



# Planning Committee

Wed 4 Dec  
2019  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

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

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# **REDDITCH BOROUGH COUNCIL**

## **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC SPEAKING**

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

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

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

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

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

- 1) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)
- 2) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No. 4 and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.
- 3) Members of the public may record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. An area next to the Press table has been set aside for any members of the public who wish to film or record. The Council asks that any recording of the meeting is done from this area to avoid disruption. Recording or filming of meetings is not authorised when the Committee is considering exempt/confidential information. For agenda items that are exempt, the public will be asked to leave the Chamber
- 4) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 5) Late circulation of additional papers is not advised and is subject to the Chair's agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 6) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or email on: [sarah.sellers@bromsgroveandredditch.gov.uk](mailto:sarah.sellers@bromsgroveandredditch.gov.uk) before 12 noon on the day of the meeting.

## Further assistance:

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

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

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

# Planning

COMMITTEE

Wednesday, 4th December,  
2019

7.00 pm

Council Chamber - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:	Salman Akbar (Chair)	Anthony Lovell
	Gemma Monaco (Vice-Chair)	Nyear Nazir
	Brandon Clayton	Gareth Prosser
	Andrew Fry	Jennifer Wheeler
	Bill Hartnett	

### 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 - 10)

### 4. Update Reports

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

### 5. Application 19/00815/OUT Land adjacent to 34 Badger Close South Moons Moat Redditch B98 0JE - Mr Pete Liddington on behalf of Redditch Borough Council (Pages 11 - 16)

Report attached

### 6. Application 19/01084/FUL - 10 Sandygate Close Webheath Redditch B97 5RY - Mr Gerald Lawles (Pages 17 - 22)

Report attached

### 7. Application 2016/024/FUL - Redditch Trades and Labour Club 38 - 40 Bromsgrove Road Redditch B97 4RJ - Cafe Quote (Pages 23 - 44)

Report and appendices attached - please note that there is no public speaking on this item.

# Planning

Wednesday, 4th December, 2019

## COMMITTEE

- 8.** Application 18/01515/OUT Victoria Works Edward Street Redditch B97 6HA - Mr I White (Pages 45 - 70)

Report and appendices attached - please note that there is no public speaking on this item.

- 9.** Consultation on a Planning Application 17/00469/OUT (Bromsgrove District Council matter) - Land at Barn House Farm - Foxlydiate Ltd (Pages 71 - 80)

Report and appendices attached - please note that there is no public speaking on this item.

- 10.** Application ref 18/01626/S73 Redditch Eastern Gateway : Discharge of Conditions (Pages 81 - 90)

Report and appendices attached - please note that there is no public speaking on this item.

- 11.** Appeal Outcomes Report - July 2019 to November 2019 (Pages 91 - 94)



## Planning Committee

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Wednesday, 13 November 2019

### MINUTES

#### Present:

Councillor Michael Chalk (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Andrew Fry, Bill Hartnett, Anthony Lovell, Nyear Nazir, Gareth Prosser, Jennifer Wheeler and Julian Grubb

#### Also Present:

Steve Hawley and Karen Hanchett, County Highways

#### Officers:

Helena Plant, Steve Edden, Amar Hussain, Anthony Young and Simon Jones

#### Democratic Services Officer:

Sarah Sellers

#### 46. APOLOGIES

Apologies for absence were received from Councillor Brandon Clayton. Councillor Julian Grubb attended as substitute for Councillor Clayton.

#### 47. DECLARATIONS OF INTEREST

In relation to agenda item 8 Councillors Gareth Prosser and Anthony Lovell declared an Other Disclosable Interest in that they had previously expressed views regarding the scheme. Both Councillors left the meeting at the end of Agenda item 7 and took no part in the debate or vote for agenda items 8.

#### 48. CONFIRMATION OF MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 16TH OCTOBER 2019

##### RESOLVED that

**The Minutes of the Planning Committee held on 16<sup>th</sup> October 2019, be confirmed as a correct record and signed by the Chair.**

.....  
Chair

# Planning

## Committee

Wednesday, 13 November 2019

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### 49. UPDATE REPORTS

The Update Report was noted.

### 50. APPLICATION 2016/077/OUT - LAND TO THE WEST OF FOXLYDIATE LANE AND PUMPHOUSE LANE, BROMSGROVE HIGHWAY, REDDITCH - HEYFORD DEVELOPMENTS LTD AND UK LAND AND DEVELOPMENTS LTD

Hybrid application comprising

1) Outline Application (with all matters reserved with the exception of vehicular points of access and principle routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.

2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiat Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

Officers presented the report and explained that the developer had submitted duplicate planning applications to both Bromsgrove District Council and Redditch Borough Council as the site covered land in the area of both authorities. The site was situated on the edge of Redditch and close to existing housing in Webheath, but was substantially located within the boundary for Bromsgrove with only a small part of the overall site falling within the boundary of Redditch Borough Council.

The Planning Committee at Bromsgrove District Council had considered the application at its meeting on 14<sup>th</sup> October 2019. Members at Bromsgrove had decided to grant permission subject to a section 106 agreement being finalised and with a delegation to officers to finalise the relevant conditions.

As a "hybrid" application the developer was seeking full permission for certain aspects including highway access and associated engineering works; the application also included a series of parameter plans setting out the principles of development of other



# Planning

## Committee

Wednesday, 13 November 2019

---

aspects of the scheme, which would be followed up at a later stage by reserved matters applications to finalise the full detail.

The application had been presented for the whole site to give a full picture of what was being proposed. The area of the application that specifically fell within the RBC boundary were parts of the highway making up Foxlydiate Lane and Birchfield Road, and land currently consisting of a field off to the west of numbers 12-18 Blockley Close.

It was noted that the application before Members excluded some other parcels of land within the overall allocation for development at Foxlydiate as some housing was being brought forward under separate applications, and land to the south of the current application had had to be excluded due to land ownership issues. The total number of homes under the current application would be 2560.

With regard to points of access to the site, the primary access was planned to be from Birchfield Road with the construction of an exit from the existing junction between Birchfield Road and the A448. There would also be access points from Foxlydiate Lane and Curr Lane; part of Curr Lane within the site would be closed to vehicular traffic and be converted to a footpath/cycle way.

Finally, there would be an access from Pumphouse Lane restricted for the use of emergency vehicles only.

Officers outlined the overall layout and use of the site, and the location of the internal road network with reference to the relevant parameter plans and in doing so the following matters were noted:-

- That there would be an extensive area of open space around the site of the listed building at Lanehouse Farm.
- That in response to representations the height of the dwellings adjacent to the A448 had been reduced from three storeys to two storeys.
- That the construction of the primary access from Birchfield Road would require extensive engineering works to be completed due to the change of levels between the existing road and the site.

Members were referred to the Update Report and the submission of further comments from the Acute Hospital Trust. Officers remained of the view, based on the legal opinion that the Council had obtained, that the request for contributions towards the cost of acute and A&E services was not lawful for the reasons summarised in the report at paragraphs 24.13 to 24.37.

# Planning Committee

Wednesday, 13 November 2019

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Members were referred to the recommendation at paragraph 27 of the report and the proposed financial contributions and draft conditions. It was noted that a delegation was sought for officers to finalise the terms of the 106 agreement and the final wording of conditions for the application.

At the invitation of the Chair the following speakers addressed the committee under the Council's public speaking rules:-

- Councillor Barry Spence - Bentley Pouncefoot Parish Council
- Mr Paul Frost – local resident
- Councillor Peter Whittaker - Bromsgrove District Council (Tardebigge Ward)
- Councillor David Thain – Redditch Borough Council (West Ward)
- Mr Jon Kirby - agent for the applicant

In debating the application Members referred to various matters raised by the public speakers. Whilst acknowledging the allocation of the site for housing through the Local Plan process and that the principle of building at Foxlydiate had been established, concerns were expressed over a number of highways issues and other matters.

### Highways issues

Foxyldiate Lane was not suitable to be used as the initial access for the site covering construction traffic up to the point of completion of the first 200 dwellings. In the view of Members the road was too narrow to accommodate construction traffic and the extra vehicles that would arise from the first phase of 200 dwellings and this additional use would give rise to safety concerns. It would also lead to traffic congestion in the area which would be detrimental to residents already living nearby who had to use the road. Members noted the comments from the speaker, who had pointed out that there was only a footway on one side of the road. Members suggested that the primary access from Birchfield Road should be completed first before any other construction on the site took place.

Members also expressed concerns over the proposed changes to the layout of the junction between Birchfield Road and the A448 and questioned why the estate road network could not be built prior to construction of dwellings.

Highways officers advised that a construction traffic management plan ("CTMP") had been drawn up and that in this regard Foxlydiate Lane had been considered suitable and sufficiently wide. The Foxlydiate Lane access would only be used during the construction

of the first 200 houses, after which a condition would prevent the developer from using it further. The footway was not felt to be a challenge to the use of the lane and timings of construction traffic could be controlled via the CTMP. Imposing a requirement on the developer to complete the internal road network might lead to issues of viability being raised.

Officers gave further clarification that the trigger point of 200 houses was set by a condition which had been negotiated with the developer; it had reflected the fact that the main access point would require significant engineering works and that in the officers opinion it would not be unreasonable to enable some construction of dwellings whilst those engineering works were completed.

Officers further advised that Members could decide to amend this figure if they so wished as it did not form part of the actual application, and this could be done without the need for any deferral.

In further discussion Members expressed a range of views on this aspect including not allowing any access for construction from Foxlydiat Lane, asking officers to re-negotiate the trigger point, or lowering it to 100.

#### Other issues

Members questioned the information contained in the Update Report regarding the Acute Hospital Trust, and in particular the Council's position regarding the Trust's request to see the Council's legal opinion. Members also noted the comments from public speaking regarding the decision made by Bromsgrove District Council.

The legal advisor stated that full disclosure of the legal opinion was not material to the planning application, and would not prevent the Members from making a decision. However, in light of the late representations received from the Acute Hospital Trust (received on 13<sup>th</sup> November), the Council would review the case law cited with regard to access to legal documents. The Council stood by its current position that the request for contributions could not be accepted as set out in the report.

With regard to the decision at Bromsgrove, there was always a period of time following the granting of a planning application during which it could be challenged, and again this was not material to the application before the Committee or relevant to any consideration of deferral.

Following further discussion by members a motion was proposed and seconded that the application be deferred.

**Planning**

## Committee

Wednesday, 13 November 2019

---

**RESOLVED that**

**Consideration of Application 2016/077/OUT be deferred for the following reasons:-**

- (i) To enable officers to give further consideration to the proposed condition limiting use of the Foxlydiate Lane access during the construction phase;
- (ii) To enable officers to undertake further negotiations regarding the Birchfield Lane access being used as the initial access for construction traffic;
- (iii) To allow more time for any further response by the Council on the issue of disclosure of legal documents to the Acute Hospital Trust as detailed on pages 2 to 3 of the Update Report.

