- Change in size of the proposed building does not follow the outline permission
- Potential increase in HGV volumes will negatively impact on the health and wellbeing of Mappleborough Green and Redditch residents through:
 - Increased particulate air pollution leading to poorer health
 - Increased vehicle noise, leading to increased stress
 - Increased through-night activity will result in residents suffering poor sleep
- Developer argues that this site is the only one suitable to their client in the West Midlands Region, and that the development is necessary to meet economic forecasts. PC argue that there are many brownfield sites in Redditch and the PC understands that unemployment is not a major problem (see report from the ONS re-benefit payments). PC worries that this project is more about making money for a few rather than to meet a real need
- Original 'north side' showed many more parking spaces, 80 as opposed to 450 in revised application. Part of the original reason was to meet employment needs. It seems the developer's client's needs outweigh the original needs of the area
- Developer argues that the site has walkways, cycle lanes and is on a public bus service route. However the PC understands that the public bus service is already overcapacity and will require additional buses to meet an increased demand
- With the proposed increase in HGVs (assuming all of the loading bays will be in use) it is even more important that hauliers follow the proposed routing plan. However, the PC do not believe a voluntary system will work and feel that the only certain way is a ban on HGVs over 7.5 tonnes through Studley and Mappleborough Green. This ban could be temporarily lifted in the event of problems on the M42
- Loss of trees, hedgerows and the re-routing of streams will have an effect on rare and protected wildlife that will not really be known until after the changes are made
- When comparing drawings 5372-203K with BMT/22116/100-01, drainage features do not correlate
- Lighting of 24-hour operations will further pollute the night sky. PC insists that all baffles and shields are fitted as a matter of course, rather than "if needed". The PC's preference is that lighting units be fitted no higher than 10m

Questions to developer:

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- Explain what is meant by “comprehensive management plans” and “effective management regime” in reference to all planted areas and existing features that they have worked to retain
- How much of the materials to be used in the construction of the buildings will be recycled or reclaimed?
- What is the estimated percentage of locally sourced construction materials?
- Define the steps they will take to avoid using materials and surface treatments that give off harmful emissions and how they will manage the process? How the waste will be managed and if the materials will have any potential to harm the surrounding neighbourhood?
- How will the developer control noise emanating from the site both during the construction phase and the operational phase? Since the operational service yard will be well lit it seems that there will be 24-hour operations
- PC fails to see how, with such a potential increase in HGVs, the transport assessment remains unchanged? Expect developer to explain the reasoning for this (18.02.2019)

6.3 Studley Parish Council (Stratford)

Object to the application for the following planning reasons:

- Visual impact – development of the exposed hill which is prominent from anywhere in the area. Ruin the current pleasant view of trees and fields to a factory estate/associated infrastructure
- Lighting would be visible from all over the District, detracting from what is open countryside
- Detrimental visual impact on Gorcott Hall. Proposal will ruin the vista across open countryside
- No identified users, no identified employment opportunities and no need for the development in this location. No shortage of employment opportunities in Redditch and the surrounding area. Speculative development that seeks to remove Green Belt, purely as a way of making money
- Development isolated from residential areas in Redditch with no viable pedestrian or cycle access routes and there are no public transport links to it
- Redditch has ample brownfield sites within its boundaries. Identified several that could easily accommodate the proposed building, which already has the infrastructure available to facilities their construction
- Infrastructure is not in place to support the traffic from proposed development. Existing road junctions are unsuitable for an increase in what could potentially be 2000 vehicle trips in and the same out everyday
- No public transport provision
- No measures in place to reduce inevitable deterioration in air pollution that will impact on the Air Quality Management Area in Studley
- No proposal to alleviate HGV traffic from the A46, M40, M42 and M5 which will use the A435 through Studley as a route of access to the development

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- PC would like to see additional traffic coming off the M5 at Junction 9 to be redirected on to the A46/M40/M42 and not through Studley with weight restrictions and road realignments to deter HGV traffic
- With additional housing being constructed in Alcester, Bidford on Avon, Stratford upon Avon and Long Marston, it is inevitable that there will be a reliance on the S435 to carry the workforce and HGVs to and from these settlements to the development, adding to the density of traffic flowing through Studley and Mappleborough Green
- PC seek assurances that plant vehicles accessing the site would not be using the A435 through Mappleborough Green and Studley (06.02.2019)

6.4 Tanworth in Arden Parish Council (Stratford)

No comments:

- Should any further technical consultation responses identify any objections to this application, the PC reserves the right to revisit this application (08.02.2019)

6.5 Spennall Parish Council (Stratford)

None received

6.6 Morton Bagot Parish Council (Stratford)

None received

6.7 Ullenhall Parish Council (Stratford)

None received

6.8 Beaundesert Parish Council (Stratford)

None received

6.9 Henley in Arden Parish Council (Stratford)

None received

6.10 Oldberrow Parish Meeting (Stratford)

None received

6.11 Sambourne Parish Council

None received

6.12 Coughton Parish Council

No objection but makes the following comments:

- No objection in principle provided that due attention is paid to the NPPF and the environmental regulations as laid down in the Wildlife Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006 (31.01.2019)

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Highway Consultations**6.13 Worcestershire County Council Highways**

No objection:

- Application does not seek to alter the principle of development or the overall scale of development
- Therefore there is no impact on the highway network beyond that already given permission for
- The alterations result in future built form consolidated in a more central location
- Diversion of public right of way required which will need to be completed to confirmation stage before any development affecting the public rights of way commences
- Applicant needs to be aware of its obligations toward the public right of way
- Having undertaken a robust assessment, concludes that there would not be a severe impact and therefore no justifiable grounds on which an objection could be maintained (15.02.2019)

Worcestershire County Council Rights of Way

Make the following comments:

- Development appears to affect Beoley parish footpaths BE-585 and BE-588
- Proposal requires diversion of the public right of way – permission for diversion of the route required before any development affecting the public right of way is commenced
- Recommend notes relating to obligations toward the public right of way (30.01.2019)

6.14 Warwickshire County Council Highways

No objection:

- The Highway Authority has undertaken a full assessment of the application detailed and compared the variations of conditions to the original planning application
- The assessment also includes consideration of the S73 Statement prepared by Savills and the Transport Assessment Addendum prepared by BWB Consulting
- Impact of the alterations would be negligible on the safe and efficient operation of the highway network
- Highways conditions on the previous application (17/01847OUT) would remain unchanged and there are therefore no grounds on which an objection on highway grounds can be maintained (13.02.2019)

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Heritage Consultations**6.15 Historic England**

Do not wish to offer comments – recommend that views are sought from specialise conservation and archaeological advisors where relevant (22.01.2019)

6.16 National Trust

Comments awaited

6.17 Redditch Conservation Officer

The site falls within both Bromsgrove District and Stratford District, and I understand part of the A4023 falls within Redditch. This road splits the site, the northern section including the Bromsgrove section of the site and also falls within the setting of Gorcott Hall which is located to the east/northeast. The proposal is to construct large warehouse units varying in height from 16.5 m up to 21m. As with the previous scheme the site has been zoned for buildings of various heights, although there is an illustrative masterplan with a suggested layout. This latest scheme has reduced development to the south west of Gorcott Hall to areas of carparking, albeit with the possibility of a two storey car park, the proposed height of this is unclear, as well as removing development to the south east. In addition the previous unit A is now considerably larger and spans the Blacksoils Brook.

Gorcott Hall comprises a small country house dating back to the 15th century, but with substantial additions and alterations taking place in the 16th, 17th and 18th centuries. The earlier ranges were originally constructed in timber framing, with a mix of brick noggin and lime render infill panels, although some of these elements have been replaced with brick, later additions and extensions have been constructed in brick. It represents a building of great interest, with its various phases of development. The significance of Gorcott Hall is outlined in the Heritage Statement which has been submitted as part of the application. An updated Heritage and Archaeology document has been appended to reflect the revised scheme. This document draws the conclusion that the harm to the significance of Gorcott Hall is less than substantial, falling within the middle of that assessment and would therefore be described as moderate.

The previous scheme had come about following a number of discussions between the applicant, myself, the conservation officer at Stratford and Historic England. I am not aware that there have been any similar discussions in respect of this scheme, and the reference to discussions in the Heritage and Archaeology Section are therefore misleading.

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In determining applications such as this there is a statutory duty in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In terms of the NPPF less than substantial harm needs to be balanced against the public benefits of the scheme.

The previous scheme in respect of the northern part of the site saw the development to the south west of Gorcott Hall, restricted to 9 and 12 metres in height and through some serious engineering work the ground levels in these areas were to be reduced to sink the units down into the landscape. Combined with a landscape buffer zone immediately to the south west of Gorcott Hall this would have reduced their visibility and the impact on Gorcott Hall. The trade off to all this was Unit A, and the zone to the north of the brook, where the expansive roofs of this unit was likely to be visible from the Hall. In addition these units were going to be 21m in height although during our discussions the figure had been 18m.

This latest scheme therefore has the advantage that there will be no development to the south east of Gorcott Hall, and significantly less development to the south west, although the height of the two storey car park is unclear. Unit A to the west has also been reduced in height to 16.5m. This has to be balanced however, against the fact that Unit A has massively increased in size and the greater expanse of roof is likely to increase the visual impact on views from Gorcott Hall in this direction. The sheer scale of this building despite its reduced height will have an adverse impact on the setting of Gorcott Hall

Increasing the dimensions of Unit A as proposed will now obliterate the Blacksoils Brook and associated hedgerow, an important archaeological feature, the boundary between Worcestershire and Warwickshire. I would support the comments made by Emma Hancox, in respect of this element of the scheme. The original scheme was largely designed around the Blacksoils Brook and associated hedgerow, and they formed an important part of the landscaping for that scheme, breaking up the site and maintaining some references to the historic landscape character of the site as a whole. Reducing the number of units has reduced the opportunities for landscaping to break up the site, and the latest plans show landscaping restricted to the boundaries of the site.

I would agree with the assessment that the harm to the significance of Gorcott Hall, a Grade II* listed building, remains as less than substantial, as before. Having weighed up the advantages and disadvantages of this revised scheme I am still of the view that the harm will fall somewhere in the middle of the less than substantial harm spectrum. It may be that some of the harm can be mitigated against when reserved matters are considered later in the process.

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I note that there are some other listed buildings further to the south notably Lower House in Longhope Close which falls within Redditch and other buildings which fall within Stratford. I had not previously considered these buildings, and I am not in a position to comment on the Stratford properties. I would agree that the harm to Lower House remains unchanged.

As the harm to the various designated heritage assets amounts to less than substantial harm, this will engage Paragraph 196 of the NPPF which requires harm to be weighed against the public benefits of the proposal. Significant public benefits would be required to outweigh the noted harm to these assets, but it is for the decision maker, the planner in the first instance to determine this.

I note that this is an outline application and the details of the scheme will be considered later at the reserve matters stage. It is imperative that at this later stage a great deal of thought is given to the following;

1. Materials and especially colour schemes
2. The specifics of ground profiling
3. Soft landscaping, especially in the buffer zone adjacent to the Hall, but also in other areas to reduce views through to the units. Existing boundaries, where they remain, will need to be reinforced
4. Hard landscaping
5. Security, especially in terms of the Hall
6. Lighting
7. Land Management, and particularly maintenance of the buffer zone area.
8. In terms of Unit A it would be useful to see more detailed photo montage evidence from Gorcott Hall to establish the impact on the listed building.

6.18 Stratford on Avon District Council Conservation Officer

This Section 73 application seeks to amend the approved outline site layout of the northern development parcel, changing from multiple employment zones to one principal employment zone with associated infrastructure to accommodate the operational needs of an undisclosed potential occupier.

The amendments to the scheme present both positives and negatives in terms of the impact on the setting of nearby heritage assets compared to that already approved by the original outline application. Importantly the 'buffer' area immediately adjacent to the Grade II* Gorcott Hall has been preserved (albeit with some slight reduction in size) alongside creation of naturalistic bunds behind which the development would be hidden. As a result of the amendments, this would be bolstered by the added benefit of the land SW of the hall kept free of built form but for a decked car park and the SE corner of the site retained as open green space. Overall building heights across this northern parcel have also been reduced by a notable amount.

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This would however be partially offset by the increased visual impact of the extensive roof area of the single larger building now proposed, noted in the conservation comments under the original outline application to perhaps constitute the main visual harm over absolute height when looking out from Gorcott Hall, although attempts to mitigate this have been made by keeping this building as far west as possible as shown on the Illustrative Masterplan and thus out of direct view from the hall. The reduced number of employment zones is also likely to impact on the amount of soft landscaping able to be achieved across the site, with less opportunity to 'break up' the areas of development with planting, which visually will reduce the site's aesthetic appeal and cause further erosion to the existing rural character. Key to this in the original application was retention of Blacksoils Brook on its existing course which provided a green corridor around which the site was designed.

Whilst the Parameters Plan indicates the retention of existing soft landscaping around the site's perimeter, the proposed new landscape features and planting that would have improved the surroundings are no longer illustrated. It is expected that the effects of these changes will be mitigated by additional landscaping, details of which will be finalised at reserved matters stage. Similarly there may be the potential for increased light spills and noise from the scheme as proposed which will also need to be addressed.

As in the original outline application, the listed building which would be impacted most by the development would be Gorcott Hall. Having reviewed the addendum heritage chapter submitted with this vary application, the assessment of harm in the middle of the less than substantial threshold equating to moderate harm is unchanged, although from the limited additional discussion of the effects of the amendments it is not altogether clear how this conclusion has been reached.

In terms of my own assessment, having considered and balanced the positives and negative impacts identified, I believe the level of harm has not materially altered from the original outline application which concluded that the harm was 'just in the upper part of the less than substantial spectrum', but would be dependent on further mitigation measures that need to be addressed at reserved matters stage. In regards to other identified listed buildings in the vicinity of the site, it is not considered that there would be any change to the assessment of harm of low levels of less than substantial.

6.19 Worcestershire County Council Archive and Archaeology Service

Makes the following comments:

- Query the need to amend condition 12 (submission and approval of a written scheme of investigation)

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- The Holloway
 - It has been confirmed that the “loss of sections of the Holloway” only refers to the addition of a pedestrian access through the Holloway to the adjacent development.
 - There would be no other loss of the Holloway, its hedges or banks/ditches.
 - No concerns with the impact of the development on the Holloway, as sections would not be removed save the small intervention for the pedestrian access.
 -
- The County Boundary (Blacksoils Brook and associated bank and hedge)
 - Variation proposes the loss of the County Boundary
 - Date of boundary is unknown but potentially has significant antiquity
 - Request evidence from the applicant that the boundary has been realigned at a later date and is not of medieval or an earlier date
 - Disagree with para 8.6.2 of the ES which defines the bank as being of low sensitivity, the hedgerow as very low sensitivity, and the impact of loss as moderate adverse and minor adverse – boundary is clearly of significant antiquity, and it is marked here by the brook, a bank and associated hedgerow. The total loss of this section of the boundary constitutes substantial harm to the monument – object to its loss
 - The hedgerow along the brook is ‘important’ (and so protected) when assessed against the Hedgerows Regulations (1997)
 - Should the variation be approved, then the recording and interpretation of the bank/boundary would need to be included in the mitigation strategy for the site. This would include assessment of environmental deposits along the line of Blacksoils Brook, should they be present (13.02.2019)

Ecology Consultations

6.10 Natural England Comments awaited

6.11 Worcestershire County Council Ecology

I recommend some adjustments and additions to the conditions imposed under previous permission.

The applicant has demonstrated that there are no other sites in the West Midlands region that meet the requirements of the intended occupier of the northern part of the Redditch Eastern Gateway site. Under NPPF 2019 paragraph 175c a 'wholly exceptional' reason is required for development resulting in the loss or deterioration of ancient woodland and ancient or veteran trees.

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The reasoning given in the current application focuses on the intended occupier's need for a large building and their critical timeframe. Examples of 'wholly exceptional' given in NPPF 2019 are 'nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat'. The wholly exceptional reasoning given within the current application must be evaluated by the planning committee.

The December 2019 Arboricultural Report (Crown Ref. 09343) identifies 22 individual trees and 19 groups of trees to be removed from the north site (not including the four veteran trees or T18) – it is not clear how this tallies with section 8 in the response document (ref. S73 response 180219docx.docx from Paul Rouse of Savills) or the green infrastructure comparison document (by Potterton Associates 15.02.19) which state that only nine trees will be removed. Clarification should be sought before determination, unless this is to be dealt with as a reserved matter.

The response document states that the diverted brook may need to be partially culverted if T18 is retained. However on comparison of the 'Watercourse Diversion Concept Plan' (RGNP-BWB-ZZ-XX-DR-YE-0001, reviewed 04.11.18) and the Tree Constraints Plan (in the Dec. 2018 Arboricultural Report, there appears to be sufficient space for both T18 and the diverted brook – I anticipate further reasoning within a reserved matters application on the need for culverting the brook in the vicinity of this retained tree.

I note that the lighting plan (drawing number 0182341-HL-XX-ZZ-DR-U-900-9000) submitted in the EIA Chapter 10 Landscape and Visual Impact Assessment Appendices Part 1 (December 2018) is not acceptable for discharge of the existing condition 39, although that condition should also be imposed on the new application. The plan shows light spill of up to 2 lux into the woodland edge and 10 lux onto the diverted brook. Professional guidelines (Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18) recommend that true darkness is no greater than 0.2 lux (on the horizontal plane), which would be suitable to permit the light-sensitive bat species recorded on site to continue using the corridors on both the northern and southern site boundaries. It is important that lighting is reduced on boundaries of the site, for example by means of cowls and screening.

If you are minded to grant planning permission for the current application I recommend that the site's biodiversity is safeguarded via the imposition of the conditions in addition to the conditions on the 2018 permissions (17/01847/OUT Stratford, 17/00700/OUT Redditch, and 17/00701/OUT Bromsgrove).

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6.12 Warwickshire County Council Ecology

WCC Ecology has serious concerns with the additional loss and impacts to the veteran trees although it is noted that their loss is inevitable due to the size of the building and requirements of its use as a lorry distribution centre. To satisfy the NPPF and the 'wholly exceptional' reasons then these fall to alternative locations that has been appraised by the applicant. This is not an area of my expertise and will leave this aspect for your consideration.

I have also clarified that the earthworks plan is not a final plan and that the lorry parking area to the eastern side of the wood will result in a circa. 8m sheer drop or sloping up to the perimeter of the wood. This will have an impact on the wood and possibly the pond above this drop. These impacts cannot be measured at this time, but will need to be gauged as part of the Biodiversity Offsetting S106 schedule when the reserve matters are submitted. The S106 schedule will need to pick up impacts of this kind throughout the development's layout be they of a positive (gain) or negative (loss) nature. Thus the existing S106 schedule will need to be transferred to this application.

