



Planning Committee

Wed 15 Jan
2020
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

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.
-

Notes:

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

Further assistance:

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

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

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



Planning

COMMITTEE

Wednesday, 15th January, 2020

7.00 pm

Council Chamber - Town Hall
Redditch

Agenda

Membership:

Cllrs:

Salman Akbar (Chair)
Gemma Monaco (Vice-Chair)
Brandon Clayton
Andrew Fry
Bill Hartnett

Anthony Lovell
Nyear Nazir
Gareth Prosser
Jennifer Wheeler

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 - 8)

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 19/01121/FUL - Asda, Jinnah Road, Smallwood, Redditch, B98 7ER - Mr Steve Roberts (Pages 9 - 38)

6. Application 19/01060/OUT Former Clive Works Edward Street/ Bromsgrove Road Redditch B97 6HA - James Smith & Son (Redditch) Ltd (Pages 39 - 64)

7. Applications 19/01326/ADV and 19/01307/LBC Palace Theatre Alcester Street Redditch B98 8AE - Rubicon Leisure Limited (Pages 65 - 70)

Applications for advertising consent and listed building consent

8. Application ref 18/01626/S73 Redditch Eastern Gateway : Discharge of Conditions (Pages 71 - 76)

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

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Planning Committee

Wednesday, 4 December 2019

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Joe Baker, Brandon Clayton, Andrew Fry, Anthony Lovell, Nyear Nazir, Craig Warhurst and Jennifer Wheeler

Also Present:

Officers:

Helena Plant, Steve Edden, Amar Hussain, Simon Jones and Sharron Williams

Democratic Services Officer:

Sarah Sellers

54. APOLOGIES

Apologies for absence were received from Councillors Bill Hartnett and Gareth Prosser. Councillor Joe Baker attended as substitute for Councillor Hartnett, and Councillor Craig Warhurst attended as substitute for Councillor Gareth Prosser.

55. DECLARATIONS OF INTEREST

In relation to agenda item 5 Councillor Craig Warhurst declared an Other Disclosable Interest in that he was the portfolio holder with responsibility for housing and that the application was being made by Redditch Borough Council. Councillor Warhurst left the room during consideration of this application and took no part in the debate or vote.

In relation to agenda items 7 and 8 Councillor Craig Warhurst declared an Other Disclosable Interest in that he was a member of the board for Redditch Co-operative Homes (a division of Accord Housing Association). Councillor Warhurst left the room during consideration of these items and took no part in the debate or vote.

.....
Chair

Planning Committee

Wednesday, 4 December 2019

In relation to agenda item 10 Councillor Anthony Lovell declared an Other Disclosable Interest in that he had previously expressed views regarding the scheme. Councillor Lovell left the room during consideration of this item took no part in the debate or vote for agenda item 10.

56. CONFIRMATION OF MINUTES

RESOLVED that

The Minutes of the Planning Committee held on 13th November 2019 be confirmed as a correct record and signed by the Chair.

57. UPDATE REPORTS

The Update Report was noted.

58. 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

Outline application for the construction of one 3 bedroomed dwelling

Officers presented the report and explained the application which was for the construction of one three bedroomed dwelling on a plot of Council owned land located at the end of a cul-de sac adjacent to 34 Badger Close.

There were no public speakers.

RESOLVED that

having regard to the development plan and to all other material considerations, planning permission be granted subject to the conditions set out on pages 14 to 16 of the main agenda.

[In relation to this agenda item Councillor Craig Warhurst declared an Other Disclosable Interest in that he was the portfolio holder with responsibility for housing and that the application was being made by Redditch Borough Council. Councillor Warhurst left the meeting and took no part in the debate or vote.]

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**59. APPLICATION 19/01084/FUL - 10 SANDYGATE CLOSE
WEBHEATH REDDITCH B97 5RY - MR GERALD LAWLES**

Proposed two bedroom dwelling and associated landscaping and services

Officers presented the report and outlined the application for the construction of a two storey two bedroomed dwelling which would be attached to the side of number 10 Sandygate Close to create a terrace of four dwellings. Officers described the proposed dwelling with reference to design, appearance and amenity.