**51. APPLICATION 19/01121/FUL - ASDA, JINNAH ROAD, SMALLWOOD, REDDITCH, B98 7ER - MR STEVE ROBERTS**

Erection of a new three pump (six filling position) Petrol Filling Station (PFS) and associated works

Officers presented the report and outlined the application for the construction of an automatic (un-manned) petrol filling station ("PFS") on land situated parallel with Union Street and currently forming part of the Asda car park accessed from Jinnah Road. Members were referred to the additional comments on the Update Report and the amendments to the proposed conditions. The proposal would result in the loss of 50 car parking spaces and the PFS would only be permitted to trade during the existing trading hours of the Asda store (Condition 4 on page 5 of the Update Report). There had been no objections to the scheme from the statutory consultees including the petroleum safety officer with regard to safety issues or Worcestershire Regulatory Services with regard to noise, light pollution or contaminated land.

At the invitation of the Chair the following speakers addressed the committee under the Council's Public Speaking Rules:-

- Mrs Paula Harvey – Smallwood Residents Association
- Mr George Szubinski - local resident
- Worcestershire County Councillor Robin Lunn (Redditch North ward)
- Redditch Councillor Greg Chance – (Central ward)
- Mr Brad Wiseman (Agent) and Mr Alan Jones (Applicant)

# Planning

## Committee

Wednesday, 13 November 2019

---

The first four speakers who were opposed to the application raised various issues including choice of location close to residential properties, concerns over noise and light pollution and current problems being experienced by residents with regard to anti-social behaviour on the car park. Although Asda had been required by a planning condition on an earlier application to provide a barrier to the car park to prevent nuisance use when the store was closed, no barrier had been installed.

The agent and applicant responded to a number of questions from Members and in doing so confirmed that:-

- The PFS would not be manned and staff from the store would deal with deliveries which would take place three times a week.
- The type of equipment being installed was standard to Asda and other operators and complied with all the relevant safety measures, with the whole operation being subject to very strict regulations.
- There were no plans to employ overnight security staff, although there would be staff working in the store when it was closed.
- That Asda had not been able to comply with the previous planning condition to install a barrier as the western part of the site where the barrier was to be located was in the control of a different land owner. Following discussions with the land owner it had not been possible establish a solution. Asda had therefore undertaken further negotiations with the planning authority and subject to those negotiations was intending to introduce alternative mitigation measures to address anti-social behaviour on the site and out of hours access. Specific details of the mitigation measures could not be disclosed pending the outcome of the negotiations.

In debating the application the Members referred to a number of issues raised during public speaking including in particular the reported problems of anti-social behaviour and the implications of the barrier not having been installed as required under the conditions of the earlier application. It was noted that the Police Crime Risk Manager had not raised an objection although Members considered that issues at the site were perhaps being under reported.

A motion was moved and seconded that the application be approved subject to an additional condition that officers be given delegated powers to agree or reject a car park management agreement to address anti-social behaviour issues.

On that motion being put to the vote it was lost.

# Planning

## Committee

Wednesday, 13 November 2019

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There was further debate regarding safety issues and concerns about use of the car park out of hours leading to anti-social behaviour. A motion was moved and seconded that the application be deferred.

**RESOLVED that**

**Consideration of Application 2019/01121/FUL be deferred for Members to be provided with more information on the proposals to be introduced to mitigate anti-social behaviour.**

**52. APPLICATION 18/00784/FUL - LAND AT TORRS CLOSE, SOUTHCREST, REDDITCH - DR SABA ANANTHRAM**

Erection of a new apartment block consisting 10 no. 1 and 2 bed residential units together with associated car parking and external works.

Officers presented the report and outlined the proposal for a block of 10 apartments and associated landscaped parking.

Ms Sue Court and Mr Adam Pescia were invited by the Chair to address the committee under the Council's Public Speaking Rules.

**RESOLVED that**

**Having regard to the development plan and to all other material considerations, authority be delegated to the head of Planning and Regeneration to grant planning permissions subject to the following:-**

- a. **The satisfactory completion of a S106 planning obligation ensuring:**
  - i. **The provision of 3 affordable dwellings on the site, one for affordable housing and two for social rent.**
  - ii. **Appropriate Section 106 monitoring fee.**
- b. **The conditions and informative set out on pages 101 to 108 of the main agenda.**

# Planning

## Committee

Wednesday, 13 November 2019

---

**53. APPLICATION REF 18/01626/S73 REDDITCH EASTERN  
GATEWAY : DISCHARGE OF CONDITIONS**

Details pursuant to conditions 12, 16, 36 and 37

Members were reminded that at the meeting of the Planning Committee on 18<sup>th</sup> March 2019 they had requested that the details of 9 of the conditions be reported back to them for approval.

Officers were now in a position to report back on conditions 12, 16, 21 and 37 and Members were referred to the details set out in the report. It was noted that there were no objections from any of the statutory consultees.

**RESOLVED that**

**The details submitted pursuant to conditions:**

**12. Archaeology WSI and Method for Evaluation**

**16. Levels**

**21. Traffic Signal Junction**

**37. Watercourse buffer and watercourse diversion**

**Be approved as acceptable in so far as they relate to Phase 1 of the development (northern parcel).**

The Meeting commenced at 7.00 pm  
and closed at 10.58 pm

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**PLANNING  
COMMITTEE**4th December 2019

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**Planning Application 19/00815/OUT****Outline application for the construction of one 3 bedroomed dwelling****Land Adjacent To 34 Badger Close, Winyates, Redditch, Worcestershire, B98 0JE, ,****Applicant: Mr Peter Liddington  
Ward: Winyates Ward****(see additional papers for site plan)**

The author of this report is Nina Chana, Planning Officer (DM), who can be contacted on Tel: 01527 548241 Ext 3207 Email: nina.chana@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site is located within Winyates which is an established residential area. The site is a plot of land which is located at the end of a cul de sac, adjacent to 34 Badger Close. To the southern boundary of the site is a footpath, the eastern boundary is the fence to the rear garden of 22 Badger Close and the site fronts onto Badger Close. The site is flat and extends to 0.02 hectares, it is laid to grass and there is no presence of any trees.

**Proposal Description**

This is an outline application for the construction of a single dwelling with all matters reserved for future consideration (access, layout, scale, appearance and landscaping ). It is an open market scheme.

Although the matter of access and layout is not for consideration at this stage, an indicative plan has been submitted showing how the site could be developed to accommodate one dwelling. This is for illustrative purposes only to demonstrate how the site could be developed not would be developed.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 5: Effective and Efficient use of Land

Policy 40: High Quality Design and Safer Communities

**Others**

**PLANNING  
COMMITTEE**4th December 2019

---

NPPF National Planning Policy Framework (2019)  
Redditch High Quality Design SPD

**Relevant Planning History**

None

**Consultations****Highways Redditch**

No objection subject to conditions

**North Worcestershire Water Management**

No objection subject to condition

**Tree Officer**

No objection subject to tree protection condition

**Public Consultation Response**

3 representations have been received raising objections which are summarized as follows:

- Overlooking
- Future foundations for a dwelling would affect the footings, fencing of the neighbouring dwelling
- Loss of view
- Proposal would devalue surrounding dwellings

**Assessment of Proposal**

Principle of development

The site is located in a sustainable location with access to services and facilities within Redditch which is the main settlement within the Borough and the site is within 120m of a bus stop and regular bus service. On this basis residential development is considered to be appropriate in principle on the site.

Part of the site was a designated a Toddler Play Area, which were provided in quantity with similar new residential developments across the New Town areas in the 1970s.

## PLANNING COMMITTEE

4th December 2019

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However, the majority of these Toddler Play Areas were taken out some years' ago by this Authority after reviewing the appropriate Play Area Policies.

Part of the site is an adopted highway as it was part of the original footpath network. There is no Statutory Undertakers' equipment within this parcel of land, so it was not classified as a highway for that reason.

If the Planning application is successful, then an application will be made to the Department for Transport under Section 247 of the Town and Country Planning Act 1990 to stop up the highway. Upon satisfactory completion of this process, the former adopted highway will then revert back to the owner of the sub-soil, which is this Authority.

### Scale, Layout and Appearance of Development

Policy 5 states that development of such land will not be supported unless it lies within an existing settlement, integrates fully into the neighbourhood and demonstrates there would be no detrimental impact on amenity, character and environmental quality of the neighbourhood.

The site is a vacant piece of land which is large enough to accommodate a dwelling. That dwelling would have to be designed to be acceptable in terms of its character and appearance and must not harm the amenities of the area or adjoining occupants. The proposal would also need to provide sufficient functional space for the needs of its occupants.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how a dwelling could be accommodated within the plot .

The indicative plan shows the frontage of the new dwelling has been stepped forward from the existing frontage line of its neighbour, No.34. It is the same distance as the step between the existing dwellings Nos. 32 and 33. Consequently, the stepped frontage details have been retained

Objections have been raised in respect of amenity. The proposed dwelling is shown on the indicative plan to achieve a distance 20.96m from No 22 Badger Close. The Councils High Quality Design Supplementary Document has a minimum separation distance of 21m from window to flank wall and this distance is considered sufficient to ensure the amenity of these dwellings is maintained . This would mean that a garden depth of 8.8 metres would be required which can be provided through the siting of the dwelling. It is acknowledged that this dwelling will lose the view of the green space; however the loss of a view is not a material planning consideration.

The proposal is considered to comply with standards contained within the Councils SPG on High Quality Design and the garden serving the new dwellings would also comply with minimum requirements.

## PLANNING COMMITTEE

4th December 2019

---

Your officers therefore consider that the proposed development would respect the character and appearance and density of existing development within the wider area. Furthermore the amenity of adjoining occupiers can be safeguarded as part of the scheme.

### Highway safety and parking

A future dwelling would benefit from off road parking as demonstrated on the indicative layout which shows the required two car parking spaces for a 3 bed dwelling. The County Highway Authority has not objected to the application subject to conditions.

### Trees

There is a mature Oak tree sited on the opposite side of the public footpath which runs adjacent to the site. The Tree Officer has been consulted and he has raised no objection subject to a tree protection condition.

### Drainage

The site is located within Flood zone 1 and NWWM has no objection to the proposal in principle but has requested that a full drainage plan be submitted as part of any subsequent Reserved Matters Application, outlining where surface water will be disposed of, what attenuation features are being used to ensure run off is at a rate of 5L/s and this should incorporate SuDS measures as required within Policy 17 of the Redditch Local Plan. These measures could include but are not restricted to permeable paving, rain gardens, blue roofs or swales.

### Conclusion

The proposal would amount to sustainable development, would be sited on residential land 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:**

**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.

**PLANNING  
COMMITTEE**4th December 2019

---

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

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

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

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

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

- 4) The Development hereby approved shall 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 the 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.