I also have significant concerns about the placement of and design of the lighting columns and recommendation provided during pre-application discussion to encourage dark corridors. Therefore, it is essential that a lighting condition is retained on the permission granted. This will apply to all the ecological conditions placed on the original permission other than ones specific to Blacksoils brook that is to be diverted.

In summary

- It is our opinion that the 'wholly exceptional' reasons to impact on the veteran trees has not been adequately evaluated on ecological considerations, but may be overrode by economic reasons at your discretion.
- There will be indirect impacts on the woodland not covered in the Biodiversity Impact Assessment submitted to the original application, however, these can be tracked within the current S106 schedule.
- We object to the location and design of some of the light column and light splays and their impact on bat (European protected species). However, these can be resolved through a lighting condition and revised plans.

If you would like additional explanation to any of the above and/or planning matters relating to the transference of conditions from the original permission to this variance please let me know.

6.13 Forestry Commission

Comments awaited

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6.14 Woodland Trust

Object to the application for the following planning reasons:

- Translocation of veteran trees should be considered as a last resort solution in an attempt to save trees which are otherwise approved to be felled
- Translocation should not be considered as a viable alternative to the protection, management and retention of these trees in their original location
- In relation to veteran oaks T73 and T74, the proposals to translocate these specimens provide the opportunity for their survival which was not previously an option. However, translocation of veteran trees is a highly risky method that has a very low chance of ensuring the continued survival of such trees – it is a process much more suited to young trees
- Revised arboricultural report now states that all four veteran trees are unsuitable for retention on the grounds of health and safety concerns outside of the application process. However, with appropriate management the trees could be allowed to decline in a way which does not compromise the safety of the public but also continue to provide a home for wildlife
- Deadwood provided by veteran trees is very important to a range of biodiversity. Whilst deadwood will be translocated to the ecological enhancement area, this does not compare to maintaining the veteran trees in situ
- Veteran trees are afforded stronger protection under the revised NPPF – development contravenes
- If translocation of veteran trees is permitted

6.15 Warwickshire Wildlife Trust

This variation leads to the loss of two additional veteran trees, the loss of a species rich 'important' hedgerow and diversion of Blacksoils brook, loss of connectivity across the site for wildlife and unclear impacts on the adjacent woodland in addition to the ecological harm already acknowledge to be caused by the proposals under 17/01847/OUT.

We object to this planning application due to the loss of 4 veteran trees; irreplaceable habitats that are of high ecological value and protected by both the NPPF and local policy.

Considering a scenario where the LPA concludes that 'wholly exceptional reasons' exists for the loss of veteran trees (as per paragraph 175 of the NPPF which guides that wholly exceptional reasons may include "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat") have been demonstrated to warrant the loss of these trees, then we have the following comments on the proposed mitigation and compensation for the ecological losses at the site.

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Net Gains to Biodiversity

Following discussions at the meeting on 4/2/19 a copy of the Biodiversity Impact Assessment for both the northern and southern sections of the site has been provided to consultees.

I note an error in the calculation as the grassland within the northern site has been incorrectly entered as 'improved' grassland when the ecological report and phase 1 habitat plan describe it as 'poor semi-improved' grassland. This has the effect of undervaluing the current biodiversity value of the site. Correcting this error leads to the BIA evidencing a loss of biodiversity within both the southern and northern sections of the site.

Whilst I have not seen the section 106 provisions for Biodiversity Offsetting it is therefore likely that the sum to offset the biodiversity loss for the northern site would need increasing.

It remains unclear how much biodiversity value will be offset by the applicant on nearby land and how much will be offset by payment into a tariff to be offset further afield.

Impact on Northern Woodland

Concerns were raised by Worcestershire Wildlife Trust at the meeting on 4/2/19 regarding the change in levels required so close to the woodland adjacent to the northern boundary and the risk of leaving the woodland perched and disconnected.

The response from Savills dated 18/2/19 states that ecological connectivity is illustrated within the Parameter Plan. However the Parameter Plan (ref: 5372 – 205T) I have located does not show an ecological link between the woodland and the site. I recommend that this plan is updated to show how the link will be retained along the northern site boundary between the diverted brook and the woodland. At the meeting it was mentioned that further land was to be acquired so as to plant another hedgerow along the northern boundary; creating a double hedgerow which would better connect the woodland. However, I can't find this on any plan?

Whilst the Savills letter also states that as there is already a trench around the woodland which hasn't cause detrimental effect on the trees the S73 application plan works won't either. However it is unclear who has made this assessment and whether they are suitably qualified to do so? I recommend that an addendum to the arboricultural report is provided by a suitably qualified person to confirm that the earthworks won't impact the woodland trees.

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It remains unclear how the created slope will be supported and planted with vegetation.

Increased Light Spill onto Neighbouring Habitats

The lighting plan shows that there will be light spill onto the edge of the adjacent woodland, the north eastern hedgerow stated to retain connectivity for bats and a large portion of the realigned brook corridor.

I recommend that the lighting plans are revisited so as to retain the dark corridors and woodland edge used by bats and other light sensitive species.

6.16 Worcestershire Wildlife Trust

1. We note that the proposed development leads to the loss of additional veteran trees, substantial diversion of the Blacksoils Brook and loss of 'important' stretches of hedgerow. These are all significant matters but the most difficult to reconcile is the loss of veteran trees.

Paragraph 175 (part c) of the NPPF makes clear that such losses may only be permitted where there are 'wholly exceptional reasons' and whilst the applicant has submitted helpful information in this regard we are not persuaded that the implicitly very high threshold of 'wholly exceptional' has been demonstrated.

To be clear, we accept that there may be no alternative sites available that match the needs of the prospective occupier but we do not believe that this necessarily means that wholly exceptional circumstances pertain here.

LEP (and other) economic support for delivery of this site do not necessarily rely on this particular end user. Indeed the allocation of the site and the extant planning permission were presumably supported on economic grounds and so alternatives to the current proposal clearly exist.

Accordingly, we object to this application on the grounds that it will lead to a loss of veteran, and therefore irreplaceable, trees without appropriate justification. Accepting that economic justification of the development falls outside our area of expertise we look to the council to weigh this matter carefully in the planning balance.

However, we draw your attention to the fact that the NPPF uses examples of *'infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'* to demonstrate wholly exceptional reasons for loss. It seems to us that these represent quite different circumstances to the ones that pertain in this case.

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2. Notwithstanding these concerns, should the council be minded to accept that wholly exceptional reasons exist we do consider that the submitted veteran tree strategy sets out an appropriate approach to mitigation for the 'lost' trees. This strategy will need to be refined on a tree by tree basis and so further consideration and consultation may be helpful. In any event careful control of this strategy by condition will be required.

3. We note the helpful figures given in the submitted green infrastructure comparison table. Apart from the above-mentioned issues we otherwise welcome the potential for increases in habitat provision and the possible additional benefits that may be secured through the changes in layout. However, we note that there are uncertainties around the provision of connecting habitats around the north of the site and the buffering of the northern woodland parcel (as a result of land level changes). These matters should be clarified on plan and appropriate buffers and links secured by condition.

4. In this regard we note that changes to the existing conditions are proposed so as to allow for vegetation clearance in advance of other conditions being discharged. This may have implications for the timing of mitigation and compensation for loss and so is a matter of some concern. However, noting the proposed mitigation strategy we do not wish to object to this part of the application. We would however recommend that you append a new condition requiring a pre-commencement CEMP to cover the vegetation removal and protection of retained features during this process. In addition we echo other consultees recommendations that the existing landscaping condition be slightly amended to reflect the importance of future management.

5. We welcome the additional detail submitted in relation to the watercourse diversion but reiterate our concerns about the rather narrow corridor along the southern edge of the northern parcel of the site through which the brook will run. Moreover, we do not support the idea of culverting the brook past T18 (or the removal of T18). Alternative solutions to avoid further tree loss or additional culverting should be sought. We look to the council to control the detail of the brook diversion by condition with further consultation on this important element to follow in due course.

6. We note the commentary on lighting control but in common with other consultees we still have concerns about the light levels affecting the northern woodland, the proposed northern ecological corridor and the diverted brook corridor. In places the submitted plans suggest light levels as high as 10 lux, well above acceptable levels. We recommend that these matters are resolved as soon as possible and that control of lighting is covered by an appropriate condition.

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Drainage and Flood Risk Consultations**6.17 Environment Agency**

No objection subject to conditions:

- Although the site is in Flood Zone 1, detailed modelling demonstrates that significant parts of the site presently lie within Flood Zones 3a and 3b – by rerouting and redesigning the channels and removing structures, the vast majority of the site will be in Flood Zone 1 post-development with no increase in flood downstream. Final details of the channels for the diverted watercourses should be submitted and approved in order to demonstrate that they are designed to manage flows effectively
- Application is lacking information on biodiversity mitigation proposals – however through conditions, risks can be managed, with no overall serious loss of habitat and species diversity
- Water quality of the SSSI will be protected by a Construction Environment Management Plan and post-construction by a Sustainable Drainage Scheme which will protect surface waters from pollution
- Groundwater/spring fed marsh will not be affected, as the application area and SSSI are not in hydraulic continuity, therefore there will be no impact from the development in terms of groundwater pollution or levels
- Developer may want to explore the possibility of providing some storage on the western edge of the site to reduce the extent of flooding in case of blockage of the existing culverts under the highway
- If possible, during detailed design, the piped connection discussed in section 5.11 of the Water Framework Directive Assessment should be designed as an open channel – this would provide greater benefits for connected ecology and reduces the maintenance liability of culverts

6.18 Warwickshire County Council Flood Risk Management (LLFA)

No objection subject to the following conditions:

- Development in accordance with Flood Risk Assessment
- Submission and approval of hydraulic modelling of the proposed watercourse diversion
- Submission and approval of detailed surface water scheme
- Submission and approval of detailed maintenance plan detailing maintenance and management of surface water systems (31.01.2019)

6.19 North Worcestershire Water Management (LLFA)

Make the following comments:

- In principle, a diversion of the main stream is not unacceptable subject to a suitable newly designed channel

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- Strong reservations about the inclusion of section of culvert to the north eastern part of the site – introduction of new culverted water course would not be in accordance with Section 8.212 of the Bromsgrove Local Plan or Section 17.9 of the Redditch Local Plan
- Viable alternatives are available which should be considered
- When the design of the Blacksoils diversion has been finalised, modelling will need to be re-run
- Details provided on Illustrative Drainage Strategy (RGNP-BWB-HDG-XX-DR-D-540 P5) are broadly welcomed – subject to review at detailed design stage
- Encourage use of permeable paving in car parks where vehicle loading is not an issue
- Highlights importance of retention of existing diversions
- Recommends the following conditions:
 - Development in accordance with Flood Risk Assessment
 - Submission and approval of hydraulic modelling of the proposed watercourse diversion
 - Submission and approval of detailed surface water scheme
 - Submission and approval of detailed maintenance plan detailing maintenance and management of surface water systems (01.02.2019)

Environmental Health Consultations

6.20 SDC Environmental Health
No objections (25.01.2019)

6.21 SDC Waste and Recycling
No comment (11.02.2019)

6.22 Worcestershire Regulatory Services – Air Quality and Contamination

Worcestershire Regulatory Services (WRS) has considered the revised information, as detailed in the attached consultation request, and have no additional comments to make to those made previously. (11.02.2019)

- Contaminated land – assessment, which has been carried out in accordance with current guidance and best practice, considers site to be low risk in terms of risk from contaminated land. Agree with recommendation within submitted report that further investigation is required and this could be secured by condition
- Air quality – The AQA concludes a “negligible” impact on air quality within Worcestershire which is considered to be reasonable. Conditions recommended (31.08.2017)

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Other Consultees6.23 BT Openreach

Makes the following comments:

- Guidance notes provided which state requirements for protecting the network (12.02.2019)

6.24 Coal Authority

No observations (22.01.2019)

6.25 Warwickshire Police

No further observations to make (01.02.2019)

6.26 NWEDR (North Worcestershire Economic Development

The application has been submitted with an end user in mind, this means that there is further certainty that the site will be developed and that the outputs (jobs, investment etc) will be delivered, which is encouraging. The applicants have submitted a narrative explaining why the configuration of the building is required and why the Gateway Site is the preferred option. We have reviewed the information provided by the applicant and would agree with the comments provided. The issues considered to be most pertinent to this application are as follows:

- The size of the unit is dictated by the occupiers requirements, which is reliant on a bespoke unit being delivered. The occupier also requires a build to suit opportunity and so this means that existing stock has to be ruled out;
- The lack of available commercial sites at the size required by the occupier. There is an issue regionally, and nationally, about available commercial space to meet the needs of businesses. As the applicant has identified that there are not any alternative sites to meet this requirement in Redditch or Bromsgrove, which is something we concur with. Even within a wider search area there are limited sites that are available or are at a sufficient size in which to meet this particular requirement. Therefore, there are a few alternatives for the occupier to consider in order to meet its operational requirements and locational preference.
- Given the above, it is apparent that the Redditch gateway site offers the most realistic opportunity for the occupier to be able to invest and deliver new jobs and growth.

In conclusion, we remain supportive of the development of this economic Gamechanger site and the current application would allow for a specific user to operate from this site and this would allow the output and benefits expected from this site to be realised sooner, which is considered to be of real benefit.

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6.27 Public Consultation Response

letters were sent on 17th January 2019 to those who were previously consulted and responded on the hybrid application (expiring 18th February 2019)

8 site notices were posted on the 18th January 2019 (expired 18th February 2019)

Press adverts in the Bromsgrove and Redditch Standard newspapers on 18th January 2019

2.28 Neighbour Representations

24 representations were received from local residents in Objection.
The following issues have been raised:

Employment

- The amended proposal would generate less local employment than the approved scheme evidenced by the reduction in parking spaces on the illustrative plans.

Ecology/Biodiversity

- Loss of hedgerows
- Loss of trees
- Loss of Veteran trees
- Loss of "holloway – an ancient route from Holt End, Beoley to Mappleborough Green
- Loss of habitat and associated wildlife including protected species
- The proposal threatens wildlife mobility to and from Ipsley Alders Reserve
- Whether wildlife surveys are up to date
- Loss of Blacksoils Brook and its restoration as a watercourse

Amenity/Pollution

- Noise
- Disturbance caused by additional commercial traffic and by employees returning to vehicles.
- Dust and disturbance during construction phase
- Light pollution and consequent loss of amenity

Transport/Highways

- Notwithstanding an HGV routing strategy, traffic other than HGVs will still be able to use the A435 to the detriment of Mappleborough Green and Studley.
Visual Impact
- Inadequate parking provision and parking pressure on neighbouring streets such as Far Moor Lane compromising road safety
Increased traffic will compromise highway safety

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- The proposed routing strategy does not consider the A435 south of Sernal Ash towards Evesham and Stratford upon Avon which would make the volume of traffic in the Coughton and Kings coughton higher than anywhere else on the A435.
- Introduction of signalised junction to the employment zones will increase traffic on congested A4023 and lead to accidents
- Increased traffic will prejudice pedestrian safety including
- There is no presented alternative for either the current or anticipated increase in the number of HGVs
- Increased traffic will result in an increase in air pollution and reduction in air quality to the determinant of residents living in the vicinity
- No mitigation measures have been proposed to restrict parking on Far Moor Lane

Visual Amenity

- Height of buildings shown in yellow has increased from 15 to 16.5 metres between revision 'L' and revision 'T'
- Building heights in the southern employment zone should be reduced as they will destroy the character of Far Moor Lane and pathway which abuts the western boundary.
- The wooded belt which bounds the western edge of the southern parcel will become a litter trap
- Dominant, Overbearing and intrusive buildings – loss of visual amenity

Principle/Need

- There are a range of empty employment units in Redditch which mean the site is not required to meet employment requirements and is unviable.

Other Issues

- Lack of clarity and conciseness on drawings.

Assessment of Proposal

7.0 Main Issues

- 7.1 In the determination of a planning application the Council is required to make the determination in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.
- 7.2 However, the planning application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) that relates to determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted (in this case application 17/01847/OUT), subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.

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- 7.3 In deciding an application under Section 73, the local planning authority must only question condition(s) subject to which planning permission should be granted, and –
- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 7.4 While S73 applications are commonly referred to as applications to "amend" the conditions attached to a planning permission, it should be noted that a decision under S73(2) leaves the original permission intact and un-amended. The scope of a local planning authority's jurisdiction when considering an application under S73 is, in principle, more limited than when considering an application for full planning permission. Nonetheless, this Local Planning Authority is unrestrained in its consideration of the full planning impacts of the application, bearing in mind that the result of a successful application under S73 is a wholly new planning permission. However, the section does not empower the local planning authority to rewrite the permission altogether.
- 7.5 In particular when deleting/varying any of the conditions, consideration has to be given as to whether any changes go to the heart of the planning permission and fundamentally change the planning permission as originally granted. If it is considered that the changes go to the heart of the planning permission, then a new planning application is required rather than one for the deletion/variation of conditions.
- 7.6 I have given this careful consideration and have concluded that the proposed amendments to the conditions would not go to the heart of the permission. The main issues for consideration in this case relate to the following:

- Principle of Development
- Economic Impact
- Design Principles
- Landscape Character
- Residential Amenity
- Noise
- Air Quality
- Traffic
- Parking
- Surface Water Drainage
- Heritage
- Biodiversity
- Public Rights of Way / Accessibility
- Loss of Agricultural Land

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Each matter will be given consideration under a separate heading below along with any other material considerations.

8.0 Principle of Development

- 8.1 The principle of development was fully assessed and considered to be acceptable under application 17/00700/OUT (hereafter referred to as the “hybrid permission”).
- 8.2 The application site is allocated for development under the Stratford-on-Avon District Core Strategy Policies REDD.1 and REDD.2, as well as Policies BDP3 and BDP5B of the Bromsgrove District Plan, and Policy 23 of the Redditch Borough Local Plan. The principle of the development proposed under the hybrid permission was considered to comply with these policies. I am satisfied that the changes proposed do not alter the principle of development. I will now turn to discuss other material considerations and whether the proposal accords with the relevant policies of the development plan and NPPF.

9.0 Economic Impact

- 9.1 It is important to note the wider economic context in which this site is viewed. The site is identified within the Worcestershire Local Enterprise Partnerships’ (LEP) Strategic Economic Plan, highlighted as one of four ‘Game Changer’ sites within Worcestershire. The focus for this site is to:

“Create a high quality business park to attract and safeguard investment and employment, with a target being advanced engineering businesses.”