No neighbour objections had been received and the only statutory consultee to raise an objection had been the Highways Authority. This was on the basis that the plans did not provide any off street parking. Officers explained that due to the position of the proposed dwelling at the end of three existing terraced properties, there was no ability for parking spaces to be included and that there were no parking spaces currently for the three existing dwellings.

Members were advised that there were good links to public transport in close vicinity to the application site. In addition, there were several areas of unallocated parking spaces on Sandygate Close providing approximately 21 parking spaces; it was estimated that of the 40 properties on Sandygate Close that 30 of them had their own off street parking.

Officers believed that there was capacity for off street parking at Sandygate Close notwithstanding the objection from the Highways Authority. On balance, Officers considered that the proposal would not result in significant highway safety concerns.

There were no public speakers.

RESOLVED that

having regard to the development plan and to all other material considerations, planning permission be granted subject to the conditions and informatives set out on pages 20 to 21 of the main agenda.

**60. APPLICATION 2016/024/FUL - REDDITCH TRADES AND
LABOUR CLUB 38 - 40 BROMSGROVE ROAD REDDITCH B97
4RJ - CAFE QUOTE**

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

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Officers reminded Members that planning permission for the scheme had been granted on 17th July 2019 subject to a section 106 agreement to secure the contributions as set out on page 23 of the agenda.

Members were being requested to approve changes to the section 106 agreement to reflect a change of tenure for the scheme. The original proposal would have resulted in the construction of 34 market units and 6 affordable housing units. A housing association (Accord Housing) would now be acting as the developer to build out the scheme and had requested a change in tenure to 100% affordable rent and for the contributions to be reduced to zero.

A viability assessment had been submitted by the developer and assessed by the Council's appointed expert advisor. The Council had been advised to accept the arguments raised by the developer as to proof of non-viability.

The recommendation therefore was for the section 106 agreement to be amended to remove the references to the contributions and to require the developer to provide 40 affordable rent units in perpetuity.

During the debate Members referred to the loss of contributions to the Council, including the £5k which would have gone towards the provision of domestic and recycling bins. However, it was noted that this needed to be balanced against advantages from the supply of 40 affordable rented units located in the town centre.

RESOLVED that

The Section 106 agreement for Application 2016/024 be varied as follows:-

- 1. To delete the wording at criteria 1 to 3 regarding contributions to be paid to the Council towards provision of waste and recycling bins and the enhancement of open space areas locally and the Town Centre.**
- 2. To amend the wording at criteria 4 to read:- “ 40 No. Affordable housing units (26 No.1 bed units and 14 No. 2 bed units) to be affordable rent in perpetuity”.**

[In relation to this agenda item Councillor Craig Warhurst declared an Other Disclosable Interest in that he was a member of the board for Redditch Co-operative Homes (a division of Accord Housing Association). Councillor Warhurst left the room during consideration of this item and took no part in the debate or vote.]

61. APPLICATION 18/01515/OUT VICTORIA WORKS EDWARD STREET REDDITCH B97 6HA - MR I WHITE

Outline application for the demolition of redundant factory and erection of up to 75 residential units (matter of scale to be considered under application)

Officers explained that planning permission for the scheme had been granted on 10th April 2019 subject to a section 106 agreement to secure the contributions as set out on page 45 on the agenda.

Members were being requested to approve changes to the section 106 agreement to reflect a change of tenure for the scheme. The original proposal would have resulted in the construction of 75 residential units as 100% open market housing. However, since the permission had been granted Accord Housing Association (the developer) had acquired the site from the original applicant (Birgan Ltd) and was proposing to change the tenure to 100% affordable rent.

In light of this change Accord Housing were requesting that all the commuted sums contained in the original section 106 agreement be reduced to zero, and in support of this they had submitted a Viability Assessment. That assessment had been considered by the Council's appointed expert who had advised that the Council accept the arguments raised by the developer as to non-viability.

It was noted that had the scheme been 100% affordable rent from the outset Worcestershire County Council would not have sought a contribution towards education.