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

**PLANNING  
COMMITTEE**4th December 2019

---

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) 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 neighbours amenity

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

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

- 11) All retained trees and their Root Protection Areas 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 Root Protection Areas of any retained trees.

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

**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.

**PLANNING  
COMMITTEE**4th December 2019

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**Planning Application 19/01084/FUL****Proposed Two Bedroom Dwelling & Associated Landscaping and Services****10 Sandygate Close, Webheath, Redditch, Worcestershire, B97 5RY.****Applicant: Mr Gerald Lawles**  
**Ward: West Ward****(see additional papers for site plan)**

The author of this report is Mrs Alison Young, Planning Officer (DM), who can be contacted on Tel: 01527 881233 Email: [alison.young@bromsgroveandredditch.gov.uk](mailto:alison.young@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The application site is located within an established residential area of Webheath, Redditch. The site is located at the end of a cul- de- sac and is the side garden of an existing dwelling which is the end property in a row of three dwellings. The existing dwelling and proposed site do not benefit from any vehicular access but there is a pedestrian footpath to the front of the site. The dwellings front onto an open green space although this land benefits from outline planning permission for residential development (18/01600/OUT).

**Proposal Description**

The application proposes the construction of a two storey, two bedroom dwelling which would attach to the side of 10 Sandygate Close so that the terrace of dwellings would become a terrace of four properties rather than three. The proposed dwelling would be constructed of brick and tile and has been designed so that it is in keeping with the existing properties.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 39: Built Environment

Policy 5: Effective and Efficient use of Land

Policy 16: Natural Environment

Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework (2019)

## **PLANNING COMMITTEE**

11th December 2019

---

NPPG National Planning Practice Guidance  
Redditch High Quality Design SPD

### **Consultations**

#### **Highways Redditch**

Object - insufficient information has been provided with regards to car parking. Although the Close benefits from footpaths, street lighting, no parking restrictions and the site is within walking distance of a bus stop, the development would lead to a displacement of parking on street which would be contrary to the Streetscape Design Guide.

#### **Arboricultural Officer**

No objections to this proposed application, in relation to any tree related issues subject to conditions regarding protection of RPA's and no storage or excavations within the root protection areas.

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

The site is in flood zone 1 (low risk of modelled river and tidal flooding), it has low surface water flood risk according to the Environment Agency's flood zone maps and we have no records of flooding at this location. In principle I see no issues with a development here from a flood risk perspective. I see no reason to attach a drainage condition.

### **Public Consultation Response**

No representations from neighbouring properties have been received.

### **Assessment of Proposal**

#### **Principle of development**

The site is located in a sustainable location with access to services and facilities within Redditch which is the main settlement within the borough and the site is within 140m of a bus stop and regular bus service. On this basis residential development is considered to be appropriate in principle on the site.

#### **Scale and design/ appearance of development**

Policy 5 states that development of private gardens will not be supported unless they lie within existing settlements, integrate fully into the neighbourhood and demonstrate there would be no detrimental impact on amenity, character and environmental quality of the neighbourhood.

The site is the side garden to an end terrace property and the site links up to long rear gardens of neighbouring properties to the north and east and the open space referred to above to the south. The proposed dwelling has been designed so that it is the same scale, design and appearance as the neighbouring attached properties to the side. The



## **PLANNING COMMITTEE**

11th December 2019

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site is large enough to accommodate the dwelling and the proposed and existing dwelling would have curtilages of a similar size to the existing dwellings. The development would result in the row of dwellings having the appearance of a terrace of four rather than three. Overall the proposed development is considered acceptable in terms of design and appearance and Officers do not consider that the development would harm the character or appearance of the area.

### **Amenity**

The proposed dwelling would be sited sufficient distance from any neighbouring property to ensure that there would be no adverse impact on the amenity of any neighbouring occupier or occupiers of the proposed dwelling in terms of overlooking or overbearing impact.

The proposed dwelling would benefit from a private rear garden area of 70sqm which complies with the standards set out in the Redditch High Quality Design SPD. The existing dwelling would be left with a smaller rear garden but this would match the adjoining dwellings to the west and all the properties benefit from large front garden areas. The development approved to the front of the site was in outline only but the indicative layout shows the dwellings side on to the application site and with each property benefitting from private parking spaces and private rear garden areas and a strip of open land between the application site and proposed development.

### **Highway safety and parking**

The proposed dwelling would not benefit from any off road parking and the only access to the property would be via pedestrian paths to the front and rear, this is the same arrangement as the existing row of properties has.

The County Highway Authority has objected to the application on grounds that insufficient information has been provided with regards to car parking. Their comments state that although the Close benefits from footpaths and street lighting, that there are no parking restrictions and that the site is within walking distance of a bus stop that the development would lead to a displacement of parking on street which would be contrary to the Streetscape Design Guide.

The Applicant has provided further information with regards to parking which states that there are 40 properties on Sandygate Close of which 30 have off road parking and others have the capacity to create parking if required. There are 21 off road spaces and no parking restrictions on the road. There is good footpath access to a bus stop as well as a range of services, cycle parking is to be provided and rented garages are available in the area. Following the receipt of this additional information the Highway Authority has maintained their objection on the basis that the development will result in displacement parking on the road.

## PLANNING COMMITTEE

11th December 2019

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The application proposes the construction of a two bedroom property and therefore the potential for a requirement of two parking spaces. Whilst these cannot be provided on the site the information provided by the applicant demonstrates that there is available parking in the vicinity of the site and although the construction of the dwelling may lead to more on street parking, the site is in a quiet residential area on a cul –de- sac. There are no parking restrictions and officers do not consider that the demand for parking from the proposed two bedroom dwelling would result in any significant highway safety concerns which would justify refusal of the application. The proposal would result in the addition of a dwelling in a sustainable location which would provide a benefit, albeit limited, in terms of social sustainability and add to the housing stock in the Borough. Officers consider that this would outweigh any very limited harm resulting from displacement parking.

### Trees

There are two trees located to the front of the site that are sited on adjoining land, the Tree Officer has no objection to the proposal subject to a condition requiring protection of RPA's during development.

### Drainage

The site is located within Flood zone 1 and NWWM has no objection to the proposal and comment that no drainage condition is required.

### Conclusion

The proposal would amount to sustainable development, would be sited on land suitable for housing, 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 to the following conditions:**

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

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

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings: 002, 003, 004, 005, 006, 007, 008, 009.

**PLANNING  
COMMITTEE**11th December 2019

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 4) 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

- 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 neighbours amenity.

**Informatives**

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

**Procedural matters**

This application is being reported to the Planning Committee because there is a formal objection from the Highway Authority as statutory consultee. As such the application falls outside the scheme of delegation to Officers.

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**PLANNING  
COMMITTEE**4th December 2019

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**Planning Application 2016/024/FUL****Demolition of Redditch Trades And Labour Club and erection of 40 units, 26 No. 1 bedroom flats and 14 No. 2 bedroom flats.****Redditch Trades and Labour Club, 38-40 Bromsgrove Road, Redditch,  
Worcestershire.****Applicant: Café Quote  
Ward: West Ward****(see additional papers for site plan)**

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

**RECOMMENDATION:**

That Members endorse the revised recommendation as detailed below and the associated comments under the heading The Amendments.

**Background**

Members will recall that at the meeting of Redditch Borough Council on 17th July 2019, they resolved;

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

- a) The satisfactory completion of a S106 planning obligation ensuring that:
  - 1. Contributions are paid to the Borough Council in respect to off-site open space, and equipped play and sport provision in accordance with the Councils adopted SPD.
  - 2. Contributions are paid to the Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.
  - 3. Contributions are paid towards Town Centre enhancement in accordance with the Town Centre Strategy.
  - 4. Affordable housing be provided as part of the scheme – 6 affordable units (4 No. 1 bed units and 2 No. 2 bed units to be sold with 20% discount).
- b) Conditions and informatives as summarised in the report pack.

(See original report under APPENDIX An and update report under APPENDIX B).

## PLANNING COMMITTEE

4<sup>th</sup> December 2019

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### Procedural Matters

This matter is reported to members because the scheme of delegation to planning officers requires that:

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority cannot be dealt with under delegated powers (so must be reported to committee) where:

- The application is for major development (more than 10 residential units) where the recommendation is for approval.
- Any application where the Council will be required to become a party to a Planning Legal Agreement under Section 106.
- Deletion of one or more heads of terms in a Planning Legal Agreement under Section 106.

### The Amendments

Following the resolution of the Planning Committee on 17th July 2019, the completion of the S106 agreement and the issuing of the planning permission, Accord Housing Association (the Developer) has an interest in the site and now intends to implement the scheme approved. However, substantial changes will be made to the tenure of the scheme which will now change from Open Market to 100% Affordable Rent. In light of this change, the Developer together with the Applicant have asked for all the commuted sums for items such as open space enhancements, waste and recycling provision and Town Centre enhancements to be reduced to zero and have backed this up with a Viability Assessment.

Members may recall that at the time of processing the application, viability arguments were put forward in relation to a late request from the NHS when the scheme was generally an open market proposal. Blackswan Property Ltd considered the viability arguments at that time. For the purposes of consistency, Blackswan has considered the new viability arguments put forward in respect to the intended change in tenure and request for the contributions to be reduced to zero.

Under NPPG (Sept 2019) it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people).

In this situation, the proposed development has changed from an open market scheme to fully rented development and as such raises viability issues. Blackswan has considered the arguments put forward in the Viability Assessment and has recommended that the Council accept the arguments as proof of non-viability.

**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

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Whilst it is disappointing that contributions would be reduced to zero, the intended tenure changes does mean that there would be much needed affordable accommodation in this area of the Town, and should be considered as compensation for the loss of the S106 contributions.

As part of the requirement of Policy 6 of Local Plan No.4, 6 No. units were secured under the original S106 as affordable housing. Whilst there is now a tenure change to the scheme, all 40 units would be secured under the revised S106 Agreement, and the tenure of these units would change from 20% discount market sale to affordable rent.

**Conclusion**

Your Officers conclude that contributions to be paid towards open space enhancements, Town Centre enhancements, and waste and recycling provision shall be reduced to zero. 40 No. Affordable housing units (26 No. 1 bed units, and 14 No. 2 bed units) shall be affordable rent in perpetuity.

There is a need for a consequential change to the terms of the original resolution, as taken on 17th July 2019 and subsequently minuted.

Criteria 1-4 as set out on the first page of this report are now amended, as detailed in the revised recommendation.