- 9.2 The site is also referenced as a key economic growth and regeneration project in the Greater Birmingham and Solihull Strategic Economic Plan, as follows:

“Redditch Eastern Gateway is an identified employment site situated on the outskirts of Redditch. The Gateway’s strategic location takes full advantage of the M40/M42 motorways and just a 20 minute drive time to Birmingham International Airport and railway station, with the potential for 100,000 square metres of high-profile employment development, 2,000 jobs and an additional £90 million of GVA. GBSLEP is working closely with Worcestershire LEP on this opportunity.”

- 9.3 The site is, therefore, a key development opportunity for both Worcestershire and Greater Birmingham and Solihull LEP’s that will help to attract and safeguard investment within the Redditch area. There is strong support for these proposals from both Local Enterprise Partnerships recognising that the site will provide important space for new commercial development, which is in short supply within the area.

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Economic Development Priorities for Redditch

- 9.4 Whilst the proposal lies substantially within Stratford upon Avon and Bromsgrove administrative areas, the site was primarily identified to meet the employment needs of Redditch. In this regard the proposal will contribute to the key aims and objectives identified in the adopted '*Economic Priorities for Redditch*'. Some of the key priorities identified within the Strategy that are pertinent to this proposal, include:
- Ensuring that sufficient land for employment is allocated;
 - Provide support for growing businesses
 - Keep employment land provision under review to ensure that we have an adequate supply to meet business growth requirements.
- 9.5 The current application would enable Redditch to meet some of its key economic aspirations for the Borough and this should be taken into account in the determination of this application.

10.0 Design Principles and Amended Parameter Plans

- 10.1 Policy BDP19 (High Quality Design) provides a set of principles to safeguard the local distinctiveness of the District and ensure a high quality, safe and distinctive design throughout the development.
- 10.2 The parameters plan provides land uses, building heights, indicative internal circulation routes, pedestrian/cycle access points and green infrastructure (to include perimeter planting, landscaping buffer zone adjacent to Gorcott Hall and retained grassland to the southern tip).
- 10.3 The application has been submitted in hybrid form, with the majority of the site being in outline with all matters reserved. The full element of the scheme proposes detailed consideration for Phase 1 Ground Engineering works and means of access to the site from the A4023.
- 10.4 Consistent with the Parameters Plan submitted with the original hybrid application, the amended Parameters Plan provides details of land use, building heights, indicative internal circulation routes, pedestrian/cycle access points and green infrastructure (to include perimeter planting, landscaping buffer zone adjacent to Gorcott Hall and retained grassland to the southern tip). The applicant is seeking approval as part of the outline process for this plan.
- 10.5 An Illustrative Masterplan (plan no. 5372-203 K) has also been submitted which shows ways in which the site could be developed following the submission of reserved matters submissions. This masterplan is illustrative only, and if permission is granted would not form part of the approved permission.

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- 10.6 Detailed matters of the layout, scale, appearance and landscaping would need to adhere to the submitted Parameters Plan. I am satisfied that compliance with this plan, which would be secured by way of condition, would adequately safeguard the future development of the site via reserved matters approvals to achieve a high quality scheme, in accordance with Policy BDP19.

11.0 Impact on Landscape and Character of the Area

- 11.1 The landscape impacts of the development, both in terms of character and visual impact, or the development proposed under the hybrid consent were considered to be acceptable. Harm was identified due to the loss of mature hedgerows and trees within the site, and this harm was weighed up in the planning balance.
- 11.2 The amendments to the parameters of the northern development parcel would lead to further loss of hedgerows within the site (along the Blacksoils Brook), as well as the loss of a further two veteran trees (two were consented for removal under the original hybrid consent). By means of compensatory works, a larger Landscape Buffer Zone would be created to the easterly part of the northern development parcel. The maximum building heights provided on the amended Parameters Plan for the northern parcel are generally lower than those previously approved. The only exception to this is the employment zone located to the southwest corner of the northern development parcel where the approved maximum height above AOD was 121.0, whilst as now proposed, this has been increased to a maximum height above AOD of 125.0.
- 11.3 An ES Addendum to Chapter 10: Landscape and Visual Impact has been submitted which responds to the changes proposed through this S73 amendment. The same viewpoint locations have been used for the assessment which I consider to be appropriate.
- 11.4 It observes that the proposed development would retain the broad-leaved trees and hedgerows around the site's eastern and western boundaries, whilst retaining approximately 3.0ha of grassland habitat across the site as a whole. The proposed development necessitates the removal of the vegetation associated with the main length of the Blacksoils Brook which would be rerouted.
- 11.5 The ES Addendum states that there is an overall balance in that whilst Blacksoils Brook is to be rerouted and its associated vegetation removed, there would be a greater area of native woodland planting, increased areas of meadow and a significant increase in tree planting. There would also be fewer buildings on site.

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- 11.6 The Landscape and Visual Impact Appraisal (LVIA) submitted with the original hybrid application concluded that the effects of the development on the landscape character would be 'moderate adverse' with respect to the northern development parcel and 'minor adverse' with respect to the southern development parcel. The LVIA concluded that the development would have adverse effects in terms of visual effects on those located close to it, and in particular the properties on Far Moor Lane in the south. In respect of Gorcott Hall in the north, the scheme would be visible and would result in a moderate adverse effect.
- 11.7 The ES Addendum, when assessing the impact of the proposed amendment, identifies the same level of landscape harm.
- 11.8 It is considered that the proposed development would inevitably and permanently change the existing character and appearance of the site, which is presently a series of fields interspersed with trees and hedgerows. The form and scale of development proposed means that buildings will be visible from some public vantage points.
- 11.9 On balance, I consider the landscape impacts of the development, both in terms of character and visual impact, to be acceptable in line with Policy BDP21. I identify significant harm in the loss of mature hedgerows, trees (including four veteran trees), and the diversion of the Blacksoils Brook which forms a historic landscape feature. This harm will be weighed up in the planning balance discussed within the 'Conclusion' section of this report.

12.0 Residential Amenity

- 12.1 Criterion (f) of Paragraph 127 of the NPPF states that *"Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*
- 12.2 A number of existing residential properties are located within close proximity to the southern part of application site, the closest being those on Longhope Close adjacent to the southwestern tip. The Winyates Green estate lies to the western side of Far Moor Lane with properties backing onto that road. There are a small number of residential properties dispersed along the opposite edge of the A435 which forms the eastern boundary.
- 12.3 Officers and members previously considered and had regard to the height details on the submitted parameters plan in conjunction with the separation distances which would remain between residential properties and employment zones. These have not changed in respect of the southern parcel.

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- 12.7 Subject to consideration of the detailed design of any forthcoming reserved matters submissions, I am satisfied that the proposed development would not have an unduly adverse impact on neighbouring residential amenity.
- 12.8 The previous hybrid permission did not limit or prohibit 24 hour operation of the subsequent occupiers. Mitigation measures are suggested in order to reduce noise disturbance arising from the service yards including orientation of buildings and appropriate yard boundary treatment.
- 12.10 It is still envisaged that noise arising during the construction phase would be mitigated through a Construction Environment Management Plan, alongside an hours of working condition.

13.0 Light pollution

- 13.1 As the majority of this application is in outline form, specific lighting detail has not been provided at this stage. The Design and Access Statement confirms that lighting would be the subject of subsequent reserved matters submissions, the specific detail of which would be assessed and subject to LPA control at that stage.
- 13.2 Conditions could be imposed in order to reduce the impacts of lighting both during the construction phase and operational stage. Subject to this, and in conjunction with appropriate lighting design to be submitted at the reserved matters stage, I consider that an acceptable lighting solution would be secured.
- 13.3 I consider that appropriate conditions could control lighting design to mitigate the risk of harm to neighbouring residential amenity.

14.0 Noise and Vibration

- 14.1 Criterion A of paragraph 180 of the NPPF states that *“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”
- 14.2 A Noise and Vibration assessment forms part of the ES (chapter 12) and refers to the results of noise and vibration assessments carried out on the basis of both the construction and occupation phases of development.

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- 14.3 Baseline noise measurements have been taken at four receptor locations that represent the nearest noise sensitive properties to the development site.
- 14.4 The construction noise and vibration activities at the nearest noise sensitive properties vary from a negligible effect to a minor adverse effect during normal daytime operations. Construction works should be undertaken in accordance with 'best practicable means' to minimise the construction noise effects.
- 14.5 The vibration arising from the construction works would not be perceptible and no further noise mitigation measures are required to reduce the construction vibration effects.
- 14.6 The change in the daytime road traffic noise levels due to the development is negligible at all receptors with the exception of Gorcott Hall where there is predicted to be a minor adverse effect. The change in night-time level due to the development is less than 1 dB and provides a negligible effect.
- 14.7 The traffic on internal circulation routes within the site is predicted to provide a negligible increase in the ambient noise levels at the nearest receptors. The existing night-time noise level at the nearest receptor indicates that with partially open windows the sleep disturbance criteria is already exceeded and windows would need to be closed to meet the internal target noise level. With open windows the development traffic noise would be below the sleep disturbance criteria within the nearest receptors.
- 14.8 To reduce the noise impact of site activity in the yard areas in the night-time period, a scheme of 3m high noise barriers is proposed around the perimeter of the yards. The barriers provide a small noise reduction such that there are only two receptor sites where the BS4142 assessment exceeds the WRS criteria in the night-time period. However, the highest absolute noise levels at night from site activities, with the scheme of barriers, is well below the threshold for sleep disturbance even with partially open windows. Taking both the BS4142 and sleep disturbance assessments into account the site activity noise level is considered to be a minor adverse effect with the scheme of noise barriers. I consider that this noise attenuation could be secured through conditions and consideration of detailed specifications at the reserved matters stage.
- 14.9 No objection has been raised by either SDC's Environmental Health Officer or Worcestershire Regulatory Services with respect to noise or vibration and on this basis, I am satisfied that the proposal would not have an unacceptable adverse impact upon neighbouring residential amenity in respect of these issues.

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15.0 Air Quality

- 15.1 Air quality in Bromsgrove District is predominantly good and the air is mainly clean and unpolluted. There are however a few locations where the combination of traffic, road layout, geography, emissions from plant and machinery such as boilers has resulted in exceedences of the annual average for nitrogen dioxide (NO₂) and fine particulates (PM₁₀). Several areas in the District are closely monitored for their air quality level, and a few are designated as Air Quality Management Areas (AQMA).
- 15.2 Whilst the application site itself does not lie within an Air Quality Management Area (AQMA), there is one in place in Studley along the Alcester Road A435 (within Stratford-upon-Avon). This AQMA was declared on the 23rd February 2006 for exceedences of the nitrogen dioxide annual mean objective.
- 15.3 The Warwickshire Local Transport Plan (2011-2026) seeks to, amongst other things, improve air quality by improving congestion/reduce traffic and encourage people to use more sustainable modes of transport. This Plan identifies the impact of traffic on the A435 corridor as the most significant environmental problem in Western Warwickshire. It states that the A435 between Alcester was de-trunked in January 2008 between Gorcott Hill near the junction with the A4023 and the A46 near Alcester and that in those settlements lying along the section of the A435 to the north of Alcester, (i.e. Coughton, King's Coughton, Studley and Mappleborough Green), there are serious adverse effects on quality of life due to high traffic volumes containing a large number of HGVs. One of the key objectives of the strategy is to deliver improvements that reduce the environmental impact of traffic within the District and improve local air quality in existing AQMAs.
- 15.4 Chapter 13 of the ES relates to air quality and considers, amongst other things, the impact of the development on the Studley AQMA. It states that the AQMA is located approximately 4km south of the site and it is anticipated that traffic generated by the development would have largely dispersed across the network over this distance. It concludes that the development would not have a significant impact on the Studley AQMA as it is unlikely that the development would significantly affect pollutant concentrations within the AQMA.
- 15.5 The ES goes on to state that operational mitigation measures would be developed, with the aim of reducing traffic to and from the development through encouraging more sustainable transport options. These measures are:
- new signal controlled junction onto the Coventry Highway which would include pedestrian and cycle crossing facilities, located at the existing intersection of the existing public rights of way;
 - new footways and shared footways/cycleways throughout the development that would tie into the existing and new facilities surrounding the site;
 - improved bus service infrastructure comprising of bus stops and laybys on the Coventry Highway to allow the existing 150 bus service to serve the site;

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- the introduction of a HGV routing plan to manage the number of HGVs routing through sensitive areas, including the Studley AQMA
- 15.6 The above would be implemented in addition to a Travel Plan. The report concludes that the significance of air quality impacts would be negligible, and therefore there is no need for any specific and detailed air quality mitigation measures.
- 15.7 A condition requiring the submission and approval of a full HGV Routing Strategy as well as the submission of the first HGV routing surveys within 12 months of occupation has been recommended by both Warwickshire and Worcestershire Highways Authorities. In conjunction with a financial contribution of £200,000.00 which would be paid and held for a period of 15 years to allow for HGV mitigation to be carried out where it is deemed necessary, I am satisfied that the impact on the Studley AQMA would be limited.
- 15.8 Impacts from the development would arise as dust during the construction phase and traffic during operation. For dust, this would primarily result from the earthworks and construction activity. Impacts would generally decline with increased distance from the site with highest risk of impact being within 20m of the site declining to negligible risk at a distance of 350m. The Environmental Statement (Table 13.8) identifies sensitive receptors within these distances. The location of the site, to the north of the majority of existing development means that prevailing wind directions will help minimise risks to existing development and the SSSI from impact from dust.
- 16.0 Traffic Impact**
- 16.1 Paragraph 102 of the NPPF seeks to promote sustainable transport. Policy BDP1 (1.4a) states that *"In considering all proposals for development in Bromsgrove District regard will be had to the following: Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic"*
- 16.2 Policies REDD.1 and 2 requires the allocated site to have primary access off the A4023 Coventry Highway as well as pedestrian and cycle links across the A4023 and to adjacent residential areas.
- 16.3 In respect of the Environmental Statement (ES), an ES Addendum has been submitted in the form of a Traffic and Transport Statement of Conformity from the applicant's Transport Consultant (BWB). This states that for the construction phase, the impacts resulting from construction traffic were calculated for the ES based on the quantum of floorspace proposed for the site. It states that this S73 amendment does not alter the quantum of development and hence the conclusions of the construction phase remain valid. With regards to the operational phase, the Statement of Conformity states that the quantum of development and

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the assumptions with regards to the B1, B2 and B8 use classes are not altered for this S73 amendment. Therefore it states that the number of vehicle trips assessed would not change. It therefore concludes that the aspects of the proposed development that will vary as a result of the S73 application will not have an effect on transport, and that the conclusions of the ES Chapter 11 (Traffic and Transport) remain valid.

- 16.4 The hybrid permission approved (in full) the principle vehicular access point serving the development, as well as the initial length of carriageway into the northern and southern development parcels. This comprises a new signal controlled crossroads junction on the A4023 Coventry Highway and remains unchanged in the scheme now submitted.
- 16.5 The internal circulation routes, consistent with the hybrid permission, would be determined at reserved matters stage, although indicative access routes through the site are provided on the submitted Parameters Plan (plan no. 5372-205T).
- 16.6 The site straddles both County Authorities of Warwickshire and Worcestershire and each highway authority has therefore been consulted on the application.
- 16.7 Both highway authorities have raised no objection subject to the attachment of the highways conditions which were attached to the original hybrid permission (conditions 18-27 of 17/0701/OUT).
- 16.8 Highways England has been consulted on the application and no objection has been raised.
- 16.9 Taking into account all of the above, I consider that the proposed development would not have an unacceptable adverse impact on highway capacity or safety in relation to the strategic highway network, the local highway network, proposed access arrangements, pedestrian and cycle movements, or traffic generation. This is subject to the attachment of the same planning conditions which were attached to the original hybrid consent, as well as the same financial contribution (£200,000 bond to support the HGV Routing Strategy and Annual HGV Surveys to be secured by way of condition) secured by way of legal agreement.
- 16.10 The proposed development is therefore considered to be in accordance with Policies BDP1 and Stratford Core Strategy policies REDD.1, REDD.2, as well as paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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Parking

- 16.11 Parking provision is a detailed design matter. However, the illustrative layout provides an indication to potential parking locations and has been designed with reference to the amount of potential car parking that could be achieved to accord with the Councils' parking guidance.
- 16.12 Parking provision is governed by adopted standards. The illustrative master plan demonstrates that adequate off road parking could be accommodated to serve the quantum of development proposed.
- 16.13 Providing appropriate levels of parking will mean that all parking should take place within the site. During the consultation exercise, questions were raised about on-street parking and how off-site would be prevented. This is a matter of civil enforcement however, at present there are only limited restrictions on parking on adjoining roads. The applicant can do no more than provide the amount of parking that is permitted by the Council's adopted guidance. I consider that there is still sufficient space within the site to accommodate the level of parking which would reasonably be required to service the development proposed.

Opportunities for Sustainable Travel

- 16.14 A Framework Travel Plan has also been prepared to encourage sustainable travel choices. This will include promoting alternatives to the car (pedestrian and cycling) and use of public transport by improving access via the 150 bus route by providing new bus stops on the Coventry Highway. Two pedestrian / cycleway linkages onto Far Moor Lane would encourage and facilitate ease of access by those modes.