During the debate Members noted that the circumstances were very similar to the previous matter they had discussed and referred to the loss of contributions to the Borough Council including circa 7k which would have gone towards the provision of domestic and recycling bins. However, it was noted that the viability arguments had to be given weight in the circumstances and that the revised scheme would result in the delivery of 75 units for affordable rent.

RESOLVED that

The Section 106 agreement for Application 18/0151/OUT be varied as follows:-

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1. To delete the wording at criteria 1 to 4 regarding contributions to be paid to Redditch Borough Council towards the enhancement of open space areas locally and the provision of waste and recycling bins, and contributions to be paid to Worcestershire County Council towards education infrastructure, localised improvements to the cycle network and for personal travel planning.
2. To insert a new criteria 1A to read as follows:- “All housing units to be provided as affordable rent in perpetuity”.

[In relation to this agenda item Councillor Craig Warhurst declared an Other Disclosable Interest in that he was a member of the board for Redditch Co-operative Homes (a division of Accord Housing Association). Councillor Warhurst left the room during consideration of this item and took no part in the debate or vote.]

62. CONSULTATION ON A PLANNING APPLICATION 17/00469/OUT (BROMSGROVE DISTRICT COUNCIL MATTER) - LAND AT BARN HOUSE FARM - FOXLYDIATE LTD

Members were advised that this matter had been withdrawn from the agenda to enable your officers more time to consider affordable housing and the wider implication of the scheme in terms of construction and access by all modes.

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

Application for s96a for a non-material amendment to conditions 29 and 30 of 18/01626/S73

Details pursuant to conditions 29 and 32 of 18/01626/S73

Members were reminded that at the meeting of the Planning Committee on 18th 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 29 and 32. In addition Members were being asked to approve an application under section 96a for amendments to be made to the wording of conditions 29 and 30. Officers advised that although in the committee report the amendments were referred to as a “minor material amendments”, they were in fact defined as “non-material amendments”, being clarification of the wording of paragraphs 29 and 30 to reflect the phased approach to the scheme.

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With regard to conditions 29 and 32 Members were referred to the details set out in the report. It was noted that there were no objections from the statutory consultees.

RESOLVED that

- 1. The proposed changes to the wording of conditions 29 and 30 as set out on pages 84 and 85 of the agenda be accepted as non-material amendments.**
- 2. 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).

[In relation to this agenda item Councillor Anthony Lovell declared an Other Disclosable Interest in that he had previously expressed views regarding the scheme. Councillor Lovell left the room during consideration of this item and took no part in the debate or vote.]

64. APPEAL OUTCOMES REPORT - JULY 2019 TO NOVEMBER 2019

Members considered the contents of the report on Appeal outcomes and the data set out in the Appendix on page 93.

RESOLVED that

the contents of the report be noted.

The Meeting commenced at 7.00 pm
and closed at 8.00 pm

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PLANNING COMMITTEE

15th January 2020

Planning Application 19/01121/FUL

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

Asda, Jinnah Road, Smallwood, Redditch, B98 7ER

Applicant: Mr Steve Roberts – ASDA Stores Ltd
Ward: Central Ward

(see additional papers for site plan)

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

Members will be aware that this application was considered at Planning Committee on 13th November 2019. The application was deferred to allow further information to be provided to members in terms of mitigating anti-social behaviour

Site Description

The site comprises part of the existing surface car parking area serving the ASDA store. The site is located to the north of the store and to the south of the Union Street / Millsbro Road junction. To the east lies the residential development of Britannia Close.

Proposal Description

The application seeks planning permission to develop a portion of the existing ASDA surface car park, accessed off Jinnah Road to provide a new three pump (six filling position) Petrol Filling Station (PFS).

The PFS facility would also include fuel storage tanks, associated pipework, overhead canopy measuring 5.25m to its highest point, forecourt surfacing and an Air & Water unit.

The facility would be fully-automated, allowing customers to pay at the pump (by card). As such, no payment kiosk / staffed shop is proposed under the application. No alterations are proposed to the Asda Superstore itself. The existing stairs and side walls leading from the pathway along Union Street which offer access to the store for pedestrians would need to be removed as the continued use of the stairs would interfere with the safe operation of the PFS. This area would be landscaped as per the areas to the immediate west and east of the stairway.