**Revised recommendation**

**That the Section 106 Agreement for application 2016/024 be varied to permit the deletion of criteria 1-3 and the amendment to criteria 4:-**

**1-3 Contributions to be paid to the Council towards the provision of waste and recycling bins, as well as the enhancement of open space areas locally and the Town Centre to be removed from the obligation.**

**4. 40 No. Affordable housing units (26 No. 1 bed units, and 14 No. 2 bed units) shall be affordable rent in perpetuity.**

**All other requirements as set out under b) associated conditions and informatives remain.**

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**APPENDIX A**

**PLANNING  
COMMITTEE**

17th July 2019

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**Planning Application 2016/024/FUL**

**Demolition of Redditch Trades And Labour Club and erection of 40 units, 26 No. 1 bedroom flats and 14 No. 2 bedroom flats.**

**Redditch Trades And Labour Club, 38 - 40 Bromsgrove Road, Redditch,  
Worcestershire, B97 4RJ,**

**Applicant: Cafe Quote  
Ward: West Ward**

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

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Ext 3372 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site comprises the Trades and Labour Club building and car park off Britten Street and Bromsgrove Road. The site is bounded by these roads that are designated Local Distributor roads in Borough of Redditch Local Plan No.4. The site is an unallocated site in Local Plan No.4 but is within an established residential area of the Town.

The site is across the road to Ashleigh Works and along with No.s 20-22, the Elms (adjacent to the site), and 44, 52 Bromsgrove Road are locally listed.

**Proposal Description**

Permission is sought to demolish the existing Trades and Labour Club building and replace it with a residential scheme to provide 40 flats, 26 No. 1 bed units, and 14 No. 2 bed units.

The flats would be provided in an L shaped block that would vary in height from 2 - 4 storeys. The building would be 2 storey high adjacent to The Elms but would then increase to 4 storeys for the feature corner building. This element of the building has been designed to complement the height of the neighbouring Ashleigh Works fronting Bromsgrove Road.

Car parking would be provided within the courtyard of the L shaped building, with vehicular access off Britten Street. Pedestrian access to the site would be via Bromsgrove Road as well as Britten Street.

The overall scheme reflects design elements of the neighbouring mill buildings in respect to height, window details and brick finish. It is proposed to also introduce contemporary design features such as zinc clad dormer windows as well as terracotta cladding panels.

**REDDITCH BOROUGH COUNCIL****APPENDIX A****PLANNING  
COMMITTEE**

17th July 2019

**Relevant Policies:**

Policy 1 Presumption in favour of Sustainable Development  
 Policy 2: Settlement Hierarchy  
 Policy 4: Housing Provision  
 Policy 5: Effective and Efficient use of Land  
 Policy 6: Affordable Housing  
 Policy 17: Flood Risk Management  
 Policy 19: Sustainable travel and Accessibility  
 Policy 20: Transport Requirements for New Development  
 Policy 22: Road Hierarchy  
 Policy 31: Regeneration for Town Centre  
 Policy 36: Historic Environment  
 Policy 37: Historic Buildings and Structures  
 Policy 39: Built Environment  
 Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework (2019)  
 NPPG National Planning Practice Guidance  
 SPD High Quality Design  
 SPD Open Space Provision  
 Redditch Town Centre Strategy  
 Worcestershire Waste Core Strategy

**Relevant Planning History**

2007/284/FUL	Construction Of New Storeroom	Approved	30.08.2007
19/00019/ADV	Display of double sided advertising panel on bus shelter to replace the current paper poster advertising panels.		18.02.2019
1979/267/FUL	Single Storey Extension To Form A Lounge Bar		07.08.1979
1984/116/ADV	Advertisement-Illuminated Box Sign		02.05.1984

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

---

**Consultations****Conservation Officer**

In my initial comments dated 27th September 2018, I recommended refusal and highlighted the impact of the scheme on a number of non-designated heritage assets that had not been considered. I made several suggestions as to how the scheme could be improved in terms of the historic environment.

I note that a heritage statement has now been provided and the revised scheme has taken account of these suggestions. I would assess it to be an improvement on the original scheme.

**Building Control**

No comments submitted.

**Worcestershire Archive and Archaeological Service**

Given the scale of the development and anticipated archaeological potential, a condition is recommended.

**Node Katie Kershaw**

The latest design has enhanced the potential for this development to deliver the site's regeneration. The shift in the design approach draws more from the historic context of the surrounding areas. Although the building is generally at a higher scale than the residential developments, the presence of industrial units in the area mean this is not inappropriate and in general, measures have been taken to reduce the bulk and mass through elevational treatment and siting.

**Housing Strategy**

Having looked at this scheme we accept 6 affordable units 2 x 2 Bed and 4 x 1 Bed units as low cost discounted sale at 80% market value.

**Leisure Services Manager**

No objections to scheme but require contributions to enhance nearby leisure facilities.

**Town Centre Co-ordinator**

No objections to scheme.

**Arboricultural Officer**

No objections to the proposed development subject to the following:-

An Arboricultural method statement and protection plan condition is imposed.

Row of trees on the Western boundary and the hedge line on the Eastern boundary are retained and afforded full protection in accordance BS5837:2012 throughout any ground or construction work on the site.

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

---

Suitable species of trees are planted within the grounds of the proposed development to aid the visual amenity of the area and a landscaping plan is submitted for the Council's consideration and agreement.

**Waste Management**

Euro bins will be required for this scheme to be provided by the developer. There will need to be sufficient storage space for these and access to emptying the bins will need to be as close as possible to Britten Street.

**Highways Redditch**

No Objections and recommend conditions.

**Crime Risk Manager**

No objections to this application.

**NHS Mark Fenton Associate Director, Estates & Facilities Man**

No Comments Received To Date

**NHS/Medical Infrastructure Consultations**

No Comments Received To Date

**NHS Acute Hospitals Worcestershire**

The existing service infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development for 40 flats. A contribution is requested for the relevant landowner or developer to contribute towards the cost of health care provision directly related to the development proposals and is fairly and reasonably related in scale and kind.

**Building Control**

No Comments Received To Date

**Education Authority**

As the proposed development is all flats and the vast majority are 1-bedroom properties the impact on schools will be negligible. We therefore feel that an education contribution would not be justified in this case.

**WRS - Contaminated Land**

Worcestershire Regulatory Services (WRS) have reviewed the application for potential contamination issues. The records indicate that the proposed site is located adjacent to a former works/factory referred to as 'Victoria Works' and in close proximity to another works/factory referred to as 'Ashleigh Works'. Given the close proximity to the two potential sources of contamination WRS recommend that the following 'Unexpected Contamination' Condition be attached to any planning permission granted.

**REDDITCH BOROUGH COUNCIL****APPENDIX A****PLANNING  
COMMITTEE**17th July 2019

---

**North Worcestershire Water Management**

The proposed development would be located within flood zone 1 and the risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. There is some surface water risk indicated on Britten Street adjacent to the development so this needs to be considered by the applicants. Overall however flood risk to the site therefore is not considered to be significant and therefore it is not necessary for a complete FRA to be submitted to support a subsequent full application. Recommend a drainage condition.

**Parks & Green Space Development Officer Martin Lewis**

I am happy to accept the conclusions of the Protected Species Survey undertaken by Worcestershire Wildlife Trust and will require no further survey works to be undertaken.

Paragraph 125 of the NPPF states: 'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Light pollution is a key biodiversity threat. The current habitats present on site such as the adjacent trees, and to a lesser extent the grassland can provide some suitable forage and commuting habitat for mammals, bats etc. It is important to limit any further potential negative impacts of artificial light causing un-necessary light pollution. Use of PIR lighting would help to prevent light pollution or spill and minimise potential disturbance of potential bat forage routes for example.

**Viability Advisor**

Comments awaited.

**Public Consultation Response**

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

- Scale of the development, in particular the block design of the building and number of stories.
- Concerns relate to the surrounding commercial uses and potential impact on the proposed use of the site.
- Concerns in respect to car parking matters, reference is made to the local school nearby and issues of parking as a result of the school.
- Management of the site during construction.

**Assessment of Proposal**

Principle of development

The site falls within an area that is predominantly residential to the side and front of the site, although it is also adjacent (at the side and rear) to Primarily Employment land. However, members may recall that outline planning permission has recently been considered favourably for a residential scheme at the Victoria Works site in April 2019 (ref: 18/01515) therefore, the presence of employment use will change over time in this area.

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

---

As the site is mainly within a residential area and taking into account the potential of residential development on the Victoria Works site, it is considered that the principle of residential use on the site is considered to be acceptable and would not conflict with the current neighbouring uses/activities that are mainly Class B1/B8 use at the side and rear of the site.

**Density of Development**

The site is approximately 0.25 hectares in area with 40 units of accommodation proposed; representing a density of 160dph. This is a similar density to that considered favourably on the Victoria Works site.

The 2019 National Planning Policy Framework (NPPF) requires local planning authorities and developers to make effective use of previously-developed land, especially if this would help to meet identified needs for housing where land supply is constrained. Section 11 of the Framework emphasises the importance of making effective use of land, and with respect to density, Para 123 comments that "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site." The paragraph also states that local planning authorities should refuse applications which they consider fail to make efficient use of land.

Policy 5 of the Borough of Redditch Local Plan No.4 (Effective and efficient use of land) encourages densities of 70 dwellings per hectare adjacent to the Town Centre and District Centres. It then goes on to say that higher densities will be sought in locations close to public transport interchanges.

Taking into account that the site is adjacent to the Town Centre and is close to the railway and bus station, it is considered that a higher density scheme would be appropriate and acceptable in this location, and as such the proposal complies with Policy 5 of Local Plan No.4 and the NPPF.

**Scale**

The overall building has varying roof heights starting with two storeys adjacent to The Elms and increasing to 4 storeys for the corner feature element next to Ashleigh Works. The proposed building would not exceed the height of the Ashleigh Works building. (Members may recall that the indicative residential scheme at Victoria Works (ref:18/01515) would be of a similar scale).

Whilst the scale of the building does increase towards the Ashleigh Works building, the building would be set back from Bromsgrove Road to limit its visual impact. The scale of development proposed is considered to be acceptable given the context of the sites surroundings.

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

---

## Layout and appearance

Initial plans submitted for the scheme in 2016 have always showed an L shaped apartment block with a corner feature building at the junction of Bromsgrove Road and Britten Street. However, since the original submission, the scheme has been amended on several occasions taking into account comments made by the Urban Designer, Conservation Advisor and others resulting in a scheme that now respects the historic context of the surrounding 'industrial heritage' buildings, such as Ashleigh Works as well as locally listed buildings fronting Bromsgrove Road.

The use of carefully chosen materials would also enhance the scheme and help to provide a strong street frontage in addition to the following design features:

- o The use of two different red facing brick and reconstituted slate roof finish in order to reflect materials used in the surrounding area.
- o Smooth terracotta cladding panels and zinc clad dormers to provide a contemporary contrast to the brickwork.
- o Incorporation of large warehouse-style windows with brick lintel and sill details to create a vertical emphasis.
- o The use of anthracite finish railings to the front of the site with an area of informal landscaping; and
- o The 'hiding' of all car parking spaces from public view, these being located exclusively to the rear of the building.
- o Motor assisted vehicular gate and manual pedestrian gate in anthracite powdered coated finish steel columns with infill oiled oak inserts.