17.0 Surface Water Drainage and Flood Risk

- 17.1 Paragraph 163 of the NPPF states that *"163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere."* BoRLP Policy 17 states that *"the expectation is that all development should fall within Flood Zone 1"* Policy BDP23 (23.1c) states that *"The Council will deliver safe developments with low environmental impact through: Ensuring development addresses flood risk from all sources, follow the flood risk management hierarchy when planning and designing development, and do not increase the risk of flooding elsewhere. Where inappropriate developments in areas at risk of flooding are necessary after the sequential test is applied, appropriate designs, materials and escape routes that minimise the risk(s) and loss should be incorporated"*

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- 17.2 The application site is located within Flood Zone 1 (lowest risk of flooding). Table 2 of the Planning Practice Guidance (PPG) classifies buildings used for financial, professional and other services, general industry and storage and distribution as 'less vulnerable'. Table 3 of the PPG identifies that a 'less vulnerable' development within Flood Zone 1 is 'appropriate'.
- 17.3 The applicant has also provided site specific modelling of the minor watercourses within the site. From this model, a series of site specific inundation maps have been produced showing the extent of the various flood zones across the site at the typical return periods. The model indicates that the channels on site typically become overwhelmed readily, some at even low return periods, resulting in large amounts of shallow sheet flows across the site, particularly across the northern development parcel. The Environment Agency confirm that on the basis of this modelling, part of the development site falls within Flood Zone 3.
- 17.4 Policy REDD.1 seeks the de-culverting and enhancement of the existing watercourse feature, and Policy REDD.2 seeks the protection and enhancement of the Pool and Blacksoils Brook.
- 17.5 An ES Addendum to Chapter 7: Hydrology has been submitted which responds to the changes proposed through this S73 amendment. In addition, an updated Flood Risk Assessment, Water Framework Directive Compliance Assessment and Water Management Statement have been submitted with the application.
- 17.6 With regards to drainage and flood risk, the most relevant amendment proposed relates to the diversion of the Blacksoils Brook which is identified as being one of three minor watercourses in the northern development parcel.
- 17.7 The ES Addendum states that the Masterplan makes provision for green space for new watercourse corridors to be created around the proposed development areas which would provide flood risk and biodiversity benefits. This would include the realignment of a stretch of the Blacksoils Brook. It continues to state that the diversion of the Blacksoils Brook would allow its current linear, shaded and incised form to be realigned to follow a more preferential, naturalised form, thereby facilitating the improvement of aquatic and riparian habitats. Furthermore, it states that the Blacksoils Brook would be diverted to intercept another minor tributary channel allowing a greater catchment to be applied to the diverted Blacksoils Brook which would help to improve the low flow conditions in the watercourse. The new channels are designed to intercept and accommodate the design flood event (1 in 100-year) for the lifetime of the development (+35% allowance for climate change), therefore mitigating flood risk to the proposed development.
- 17.8 Both Warwickshire and Worcestershire's LLFAs have been consulted on the application.

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- 17.9 Subject to appropriate conditions, both Warwickshire and Worcestershire LLFA has raised no objection to the proposal. In addition, the EA has raised no objection subject to conditions.
- 17.10 This is in respect of flood risk, groundwater and connectivity with the Ipsley Alders Marsh SSSI (located approximately 250m away at the south-western end of the site) and sustainable drainage considerations.
- 17.11 Previously, a number of representations were received on the grounds that the proposal would potentially exacerbate flooding in the area as well as impact on the Ipsley Alders Marsh SSSI which is located outside the application site. These concerns were given careful consideration in the assessment of the planning hybrid application, but the responses from the statutory undertakers did not support these concerns.
- 17.12 The drainage and water efficiency proposals would be the subject of further approval at reserved matters stage. However, based on the consultation responses from the Environment Agency and the LLFAs (both Warwickshire and Worcestershire), I am satisfied that the final drainage scheme would be in accordance with Policy BDP23 and Stratford Core Strategy Policies REDD.1 and REDD.2.

18.0 Heritage

Designated Heritage Assets

- 18.1 BoRLP Policy 36 states that, *"Designated heritage assets including listed buildings, structures and their settings; conservation areas; and scheduled monuments, will be given the highest level of protection and should be conserved and enhanced."* Similarly, Policy BDP20 (20.3) states that 36.2 *"Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets."*
- 18.2 Furthermore (20.6) states *"Any proposal which will result in substantial harm or loss of a designated Heritage Asset will be resisted unless a clear and convincing justification or a substantial public benefit can be identified in accordance with current legislation and national policy."*
- 18.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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- 18.4 An ES Addendum to Chapter 8: Heritage and Archaeology has been submitted which responds to the changes proposed through this S73 amendment. As considered under the hybrid consent, whilst there are no listed buildings within the site itself, the development has the potential to affect the settings of the following listed buildings:
- Gorcott Hall itself – Grade II* listed
 - Stable, Granary, Barn and attached Animal House (at Gorcott Hall) – Grade II listed
 - Right Gate pier and attached Garden Wall approximately 10m southeast of Gorcott Hall – Grade II listed
 - Left Gate pier and attached Garden Wall approximately 10m southwest of Gorcott Hall – Grade II listed
 - Right Gate pier and attached Garden Wall approximately 30m southwest of Gorcott Hall – Grade II listed
 - Left Gate pier and attached Garden Wall approximately 30m southwest of Gorcott Hall – Grade II listed
 - Lower House, Longhope Close – Grade II listed
 - School House and Yew Tree and Church Cottages, Mappleborough Green – Grade II
 - Church of the Holy Ascension – Grade II listed
- 18.5 Historic England and the Conservation Officers for both SDC and BDC were consulted on the original hybrid application and they concluded that the development would cause less than substantial harm (to varying degrees) to designated heritage assets.
- 18.6 Historic England and the Conservation Officers for both SDC and BDC have been consulted on this S73 amendment.
- 18.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be justified and weighed against the public benefits of the proposal. This is in accordance with Policy BDP20, paragraph 196 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This will be weighed up in the planning balance discussed within the 'Conclusion' section of this report.

Conservation Areas

- 18.8 At its nearest point, the southwestern fringe of the Tanworth in Arden Conservation Area is located approximately 2.7km to the northeast of the site. Given this separation distance, the original hybrid application was not considered to cause any harm to this designated heritage asset. Having regard to the amendment proposed, I remain satisfied that the development would not cause any harm to the Tanworth in Arden Conservation Area.

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- 18.9 The proposals are considered to have considerable public benefit through the extent of job creation and employment opportunity for Redditch Borough that will help meet the identified requirements of Redditch and contribute to the wider needs of Worcestershire. For this reason, the public benefits are considered to outweigh the less than substantial harm identified.

Archaeology

- 18.10 In terms of archaeology, the ES noted that the site has minimal archaeological importance with any potential likely to be limited to the Blacksoils Brook.
- 18.11 The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, para 189:
“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
- 18.12 The ES Addendum states that very few records of note lie within the study area of a 1km radius from the development site boundary and none lie within the development site itself. It therefore concludes that the site for development represents low archaeological potential.
- 18.13 An updated assessment is made within the ES Addendum (Chapter 8: Heritage and Archaeology) on the effects of the proposed development on potential archaeological deposits both through the construction and operational phases of development.
- 18.14 The ES Chapter 8 to the original hybrid consent identified, with respect to archaeology, there to be moderate to minor adverse long-term effect through the construction phase. This increases to moderate adverse long-term effect in the ES Addendum as a result of the loss of the Blacksoils Brook boundary bank and the adjacent hedgerows. The impact during the operational stage remains the same for the proposed amended scheme, at minor adverse to neutral.
- 18.15 The ES Addendum, consistent with the original ES chapter, confirms that prior to detailed design, the site would be subject to archaeological evaluation. This is likely to consist of geophysical survey and targeted trial trenching. This fieldwork

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would clarify the sub-surface archaeological interest of the site and if significant remains are identified, a suitable mitigation strategy would be formulated.

- 18.16 Subject to a suitably worded condition, I am satisfied that any unknown archaeological features that may be present on site would be adequately protected.

Non Designated Heritage Assets

- 18.17 Paragraph 197 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* BoRLP Policy 36 states that, *“Non-designated heritage assets, nationally important archaeological remains and locally listed heritage assets, and their settings will also need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment”*

- 18.18 The Blacksoils Brook forms part of the Country Boundary which would be lost through the proposed application. The date of the boundary is unknown, but is potentially of significant antiquity. Nash (1781:63) refers to the boundary between Beoley and Studley parishes (to which the Blacksoils Brook forms a part) as medieval, and Hooke (1990) interprets the 10th century charter for land in Beoley as following what later became the parish boundary of Beoley.

Conclusion on Impact on Heritage Matters

- 18.19 The concerns expressed through the representations received in respect of the impact on heritage assets is noted. However, there is no evidence or confirmation from the expert heritage consultees that the issues raised are sufficient to warrant outright refusal of the application on these grounds or on the basis that they cause substantial harm.
- 18.20 Overall, some impact on the significance of heritage assets in the vicinity of the site has been identified as a result of changes to their settings caused by this proposed development.
- 18.21 I concur with the views of the expert heritage consultees in that the development would cause less than substantial harm, to varying degrees, to a number of designated heritage assets. The amended proposal seeks to mitigate the impact upon the setting of Gorcott Hall as a designated heritage asset. Nevertheless, the harm identified needs to be weighed in the planning balance of the Core Strategy, paragraphs 196 and 197 of the Framework and, in the wake of the Barnwell Manor case, considerable weight should be given to the harm identified in the final balancing exercise.

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19.0 Ecology

- 19.1 BoRLP Policy 16 (16.3) states that *“Applications for development should aim to conserve and enhance biodiversity by applying the principles of the NPPF”*. Policy BDP21 seeks to achieve better management of Bromsgrove’s natural environment by, in addition to other criteria :
- f) Deliver enhancement and compensation, commensurate with their scale, which contributes towards the achievement of a coherent and resilient ecological network;*
 - i) Adopt good environmental site practices as appropriate, including in the form of a Construction Environmental Management Plan (CEMP) where appropriate.*
- 19.2 Policy REDD.1 (southern parcel) seeks the retention of important natural features on the site, retention of mature hedgerow along the western boundary and protection of priority habitats within the site. Policy REDD.2 (northern parcel) seeks the retention of mature hedgerows and trees within the site, protection and enhancement of the Pool and Blacksoils Brook and protection of priority habitats within the site.
- 19.3 An ES Addendum to Chapter 9: Ecology has been submitted which responds to the changes proposed through this S73 amendment.
- 19.4 Where appropriate, updated ecological surveys have been undertaken, and these are described within the ES Addendum.
- 19.5 As noted in the Committee report associated with the hybrid consent, Blacksoils Brook is a Local Wildlife Site. This was considered to be adequately protected through planning conditions to secure a buffer to make acceptable the impacts from the development.
- 19.6 Paragraph 175 (c) of the NPPF states that *“development resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* The phrase *“wholly exceptional reasons”* is qualified in footnote 58 by the phrase *“where the public benefit would clearly outweigh the loss or deterioration of habitat.”*
- 19.7 In the latest iteration of the NPPF, Para 177 relating to habitats and biodiversity has been amended.
- 19.8 Para 177 in 2018 version said.... *“177. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”*

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- 19.9 Para 177 in 2019 version says.... *"177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*
- 19.10 So, the presumption in favour of sustainable development now applies even with habitats development, provided that impacts can be mitigated successfully.
- 19.11 For the southern site, a hedgerow assessment identifies hedges along the western boundary as the most important. The amended proposal does not affect those hedgerows. In respect of the northern site, the hedgerow assessment identifies the hedge along the Blacksoils Brook as being the key hedge. The Blacksoils Brook and another stream are identified in the northern site along with two small streams in the southern site. One pond is identified in the northern site; a disused pit, it is mostly dry. In the southern site, there are two small ponds within or adjacent to the southernmost hedge. A small amount of woodland habit is present around the northern pond. Common species of wetland flies and butterflies were identified as present. The identified ponds vary in value and suitability for amphibians.
- 19.12 Newts have been identified in several of the ponds on site (There are no ponds on site within Bromsgrove). Mitigation works to manage the capture and translocation of newts is underway following the earlier permission. No records of reptiles have been found. There are no records of bats on site but the site does offer foraging and commuting value. Subsequent surveys noted foraging and commuting activity particularly along the hedgerow along the Blacksoils Brook and the site boundaries but no particular evidence of roosts except for the potential of one in a tree in the county boundary hedgerow. There was no evidence of dormouse in recent surveys. There is badger activity on site.
- 19.13 The approved application will result in some loss of trees and hedgerows both within the site and in order to create the new access from the A4023. This will impact on species at a site level but there remains suitable habitat adjacent to the site. Similarly, loss of hedgerows may impact on foraging routes for bats but the retention boundary hedges and proposed additional planting is considered to offset the negative impacts. The loss of the habitat and ponds will impact on amphibians. Badgers would be affected by the development.
- 19.14 The Environment Agency expressed concern regarding the lack of information on biodiversity mitigation proposals but acknowledged that through conditions, risks can be managed, with no overall serious loss of habitat and species diversity
- 19.15 At the time of preparing this report, comments from Warwickshire County Council Ecology Team were awaited. They previously raised no objection to the scheme subject to suitable conditions and the provision of biodiversity offsetting secured through a S106 legal agreement. I am therefore satisfied that the biodiversity

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impacts of the development are acceptable in accordance with BoRLP Policy 16, Policy BDP21 and SDC Policy CS.6 and the NERC Act.

Veteran Trees

- 19.16 As a result of concerns raised to the loss of four veteran oak trees (T46, T73, T74 and T92) through the assessment of the original hybrid application, the applicant amended the previous scheme to retain T46 and T92 which are situated in Bromsgrove District. The original hybrid application approved the loss of two veteran trees – T73 and T74 also in Bromsgrove District.
- 19.17 T46 lies on the north side of Blacksoils Brook within the hedge line flanking the brook. T92 is situated approximately 50 metres from the brook on the northern parcel. These veteran oak trees fall within the revised development area on the northern parcel, and consequently their retention would not be possible because the likely layout of the plot and the proposed ground remodelling to create the development plateaus make this impractical. Accordingly the current application proposes to remove all four veteran trees.
- 19.18 Paragraph 175 of the NPPF provides principles that local planning authorities should apply in determining planning applications. One such principle is that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 19.19 This differs from the 2012 NPPF (which the original hybrid application was assessed against) which did not require *wholly exceptional reasons* or a suitable compensation strategy.
- 19.20 Natural England and Forestry Commission have updated their standing advice to align with the revised NPPF.
- 19.21 The ES Addendum to Chapter 8: Ecology states that the boughs of the veteran trees that are to be lost would be moved into the retained habitat in the Landscaping Buffer Zone in the northeast of the site. They would be replanted upright in the ground to provide habitat for birds, bats and invertebrates. A Veteran Tree Strategy has been submitted with the application.
- 19.22 The applicant has completed the Forestry Commission and Natural England decision matrix for loss of veteran trees and has demonstrated that they have complied with all pre-conditions. There is no alternative site or building that can meet the occupier requirements. The site has been removed from the green belt and allocated for development and identified for public funding to deliver necessary infrastructure to bring about much needed economic development. These are the wholly exceptional circumstances.

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Conclusions on Ecological Impacts

- 19.23 Warwickshire Ecology have raised no objection to the scheme subject to suitable conditions and the provision of biodiversity offsetting secured through a S106 legal agreement. I am therefore satisfied that the biodiversity impacts of the development are acceptable in accordance with Policy BDP21 and the NERC Act.
- 19.24 SDC Core Strategy Policies REDD.1 and REDD.2 set a number of ecology based requirements which are detailed above. I am satisfied that, so far as is possible, these are secured through the development as proposed. I am therefore satisfied that these policies are complied with in this regard.

20.0 Public Rights of Way / Connectivity

- 20.1 Policy BDP19 (19.1) states that :
*“The Council will deliver high quality people focused space through: j. Ensuring developments are accessible to all users;
 k. Ensuring permeable, safe and easy to navigate street layouts”*
- 20.2 Two public rights of way, namely 585(C) and 588(D) cross the northern part of the application site, (within Bromsgrove’s jurisdiction) Previously, in the hybrid permission 588(D) which runs alongside Blacksoils Brook would have been be preserved on its current route alongside that feature within a proposed landscaped buffer. The current proposal seeks the diversion of public rights of way number 588(D) and 585(C). The submitted plans show how both 585(C) and 588(D) could be diverted to facilitate development which still providing a viable route and amenity for users of the right of way network.
- 20.3 BoRLP Policy 19 states that 19.2 *“Transport will be coordinated to improve accessibility and mobility, so that sustainable means of travel, reducing the need to travel by car and increasing public transport use, cycling and walking are maximised. This will be achieved by: delivering a comprehensive network of routes for pedestrians and cyclists that is coherent, direct, safe, accessible and comfortable to use. Building on, adapting and extending the pedestrian and cycle network that exists, in particular following ‘desire lines’ of the pedestrian and ensuring that all members of the community can comfortably move around the Borough;”*

Proposed connections to the site from existing public footpath number 800(C) running along the western boundary of the southern parcel would facilitate cycle and pedestrian access into the site and improve its connectivity with the surrounding area.

- 20.4 In light of the above, I consider that the proposal is considered to accord with the BoRLP Policy 19 and criterion j and k of Policy BDP19.

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21.0 Crime Prevention

- 21.1 BoRLP Policy 40, criterion f. states that development schemes will be expected to *“encourage community safety and ‘design out’ vulnerability to crime by incorporating the principles, concepts and physical security standards of the ‘Secured by Design’ award scheme”*; Similarly, Policy BDP19 (19 .1t) *“The Council will deliver high quality people focused space through: o. Designing out crime and the fear of crime by incorporating measures and principles consistent with those recommended by ‘Secured by Design’”*
- 21.2 Similarly, SDC Policy CS.9 also seeks to ensure high quality design, an element of which includes measures to help to reduce crime and the fear crime.
- 21.3 I am satisfied that at reserved matters stage crime prevention measures can be appropriately incorporated into the detailed design of the scheme.

22.0 Loss of Agricultural Land

- 22.1 Footnote 53 to paragraph 171 of the NPPF states that *“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*
- 22.2 In the assessment of the original hybrid application, it was concluded that some harm would arise through the loss of approximately 9.65 hectares of Grade 3a land. This remains the case for this amended application and this harm needs to be weighed in the planning balance.

23.0 Developer Contributions / Infrastructure Provision

- 23.1 BoRLP Policy 20 states that *“The Borough Council will use mechanisms such as planning conditions and planning obligations, including financial contributions where necessary to secure the timely delivery of any necessary transport mitigation measures”*
- 23.2 Policy BDP6 (6.1) states that *“Financial contributions towards development and infrastructure provision will be coordinated to ensure that growth in the District is supported by the provision of infrastructure, (including Green Infrastructure) services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy. This will be documented in the Infrastructure Delivery Plan.*
(6.2) Irrespective of size, development will provide, or contribute towards the provision of: Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations”

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- 23.3 Policy CS.27 states that the Council will introduce a Community Infrastructure Level (CIL) to fund infrastructure and community facilities necessary to accommodate growth and to mitigate cumulative impacts.
- 23.4 The original hybrid consent was granted subject to a S106 legal agreement which secures the following:
- Highways: £200,000 to be paid on first occupation and held for a period of 15 years from its receipt or until 12 months after the last premises is occupied, whichever is the sooner, in the form of a bond and management arrangement to support the HGV Routing Strategy and Annual HGV Surveys to be secured by way of condition;
 - Ecology: biodiversity offset scheme for each phase of development and biodiversity monitoring contribution.
- 23.5 The legal agreement was worded such that, in the event that a S73 consent is granted, the obligations in the S106 legal agreement (the highways bond and biodiversity offsetting) shall relate to the S73 consent (Section 21 Future Permissions of the legal agreement). A supplemental deed/new legal agreement is therefore not required in this case.