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Background

As stated above, this application was presented at the Planning Committee of 13th November 2019. Members determined to defer consideration of the application to allow further information to be provided to members in terms of mitigating anti-social behaviour.

The main report as it appeared on the 13th November 2019 is produced in full as an appendix to this report (Appendix A). The Update report as it appeared on the 13th November 2019 appears as Appendix B.

The Police Crime Risk Managers comments with respect to anti-social behaviour (ASB) are set out within the main report for the November 2019 Committee meeting. The Police maintain that there have been few reports of anti-social behaviour on this site. They comment that the increased use of the area will improve natural surveillance, the chances of people being reported for misbehaviour will rise and as such, they believe that it would be more likely that ASB will be deterred if the Petrol Filling Station were to be granted planning permission.

The Police have carried out a full analysis of Crime and ASB in the immediate area and a report / profile is included in full as a further appendix to this report (Appendix C).

The statistics produced cover a period of time between 1st December 2018 to 1st December 2019 and state that 5 incidents of Anti-social nuisance behaviour have occurred.

Consultations

Hereford and Worcester Fire Service

No objection

Public Consultation Response

One further representation has been received in objection. Objections received are as covered within the main report (November 2019 Planning Committee)

Assessment of Proposal

Your officers would re-iterate that it is important to focus on the particular issues associated with the current application for the proposed petrol filling station and not to revisit matters pertaining to the original consent for the approval of the main store in 2014.

The applicant will be addressing matters relating to anti-social behaviours allegedly occurring in the wider Asda car park through the submission of a Car Park Management Plan to discharge the relevant conditions on Planning Permission: 2014/036/FUL.

At the time of writing, that application has yet to be received by the Council.

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The relevant consideration in the determination of the current application for the PFS is whether the proposal for a PFS would directly contribute to an increase in ASB or would contravene any Health & Safety procedures. The applicant and the Police Crime Risk Manager state that the proposed PFS would not lead to an increase in ASB incidents and your officers recommend that permission be granted as per the earlier November 2019 recommendation to the Committee.

The Police have produced statistics for the Committee which are set out within Appendix C. However, whether or not there is considered to be an existing ASB issue is not a matter under consideration in this application, since it will be addressed through the Car Park Management Plan.

In terms of Health & Safety matters within the application boundary of the PFS, A further appendix to this report (Appendix D) which has been produced by the applicant, contains the methods by which this is controlled.

The applicants agent stresses that their client (Asda) operate unmanned PFSs (such as that proposed in this application) throughout the UK which would not be allowed if they failed to meet any legislative health and safety procedures. They comment that the proposed PFS would comply with those standards and that there would always be a staff member available at the wider site. Customers would report any issues with staff within the main store if they needed to as per the operation of Asda's other unmanned PFS facilities.

It should be noted that CCTV monitoring and lighting (both of which are a feature of this application) are strong deterrents to ASB. On that basis, your officers and the Police consider there to be a strong argument to suggest that the proposed PFS would indeed deter ASB from occurring in proximity of the site.

Conclusion

For the reasons as set out within the earlier main report and update reports (November 2019) and in the absence of any evidence to suggest that incidents of ASB would rise by granting permission of the proposed development and therefore in the absence of justifiable reasons to refuse the proposed development, the application is recommended for approval.

RECOMMENDATION:

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

Conditions:

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

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

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

Drawing: 2009RD-110-01-C - Location Plan
Drawing: 2009RD-210-01-C - Existing Site Plan
Drawing: 2009RD-210-02-C - Proposed Site Plan
Drawing: 2009RD-210-03-E - Proposed PFS Plan
Drawing: 2009RD-210-04-D - Proposed Landscape Plan
Drawing: 2009RD-210-05-C - Proposed Tracking Plan
Drawing: 2009RD-310-01-D - Proposed Elevations
Drawing: 2009RD-410-01-D - Proposed Sections
Drawing: 2009RD-510-01-D - PFS Standard Details
Drawing: 2009RD-510-02-C - Control Room Details
MP Consulting Drainage Plan and Strategy Statement
Sanderson Associates Transport Statement
DTS Raeburn Phase 1 Preliminary Risk Assessment

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

- 3) 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks

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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.