External bin storage would be located within a compound in the car park. Bins would be taken out on to Britten Street and located within a designated bin collection area (within the curtilage of the application site) on bin collection days.

Officers consider that it is important for the site to have an active frontage onto Bromsgrove Road. Separation distances between the rear of the flats fronting Bromsgrove Road and the side wall of the neighbouring building (Britten House) would be approximately 33.3m. The separation distance between the side wall of the Elms and the nearest part of the proposed building would be approximately 9.5m. The flats proposed to be located close to the site boundary adjacent to Britten House, would be at close quarters, however, due to their positioning, it is considered that any views would be oblique. Despite the high density of the scheme, the proposal would be in accordance with the general principles set out in the Councils SPD in terms of High Quality Design.

## Highway matters

Currently the Trades and Labour Club have a vehicular access off Britten Street as well as Bromsgrove Road. The proposed scheme would result in one vehicular access off Britten Street only. County Highways consider this to be an improvement for the area. 30 car parking spaces are proposed including electric charging points and cycle storage. There is not a car parking space for each unit. However, the 14 No. 2 bed units would each have one space each; the remaining spaces would be available for the occupiers of the 1 bed units and the provision of electric charging points would be available to all

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

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occupiers. Whilst there is not a car space for each 1 bed unit, the site is located very close to the bus and railway station as well as nearby multi storey car parks. Pedestrian and cycle access would be via Bromsgrove Road and Britten Street.

Section 9 of the NPPF requires that "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health." It is considered that the Trades and Labour Club is such a site that offers a genuine choice of transport modes.

Policy 19 of the Local Plan (Sustainable Travel and Accessibility) focuses on the need to reduce private car use and increase the use of public transport. The County's 'Streetscape Design Guide' states that "for both residential and commercial developments in town and city centres the applicant may choose not to provide car parking spaces at all. Consideration must be given to the opportunity to access the site sustainably, the availability and capacity of public car parks, existing parking restrictions, the number of linked trips and the implementation of an approved Travel Plan or welcome pack."

County Highways have sought clarification on the levels of car parking indicated on the plans and how they are to be allocated. County Highways have considered that the site is located close to the town centre, railway station, bus station and local cycle routes and as such gives residents reasonable access to alternative means of travel without relying on car travel. The applicant proposes to reduce car parking levels based on overall need for parking given local evidence. The adopted streetscape design guide allows for parking free development in town centres and that approach is partially applied to this proposal. As a result some apartments are provided with 1 parking space and some 1 bedroom apartments are defined as parking free. Having reviewed the anticipated demands based on the local evidence and given the adopted policy and sustainable transport opportunities County Highways accept the level of parking proposed and raise no objection to the scheme.

County Highways will not be seeking a financial contribution for this site given the brown field use and potential multimodal trip generation from the current club building.

**Landscaping**

The scheme proposes to retain the mature tree planting located along the western boundary of the site. Land that fronts Bromsgrove Road would be the focus for new tree/shrub planting to enhance this new amenity provision for the scheme. The hedge on the eastern boundary is shown to be retained too.

**Drainage**

Whilst a simple Flood Risk Assessment has been submitted for the scheme, no further drainage details have been supplied, however, NWWM do not raise any objections to the application and recommend the imposition of a drainage condition.



REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

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**Residential amenity considerations**

5 letters of objection have been submitted and relate to the design of the scheme and parking generally in the area. One comment also refers to the proposed use of the site. In respect to the car parking matters, given its location, officers consider that there are other options available for alternative travel arrangements. Objections in relation to the design refer to the height of the building. The proposal has changed somewhat since the scheme was originally submitted. Officers have worked with the agent to reduce the scale of the development by way of reducing the number of units. However, it is important to note that whilst the corner building would be 4 storeys in height, it's intended to be a landmark building along this stretch of road, with the number of storeys decreasing where it is closer to domestic scale buildings adjacent to the site. Also, the building overall steps back from the frontage of Bromsgrove Road so that any dominance from the building reduces particularly in relation to the domestic scale buildings adjacent to the site.

In terms of the use of the site, as mentioned above, the use is outside the Primarily Employment area of this area, given the current and potential uses nearby; it is unlikely that the proposal would cause conflict with uses in the surrounding area.

**Sustainability**

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

In addition, the scheme meets the NPPF requirements to make "effective use" of under-utilised land, with the proposed density of redevelopment reflecting the site's highly sustainable location.

Members will be aware that the Council cannot demonstrate a 5 year supply of housing land within the Borough. Para. 11 of the NPPF say 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 NPPF is engaged and the presumption in favour of sustainable development applies. Where relevant policies are out of date, Para. 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. Therefore, significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

**Planning obligations**

Contributions are required for the scale of the development proposed. This would be sought via a planning obligation and cover the following matters:

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

---

**Open space**

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

**Waste**

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

**Town Centre**

Contributions towards Town Centre Enhancements in accordance with the Town Centre Strategy.

**Affordable housing**

Policy 6 of Local Plan No.4 requires the provision of 30% affordable housing on sites of 11 or more dwellings, incorporating a mix of tenure types. Due to the number of units proposed, a total of 12 units would be required. The agent has responded that the provision of 12 units could make the scheme unviable and has put forward an offer of 6 affordable units (4 No. 1 bed units, and 2 No. 2 bed units) to be sold with 20% discount. Members may recall that para 63 of the NPPF supports re-use of brownfield land, and where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

Taking into consideration the redevelopment of the site and loss of floorspace as a result of the demolition of the Trades and Labour Club, it is reasonable to consider a reduction in affordable housing. Housing Strategy accepts the agent's revised offer of affordable housing provision.

**NHS**

Worcestershire Acute Hospitals NHS Trust have requested a contribution based on evidence that the existing, ageing population and future population growth will require additional healthcare infrastructure to enable it to continue to meet the acute and community healthcare needs of the local population. The request for this contribution has been submitted at a late stage of the application process. This figure is being considered, however, it is likely to be revised to a reduced amount based on viability arguments. A Viability Assessment has been submitted. Comments from the Viability Advisor will be provided in the Update Report.

The applicant is agreeable to contributions for the matters set out above.

**Conclusion**

The site is ideally located for residential redevelopment being located within easy walking distance of Redditch train station, bus station and the wide range of facilities within the Town Centre. The application therefore benefits from the NPPF's presumption in favour

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**

17th July 2019

of sustainable development and complies with Local Plan Policy 5 in respect to high density development.

The scheme would be a high density development that would create a vibrant and attractive scheme in this area of the Town and would reflect the Town's industrial heritage.

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

Clarification on viability matters are anticipated and will be provided in the Update Report, however, the principle of the development in this location is acceptable.

**RECOMMENDATION:**

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

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

- **Contributions are paid to the Borough Council in respect to off-site open space, and equipped play and sport provision in accordance with the Councils adopted SPD.**
- **Contributions are paid to the Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.**
- **Contributions are paid towards Town Centre enhancement in accordance with the Town Centre Strategy.**
- **Contributions are paid to NHS towards the cost of local healthcare.**
- **Affordable housing be provided as part of the scheme - 6 affordable units (4 No. 1 bed units and 2 No. 2 bed units to be sold with 20% discount).**

**And**

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

- 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.

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

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- 2) The development hereby approved shall be carried out in accordance with plans and drawings to be specified.

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The materials to be approved shall be similar to those cited in Proposed Elevation Detail Revision Zk. The development shall then be carried out in accordance with the approved details.

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

- 4) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

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

Reason:- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**

17th July 2019

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

Reason: To ensure that any below-ground archaeological interests are properly discovered and protected to avoid any possible damage

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

Reason: To protect any below-ground archaeological interests.

- 8) No demolition, site clearance or development shall take place until all trees and hedges and their root protection areas (RPA) to be retained on the site and around the boundaries of the site must be protected during clearance and construction phase in accordance with BS5837:2012 and shall remain in situ for the duration of the development.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 9) No development above foundation level of the scheme hereby approved shall take place until all hard and soft landscaping details have been submitted to and agreed by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

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

REDDITCH BOROUGH COUNCILAPPENDIX A**PLANNING  
COMMITTEE**17th July 2019

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- 10) Appropriate ecology condition(s) in accordance with BS42020:2013 Biodiversity Code of Practice for planning and development.
- 11) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing "Proposed Ground Floor/Site Plan Revision ZL".

Reason: To ensure conformity with submitted details.

- 12) The Development hereby permitted shall not be first occupied until the proposed indicated electric vehicle charging spaces have been fitted with an electric vehicle charging point in accordance with the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 13) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 14) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

APPENDIX A**PLANNING  
COMMITTEE**17th July 2019

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

**Procedural matters**

This application is being reported to the Planning Committee because the application is for major development, has had more than two objections received for the scheme, and requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers.

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**2016/024/FUL Redditch Trades And Labour Club, 38 - 40 Bromsgrove Road**

**Viability Report**

The Viability Advisor is currently finalising their response to the Financial Viability Assessment that has been submitted by the Agent. The likely conclusion will be that the applicant can afford affordable housing as stated in the report, contributions for open space, domestic waste, and Town Centre enhancements as stated in the report although this would result in a low profit margin for the scheme.

The Viability Advisor considers that the additional contribution requested by NHS would result in an even lower profit margin, making the scheme unviable. For these reasons, the NHS contribution will not form part of the S106 Agreement.

**Other matters**

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

The recommendation shall be amended to as follows:-

**RECOMMENDATION:**

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to **GRANT** planning permission subject to the receipt of the Viability Advisor's report:-

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

Contributions are paid to the Borough Council in respect to off-site open space, and equipped play and sport provision in accordance with the Councils adopted SPD.

Contributions are paid to the Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.

Contributions are paid towards Town Centre enhancement in accordance with the Town Centre Strategy.

Affordable housing be provided as part of the scheme - 6 affordable units (4 No. 1 bed units and 2 No. 2 bed units to be sold with 20% discount).

And

b) Conditions and informatives as summarised in the main report.

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**PLANNING  
COMMITTEE**4th December 2019

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**Planning Application 18/01515/OUT****Outline application for the demolition of redundant factory and erection of up to 75 residential units (matter of scale to be considered under application)****Victoria Works, Edward Street, Enfield, Redditch, B97 6HA****Applicant: Accord Group  
Ward: Central Ward****(see additional papers for site plan)**

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

**RECOMMENDATION:**

That Members endorse the revised recommendation as detailed below and the associated comments under the heading The Amendments.