24.0 Summary of identified Benefits and Harm

- 24.1 The proposal would result in the following benefits:
- Job Creation
 - New landscaping and ecology enhancements
 - Improved access to footpaths, cycleways, connectivity and access.
- 24.2 The proposal would cause the following harm:
- Loss of previously undeveloped land
 - Traffic
 - Loss of habitat and biodiversity
 - Impact upon setting of Heritage Assets
 - Loss of Agricultural land
 - Loss of Blacksoils Brook
 - Loss of 4 veteran trees
- 24.3 It is considered that the harm identified could be mitigated through the imposition of planning conditions and any remnant harm would not outweigh the benefits which the development would bring.

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25.0 Conclusion

- 25.1 The NPPF defines sustainable development as having three mutually dependent components. The Framework is clear that there is a presumption in favour of sustainable development and that proposals, where they accord with the development plan, should be approved without delay.
- 25.2 The proposals are considered to contribute to the aims of sustainable development through the following:
- **Economic Role** – the proposals have a significant economic role through job creation and helping to meet the identified needs of Redditch. In doing so it would contribute to the wider need of Worcestershire as recognised by Worcestershire County Council and the Worcestershire LEP through their designation of the site as one of the four “*game changer*” sites for the county. As an allocated site within up-to-date local plans it would provide land for sustainable economic development.
 - **Social role** – the proposals would contribute to the social well being of the area through providing jobs for the local community. This would in turn create additional disposable income that has potential to support other local business and retail expenditure helping to contribute to a thriving local community.
 - **Environmental Role** – the proposals would create a business development within a landscaped setting that would enhance the local environments through the creation of new improved habitats, increased tree and hedgerow planting, ecological mitigation to protect species and respects the built heritage of the locality. The proposals will be designed to meet the requirements for the efficient use of resources and energy and water conservation.
- 25.3 The site presents a potential ‘Game Changer’ for the Redditch economy. The site will offer new employment opportunities and will help to facilitate growth of existing companies within Redditch that require expansion space, thus freeing up existing units for re-occupation. The site will also be attractive for inward investment bringing new companies and employment opportunities to Redditch. The adopted Bromsgrove District Plan acknowledges that the site (referred to as the Ravensbank expansion site” is intended to cater for Redditch Borough’s future employment needs.
- 25.4 The site is allocated for employment use within the three adopted Local Plans and there is in principle support for the proposed development.
- 25.5 The site will meet the aspirations set out in the local economic priorities adopted by Redditch, as well as ensuring that both Local Enterprise Partnerships meet their aspirations for new jobs and growth within the area.

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- 25.6 I consider that the current application should be determined in accordance with the adopted Bromsgrove District Plan. The site is allocated under REDD.1 (southern development parcel) and REDD.2 (northern development parcel) in the Stratford on Avon Core Strategy, and the principle of development was accepted through the approval of the hybrid permissions granted by the three Local Planning Authorities.
- 25.7 Whilst harm was identified in the assessment of the original hybrid permission, in assessing the planning balance against the dimensions of sustainable development and the relevant Core Strategy policies, the significant public benefits of the proposal were considered to outweigh the harm which was identified.
- 25.8 The application now proposed seeks to amend the approved scheme through changes to conditions attached to the original hybrid permission. Specifically, the changes involve amending the design of the Phase 1 Ground Engineering works to facilitate the first development plateau and amend the proposed parameters of development for the northern development parcel. Other incremental changes to conditions are also proposed.
- 25.9 Reassessing the planning balance against the dimensions of sustainable development and the relevant development plan policies, I consider that the potential harm arising from the development scheme would be the less than substantial harm caused to designated heritage assets (the setting of the Grade II* listed Gorcott Hall, its associated Grade II listed buildings/structures and to the Grade II listed Lower House, School House, Yew Tree and Church Cottages); long term change to the wider landscape character and harmful localised visual impacts to include loss of hedgerows and four veteran trees; environmental effects of noise, disturbance, dust, etc. during construction phases; loss of Grade 3a and 3b agricultural land; and biodiversity loss to be mitigated through on-site measures or offsetting.
- 25.10 With regards to the harm identified, this could, to some extent, be mitigated by the measures identified above, but I consider that the implementation of a large employment allocation will inevitably have some irreversible impacts on what is currently an undeveloped site.
- 25.11 Notwithstanding the harm identified, the proposals would not result in significant environmental impacts on air quality, noise and vibration, risk of contamination, residential amenity, water resources and flood risk that could not be mitigated by the imposition of conditions and/or legal agreement obligations.
- 25.12 The identified harm to designated and non-designated heritage assets, although capable of some mitigation, has been afforded considerable weight in the balancing exercise. When having regard to the significant public benefits of the proposal, I am satisfied that this harm is outweighed.

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- 25.13 I consider that technical issues raised by statutory consultees can be dealt with by way of planning conditions, and the development would not place unacceptable pressure on the local infrastructure, subject to appropriate mitigation measures being implemented.
- 25.14 I am also mindful that the final form of the proposals would be the subject of consultation with the local community, stakeholders and key technical consultees at the reserved matters stage to ensure the delivery of high quality and appropriate form of development.
- 25.15 Overall, I find the proposed development to be in accordance with the relevant policies of the Borough of Redditch Local Plan No.4 and can properly be characterised as sustainable development for the purposes of the NPPF. Furthermore, the development is in general accordance with allocations within the Stratford on Avon Core Strategy and Bromsgrove District Plan

RECOMMENDATION:

- a) Minded to **GRANT** permission
- b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions.

Conditions:

Please Note: On this occasion the conditions are not presented in their final form, as it may be necessary to adjust the final wording to ensure compatibility across the three Local Authorities and to take into account phasing requirements of the scheme.

Conditions containing strikethroughs show the wording of previous conditions on the approved decision and emboldened text indicates variations.

1. The full element of the development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The full element of the development to which this permission relates shall be carried out in accordance with the following plans and drawings -

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RGNP-BWB-DGN-xx-M3-D-636_S1_P1 (Phase 1 Enabling Works)

BMT/2116/100-01 Rev P9 (Signal Controlled Access Option)

BMT/2116/100-02 Rev P3 (Redditch Access Option)

5372-210 A (Site Location Plan Enabling Earthworks Phase 1),

5372-211 B (Site Plan Enabling Earthworks Phase 1),

~~5372-210 (Site Location Plan Enabling Earthworks Phase 1),~~

~~5372-211 (Site Plan Enabling Earthworks Phase 1),~~

~~BWB-HGT-01-DR-D-637 S1 Rev P1 (Enabling Earthworks Sections (Phase 1),~~

~~BWB-HGT-01-DR-D-612 S1 Rev P1 (Enabling Earthworks Layout (Phase 1),~~

~~BMT/2116/100-01 Rev P9 (Signal Controlled Access Option),~~

~~BMT/2116/100-02 Rev P3 (Redditch Access Option).~~

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

Biodiversity Condition

3. A wildlife tunnel shall be provided as part of the design of the junction for the site to connect the development areas to the north and south of the A4023 Coventry Highway. Prior to its installation, details of the design and location of the tunnel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and installed no later than the completion of the access junction for the development.

Reason: To allow connectivity for wildlife in order to enhance biodiversity .

Outline Planning Permission**Permission Definition Conditions**

4. Details of the appearance, landscaping, layout, scale and details of internal circulation routes (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase commences, and the development shall thereafter be undertaken in accordance with the approved details.

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Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

5. Application for all reserved matters relating to the first phase of development shall be made no later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

6. Application(s) for all reserved matters relating to the second and subsequent phases of development shall be made no later than 10 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

7. The outline element of the development hereby permitted shall be commenced before the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

8. ~~The part of this development approved in outline~~ **reserved matters** shall be carried out in general accordance with the following plans and drawings: -

5372-200 (Site Location Plan)

5372-201 (Site Plan)

5372-205 T (Parameters Plan)

BMT/2116/100-01 Rev P9 (Signalled Controlled Access Option)

BMT/2116/100-02 Rev P3 (Redditch Access Option).

~~5372-205 L (Parameters Plan),~~

~~BMT/2116/100-01 Rev P9 (Signal Controlled Access Option), and~~

~~BMT/2116/100-02 Rev P3 (Redditch Access Option).~~

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

9. The total development of all phases shall not exceed 90,000sqm (GIA) of floorspace within use classes B1, B2, B8 of which no less than 10% of the floorspace, including ancillary space within B2 and B8 units, shall be offices (use class B1(a)).

Reason: To define the permission and in order to ensure that the development parameters are complied with.

10. All details relating to the development (required through both reserved matters and discharge of condition applications) shall be submitted to and approved in writing by the Local Planning Authority. Where details relate to development in more than one administrative area, the details shall be submitted to and approved in writing by each relevant Local Planning Authority to which the condition matter relates. The development shall be carried out in accordance with the approved details.

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

11. As part of the submission of the first reserved matters application, a Phasing Plan indicating the separate phases of development for the northern and southern areas shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan will address:-

- a) development phases of land the subject of separate reserved matters applications;
- b) the type and amount of floorspace for each phase;
- c) the type and general alignment/route/linking of carriageways, footpaths, cyclepaths for each phase and measures to ensure appropriate network connectivity between each phase.

The approved Phasing Plan shall be updated with each submission of reserved matters application(s). The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area and the coordinated delivery of the development and associated infrastructure.

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Archaeological Conditions

12. No groundworks with the exception of pre-development ecological mitigation works **including hedgerow and tree removal** within each phase and formation of temporary construction access(es) shall take place until the implementation of a programme of archaeological works for that phase has been secured in accordance with a Written Scheme of Investigation(s) which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) the programme and methodology for site evaluation;
 - b) the programme and methodology for appropriate subsequent investigation and recording and post investigation assessment;
 - c) provision to be made for appropriate analysis of the site investigation and recording;
 - d) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

13. No ecological mitigation works involving groundworks shall take place until a written method statement of Archaeological Observation to observe the initial ground strip of such works, and to document any archaeological remains uncovered, has been submitted to and approved in writing by the Local Planning Authority. The Archaeological Observation shall be undertaken in accordance with the approved method statement.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

14. The final phase of the development shall not be occupied until:
- a) provision has been made for publication and dissemination of the archaeological analysis and records of the archaeological site investigation;
 - b) provision has been made for archive deposition of the archaeological analysis and records of the archaeological site investigation.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

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General Conditions

15. No external finishes for buildings within each phase of the development shall be constructed until a palette (including samples) of all materials for the external surfaces of the building and a drawing identifying the location of each type of material has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order that the Local Planning Authority is satisfied with the external appearance of the proposed development in the interests of securing a high quality appearance of development that is appropriate to the character of the locality.

16. No groundworks, with the exception of ecological mitigation, archaeological investigation, formation of temporary construction access(es) and those groundworks detailed on plan no. BWB-HGT-01-DR-D-637 S1 Rev P1 (Enabling Earthworks Sections (Phase 1)) and BWB-HGT-01-DR-D-612 S1 Rev P1 (Enabling Earthworks Layout (Phase 1)), shall commence until details of existing ground levels, as well as proposed finished ground levels, building slab levels and building ridge heights for each phase (together with cross sectional details) have been submitted to and approved in writing by the Local Planning Authority. The development of the relevant phase shall thereafter be carried out in accordance with such approved levels and heights details.

Reason: In order that the Local Planning Authority is satisfied with the details of the proposed development.

17. As part of the submission of each reserved matters application relating to "layout" details for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented before the first use of the building(s) within that phase and retained thereafter.

Reason: In the interests of public safety from fire and the protection of emergency fire fighters.

Highways and Transport Conditions

18. Prior to commencement of development with the exception of ecological mitigation **including hedgerow and tree removal** and archaeological investigation works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include:-

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- 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) arrangements for unloading and manoeuvring of delivery vehicles;
- d) details of any temporary construction accesses and details of the reinstatement of land following the closure of such temporary accesses;
- e) details of construction traffic and HGV construction traffic, to prevent traffic utilising routes through Studley, Mappleborough Green, Tanworth in Arden and Henley in Arden;
- f) a highway condition survey, timescale for re-inspections, and details of any reinstatement;
- g) demolition/groundworks/construction work contained within the northern and southern development parcels shall not take place outside the following hours:

Monday to Friday 07:00 - 18:00 hrs

Saturdays 08:00 - 13:00 hrs

There shall be no work on Sundays and Public Holidays

The measures set out in the approved Construction Environmental Management Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure safe access to the site and to prevent harm being caused to the amenity of the area.

19. Prior to first use of the development hereby approved, a Heavy Goods Vehicle (HGV) Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a clear diagram identifying the routes, with measures and monitoring procedures demonstrated. The Strategy shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the requirements of the Strategy, a revised Strategy shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and identify mitigation for the impacted communities. The Strategy thereafter shall be implemented and may be updated in accordance with schemes to be submitted to and approved in writing by the Local Planning Authority.

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Reason: In the interests of the safe and efficient operation of the highway network, particularly along the A435 through Studley and Mappleborough Green, and through Tanworth in Arden and Henley in Arden, and to protect the amenity of residential properties.

20. HGV Surveys shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the implementation and operation of the HGV Routing Strategy (Condition 19). The methodology for undertaking the HGV Surveys shall be submitted to and approved in writing by the Local Planning Authority prior to the undertaking of the HGV Surveys. The first HGV Surveys shall be undertaken and the results submitted to the Local Planning Authority within the first month of the first use of any part of any phase of the development hereby approved and thereafter on an annual basis for the lifetime of the development.

Reason: In the interests of the safe and efficient operation of the highway network, particularly along the A435 through Studley and Mappleborough Green, and through Tanworth in Arden and Henley in Arden, and to protect the amenity of residential properties.

21. No development hereby approved, including groundworks, remediation or built construction, with the exception of ecological mitigation, **including hedgerow and tree removal** archaeological investigation and formation of temporary construction access(es), shall commence until the detailed design of the Traffic Signalled Access Junction on the A4023 Coventry Highway (as indicatively shown on Drawings BMT/2116/100-01 Rev P9 and BMT/2116/100-02 Rev P3), has been submitted to and approved in writing by the Local Planning Authority. The detailed design shall address the following matters;

- a) provision of an engineering layout demonstrating the geometry of the junction layout and lane widths;
- b) identification of the detection system and cabling routing through the junction;
- c) identification of the method of control and back-up system for the operation of the junction;
- d) identification of the location for a maintenance vehicle bay near the traffic signal controllers;
- e) identification of the locations for two PTZ CCTV cameras for traffic management of the junction;
- f) identification of the locations for street lighting in relation to the Traffic Signalled Access Junction;
- g) provision of Stage 2 Road Safety Audits based on the detailed drawings;
- h) provision of bus stops, shelters and their ancillary infrastructure;

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- i) provision of footways connecting bus stops and rights of ways to the estate roads;

Thereafter the approved highway access works shall be implemented in general accordance with the approved plans. No phase of the site shall be occupied until the approved highway access works have been completed.

Reason: To ensure safe access to the site.

22. No building within the phases of development to the north of the A4023 Coventry Highway shall be occupied until the detailed design of the pedestrian/cycleway connection to Far Moor Lane (as indicatively shown on Drawing BMT/2116/100-06 Rev P2) has been submitted to and approved in writing by the Local Planning Authority and the approved details implemented in general accordance with the approved plans. No phase of buildings within the northern development parcel shall be occupied until the approved pedestrian/cycleway connection has been completed.

Reason: To ensure safe pedestrian/cycle access to the site.

23. No buildings within the phases of development to the south of the A4023 Coventry Highway shall be occupied until the detailed design of the pedestrian/cycleway connections to Far Moor Lane (as indicatively shown on Drawing BMT/2116/100-06 Rev P2 or BMT/2116/100-07 Rev P2) has been submitted to and approved in writing by the Local Planning Authority and the approved details implemented in general accordance with the approved plans. No phase of buildings within the southern development parcel shall be occupied until the approved pedestrian/cycleway connection has been completed.

Reason: To ensure safe pedestrian/cycle access to the site.

24. Prior to first occupation of the development hereby approved, the detailed design of the A435 Slip Roads (as indicatively shown on Drawing BMT/2116/100-08 Rev P2) shall be submitted to and approved in writing by the Local Planning Authority and the development implemented in general accordance with the approved details. No phase of buildings within the development shall be occupied until the approved highway works to the A435 Slip Roads have been completed.

Reason: In the interests of highway safety.

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25. Prior to the first occupation of any building approved through reserved matters a site-wide Employment Travel Plan based upon the principles of the Framework Travel Plan hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) identify measures to promote sustainable forms of access to the site;
- b) specify targets for mode share shifts to be achieved and a time period to achieve this.

The Employment Travel Plan shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the targets of the Employment Travel Plan, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and promote improved sustainable forms of access to the site. The revised Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ensuring the use of sustainable modes of transport to and from the site.

26. As part of the submission of each reserved matters application relating to "layout" details of vehicle and cycle parking (including arrangements for persons with mobility impairments/disabilities) serving all buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved parking facilities shall be available for use prior to the first occupation of any building within that phase and thereafter retained for such parking use.

Reason: To ensure adequate parking facilities to serve the development for vehicles including for persons with mobility impairments and cycles.

27. As part of the submission of each reserved matters application relating to "layout", details of the amount, location and specification of proposed electric vehicle charging points (EVCPs) and/or associated cabling to facilitate subsequent installation of those EVCPs to be installed. The EVCPs or associated cabling shall be implemented in accordance with the approved details before each building and associated parking area is first brought into use.

Reason: In the interest of supporting the transition to a low carbon economy.

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Drainage and Water Conditions

28. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Redditch Eastern Gateway Flood Risk Assessment ref. REG-BWB-EWE-XX-RP-EN-0004_FRA - November 2016 to include the following mitigation measures detailed within the FRA:

- a) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 112 l/s for the site;
- b) Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to first use of any part of the development in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

29. With the exception of pre-development ecological mitigation, archaeological investigation, and formation of temporary construction access(es), the Phase 1 Groundworks hereby approved shall not be commenced until a detailed flood mitigation scheme based on Flood Risk Assessment (FRA) Redditch Eastern Gateway Flood Risk Assessment ref. REG-BWB-EWE-XX-RP-EN-0004_FRA - November 2016, has been submitted to and approved in writing by the Local Planning Authority. It shall include the following elements:

- a) Final watercourse designs and channel cross sections, to ensure the watercourse has capacity to convey the 1 in 100 year plus 35% climate change flood event with no out of bank flooding;
- b) Evidence that peak flows and levels off site have not been increased.

The scheme shall be fully implemented prior to first use of any buildings approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.

Reason: To reduce the risk of flooding to the proposed development and future users.