3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

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.

- 4) The development hereby permitted shall not trade to the public outside the following hours:

0800 till 2200 Mondays to Saturdays

1000 till 1700 on Sundays

0900 till 1800 on Bank and Public Holidays

Deliveries of fuel shall not take place outside these hours

Reason: In the interests of protecting residential amenities

- 5) Installation of the lighting to serve the development shall not take place until the Council has approved the detailed design / suitable cowling to be fitted to the lights to limit the leakage of light to residential properties in the vicinity. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason: in the interests of safeguarding the residential amenities enjoyed by the occupiers of neighbouring properties.

- 6) Details of the fitting to be applied to the existing galvanised vehicle barrier to the northern and eastern corner of the site including its means of attachment shall be submitted to the Local Planning Authority prior to the first operation of the development hereby approved. The fitting approved shall be implemented prior to first operation and shall remain in perpetuity.

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Reason: To mitigate light intrusion from turning car headlights in the interests of safeguarding the residential amenities enjoyed by the occupiers of neighbouring properties.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites should be followed at all times during the construction phase: <https://worcsregservices.gov.uk/pollution/planning-and-pollution.aspx>
enquiries@worcsregservices.gov.uk, 01905 822799
- 3) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant should contact the Local Planning Authority for further advice on this matter.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.

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Planning Application 19/01121/FUL

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

Asda, Jinnah Road, Smallwood, Redditch, B98 7ER

Applicant: Mr Steve Roberts – ASDA Stores Ltd
Ward: Central Ward

(see additional papers for site plan)

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

Site Description

The site comprises part of the existing surface car parking area serving the ASDA store. The site is located to the north of the store and to the south of the Union Street / Millsbro Road junction. To the east lies the residential development of Britannia Close.

Proposal Description

The application seeks planning permission to develop a portion of the existing ASDA surface car park, accessed off Jinnah Road to provide a new three pump (six filling position) Petrol Filling Station (PFS).

The PFS facility would also include fuel storage tanks, associated pipework, overhead canopy measuring 5.25m to its highest point, forecourt surfacing and an Air & Water unit.

The facility would be fully-automated, allowing customers to pay at the pump (by card). As such, no payment kiosk / staffed shop is proposed under the application. No alterations are proposed to the Asda Superstore itself. The existing stairs and side walls leading from the pathway along Union Street which offer access to the store for pedestrians would need to be removed as the continued use of the stairs would interfere with the safe operation of the PFS. This area would be landscaped as per the areas to the immediate west and east of the stairway.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient Use of Land

Policy 16: Natural Environment

Policy 17: Flood Risk Management

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Policy 18: Sustainable Water Management
Policy 19: Sustainable Travel and Accessibility
Policy 20: Transport Requirements for New Development
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

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

Relevant Planning History

2014/036/FUL	Reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration	Approved	02.04.2015
2015/368/S73	Revision of condition 7 of planning permission 2014/036/FUL to allow 0700 - 2300 Monday to Saturday with Sundays, Bank and Public Holiday hours of opening to remain the same.	Withdrawn	02.11.2017

Consultations

North Worcestershire Water Management (NWWM)

Comments summarised as follows:

No objection

The site is at low flood risk (within flood zone 1: low risk of modelled river and tidal flooding), it has low surface water flood risk according to the Environment Agency's surface water flood risk maps and we have no flooding records at the location.

I have reviewed the microdrainage report and drainage plan as part of the submission and this is considered to be acceptable. I have noted that a petrol/ oil interceptor is to be installed and is shown in the correct location such that it will collect the oils from all pipes.