**Background**

Members will recall that at the meeting of the Redditch Borough Council Planning Committee on 10th April 2019, they resolved;

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

- a) The satisfactory completion of a S106 planning obligation ensuring that:
  - 1. Contributions are paid to the Borough Council in respect to off-site open space, and equipped play in accordance with the Councils adopted SPD.
  - 2. Contributions are paid to the Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.
  - 3. Contributions are paid to Worcestershire County Council towards County education infrastructure in accordance with the Councils adopted SPD
  - 4. Contributions are paid to Worcestershire County Council for localised improvements to the cycle network and for personal travel planning
- b) Conditions and informatives as set out in the report pack.

(See original report under APPENDIX A).

## PLANNING COMMITTEE

4<sup>th</sup> December 2019

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### Procedural Matters

This matter is reported to members because the scheme of delegation to planning officers requires that:

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority cannot be dealt with under delegated powers (so must be reported to committee) where:

- The application is for major development (more than 10 residential units) where the recommendation is for approval.
- Any application where the Council will be required to become a party to a Planning Legal Agreement under Section 106.
- Deletion of one or more heads of terms in a Planning Legal Agreement under Section 106.

### The Amendments

Following the resolution of the Planning Committee on 10th April 2019; the completion of the S106 agreement and the issuing of the planning permission, Accord Housing Association (the Developer) acquired the site from the then applicant (Birgan Ltd) and now intends to implement a residential scheme subject to securing a full planning consent or approval under a 'reserved matters' application following the grant of consent in outline under application 18/01515/OUT for up to 75 residential units as 100% open market housing.

Substantial changes will be made to the tenure of the scheme which will now change from Open Market to 100% Affordable Rent. In light of this change, the developer have asked for all the commuted sums for items such as open space enhancements, waste and recycling provision, highway enhancements and contributions payable to Worcestershire County Council to be reduced to zero and have advanced a Viability Assessment.

Blackswan Property Ltd on behalf of the Council have considered the viability arguments put forward in respect to the intended change in tenure and request for the contributions to be reduced to zero.

Under National Planning Practice Guidance (NPPG): Sept 2019 it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people).

## PLANNING COMMITTEE

4<sup>th</sup> December 2019

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In this situation, the proposed development has changed from an open market scheme to fully rented development and as such raises viability issues. Blackswan has considered the arguments put forward in the Viability Assessment and has recommended that the Council accept the arguments as proof of non-viability.

Members will recall that your officers previously referred to the application of the 'Vacant Building Credit': Para 63 of the NPPF and Para 21 of the NPPG – (see Appendix 2) and that due to the application of the credit, no affordable housing needed to be provided.

Whilst it is disappointing that all contributions would be reduced to zero, the intended tenure change does mean that there would be much needed affordable accommodation in this area of the Town, and should be considered as compensation for the loss of the S106 contributions.

Worcestershire County Council previously sought contributions towards education provision based on the open market scheme proposed. However WCC do not seek such contributions when tenure is 100% affordable rent which means that irrespective of any viability argument being advanced by the developer, this contribution would not have been sought under a deed of variation to the extant S106 agreement.

### **Conclusion**

Your Officers conclude that contributions to be paid towards open space enhancements; the provision of domestic and recycling bins; County education infrastructure and localised improvements to the cycle network and for personal travel planning should be reduced to zero. All housing should be provided for affordable rent.

There is a need for a consequential change to the terms of the original resolution, as taken on 10th April 2019 and subsequently minuted.

Criteria 1-4 as set out on the first page of this report are now removed, as detailed in the revised recommendation.

### **Revised recommendation**

**That the Section 106 Agreement for application 18/01515/OUT be varied to permit the deletion of criteria 1-4 and the insertion of a new criteria 1A:-**

**1-4 Contributions to be paid to the Council towards the enhancement of open space areas locally; the provision of waste and recycling bins; contributions to be paid to the County Council towards education infrastructure and localised improvements to the cycle network and for personal travel planning to be removed from the obligation.**

**1A. All housing units to be provided as affordable rent in perpetuity.**

**All other requirements as set out under b) Conditions and informatives as set out in the report pack remain**

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**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

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

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

**Site Description**

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

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

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

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

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

**Proposal Description**

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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reserved for future consideration would be those of layout, appearance, means of access and landscaping.

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

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

#### Victoria Mews

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

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

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

#### Victoria Works apartment block

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

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

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



## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

#### Relevant Policies:

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 6: Affordable Housing

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 24: Development within Primarily Employment Areas

Policy 31: Regeneration for Town Centre

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

##### **Others**

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

SPG Employment Land Monitoring

SPG Open Space Provision

SPD Affordable Housing Provision

SPD Education contributions

Worcestershire Waste Core Strategy (WWCS)

#### Relevant Planning History

None

#### Consultations

##### **WCC Highways**

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

The application has been supported with a Transport Assessment that assesses the trip generation of the current site and compares that to the proposed use. It is clear that there

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

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

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

#### Planning Obligations

Specific Purpose - Improvements to local cycle route 18 to include signage and markings

Contribution - £20,000

Trigger - Prior to the First Occupation of Any Dwelling

Specific Purpose - Personal Travel Planning

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

Trigger - to the First Occupation of Any Dwelling

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

No objections subject to the inclusion of an archaeology condition

#### **WCC Education**

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

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

#### **Economic Development**

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

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

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

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

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

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

No objection subject to land remediation conditions

#### **WRS - Noise**

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

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

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

Comments summarised as follows:

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

It is noted the break in development to the south east corner of the site benefits both screening to parking while allowing the neighbouring locally listed building to be appreciated in its own entity. This allows a break where new development can progress and be designed in a manner that doesn't mimic but reference. The principle of the development as submitted is considered to be acceptable.

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

#### Public Consultation Response

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

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

#### **Procedural matters**

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

#### Assessment of Proposal

##### Principle of development

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

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

**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

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

It impinges upon residential amenity;

It causes substantial transport network, highway or traffic problems:

It creates other adverse environmental effects; or

Technical reasons such as land stability or fundamental infrastructure problems.

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

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

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

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

**Density of Development**

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

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

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

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

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

#### Scale

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

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

#### Layout and appearance

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

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

#### Victoria Works apartments

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

#### Victoria Mews town houses

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

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

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

#### Impact of the proposals on highway safety

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



## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

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

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

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

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

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

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

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

---

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

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

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

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

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

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

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

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

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

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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#### Landscaping

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

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

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

#### Drainage

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

#### Residential amenity considerations

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

#### Affordable housing

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

Paragraph 63 of the NPPF states that:

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

---

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

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

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

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

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

#### Sustainability

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

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

As referred to with respect to recent reports presented to the Planning Committee for new residential development, currently, the Council cannot demonstrate a 5 year supply of

**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

---

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.

Other matters

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

Planning obligations

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

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

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy  
Contributions to Worcestershire Highways in accordance with the Infrastructure Delivery Plan (IDP) and the WCC Local Transport Plan Development Control (Transport) Policy

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

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

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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#### Conclusion

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

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

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

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

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

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

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

**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

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**RECOMMENDATION:**

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

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

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

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

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

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.

## APPENDIX A

### PLANNING COMMITTEE

10th April 2019

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

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

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

- 5) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall include but not be limited to the following:-
- a) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - b) Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
  - c) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
  - d) measures to minimise dust from construction
  - (e) measures to suppress construction noise

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

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

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

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



**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

---

- 7) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:
1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
  2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
  3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
  4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to

**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

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carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

- 8)
  1. No development shall take place until a Written Scheme of Investigation for a programme of archaeological works have been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:
    - a) The programme and methodology of site investigation and recording.
    - b) The programme for post investigation assessment.
    - c) Provision to be made for analysis of the site investigation and recording.
    - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
    - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
    - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  2. The development shall not be occupied until the site investigation and post investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**APPENDIX A****PLANNING  
COMMITTEE**10th April 2019

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Reason: To protect any below-ground archaeological interests.

**Informatives**

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

**Procedural matters**

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

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**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

**Planning Application 19/01356/FUL (Bromsgrove Planning Application Number )  
Consultation  
Response**

**Full Planning Application for the demolition of existing buildings and the  
development of 63 dwellings with associated public open space and infrastructure**

**Barn House Farm, Foxlydiate Lane, Redditch, Worcestershire, B97 5PB.**

**Applicant: c/o agent  
Ward: Tardebigge Ward**

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

The author of this report is Louise Jones, Principal Planning Officer, who can be contacted on Tel: (01527) 64252 ext: 3221 Email: louise.jones@bromsgroveandredditch.gov.uk for more information.

Redditch Borough Council has been invited to comment by Bromsgrove District Council upon the proposed application. The Planning Application will be considered by Bromsgrove Planning Committee in due course and this response will inform their decision making.

**RECOMMENDATION:**

That the principle of housing on the site be supported as long as all appropriate transport mitigation measures have been fully outlined and accounted for. The impact of the site must be considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity.

Members endorse the comments under the heading Officer appraisal (attached at Appendix 1)

**Background**

The Barn House Farm Planning Application was received by Bromsgrove District Council (BDC) as an outline application in 2017. At this point Redditch Borough Council (RBC) Strategic Planning Team prepared a response, which was approved by Redditch Planning Committee on 12th Dec 2018.

In relation to that response in summary it was Resolved that;

- i. No Objection be raised
- ii. The Officer Appraisal be endorsed
- iii. That Appendix 1 be amended to add comments from Members with respect to ;

## PLANNING COMMITTEE

13th December 2017

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- a) Emphasising the issue of affordable housing being for Redditch and in relation to the housing mix
- b) Defined trigger points being needed in the legal agreement especially with respect to Education
- And c) For design to accommodate energy natural approaches and to include Electric Vehicle Charging points.

That planning application is yet to be considered by Bromsgrove Planning Committee; however, in the intervening period the applicant has submitted this full planning application.

As per the outline this full Application forms a small parcel of the much larger Foxlydiate development site (RCBD1 'Redditch Cross Boundary Development' in the Bromsgrove Local Plan). The differences between the outline application and the full application include; a change from 68 dwellings to 63. Also detailed permission is being sought for access, car parking, open space provision and associated infrastructure (following demolition of existing buildings).

This response has been prepared as RBC is a consultee to the Planning Application hosted by BDC. The purpose of these comments is to provide BDC with a view from RBC on the Application being determined by them.

### **Procedural Matters**

This matter is reported to members because the scheme of delegation to planning officers requires that:

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority cannot be dealt with under delegated powers (so must be reported to committee) where:

- The application is for major development (more than 100sqm of commercial/industrial floorspace) where the recommendation is for approval
- Any application where the Council will be required to become a part to a s106 agreement
- Any application where two or more individual letters of objection from separate addresses raising material planning considerations are received from separate members of the public and the officer recommendation is for approval

### **Officer Appraisal**

A full Officer appraisal of the application can be read at Appendix 1.