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30. Prior to first use of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to first use of any part of the development hereby approved. The scheme shall:
- a) include details of infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;
 - b) provide provision of surface water attenuation storage as stated within the FRA and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments';
 - c) demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;
 - d) where flooding occurs onsite at the 1 in 100 year plus climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system;
 - e) provide details of the depths and locations of flooding. Where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site;
 - f) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - g) provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;
 - h) provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event;
 - i) provide and implement a maintenance plan to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

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31. With the exception of ecological mitigation, **including hedgerow and tree removal** archaeological investigation works and formation of temporary construction access(es), no development shall commence within each phase until a scheme to manage and prevent any construction materials from entering or silting up the ditch network within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to ensure that silt or chemicals are intercepted and details of how the ditch network shall be repaired if any detrimental impact arises as a result of the groundworks, remediation or built construction in the relevant phase.

Reason: To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended.

Land Contamination and Emissions Conditions

32. With the exception of works relating to an approved scheme of remediation, archaeological works, ecological mitigation **including hedgerow and tree removal** and formation of temporary construction access(es), development works must not commence until points 1 to 4 have been complied with:

1. A scheme for further site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address the potentially unacceptable risks identified. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme shall be compiled by competent persons and shall be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

2. The detailed site investigation and risk assessment shall be undertaken in accordance with the approved Scheme and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place

3. Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be submitted to and approved in writing by the Local Planning Authority in advance of undertaking. The remediation scheme shall 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

4. With the exception of any works required to carry out remediation, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development

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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 acceptable risks to workers, neighbours and other off site receptors.

33. Following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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 acceptable risks to workers, neighbours and other off site receptors.

34. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted to and approved 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 acceptable risks to workers, neighbours and other off site receptors.

35. As part of the submission of each reserved matters application, if proposed to heat water by gas for use in any of the buildings within that phase, details for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first occupation of any building within that phase of the development and shall thereafter be retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

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Landscape and Biodiversity Conditions

36. In respect of each phase no development shall commence, including groundworks, but excluding ecological mitigation, archaeological investigation and formation of temporary construction access(es), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a) description and evaluation of features to be managed, including bat commuting routes and Ipsley Alders Marsh;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, including pre-construction checks;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implantation of the plan;
 - h) ongoing monitoring and how any remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason: To enhance biodiversity in accordance.

37. Prior to commencement of groundworks for the first phase of buildings on the northern development parcel, ~~excluding~~ with the exception of ecological mitigation, **including hedgerow and tree removal**, archaeological investigation and formation of temporary construction access(es), a scheme for the diversion of watercourse channels necessary for the development proposed shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include long sections and cross sectional plans showing the following:
- a) meandering or curved channel;
 - b) a gradually sloping bank on at least one side of the channel (tick shaped);
 - c) transfer of existing bed material from the on-site watercourses.

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Reason: To maximise ecological benefit of the new channel and maintain as close as possible the natural conditions in the existing watercourses.

38. No built development within each phase shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses within and to be retained by that phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The buffer zone scheme shall be kept free from built development including lighting and formal landscaping. The scheme details shall include:

- a) plans showing the extent and layout of the buffer zone including a minimum 2.0m wide unmown or unmanaged strip directly adjacent the water course;
- b) details demonstrating how the buffer zone will be protected over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected .

39. Prior to the installation of any external lighting within each phase of the development hereby permitted, details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in strict accordance with the approved external lighting scheme for each phase. The details to be submitted for approval shall include:

- a. a layout plan detailing the position and type of any proposed external lighting;
- b. mounting heights and beam orientation, description and type of luminaries/lamp and angle of lighting and predicted light spill/trespass beyond the site;
- c. proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers;
- d. purpose of the lighting - e.g. street lighting, parking areas lighting, segregated footpath/cyclepath lighting, general amenity/security, etc.

The lighting scheme for each phase shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure that there are sufficient protection and mitigation measures to address the potential harm to biodiversity and protected species on site and in the interests of visual and residential amenity.

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Procedural matters

This application is reported to Planning Committee for determination because:

- the application is for major development (more than 1000 sq metres of new commercial / Industrial floorspace),
- two (or more) objections have been received.

and as such the application falls outside the scheme of delegation to Officers.

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Planning Application 18/01600/OUT

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

Sandygate Close, Webheath, Redditch, Worcestershire

Applicant: Peter Liddington, Redditch Borough Council
Ward: West 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 site is a grassed area approximately 2226 sqm (0.23 ha) in size and comprises an area of Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

The site is a grassed area at the end of the cul-de-sac at Sandygate Close and there is currently a path to link the two ends of Sandygate Close. Along the southern most boundary stands an original boundary tree line, predominantly consisting of a number mature Ash trees and small early mature Oak trees. The area consists of a mix of two storey semi-detached and terrace dwellings.

Proposal Description

This is an outline application for residential development comprising 5 two bedroomed dormer bungalows with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

Although the matter of access is not for consideration at this stage, an indicative plan has been submitted showing the provision of a continuation of the cul-de-sac and two parking spaces per dwelling.

The application is supported by a design and access statement, a Preliminary Ecological Survey (PEA) and justification with respect to the loss of the Incidental Open Space.

Relevant Policies :

Borough of Redditch Local Plan No. 4

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Policy 1: Presumption in Favour of Sustainable Development

Policy 11: Green Infrastructure

Policy 14: Incidental Open Space

Policy 16: Natural Environment

Others

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

Relevant Planning History

None.

Consultations

Hereford & Worcester Fire And Rescue

No Comments Received To Date

Arboricultural Officer

The site of the proposed development is largely empty of substantial vegetation; along the eastern boundary stands a scrub area, predominantly consisting of Blackthorn and Hawthorn along with a few young Oak trees. This provides little in the way of visual amenity value but provide some level of screening for the residents on Downsell Road. I do not object to the removal or reduction of this scrub area providing that some screening is retained either from the existing vegetation or a submitted and approved landscape schedule. Along the southern most boundary stands an original boundary tree line, predominantly consisting of a number mature Ash trees and small early mature Oak trees. These tree provide a high level of screening to the residents of Reyde Close from the proposed development, I do not envisage that the development would require their removal, as such the trees should be protected in accordance with BS5837:2012 throughout all phases of the development.

Highways Redditch

No objection is raised to the proposed outline application for the erection of 5 x 2 bed dwellings with associated infrastructure. The site is located within a residential area which consists of an existing adopted footpath located within the red line area. Access to bus routes is available via the various pedestrian routes located in vicinity. The surrounding roads also benefit from street lighting footpaths. I have no highway objections in principal to the proposed access road to be connected to the existing Sandygate Close. The applicant has provided a 2.0m footpath surrounding the new 4.5m access road which is acceptable in principal.

Redditch Strategic Planning And Conservation

The application site is located within the West Ward in Redditch Borough and comprises an area of incidental open space (white land) which falls within residential development on the Borough of Redditch Local Plan No.4 Policies Map. In terms of having no distinct

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policy designation (white land), this proposal for residential development is considered to be appropriate and in keeping with the surrounding uses. However, in terms of white land, this application should take account Policy 14 (Protection of Incidental Open Space). Whilst incidental open space does not form part of the Assessment of open space in the Borough, it should be noted that in terms of Primarily Open Space standards, West Ward has a surplus of open space per 1000 population of 4.81 ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for West Ward shows an increase in the surplus of open space (4.93ha per 1000 population). Strategic Housing Land Availability Assessment (SHLAA). This site is identified in the SHLAA (ref: UCS 2.16) as having potential for residential development. The site was identified as surplus under the Disposal of Assets programme and landowner information indicated no constraints to delivery. In terms of BORLP4 and the appropriateness of this proposal, whilst it is acknowledged that the site may have potential for residential development, from a Strategic Planning perspective, this application cannot be supported unless the applicant can demonstrate that the merits of the development outweigh the benefits of retaining the open space.

North Worcestershire Water Management:

The site is in flood zone 1 (low risk of modelled river and tidal flooding), the Environment Agency's surface water flood maps show a low surface water flood risk and we have no records of flooding at this location. As a result I see no reason in relation to drainage and flood risk why this application cannot progress to the full application stage.

Worcestershire County Council Countryside Service

No Comments Received To Date

Public Consultation Response

10 representations have been received raising objections which are summarised as follows:

- Existing grassed area is used by local children to play football
- There is a lack of on street parking currently
- The end of the cul-de-sac where the proposed access is to be located is currently used for parking by local residents
- Other land locally would be better used for housing
- Fear emergency services will be unable to drive down road if blocked.
- Nuisance whilst building works take place
- Open space was a reason to move to area
- Letters sent over Christmas which is an inconvenient time
- Significant development has been taking place in Webheath in recent years
- No extra facilities are proposed to cope with additional residents to area
- Front views from No. 11 will be flank wall of bungalows and driveway
- South facing dwellings on Sandygate Close will be breached in their Right to Light.
- Proposal will devalue surrounding dwellings
- Application has not complied with Redditch validation checklist

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- Applicant has not justified development against policy 14 of the BORLP4
- No information on ecology has been received.

In addition to the individual objections a petition has also been submitted and has been signed by 21 addresses from Sandygate Close, Downsell Road and Boxnott Close.

A further consultation was sent on 20th February 2019 following receipt of the information on ecology and justification relating to Policy 14 of the Local Plan. Two additional representations have been received to date following this second consultation however no additional matters have been raised that are not listed above.

Procedural matters

This is an outline application with all matters reserved, and as such only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate three dwellings, and not how the site **would** be developed

Assessment of Proposal

An Independent Preliminary Ecological Appraisal has been commissioned by the Council and has been carried out. The report concludes that the site is of low ecological value and that further surveys are not necessary. Development of the site is deemed to be acceptable from an ecological perspective subject to the imposition of appropriate conditions to cover biodiversity enhancement and to ensure that construction working is appropriately managed to ensure that wildlife is not prejudiced

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

Principle of development

The site is designated as Incidental Open Space in the Borough of Redditch Local Plan No.4 (BORLP4). As such, Policy 14 would apply.

Policy 14 comments that: "Areas of open space that are not Primarily Open Space are spaces of incidental open space. Whilst incidental open space can make an important contribution to the Green Infrastructure Network and overall open space provision in the Borough, it is acknowledged that it may be necessary to develop some areas of incidental open space."

Policy 14 is a criteria based policy where in the consideration of applications for development on Incidental Open Space, the following (5 criteria) will be taken account. The policy criteria has been addressed within the applicants justification and the case officers consideration of the details of the site:

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i. the need for the development is considered to outweigh the need to protect the incidental open space;

The Council's Strategic Market Housing Assessment shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. This application is for the development of affordable housing which will assist the Council in meeting this need and meet its strategic purpose of ' Help me to find somewhere to live in my locality'.

Furthermore Webheath has limited affordable housing and this application will assist in balancing the housing market in the area. This is reflected in the West Ward Census 2011 data on tenure.

ii. It can be demonstrated that the site does not make an important contribution to the Green Infrastructure Network and has no particular local amenity or wildlife conservation value;

The Green Infrastructure on the site will be maintained and the existing path will be retained to ensure links for pedestrians are unaffected the proposal. The local residents have stated that this area of land is currently used by the local children to play football and forms an important amenity space for safe play. The indicative site layout does show that a small area of approximately 320sqm will be retained to the south of the site as green open space. In addition to this the applicant has highlighted a number of larger areas of open space in close proximity to the site as detailed under subheading iv.

iii. The site does not have a strategic function separating clearly developed areas or acting as a buffer between different land uses;

Given the scale of this small piece of incidental open space it does not have a strategic function separating clearly developed areas or act as a buffer. The land is surrounded by existing development and the proposal continues to maintain the public pedestrian link through the site along with the established hedgerow corridor.

iv. It can be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality; and

The incidental open space acts a pedestrian route for foot and cycle traffic in the area and this passage is to be retained. The applicants have stated that the land at Birchfield Road Public Open Space and Play Area, (within 200m of the site), offers a wider community open space which provides a better amenity provision for destination and recreation. Additional recreation provision can also be found at Springvale Road (within 200m of the site) providing a children's play area, goal posts for informal football along with basketball hoop. The Ward also offers a wider landscape of woodland at the nearby Pitcheroak Woods with vast areas of woodland and nature trails and wildlife features for the enjoyment of local people.

v. The incidental open space does not play an important role in the character of the area;

The character of the area consists of a residential development made up of dwellings of a similar scale and design. The green open space is a small area of land at the end of the cul-de-sac. The dwellings would reflect the overall character and scale of the surrounding development maintaining some green space adjacent to the turning area and south of Nos. 19-26 Sandygate Close.

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It is noted that a number of residents have raised concerns over the loss of this Public Open Space as it is used by children locally to play football. Although it is acknowledged that the local residents enjoy the use of this open space this must also be weighed against the fact that the Council cannot currently demonstrate a five year land supply for housing. In addition to this, the council has a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. Significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures and in particular the provision of affordable housing. Account should also be taken of the opportunities the development would create for local businesses in the construction of the development. It is also noted in terms of Primarily Open Space standards, West Ward has a surplus of open space per 1000 population of 4.81 ha.

Scale, layout and appearance of development

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 5 dwellings could be accommodated within the plot. Objections have been raised in respect of amenity in particular to Nos. 10, 11 and 12 Sandygate close which face onto the open space. The proposed dwellings are shown on the indicative plan to achieve a distance 12.7m from the closest dwelling. The Councils Supplementary Document Encouraging Good Design does not have a minimum separation distance from window to flank wall however this distance is considered sufficient to ensure the amenity of these dwellings is maintained. Concern has also been raised on the Right to Light for these properties. Although it is noted that the proposed dwellings will be to the south of the existing dwellings sufficient space is considered to be provided to ensure the dwellings do not lose an unacceptable amount of light. Furthermore this orientation and separation distance is a common layout within residential areas. There is also space on site to provide additional distance to these dwellings should this be considered reasonable during the Reserved Matters stage. It is acknowledged that these dwellings will lose the view of the green space however the loss of a view is not a planning consideration. The proposal is considered to comply with standards contained within the Councils SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements

Your officers therefore consider that the proposed development would respect the character and appearance and density of existing development within the wider area.

Trees

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

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The Councils Arboricultural Officer has raised no objections to the development subject to a condition affording full protection to all trees on site during construction.

Drainage

The site is in flood zone 1 and the Drainage engineer has not raised any concerns or suggested any conditions to be placed on the recommendation.

Highways

Worcestershire County Council Highways Authority has not raised any objections to the proposal. It has been noted that an objection from residents has been raised on the grounds of current on street parking and the accessibility of the site to the bin men. It is noted that a number of residents have been using the end of the cul-de-sac for on street parking however given this is on the public road it is not controlled by the Council and therefore cannot be secured under this application. The indicative plans show how the cul-de-sac could be extended to provide vehicular access to the proposed dwellings and each dwelling has been provided with 2 parking spaces. The application has therefore provided sufficient parking for the size and number of units having regards to the County Council standards and therefore is not considered to have a severe impact on the existing situation. In respect of the bin men the dwellings have sufficiently provided for their own parking and therefore will not exacerbate the existing situation.

Public Comments

Several objections and a petition have been received as a result of the public consultation. Matters such as the loss of the public open space, on street parking, loss of a view and Right to Light have been addressed within this report. A number of other matters have been raised which I will now address.

Residents have raised concerns over the level of development in Webheath over recent years and suggested that no facilities have been constructed to cope with the additional population. Residents have also suggested other sites are available locally to build. Both locally and nationally there is a shortfall of housing and windfall sites such as these provide dwellings to meet the housing requirement. Each application is to be considered on its individual merits and therefore an additional five dwellings does not create a requirement to provide additional facilities to accommodate any demand rising from them. Other sites may be vacant in the Borough however the Local Planning Authority can only assess an application as put forward and cannot suggest alternative sites which may be in different ownership.

Concern has been raised in respect of access to emergency services to the site. The indicative plan shows how the cul-de-sac could be extended to provide vehicular access to the site and should vehicles block the road due to poor parking this would be a matter for the police.

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Concern was raised on the lack of information submitted by the applicant in respect of Ecology and justification relating to Policy 14 of the Borough of Redditch Local Plan No. 4. Further information was submitted by the applicant and this information was sent out for further consultation on 20th February 2019. The planning assessment on these matters is addressed within this report.

Concern has been raised on the nuisance caused during construction of the development. Construction is temporary however it has been considered reasonable to condition the working hours of construction. In addition to this nuisance by noise and dust can be considered under separate legislation should this be necessary.

Concerns were raised on the date of the initial public consultation over Christmas and the Redditch validation checklist. The public consultation was undertaken compliant with legislation and comments are accepted after the consultation until the decision is made. The application has been considered to be valid having regards to the National validation requirements and sufficient information has been submitted for members to consider.

The devaluation of the properties and an individual's reasons for purchasing a property are not material planning considerations.

Conclusion

Having regard to the requirements set out under Policy 14 above, your officers have concluded that the demonstrated need for the development outweighs the value of the land as an area of Incidental Open Space.

As referred to earlier in this report, the Council's Strategic Market Housing Assessment shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. Significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Council's housing figures and in particular the provision of affordable housing. Account should be taken of the opportunities the development would create for local businesses in the construction of the development. Limited environmental harm would be caused in this case and any adverse impacts arising from granting permission for the residential development of this site would NOT significantly and demonstrably outweigh the benefits of the application. As such, and in accordance with Paragraph 11 of the NPPF, permission should be granted. The proposal 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, planning permission be GRANTED subject to the following conditions:

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Conditions:

- 1) Details of appearance, landscaping, layout, access and scale (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.

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 not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the dwelling access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety.

- 5) 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.

REASON: In the interests of highway safety.

- 6) The Development hereby permitted shall not be first occupied until each 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 approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 2 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 8) 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 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.

- 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. In addition there shall be no storage of plant/materials within the RPAs of any retained trees 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

- 10) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

a) Full details of retained vegetation, if any, along the eastern boundary and details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when (any of the building(s) hereby permitted are first occupied) (change of use hereby permitted carried out).

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 11) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
0800 to 1800 hours Monday to Friday
0900 to 1200 hours Saturdays

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and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity

- 12) Prior to commencement of development a biodiversity strategy for the site should be submitted to and approved in writing by the local planning authority. The strategy shall identify measures to be implemented to increase the value of habitats on site for wildlife species likely or known to occur nearby. Such measures shall include:
- retention and maintenance of green corridor feature along the eastern and south-eastern edges of the site;
 - inclusion of at least two bat roosting features similar in specification to the enclosed bat boxes produced by Ibstock Brick or Schwegler;
 - retention of scrub habitat suitable for nesting birds and nesting/hibernating hedgehogs;
 - design site to allow hedgehogs free access through the development area and into the wider area;
 - enhancement of the site through inclusion of at least three bird nesting boxes suitable for house sparrow and starling amongst other species;
 - creation of log piles; and
 - incorporation of planting in public areas that provides opportunities for pollinators and other wildlife

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework. The condition is required to be a pre-commencement condition given any works carried out may have an impact on the biodiversity of the site and therefore it would be important to establish the strategy prior to implementation.