**PLANNING  
COMMITTEE**13th December 2017

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**Conclusion**

This site forms part of the wider Foxlydiate site in accordance with Policy RCBD1 'Redditch Cross Boundary Development'. It contributes to the supply of much needed housing for Redditch, including a continued contribution of affordable housing. It is considered 3 more units of affordable housing on site would ensure policy compliance.

Redditch Borough Council would like to stress that it will only be supportive of the development being granted permission if all appropriate transport mitigation measures have been fully outlined and accounted for and the impact of the site has been considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity.

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## **Redditch Borough Council Planning Policy comments on Land at Barn House Farm Foxlydiate Lane Planning Application (19/01356/FUL)**

### **1. Background**

- 1.1 Bromsgrove District Council (BDC) has received a Full Planning Application for Land at Barn House Farm, which forms a small parcel of the much larger Foxlydiate development site (RCBD1 'Redditch Cross Boundary Development' in the Bromsgrove Local Plan).
- 1.2 The Barn House Farm Planning Application was received by BDC as an outline application in 2017. At this point Redditch Borough Council (RBC) Strategic Planning Team prepared a response, which was approved by Redditch Planning Committee on 12<sup>th</sup> Dec 2018. The planning application is yet to be considered by Bromsgrove Planning Committee; however, in the intervening period the applicant has submitted this full planning application.
- 1.3 The differences between the outline application and the full application include a change from 68 dwellings to 63, and also details on access, car parking, open space provision and associated infrastructure (following demolition of existing buildings).
- 1.4 This response has been prepared as RBC is as a consultee to the Planning Application hosted by BDC. The purpose of these comments is to provide Bromsgrove District Council with a view from RBC on the Application being determined by them.

### **2. The Site**

- 2.1 The application site is located within Bromsgrove District. The development is intended to serve the development needs of Redditch (which is discussed further below).
- 2.2 The site is located to the west of Redditch Town, adjacent to the Webheath area. It is bounded by residential development at Webheath to the east and the remaining Foxlydiate designated site on all other sides. It is located in the Tardebigge Ward of Bromsgrove and within the Bentley Paucefoot Parish Council area. The site is located within the larger Foxlydiate development site.
- 2.3 The Site is an allocated housing site in the Bromsgrove District Plan 2011- 2030 (Adopted 2017).

### **3. National Planning Policy**

- 3.1 The National Planning Policy Framework (NPPF) was published in 2018 and amended in February 2019. One key message that came out of the new NPPF is that strategic policies should be informed by a local housing need assessment, conducted using the standard methodology. Central government are seeking to maintain their aspiration of 300,000 dwellings per annum being built. The standard methodology

for assessing housing need was released in July 2018 and is based on 2014 household projections, it is intended the methodology is a starting point for allocating housing numbers.

- 3.2 As stated it is important to highlight that the results of the methodology are a starting point for determining the appropriate housing need for any given area and should trigger discussions in determining the appropriate housing figure for that area. In addition, any housing needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. With regard to the standard methodology, the final implications of using this methodology for Redditch are currently unknown and therefore unable to be effectively planned for. Notwithstanding this any change in minimum housing number is required to be established through the Development Plan.
- 3.3 With regard to affordable housing, the revised NPPF has lowered the threshold to which this should be applied. Affordable housing is now triggered by 10 units or more (previously 11) or 0.5 hectares (previously 1,000 sqm). This application does provide affordable housing but does not meet the amount required by local planning policy (this is discussed further below). The NPPF places great importance on the delivery of affordable housing.

#### **4. Local Planning Policy**

- 4.1 This site is currently designated within the Bromsgrove Local Plan (2011 – 2030) as a housing allocation to meet some of the development needs of Redditch Borough. The Bromsgrove District Plan (BDP) was adopted in January 2017; at this point the Foxlydiate site was removed from the Green Belt and became an allocation for housing development. Policy RCBD1 'Redditch Cross Boundary Development' allocates the wider site (of which this site is part) for up to 2,800 dwellings, a Local Centre, a First School and associated community infrastructure.
- 4.2 Policy RCBD1 is included in the BDP and as an Appendix in the Borough of Redditch Local Plan No.4 2011- 2030 (BORLP4) and states that Redditch needs to deliver up to 2030 is 6,400. Around 3,000 dwellings are to be accommodated within Redditch Borough and therefore approximately 3,400 dwellings are to be accommodated at the Foxlydiate site and as an extension to the existing Brockhill site. Both sites are crucial to enable the delivery of the housing strategy for Redditch over the plan period.
- 4.3 It is essential that the proposed development is in accordance with the all of the Policies contained within the BDP, in particular Policy RCBD1 which details the principles that the site must achieve to be sustainable. This policy was jointly prepared with RBC. The overarching proposal within the Planning Application is in line with the requirements of the policy. The remaining principles will be considered below.

- 4.4 It is worth noting at this point that it has been determined that RCBD1 is in accordance with the policies set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Therefore the purpose of these comments is to consider the proposed scheme against the principles in Policy RCBD1 to form RBCs view on the Application.

## 5. Housing

- 5.1 As stated above the quantum of housing proposed is in accordance with Policy RCBD1 and its delivery forms an essential part of the Redditch housing strategy and the Borough's five year land supply. It is anticipated that the Foxlydiate site will be delivered over the entire plan period, with its delivery forming part of the five year housing land supply for Redditch.
- 5.2 The Application has stated that 36.5% affordable housing will be provided, RCBD1 requires 40% of affordable housing and therefore another 3 units of affordable housing would ensure this element of the proposal would be policy compliant. Without this adjustment the RBC policy team would object to this application.
- 5.3 Policy RCBD1 makes reference to a mix of house types and sizes. The updated plans submitted show a deviation from the planning application form with regard to market housing. One 2 bed house and two 3 bed houses have been removed and three 4 bed houses have been included. The mix of housing proposed is demonstrated in the following:

Market Housing				
1 Bed	2 Bed	3 Bed	4 Bed	Total
0	0	23	17	40
Affordable Housing				
1 Bed	2 Bed	3 Bed	4 Bed	Total
8	12	3	0	23

- 5.4 The table above does not demonstrate a mix of house types and tenures (as required by the policy). A mix which includes a proportion of smaller market housing properties would be preferable; including some bungalows with small gardens (to avoid land-hungry plots) would be suggested. It is welcomed that, like the market housing, the affordable housing is to meet Redditch needs.

## 6. Transport

- 6.1 Redditch Borough Council would like to stress that it will only be supportive of the development being granted permission if all appropriate transport mitigation measures have been fully outlined and accounted for and the impact of the site has been considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity. It is considered the impacts can only be fully known through a full transport impact assessment. As stated in Policy RCDB1 *"An overall Transport*

*Assessment will be produced taking account of the prevailing traffic conditions and the individual and cumulative effects of development on transport infrastructure. This will define the mitigation necessary to protect the safety and operation of the road network.”*

- 6.2 Policy RCBD1 seeks to ensure that full use of existing walking and cycling routes are achieved and that walking and cycling routes are well integrated with the Green Infrastructure Network. Whilst this application is a separate application to the wider Foxlydiate Site, it is still essential that pedestrian connectivity to the wider strategic site are addressed. The Transport Assessment submitted alongside the application provides details at paragraph 4.3 regarding pedestrian links which appear to provide an adequate connection to the wider site.

## **7. Green Infrastructure and Topography**

- 7.1 Policy RCBD1 (Criterion V.) requires an *“Overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation”* amongst other things. The policy also requires green corridors to be created and for the site to be sensitively designed to integrate with the surrounding existing environment and landscape. Natural England will be best placed to consider if maximum opportunities have been sought.

## **8. Flood Risk, water and sewerage**

- 8.1 Policy RCBD1 emphasises the importance of the development site improving the local water environment. The Environment Agency and the North Worcestershire Land Drainage Team are better placed to determine if the proposed development safeguards and enhances the local water environment with regard to flooding, floodplain regime, management of surface water, water efficiency and water pollution risk.

## **9. Design**

- 9.1 The development must be of a high quality design and reflect the surrounding character of the area. RBC would like to emphasise at this point the importance placed on Criterion XII of Policy RCBD1 when formulating the detailed design proposals of the scheme. This development will be an extension of Redditch and should be designed to seamlessly flow from the existing urban area of Redditch, into the site, through the wider Foxlydiate site and then into the countryside beyond.
- 9.2 The dwellings should have maximum sustainability credentials; in particular energy neutral approaches should be designed in along with charging points for electric vehicles in dwellings being fully incorporated.

## **10. Section 106**

- 10.1 The provision of infrastructure at the appropriate time is essential in the successful delivery of any project. The delay in the provision of necessary improvements to

local infrastructure and services can have negative impacts on both existing residents and the occupants of new development; this must be guarded against through the effective use of Section 106 agreements. Trigger points must be clearly set out and agreed to ensure that contributions are made in a timely manner, especially with regard to education contributions.

## **11. Conclusion**

- 11.1 For clarity this site is not within the Green Belt and forms part of the wider Foxlydiate site in accordance with Policy RCBD1 'Redditch Cross Boundary Development'. The site contributes a continued supply of much needed housing for Redditch, including a continued contribution of affordable housing. It is considered 3 more units of affordable housing on site would ensure policy compliance. Redditch Borough Council would like to stress that it will only be supportive of the development being granted permission if all appropriate transport mitigation measures have been fully outlined and accounted for and the impact of the site has been considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity.

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**PLANNING  
COMMITTEE**

4th December 2019

**Planning Application 18/01626/S73****Application under s96a for a minor material amendment to conditions 29 and 30 of 18/01626/S73****Details pursuant to conditions of 29 and 32 of 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.

**Redditch Gateway Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire, ,****Applicant: Stoford Gorcott Ltd****Ward: Alvechurch South Ward****(see additional papers for site plan)**

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

**Background**

Members will recall that at the meeting of Planning Committee on 18<sup>th</sup> March 2019 that Members requested that the details to be subsequently submitted pursuant to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 be submitted to Redditch Borough Council's Planning Committee.

Details pursuant to conditions 12, 16, 21 and 37 were approved at the last meeting of Redditch Brough Council's Planning Committee on 13<sup>th</sup> November 2019.

There are two elements to this report. Firstly, consideration of an application under section 96a seeking a minor material amendment to the wording of a conditions 29 and 30. Secondly, the consideration of details pursuant to conditions: 29, 32 and 36. The first matter is reported to committee as it relates to condition 29, pursuant to which details have been submitted.