- 13) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Identification of "biodiversity protection zones".
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Direction of security/construction lighting away from biodiversity protection zones and tree canopies.
 - f) Responsible persons and lines of communication.

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g) The responsibilities of site operatives/managers to consult suitably qualified ecologists should protected or priority species be found during works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework. The condition is required to be a pre-commencement condition given any works carried out may have an impact on the biodiversity of the site and therefore it would be important to establish the strategy prior to implementation.

- 14) Prior to occupation, a "lighting design strategy for biodiversity" for the retained green corridor along the eastern site boundary shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using this corridor or having access to their breeding sites and resting places.
 - c) The strategy shall be in compliance with Institution of Lighting Professionals' Guidance Note 08/18. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 15) The housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2019, or any future guidance that replaces it. A scheme outlining the following:
- i. the type and tenure of the affordable housing
 - ii. the arrangements for the management of the affordable housing
 - iii. the criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units,

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Reason; In the interests of securing affordable housing and to implement the purpose of the application.

Procedural matters

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

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PLANNING COMMITTEE

Planning Application 18/01509/OUT

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

Land At, Heronfield Close, Church Hill, Redditch, Worcestershire

Applicant: Peter Liddington, Redditch Borough Council
Ward: Church Hill 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 site is a grassed area approximately 1000 sqm (0.1 ha) in size and comprises an area of Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

The Northern boundary of the proposed development site consists of several semi-mature Ash and oak trees. To the south of the site there is an area of parking and garaging for the dwellings on Heronfield Close. The site is at the end of the cul-de-sac on part of Heronfield Close in an area with a mix of two storey dwellings and bungalows.

Proposal Description

This is an outline application for residential development comprising 3, two bedroomed dwellings with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

Although the matter of access is not for consideration at this stage, an indicative plan has been submitted showing the provision of six parking spaces adjacent to the existing parking area and a pedestrian access to the proposed dwellings.

The application is supported by a design and access statement and a Preliminary Ecological Survey (PEA).

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 11: Green Infrastructure

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Policy 14: Incidental Open Space
Policy 16: Natural Environment

Others

NPPF National Planning Policy Framework (2019)
SPG Encouraging Good Design

Relevant Planning History

None.

Consultations

WCC Highways

No objection in principle. The site is located within a residential area within a sustainable location; bus stops are located in the vicinity of the proposed development, street lightening is also present. The applicant is providing 6 car parking spaces in a row off Heronfield Close adjacent to the proposed development which are located adjacent to a block of 7 other parking car parking spaces.

Arboricultural Officer

The Northern boundary adjacent to Marlfield Lane of the proposed development site consists of several semi-mature Ash and Oak trees. These trees do provide some amenity and screen value to the proposed development and the Play area adjacent to Marlfield Lane. The proposed development will likely require the pruning of these tree to which no objection is raised. From the indicative layout it will be possible to site the three dwellings where there would be no encroachment into the Root Protection Area by the building footprint. Therefore subject to a condition requiring the trees are afforded relevant protection in accordance with BS5837:2012 throughout any ground or construction works no objection is raised in principle to the development.

Redditch Strategic Planning And Conservation

In terms of having no distinct policy designation (white land), this proposal for residential development is considered to be appropriate and in keeping with the surrounding uses. However, in terms of white land, this application should take account of the Policy BDP14 Incidental Open Space. Whilst incidental open space does not form part of the Assessment of open space in the Borough, it should be noted that in terms of Primarily Open Space standards, Church Hill Ward has a deficit of open space per 1000 population of 2.47 ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for Church Hill Ward shows a reduction in the deficit of open space (-1.90ha per 1000 population). In terms of BORLP4 and the appropriateness of this proposal, whilst it is acknowledged that the site may have potential for residential development, from a Strategic Planning perspective, this application cannot be supported unless the applicant

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can demonstrate that the merits of the development outweigh the benefits of retaining the open space

North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding), the Environment Agency's surface water flood maps show low surface water flood risk and we have no records of flooding here.

Severn Trent's online mapping shows there is surface water and foul water sewers located in the footpath adjacent to 109/ 110 Heronfield Close which would be preferable for the applicant to connect to due to the low permeability of the area ruling out a soakaway and there being no watercourses present.

At the full application stage the applicant will have to demonstrate use of SuDS measures in line with Policy 17 of the Redditch Local plan suitable measures include but are not restricted to rainwater harvesting and permeable paving. Additionally a drainage plan is required mapping out how surface water and foul water will be disposed of with the SuDS features. Written permission should be given by Severn Trent before discharging to their sewer network.

There are no reasons to object to this application on flood risk grounds.

WRS - Contaminated Land

No objection in principle. The application site is within 250m of significant areas of unknown filled ground which have the potential to produce landfill gas from degradation processes. It is considered necessary to condition the application requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structure; or to undertake a gas risk assessment to ascertain if gas protection measures are required.

Cadent Gas Ltd

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

Members should note this is a Building Control matter and the applicant is advised to contact Cadent in the event of planning permission being granted prior to implementing the works.

Worcestershire County Council Countryside Service

No Comments Received To Date

Public Consultation Response

One representation has been received raising objections which are summarised as follows:

- The proposed parking will be in the existing turning area used by local residents
- Currently local residents use this area for additional parking

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- Refuse truck is currently required to reverse up close due to on street parking

Procedural matters

This is an outline application with all matters reserved, and as such only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate three dwellings, and not how the site **would** be developed

Assessment of Proposal

An Independent Preliminary Ecological Appraisal has been commissioned by the Council and has been carried out. The report concludes that the site is of low ecological value and that further surveys are not necessary. Development of the site is deemed to be acceptable from an ecological perspective subject to the imposition of appropriate conditions to cover biodiversity enhancement and to ensure that construction working is appropriately managed to ensure that wildlife is not prejudiced

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

Principle of development

The site is designated as Incidental Open Space in the Borough of Redditch Local Plan No.4 (BORLP4). As such, Policy 14 would apply.

Policy 14 comments that: "Areas of open space that are not Primarily Open Space are spaces of incidental open space. Whilst incidental open space can make an important contribution to the Green Infrastructure Network and overall open space provision in the Borough, it is acknowledged that it may be necessary to develop some areas of incidental open space."

Policy 14 is a criteria based policy where in the consideration of applications for development on Incidental Open Space, the following (5 criteria) will be taken account. The policy criteria has been addressed within the applicants justification and the case officers consideration of the details of the site:

i. the need for the development is considered to outweigh the need to protect the incidental open space;

The Council's Strategic Market Housing Assessment shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. This application is for the development of affordable housing which will assist the Council in meeting this need and meet its strategic purpose of ' Help me to find somewhere to live in my locality'

ii. It can be demonstrated that the site does not make an important contribution to the Green Infrastructure Network and has no particular local amenity or wildlife conservation value;

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The site comprises of a small parcel within the Church Hill Ward, with garages and parking located to the south of the site. The site facilitates a pedestrian access for local residents through to the equipped play provision located to the north of the site. This is segregated by mature trees and hedgerows which support the Green Infrastructure and wildlife habitat which will be unaffected by the proposal.

iii. The site does not have a strategic function separating clearly developed areas or acting as a buffer between different land uses;

The land is surrounded by existing development and the proposal continues to maintain the public pedestrian link through the site along with the established trees to the north and larger area of open space north of Marlfield Lane. The mature tree lined hedgerow to the north of the site is proposed to be maintained as the 'buffer' within the proposed development to continue the separation between the developed area and play space as well as sustaining this valuable wildlife corridor.

iv. It can be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality;

The applicant has demonstrated a number of sites that provide an opportunity for better provision of open space available to local residents in close proximity to the site.

Northleach/Upperfield Close offers a recently updated play area 200m from the site and the Willow Tree Community Centre has a new play area 500m from the site. Furthermore the Ward sits within a landscape of larger parks and green spaces with Arrow Valley Country Park within 600m of the site and Bomford Hill Park 350m from the site.

v. The incidental open space does not play an important role in the character of the area;;

The area of open space is located within the residential area surrounded by dwellings south of a green corridor that runs along the south of Church Hill Way. This parcel of land is a link to the larger area of open space with the basketball court and given the access to the retained open space will be maintained the loss of this area will not result in a harmful loss to the character of the area.

The proposal is therefore considered to comply with all the criteria within Policy 14 and is therefore acceptable in principle in this location.

Scale, layout and appearance of development

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 3 dwellings could be accommodated within the plot without compromising the amenities enjoyed by occupiers of nearby properties. Your officers are of the opinion that the dwellings may be better positioned facing south on the site to ensure that the scale of the dwellings better reflect the layout and density locally. Furthermore facing the dwellings south will also ensure that the parking and garaging area to the south of the site is provided with some natural

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surveillance reducing the risk of anti-social behaviour. The plans have been measured and officers are confident that the dwellings could also be arranged in this fashion to comply with standards contained within the Councils SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements

Your officers therefore consider that the proposed development would respect the character, appearance and density of existing development within the wider area.

Trees

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

The Councils Arboricultural Officer has raised no objections to the development subject to a condition affording full protection to all trees on site during construction.

Drainage and other matters

The site is in flood zone 1 and the Drainage engineer has not raised any concerns or suggested any conditions to be placed on the recommendation.

Worcestershire County Council Highways Authority has not raised any objections to the proposal. It has been noted that one neighbouring dwelling has raised an objection on the grounds of current on street parking and the accessibility of the site to the bin men.

The site is located within a residential area within a sustainable location; bus stops are located in the vicinity of the proposed development, street lightening is also present. The applicant is providing 6 car parking spaces in a row off Heronfield Close adjacent to the proposed development which are located adjacent to a block of 7 other parking car parking spaces. The application has therefore provided sufficient parking for the size and number of units having regards to the County Council standards. It is noted that a number of residents have been using the end of the cul-de-sac for on street parking however given this is on the public road it is not controlled by the Council and therefore cannot be secured under this application. In respect of the bin men, the dwellings have sufficiently provided for their own parking and therefore will not exacerbate the existing situation.

Conclusion

Having regard to the requirements set out under Policy 14 above, your officers have concluded that the demonstrated need for the development outweighs the value of the land as an area of Incidental Open Space.

As referred to earlier in this report, the Council's Strategic Market Housing Assessment shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. Significant weight should be afforded to the fact that the scheme would

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make a meaningful contribution to the Councils housing figures and in particular the provision of affordable housing. Account should be taken of the opportunities the development would create for local businesses in the construction of the development. Limited environmental harm would be caused in this case and any adverse impacts arising from granting permission for the residential development of this site would NOT significantly and demonstrably outweigh the benefits of the application. As such, and in accordance with Paragraph 11 of the NPPF, permission should be granted. The proposal 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, planning permission be GRANTED subject to the following conditions:

Conditions:

- 1) Details of appearance, landscaping, layout, access and scale (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.

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:

P2049.145.1 - Indicative Layout
P2049.145.2 - Site Location Plan

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

- 5) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

- 6) The Development hereby approved shall not be occupied until an area has been laid out for the parking of 2 cars PER DWELLING as shown on drawing P2049/145/18. 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.

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- 7) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces for each 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.

- 8) 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 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.

- 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. In addition any trees to be pruned shall be carried out in accordance with BS3998:2010. Tree Work - Recommendations.

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

- 10) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
0800 to 1800 hours Monday to Friday
0900 to 1200 hours Saturdays
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity

- 11) Prior to commencement of development a biodiversity strategy for the site should be submitted to and approved in writing by the local planning authority. The strategy shall identify measures to be implemented to increase the value of habitats on site for wildlife species likely or known to occur nearby. Such measures shall include:
- retention and maintenance of green corridor feature along the eastern and south-eastern edges of the site;
 - inclusion of at least two bat roosting features similar in specification to the enclosed bat boxes produced by Ibstock Brick or Schwegler;
 - retention of scrub habitat suitable for nesting birds and nesting/hibernating hedgehogs;
 - design site to allow hedgehogs free access through the development area and into the wider area;

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- enhancement of the site through inclusion of at least three bird nesting boxes suitable for house sparrow and starling amongst other species;
- creation of log piles; and
- incorporation of planting in public areas that provides opportunities for pollinators and other wildlife.

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework. The condition is required to be a pre-commencement condition given any works carried out may have an impact on the biodiversity of the site and therefore it would be important to establish the strategy prior to implementation.

- 12) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Identification of "biodiversity protection zones".
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Direction of security/construction lighting away from biodiversity protection zones and tree canopies.
 - f) Responsible persons and lines of communication.
 - g) The responsibilities of site operatives/managers to consult suitably qualified ecologists should protected or priority species be found during works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework. The condition is required to be a pre-commencement condition given any works carried out may have an impact on the biodiversity of the site and therefore it would be important to establish the strategy prior to implementation.

- 13) Prior to occupation, a "lighting design strategy for biodiversity" for the retained green corridor along the eastern site boundary shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using this corridor or having access to their breeding sites and resting places.

c) The strategy shall be in compliance with Institution of Lighting Professionals' Guidance Note 08/18. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 14) The housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2019, or any future guidance that replaces it. A scheme outlining the following:

- i. the type and tenure of the affordable housing
- ii. the arrangements for the management of the affordable housing
- iii. the criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units,

Reason; In the interests of securing affordable housing and to implement the purpose of the application.

Procedural matters

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

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**PLANNING
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18th March 2019

Planning Application 19/00075/OUT**Outline application for the erection of 2 No. 2-bed dormer bungalows with associated infrastructure (affordable housing)****Land adjoining 1 Fladbury Close, Woodrow North, Redditch, B98 7RX****Applicant: Redditch Borough Council**
Ward: Greenlands 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 site is a grassed corner plot which lies adjacent to 1 Fladbury Close, Woodrow North. The area is approximately 600m² (0.06 ha) in size and lies at the corner of a cul-de-sac. The site is Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

Properties to the immediate North (1 to 5 Fladbury Close) are bungalows whilst those to the South (51 to 60 Fladbury Close) are two storey houses. Beyond Woodrow North (to the West) lies the former Dingleside Middle School (now a development of 160 dwellings) constructed under planning ref 2013/066/RM.

There are four semi-mature Maple trees on the site which would have been planted as part of the landscaping for the original Fladbury Close development.

Proposal Description

This is an outline application for residential development comprising 2, two bedroomed dormer bungalows with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

Although the matter of access is not for consideration at this stage, an indicative plan has been submitted showing vehicular access off Fladbury Close where four car parking spaces would be created. An existing parking area immediately to the east of the site comprising a row of six car parking spaces would be retained as part of the scheme.

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Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 11: Green Infrastructure

Policy 14: Protection of Incidental Open Space

Policy 16: Natural Environment

Others

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

Relevant Planning History

2008/360/RC4	Outline application for Residential Development	Granted	07.01.2009
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Consultations

WCC Highways

The site is located within a sustainable residential location. An on-road cycle route is available on Studley Rd close to the proposed development. There are a number of direct pedestrian access routes leading to other residential areas including the main bus routes. Street lighting and footpaths are located in the vicinity of the proposed development.

No objections are raised, noting that conditions with regards to visibility splays, vehicular access, Parking and Electric Vehicle Charging Points would not be attached at this stage but under a future reserved planning matters application where means of access is to be considered.

Drainage Engineer: North Worcestershire Water Management

Based on the available information there is no reason to withhold approval of this application on flood risk grounds. I don't deem it necessary for this planning application to recommend attaching a drainage condition as a future building control application will deal with this aspect.

Arboricultural Officer

The development site contains four semi mature Norway Maple trees. This group of trees offer a good degree of visual amenity value to the site and local street scene being highly visible from Woodrow North Drive. The proposal highlights a need to remove one of the trees within the group to allow the installation of four parking bays to serve the new properties. There would also be some minor encroachment into the BS5837:2012 recommended Root Protection Areas (RPA) of the other three trees within the group by

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the footprint of the path network serving the new properties. However the low degree of incursion would not be expected to adversely affect the health or stability of these trees. It is likely that some minor root pruning will be required during the installation of the path network due to its footprint incursion into the RPA of the trees. This will need to be done correctly and in accordance with BS recommendations to ensure the welfare of the trees. I feel that the loss of only one tree from the group would not have a major impact on the overall value of the group and find the level of incursion into the RPA's of the other trees acceptable.

Plans detailing the routing of any utility services to the new development would need to be provided as part of a detailed application since this would have the potential to cause root damage to the trees.

I would have no objection to the proposed development in view of tree related matters subject to the imposition of a suitably worded planning condition.

RBC Strategic Planning Team

Comments summarised as follows:

As an area of Incidental Open Space, Policy 14 of the Borough of Redditch Local Plan No.4 (BORLP4) would apply.

Whilst incidental open space can make an important contribution to the Green Infrastructure Network and overall open space provision in the Borough and will normally warrant protection from development, it is acknowledged that it may be necessary to develop some areas of incidental open space. Under the terms of Policy 14, applicants are required to demonstrate the merits of any proposed development in relation to the value of the open space and Criteria 1 to 5 set out within the Policy.

Whilst incidental open space does not form part of the assessment of open space in the Borough, it should be noted that in terms of Primarily Open Space standards, Greenlands Ward has a deficit of open space per 1000 population of 1.67 ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for Greenlands Ward shows an increase in the deficit of open space (1.75ha per 1000 population).

Public Consultation Response

1 letter has been received in objection to the application.
Comments received are summarised below:

- Concerns that the rear (west facing) elevations to Fladbury Close will be difficult to access / maintain if permission is granted

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- This is the only area of green space left within the vicinity of properties in Fladbury Close. It should not be built on
- Woodrow North is a busy road carrying much traffic which has increased following the development of the Dingleside School site. The construction of two more properties would exacerbate an existing highway safety problem
- Lack of consultation with nearby residents prior to the planning application being submitted

Procedural matters

This is an outline application with all matters reserved, and as such only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate two dormer bungalows, and not how the site **would** be developed.

Assessment of Proposal

Members will note that outline planning permission was granted on this site in January 2009 under reference 2008/360/RC4. The consent at that time did not specify the quantum of development proposed although an indicative plan was submitted showing how two dwellings **could** be accommodated within the plot. A subsequent reserved matters application was never submitted and therefore this consent expired on 7th January 2012. The Planning Committee at that time considered that residential development on this area of Incidental Open Space was acceptable although your officers consider that this historical decision should be afforded little weight. Whilst the land is currently designated as Incidental Open space, as it was at the time of the earlier applications determination, the development plan for the area was the Borough of Redditch Local Plan No. 3 rather than the current Local Plan No. 4.