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019**Relevant Planning History**

17/00700/OUT Redditch BC	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 DC			
18/01596/S73 Bromsgrove DC	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.	Approved	10.04.2019
18/01626/S73 Redditch BC			
19/00619/REM Bromsgrove DC	Application for approval of reserved matters relating to appearance, landscaping, layout, scale and access (internal to the site) for a use class B8 (storage and distribution) building with ancillary floorspace including use class B1 (offices); earthworks; plot and structural landscape works inclusive of an ecological enhancement area; internal access roads, car parking, gatehouse; utilities and plant infrastructure; on the northern development parcel pursuant to S73 permissions SDC 18/03746/VARY, BDC 18/01596/S73, RBC 18/01626/S73 following outline permissions SDC 17/01847/OUT , BDC 17/00701/OUT, RBC 17/00700/OUT	Approved	15.10.2019



REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

18/01626/S73 Redditch BC	Condition 12 Archaeology WSI and Method for Evaluation	Approved by Committee	13-11-2019
Condition 12			
18/01626/S73 Redditch BC	Condition 16 Levels	Approved by Committee	13-11-2019
Condition 16			
18/01626/S73 Redditch BC	Condition 21 Traffic Signal Junction	Approved by Committee	13-11-2019
Condition 21			
18/01626/S73 Redditch BC	Condition 37 Watercourse buffer and watercourse diversion	Approved by Committee	13-11-2019
Condition 37			

Application under section 96a seeking a minor material amendment

With the first phase on the northern site now benefiting from detailed permission, the 3 Local Authorities are in the process of approving a series of planning conditions. The first phase can be developed independently of the phases within the southern site. To that end, the reserved matters approval, was supported by a Flood Risk Management Summary Note and a Sustainable Drainage Strategy. Those same reports have been submitted in respect of planning conditions 29 and 30, which required the submission of a detailed flood mitigation scheme (based on the approved FRA 2018) and a detailed surface water drainage scheme based on sustainable drainage principles.

The Reports were accepted as part of the reserved matters application. Each report only focussed on the first phase on the northern site. The application to approve condition 29 and 30 remains with the Local Authorities for determination. However, in reviewing the planning conditions the applicant have noticed that there may be some ambiguity in the intention of the planning condition wording.

Planning condition number 29 requires a detailed flood mitigation scheme, but it is not clear that such a scheme need only relate to a phase and need not be site wide. The condition as worded, seeks to control the implementation of phase 1 groundworks which happens to occur in the northern site. The condition also requires the scheme to be in place prior to any buildings being occupied, but it is not clear if those buildings are on the first phase or phases in the southern site.

## PLANNING COMMITTEE

4<sup>th</sup> December 2019

In respect of planning condition number 30, the condition requires a detailed drainage strategy based on sustainable drainage principles. However, the requirement currently requests this for 'the site' as opposed to being for phases in either the northern or southern sites. At this stage, sustainable drainage details for the other phases are not yet designed, because the layout of the other phases have not been progressed to any degree.

For both planning conditions the applicant proposes to insert additional wording to enable a phased approach to be taken. This amendment, if approved, will also enable the current applications for conditions 29 and 30 to also be approved, given the material that has been submitted has already been considered positively within the reserved matters process.

The text below sets out the current wording of the condition 29 and 30, with amendments made in bold text for ease of reference.

### 29

*With the exception of pre-development ecological mitigation including hedgerow and tree removal, 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 **for the first phase in the northern site** based on Flood Risk Assessment ref. RGNP-BWBZZ- XX-RP-YE-0004\_FRA - December 2018, 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 **within the first phase on the northern site** are approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.*

### 30

*With the exception of ecological mitigation including hedgerow and tree removal, archaeological investigation works and formation of temporary construction access(ess), development works **within a phase** shall not commence until a detailed surface water drainage scheme for **that phase** ~~the site~~, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development **of that phase**, has been 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 **that phase of** the development hereby approved. The scheme shall:*

**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

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- 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~~ **that phase of development 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 **within a phase** 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 **that phase the site**;
- f. demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme **for a phase of development**, 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 **within that phase**. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.

**Consultee Comments**

Warwickshire LLFA

**No objection**

North Worcestershire Water Management

**No objection**

## PLANNING COMMITTEE

4<sup>th</sup> December 2019

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### Officer Comments

#### The Procedure

The on-line Planning Policy Guidance states :

PPG ref ID17a-005

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions#Making-a-non-material-amendment>

*"As an application to make a non-material amendment is not an application for planning permission, the DMPO 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011 ."*

A successful application under s.96A does not result in a new permission but amends an existing permission.

### Assessment of Details

#### Condition 29

#### Flood Mitigation Scheme

Condition Requirements (as amended by s96a application)

*With the exception of pre-development ecological mitigation including hedgerow and tree removal, 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 **for the first phase in the northern site** based on Flood Risk Assessment ref. RGNP-BWBZZ- XX-RP-YE-0004\_FRA - December 2018, 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 **within the first phase on the northern site** are approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.*

**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

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Submitted Details**Levels**

- Existing Levels – Drawing 6290-004
- *RGNP-BWB-DGN-XX-DR-D-602\_Proposed Finished Levels\_S3-T3*
- *RGNP-BWB-DGN-XX-DR-D-632\_Proposed Earthworks\_S3-T3*
- *RGNP-BWB-DPV-XX-DR-C-700\_Construction Layout\_S3-T2*
- *RGNP-BWB-DPV-XX-DR-D-720\_Construction Details\_S1\_P1*
- *6290-117 Proposed Site Sections sheet 2*
- *6290-104 D Proposed Site Sections*
- *6290-112 E Proposed Sections*

**Drainage**

- *RGNP-BWB-DDG-XX-DR-D-500\_Drainage Layout\_S1-P4*
- *RGNP-BWB-DDG-XX-DR-D-500\_Drainage Layout Key Plan\_S3-T2*
- *RGNP-BWB-DDG-XX-DR-D-501\_Drainage Layout Sheet 1\_S3-T2*
- *RGNP-BWB-DDG-XX-DR-D-502\_Drainage Layout Sheet 2\_S3-T1*
- *RGNP-BWB-DDG-XX-DR-D-503\_Drainage Layout Sheet 3\_S3-T2*
- *RGNP-BWB-DGN-XX-DR-D-650\_Diverted Blacksoils Brook Plan and Cross Sections\_S3-T2*
- *RGNP-BWB-DGT-XX-DR-D-652\_Western Watercourse Plan and Sections\_S1-P3*
  
- **Sustainable Drainage Strategy**  
*RNGP-BWB-ZZ-XX-RP-D-0008\_SDS-S1-P5 (full version)*
  
- **Flood Risk Management**  
*RNGP-BWB-ZZ-XX-RP-YE-0007\_RM-FloodManagement(bound)-S2-P01*

Consultee Comments

Environment Agency  
**No objection**

Warwickshire LLFA  
**No objection**

North Worcestershire Water Management (NWWM)  
**No objection**

## PLANNING COMMITTEE

4<sup>th</sup> December 2019

We (Warwickshire LLFA and NWWM) are satisfied that all the comments have been addressed and the model updated appropriately. We are satisfied that the flood outlines in the post-development scenario do not increase flood risk off-site.

### Condition 32

#### Site Investigation / Land Contamination

##### Condition Requirements

*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*

*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.*

**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

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Submitted Details

- BWB – Environment – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Factual Ground Investigation Report – March 2019  
RGNP-BWB-ZZ-XX-RP-YE-0006\_FGIR-P03
- BWB – Environment Geotechnics – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Geotechnical Assessment Report – May 2019  
RGNP-BWB-ZZ-XX-RP-CE-0002\_GAR-S2-P01

Comments**Worcestershire Regulatory Services****No objection**

WRS have reviewed the following documents in response to your email and the discharge of conditions request:-

- BWB – Environment – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Factual Ground Investigation Report – March 2019
- BWB – Environment Geotechnics – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Geotechnical Assessment Report – May 2019

The reports detail additional site investigation undertaken in relation to the subject site. The additional investigation is reported to have taken place in February 2019 and consisted of 6 cable percussive boreholes, 6 dynamic sample boreholes, 16 trial pits, environmental laboratory testing, and gas and groundwater monitoring. 8 soil samples were taken and submitted for analysis for metals, phenols, cyanide, PAH, TPH, VOCs, and SVOCs. No exceedances of the site assessment criteria were identified for a commercial setting. Four rounds of gas monitoring were undertaken. No elevated levels of ground gas were recorded and the outcome of the gas risk assessment reports that no further action is required.

WRS consider that the information submitted represents suitable additional site investigation as required by the condition. No signs of contamination were encountered as part of these works and therefore there is no requirement for further remedial or mitigation measures.

Based on the information provided WRS are satisfied that the requirements of condition 32 and 33 and therefore have no objection to discharge of these conditions.

I hope the above is useful. Please get back in touch with WRS if you have any further enquiries.

**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019

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**RECOMMENDATION:**

1. That the proposed changes to the wording of conditions 29 and 30 be accepted as non-material amendments.
2. That the details submitted pursuant to conditions:
  29. Flood Mitigation Scheme
  32. Site Investigation / Land Contamination

be approved as acceptable in so far as they relate to Phase 1 of the development (northern parcel)



**PLANNING  
COMMITTEE**4<sup>th</sup> December 2019**APPEAL OUTCOMES – INFORMATION REPORT**

Responsible Portfolio Holder	Cllr Dormer
Responsible Head of Services	Ruth Bamford

**1. Purpose of Report**

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

**2. Recommendation**

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

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

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

**4. Background**

Relevant planning application files and decisions.

**5. Consultation**

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

**6. Author of Report**

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

**7. Appendices**

Appendix 1 - Outcomes of Planning Appeals

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**PLANNING  
COMMITTEE**

4<sup>th</sup> December 2019

**APPENDIX 1: OUTCOMES OF PLANNING APPEALS**

Reference	Site location	Proposal	Ward	RBC Decision type	Type of appeal	Appeal type	Appeal outcome
18/01086/FUL  Case Officer: Steve Edden	129 Feckenham Road Headless Cross Redditch Worcestershire B97 5AG	Detached dormer bungalow	Headless Cross And Oakenshaw Ward	Application Refusal	Appeal Against Refusal	Written Representation	Appeal Dismissed 07/08/2019
18/01508/FUL  Case Officer: Steve Edden	427 Evesham Road Redditch Worcestershire B97 5JA	Erection of 2 No. three bedroomed semi detached dwellings with access directly from Evesham Road	Crabbs Cross Ward	Application Refusal	Appeal Against Refusal	Written Representation	Appeal Dismissed 07/08/2019
19/00081/FUL  Case Officer:	3 High Street Feckenham Redditch Worcestershire	Single storey rear extension with cat slide roof	Astwood Bank And Feckenham Ward	Householder Refusal	Appeal Against Refusal	Fast Track Appeal	Appeal Allowed 06/08/2019

**REDDITCH BOROUGH COUNCIL**

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Steve Edden	B96 6HN						
19/00197/FUL  Case Officer: Tara Ussher	2 Meadowhill Road Redditch Worcestershire B98 8HN	Proposed first floor rear extension and loft conversion with rear hip to gable extension	Abbey Ward	Household er Refusal	Appeal Against Refusal	Fast Track Appeal	Appeal Dismissed 14/08/2019