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

Principle of development

The site is designated as Incidental Open Space in the Borough of Redditch Local Plan No.4 (BORLP4). As such, Policy 14 would apply.

Policy 14 is a criteria based policy and at 14.2 states that Incidental Open Space will be protected from development unless:

i. the need for the development is considered to outweigh the need to protect the incidental open space;

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ii. it can be demonstrated that the site does not make an important contribution to the Green Infrastructure Network and has no particular local amenity or wildlife conservation value;

iii. the site does not have a strategic function separating clearly defined developed areas or acting as a buffer between different land uses;

iv. it can be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality; and

v. the incidental open space does not play an important role in the character of the area.

i. Does the need for the development outweigh the need to protect the incidental open space?

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. Account should be taken of the opportunities the development would create for local businesses in the construction of the development.

Some environmental harm would be caused by reason of the loss of one of the semi-mature maple trees although wider environmental harm is considered to be limited. Your officers consider that any adverse impacts arising from granting permission for the residential development of this site would NOT significantly and demonstrably outweigh the benefits of the application.

ii. Does the site make an important contribution to the Green Infrastructure Network and does it have a particular local amenity or wildlife conservation value?

The small size of the site limits its local amenity value. The primarily grassed area has little quality in terms of biodiversity of species and is of limited wildlife conservation value. Only one of the four existing trees on the site would need to be removed in order to facilitate the development

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The Planning Department have notified 40 properties which are situated within close proximity to the site. Only one representation has been received in objection to the proposals.

iii. Whether the site has a strategic function separating clearly defined developed areas or whether it acts as a buffer between different land uses;

This site is not considered to have a strategic function and does not form a buffer between different land uses.

iv. Can it be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality?

Alternative open space use to the south-west of the site and to the north of Woodrow North exists offering far greater diversity and variety than the application site.

v. Does the incidental open space play an important role in the character of the area?

In this case, the incidental open space does not play an important role in the character of the area.

Having regard to Criteria 1 to 5 above, no objections are raised to the principle of a residential scheme on the site.

Scale, layout and appearance of development

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 2 dormer bungalows could be accommodated within the site without harming the character and appearance of the area and without compromising the amenities enjoyed by occupiers of nearby dwellings. Whilst the submitted plan is only for illustrative purposes, separation distances between existing dwellings and the proposed new dwellings would comply with standards contained within the Councils SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements.

Trees and Ecology

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

Three of the four trees present on the site would be retained by granting planning permission and the Councils Tree Officer has raised no objection to the application.

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Paragraph 175 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. To enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An appropriately worded planning condition is recommended to be imposed at this outline stage.

Impact of the proposals on highway safety

The matter of access to and from the development would be considered in more detail under a future reserved matters application. Access via Fladbury Close in the manner proposed under Indicative Plan P2049/144/1 is considered at this stage to be acceptable.

Two off-road car parking spaces would be provided for each of the 2 dormer bungalows, meeting the Council's parking standards.

Residential amenity considerations

Your officers are satisfied that no loss of residential amenity would result from granting permission having regard to the density of the proposed development and separation distances that could be achieved between the proposed dwellings and existing nearby properties. 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.

Conclusion

Having regard to the requirements set out under Policy 14 above, your officers have concluded that the demonstrated need for the development outweighs the value of the land as an area of Incidental Open Space.

The proposal 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, OUTLINE planning permission be GRANTED subject to the following conditions:

Conditions:

- 1) Details of appearance, landscaping, layout, access and scale (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.

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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:

Drawing No: P2049/144/2: site location plan edged red dated 23rd January 2019

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

- 5) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;

0800 to 1800 hours Monday to Friday

0900 to 1200 hours Saturdays

and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour's amenity

- 6) Prior to the first occupation of the development, details shall be submitted that shall include bird nesting boxes, bat roosting boxes, and appropriate native species planting to take account of the need to recreate habitat for wildlife and biodiversity. The details thus approved shall be fully implemented prior to first use occupation of the development.

Reason:- To ensure the creation of wildlife habitat and wildlife corridors within development and minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

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- 7) 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. Any root or crown pruning on the trees to be retained must be in accordance with BS3998:2010 recommendations.

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

- 8) The housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2019, or any future guidance that replaces it. A scheme outlining the following:

- i. the type and tenure of the affordable housing
- ii. the arrangements for the management of the affordable housing
- iii. the criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units.

Reason:- In the interests of securing affordable housing and to implement the purpose of the application.

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) An arboricultural method statement together with plans showing the routing of any ground installed utility services should be supplied as part of any subsequent full or reserved matters application

Procedural matters

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

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18th March 2019

Planning Application 18/01448/FUL

Proposed 2 Bed Bungalow

48 Church Road, Webheath, Redditch, Worcestershire, B97 5PG,

Applicant: Mr K Best
Ward: West Ward

(see additional papers for site plan)

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

Site Description

The site forms part of the rear garden of 48 Church Road, Webheath which is situated in the residential area of Redditch.

Proposal Description

The proposal is for a 2 bedroom single storey detached dwellinghouse, accessed via a new driveway leading from the existing access off Church Road that currently serves No. 48 Church Road.

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 16: Natural Environment

Policy 18: Sustainable water Management

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

SPG Encouraging Good Design

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Relevant Planning History

None

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Consultations**Severn Trent Water Ltd consulted 11/02/2019 expires 7/03/2019**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Highways Redditch consulted 11/02/2019 and 05/03/2018 expires 7/03/2019

No objection subject to conditions relating to car and cycle parking provision, Electrical vehicle charging points, conformity with submitted details and drainage.

Hereford & Worcester Fire and Rescue consulted 11/02/2019 expires 7/03/2019

No comments received to date.

Arboricultural Officer consulted 11/02/2019 expires 07/03/2019

No objections to this proposed application, in relation to any tree related issues, subject to the following conditions:

- Retained trees and their Root Protection Areas (RPA) must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate.
- No storage of plant/materials within the RPAs of any retained trees.
- Any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.
- Any retained tree that fails or is removed or seriously damaged/diseased within 5 years of completion is replaced with trees of suitable sizes/species.

Waste Management consulted 11/02/2019 expires 07/03/2019

No objection.

Public Consultation Response

10 Letters sent out to the neighbouring properties on 11.02.2019

Site notice put up near to site on 12.02.2019

Overall public consultation period expires 08.03.2019

1 representation and 1 objection received to date

Objection summarised as follows:

- Objection to the new driveway. Do not feel that a close board fence will provide adequate screening for noise and headlights. The new drive curves at both the front and rear of the existing bungalow which will cause headlights to shine directly into windows.
- The fence running from Church Road to the front corner of No. 50 Church Road is in a very poor state of repair and needs replacement. The fence is owned by the planning applicant. A replacement fence and agreement of c6ft

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high evergreen hedging along the length of the boundary might provide adequate screening and once understood might overcome objection.

Representation summarised as follows:

- If the amended drawing showing the 2m high close board fence is agreed as part of the planning application, happy to proceed with no objections,
- Would have liked something to cover the height of the trees to ensure that the light into our garden isn't affected but I'm not sure that can be included.

Assessment of Proposal

The proposed dwelling is located within the residential area of Redditch where the principle of such development may be considered acceptable, provided that the proposal fulfils the other requirements of the development plan. Policies 5 and 40 of the Borough of Redditch Local Plan No.4 and the advice contained within the Councils SPG Encouraging Good Design are most relevant in determining the application.

Policy 5 of the Redditch Borough Local Plan No.4 sets out that schemes for the development of private gardens will generally not be supported unless they lie within existing settlements, integrate fully into the neighbourhood, and can clearly demonstrate that there would be no detrimental impact on the current and future amenity, character and environmental quality of the neighbourhood.

Character

The area is made up of a variety of house types including bungalows and two storey houses, set with in a variety of plot sizes.

The proposal would be situated in the rear garden area of No. 48 Church Road, accessed via a long driveway which would run between No. 48 and 50 Church Road. Given that the proposed dwelling would be situated behind the existing dwelling house on this site, and would be a single storey bungalow it would not be visible in the street scene.

Overall given the varied design and layout of the existing development in the area, it is considered that proposed single storey dwelling would reflect the overall character and appearance of the area.

Amenity

The proposed dwelling would be situated in the rear garden of No. 48 Church Road, with the front of the dwelling facing south west on to the rear of No. 48 Church Road and the rear wall of the dwelling facing north east onto the side elevation of No. 14 Neighbrook Close.

The proposed dwelling would have a rear garden length of between approximately 7 to 10.5 metres. No. 14 Neighbrook Close runs along part of the rear boundary of the site. Its two storey side elevation is situated approximately 0.8 to 1.7 metres from the rear

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boundary line of the site which would mean that it would be situated approximately 8.5 metres from the nearest habitable window in the rear elevation of the proposed dwelling (window in bedroom 1).

No.16 neighbrook Close is situated to the north of the site and its two storey side elevation is approximately 3.3 metres from the boundary of the site.

No. 13 Neighbrook Close is situated along the south- eastern boundary of the site. The two storey gable end wall of this property is situated between 0 and 1.3 metres from the boundary of the site.

It is also noted that the ground levels do vary in this area, with No. 14 and 16 Neighbrook Close being slightly elevated above the site.

Although there is no advisory separation distance from rear windows to two storey flank walls in the Encouraging good Design SPG. It is considered that the size and proximity of these three two storey dwellings to the proposed dwellinghouse would have an overbearing impact on the future occupiers of the proposed single storey dwellinghouse and result in the future occupiers of the proposed dwelling having a restricted outlook from both the windows in the rear elevation of the dwelling and from within the proposed rear garden area. It is considered that this would be an unacceptable form of development which would have a detrimental impact on the future occupiers of the proposed dwellinghouse.

An objection has been received from a neighbouring occupier in relation to the impact the proposal could have on their existing amenities in relation to noise and disturbance from cars using the proposed driveway. Since this objection was received, the proposal has been amended to include the erection of a new 2 metre high close boarded fence along the boundary with No. 50, to replace the existing fence situated on this boundary. The amended plan also shows that it is proposed to plant a new dense indigenous hedge row in front of the proposed fence. These amendments have been provided to the occupier of the neighbouring property who raised objection to the scheme. To date no further comments have been received from them regarding the amendments.

The proposed driveway way would be situated between No. 48 and No. 50 Church Road, approximately 2 metres from the boundary with No. 50. There is an existing old fence and some vegetation that runs along the boundary of these two dwellinghouses, which is now proposed to be replaced with a 2 metres high close boarded fence and a new dense hedgerow planted to the eastern side of it. These factors, together with the level of traffic that it is anticipated the proposed dwelling would generate, it is not considered that the proposed dwelling and particularly the proposed driveway would have an unacceptable impact of the existing amenities of the neighbouring occupiers.

Comments have also been received regarding the condition of the fence along the existing boundary with No. 13 Neighbrook close and the levels of works that would take place to the vegetation along this boundary that overhangs No. 13. The amended plans

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that have been received for the proposal indicate that the close boarded fence that forms the boundary between the site and No. 13 Neighbrook Close would be replaced with a new close boarded fence. From the information submitted it is not clear as to the extent of works that would take place to the vegetation that is to be retained on the site. These amendments have been provided to the occupier of the neighbouring property who made a representation on the proposed scheme. They have commented that they would be happy to proceed with no objections following the amendments, although they would like confirmation regarding the height of the trees.

Highways

Following amendments to the scheme, Worcestershire County Highways have confirmed that they raise no objection subject to certain conditions relating to parking provision, conformity with proposed layout, Electrical vehicle charging point and drainage.

Trees

The Councils Tree officer has raised no objection to the proposal subject to certain conditions regarding root protection measures, retention of vegetation and the type of construction used for the proposed driveway.

Conclusion

Due to the proximity of the proposed dwelling to the three two storey dwellings in Neighbrook Close; it is considered that the existing development would result in having an overbearing impact on the future occupiers of the proposed single storey dwelling and result in the future occupiers of the proposed dwelling having a restricted outlook from both the windows in the rear elevation of the dwelling, but also from within the proposed rear garden area.

Overall therefore it is considered that the proposal would result in an unacceptable form of development which would have a detrimental impact on the future occupiers of the proposed dwellinghouse contrary to the Borough of Redditch Local Plan No.4 and the NPPF.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be **REFUSED.**

Reason for Refusal

- 1) The size and proximity of the existing two storey dwellings of Neighbrook Close to the side and rear of the proposed dwellinghouse would result in the future occupiers of the proposed dwelling having a restricted outlook from both the windows in the rear elevation of the dwelling and also from within their private amenity space. The sitting of the proposed dwelling amongst the existing two storey dwellings of Neighbrook Close would also result in the existing two storey dwellings having an overbearing impact on the future occupiers of the proposed dwellinghouse. This would have a

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detrimental impact on the amenities of the future occupiers of the proposed dwellinghouse contrary to the National Planning Policy Framework (NPPF) and the provisions of Policy 5 of the Borough of Redditch Local Plan No.4.

Procedural matters

This application is reported to Planning Committee for determination Councillor Dormer has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers.

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Planning Application 19/00097/FUL**Change of use from B8 distribution to D2 assembly & leisure****Unit 5, Lakeside Industrial Estate, New Meadow Road, Lakeside, Redditch, B98 8YW****Applicant: Ms A Marshall: ALM Fitness**
Ward: Lodge Park 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 site is located within a Primarily Employment Area within the Lakeside Industrial Estate. The premises are one of many modern glazed and metal clad Industrial Units, accessed off New Meadow Road. The unit has been unoccupied since 12th September 2018 but was formerly occupied by Activewear Group (distributors of sports and work wear clothing). It offers 290m² floorspace at ground floor with a further 40m² on the upper floor. The unit is attached on its southern side to 'Joes Jungle' (previously Coconut Island) which is a Children's Soft Play area, and to its Northern side to 'Alliance Electrical' who are wholesalers of electrical parts and fittings. A car parking area serving the units exists to the east of the site.

Proposal Description

This is a full application for the change of use of this vacant B8 unit to a D2 (Leisure) use. The applicant: ALM Fitness is described as a health, fitness, lifestyle and wellbeing business. The applicant's website offers classes in 'Cardiovascular Circuits' and 'Fitness Pilates'.

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

Policy 24: Development within Primarily Employment Areas

Policy 30: Town Centre and Retail Hierarchy

Others

NPPF National Planning Policy Framework (2019)

SPG: Employment Land Monitoring

Relevant Planning History

None

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Consultations

Worcestershire Highways

No highway safety implications and therefore no objections noting that 4 dedicated car parking spaces are available to serve the use.

Public Consultation Response

1 letter has been received, writing in support of the application.
Comments received are summarised below:

- Adding further leisure related uses would only support existing businesses and encourage visitors and families to Lakeside.

Assessment of Proposal

The key issue for consideration in this case is the principle of the change of use.

Principle of Change of Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is reaffirmed under Paragraph 2 of the National Planning Policy Framework.

The Development Plan for Redditch Borough Council is the adopted Local Plan No.4. Policies relevant to this application include Policy 24 and Policy 30.

The site is within an area designated as a Primarily Employment Area in the Local Plan where the primary aim of Policy 24 is to maintain uses within Classes B1 (Business), B2 (General Industrial) or B8 (Storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land.

The change of use of this unit to a D2 (Leisure) use is therefore at odds with the aims and objectives of Policy 24.

Policy 24 comments that non-employment development within Primarily Employment Areas will only be considered where it can be demonstrated that (i) the loss of the site would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned. As a Unit measuring a little over 300 square metres in area, your officers consider that the proposals would not cause or accentuate a significant shortage of land for employment use. Part (ii) of the Policy only permits non-employment uses (as per the application proposal) where the site or unit is no longer viable as an employment area either following a period of unsuccessful marketing

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or undertaking a viability assessment. No viability assessment has been submitted and no evidence of appropriate marketing for 'B' Class uses has been advanced with the application.

Your officers have noted that the Units last tenant 'Activewear' who were distributors of sports and work wear ceased occupation as recently as September 2018. The Councils Employment Land Monitoring SPG requires sites to be unoccupied for a minimum period of 2 years and 3 months which the Councils Economic Development Unit suggests reflects a reasonable period of time to attract a genuine new employment opportunity.

Given the limited vacancy period there is nothing to suggest to your officers that an employment user would not find such a unit attractive if appropriate marketing were to be carried out.

If parts (i) and (ii) above cannot be satisfied, the applicant is required to demonstrate that the site is no longer appropriate for employment use. Whilst some of the units within Lakeside Industrial Estate are occupied by non 'B' Class users, many, including for example 'Kwik Fit' (Unit 1), Alliance Electrical (Unit 13), Stanton Automotive (Unit 9 and 10) and Unit 16 (Mr Tyre), do fall within the B1, B2 or B8 category and therefore it is considered that the unit in question would be appropriate for employment use in the future.

The proposed (D2 Leisure) use is defined as a 'main town centre' use as far as the NPPF is concerned (Annex 2, Glossary: Page 68 to the Framework). Policy 30 (Town Centre and Retail Hierarchy) of the Borough of Redditch Local Plan directs leisure uses to the Town Centre.

The NPPF comments under Paragraph 86 that:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'

Paragraph 87 to the Framework comments that applicants should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites are fully explored. Paragraph 90 goes on to comment that where an application fails to satisfy the sequential test it should be refused.

No sequential testing has been carried out by the applicant and your officers know there to be a number of units of the size sought by the applicant (around 300m²) in sequentially preferable locations within the Town Centre which would be easily accessible by sustainable means (walking, cycling etc) and also by those who are unable to drive by car to those sites. Your officers have been provided with a list of a number of currently available units by the Kingfisher Shopping Centre's Manager which includes suites within

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Cannon Newton House amongst others, which would appear to be suitable in terms of size to meet the applicant's requirements.

Conclusion

It is considered that this proposal should be resisted in the interests of retaining such units for 'B' Class occupiers. Further, in the absence of information advanced with this application regarding sequential testing of alternative Town Centre sites, your officers have concluded that the proposal would be unsustainably located and would conflict with the policies of the development plan and the provisions of the NPPF which is a material consideration in making planning decisions.

RECOMMENDATION:

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

Procedural matters

All applications for Assembly and Leisure (Class D2 use) fall outside the scheme of delegation to officers and are reported to Planning Committee for determination

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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.

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.

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

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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 Councils 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.

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.

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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.

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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