Petroleum & Safety Officer

No objection

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Worcestershire Regulatory Services

Noise

This application is for three pumps (six service points), which is smaller than most of the independent Petrol Filling Stations (PFS) in the area. There are also three substantial petrol stations in Redditch (Tesco, Morrisons, Sainsburys) and a number of nearby independents. WRS do not consider that this facility will lead to a material increase in traffic over traffic flows currently entering the ASDA car park. Being unmanned, with no additional shop, potential customers are likely to be mainly existing visitors to the ASDA store. With respect to noise from vehicular or pedestrian traffic, Worcestershire Regulatory Services (WRS) do not anticipate problems with noise provided that sales and deliveries are constrained to the store's current trading hours.

Light Pollution

Given that the site is raised 2 to 3 metres above the immediately neighbouring dwellings' ground level, WRS are mindful of the potential for light pollution being visible at bedroom level. We are aware that the north east corner of the carpark is currently not well lit, much less than the planned forecourt will be, adding to the potential impact. WRS recommend that, so long as the current plans are adhered to, the lighting is limited to 5 metres, and level with the base of the proposed canopy, and angled away from neighbouring dwellings, residential amenities would not be harmed. At this height, there would be some mitigation of light by the surrounding trees.

WRS recommend that a solid fence or fitting is placed on the railings around the north and east corner, to mitigate headlights from turning cars at the dwellings' bedroom level.

Contaminated Land

The historic use of the site is well documented and its previous use as a battery manufactory was assessed during the development of the current store. The site was remediated in relation to the current and intended retail use. Recent investigation has confirmed the status quo and further established that there are no gas risks from outlying sites in the near vicinity.

However, given the depth of the works required to place the tanks (below the 'made ground') WRS are mindful of the potential for distribution of potentially contaminated soil during the construction. Consequently, WRS recommend that appropriate conditions are attached to any permission granted in addition to our Contractor Guidelines to ensure that contaminated land issues on site are appropriately addressed during construction.

WCC Highways

No objection. Comments summarised as follows:

The large surface car park is shared with the adjoining B&Q store.

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It appears that accidents that have occurred (3 accidents highlighted over a 5 year period) are as a result of driver error. I would agree that there are no significant clusters or trends that could be considered to be cause for concern as a result of the development proposals.

The car park currently provides a total of 282 spaces including 41 accessible spaces and 23 parent and child spaces. I have noted that following a hourly survey which took place between 12noon to 4pm from Thursday 28th September to Sunday 1st October 2017 the number of spaces occupied ranged from 62 (22%) to 172 (61%), which at the busiest time of 1pm on Saturday equates to 110 spaces being unoccupied.

I have noted that the proposed petrol filling station would be serviced 3 times a week by an ASDA fuel tanker which is approximately 2.50m in width and 15.25m in length.

In terms of the applications impact on parking, the proposed PFS would result in a loss of 50 parking spaces from the car park reducing the total capacity of car park to 232. Data obtained during the parking survey shows that 172 vehicles were parked at the busiest time. I am therefore satisfied that this level of demand can be accommodated within the reduced number of spaces. WCC Highways have also conducted site visits to check the car park usage and the car parking spaces available during the peak periods.

The Highway Authority do not consider that the additional vehicular traffic that could be generated by the development proposals would have an adverse impact that would affect the operation of the highway network and as such the Highway Authority submits a response of no objection.

Police Crime Risk Manager

No objection. Comments summarised as follows:

Anti-Social behaviour

The public are been encouraged to report matters of ASB to the police. We have very few reports of anti-social behaviour on this site. The increased use of the area will improve natural surveillance, the chances of people being reported for misbehaviour will rise and as such, it is considered more likely that ASB will be deterred if the PFS goes ahead.

Crime

Petrol stations are a constant source or reported crime, mainly for people driving off without offering payment. On this site, fuel has to be pre-paid and there is no shop which stops any other form of crime.

I have spoken to colleagues from West Midlands Police who have an ASDA petrol station of the type being considered here who confirm the above. The petrol station in question is open 24/7 and is in a fairly isolated area and is not the target of crime.

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Public Consultation Response

1 representation has been received in support of the proposal for the following reasons:

- It may result in extra jobs by attracting more customers to shop in the main store.

1 representation has been received raising comments which are neutral in nature:

- Between our boundary and Asda's boundary there is a walk way down to Lodge Park which is flanked by trees and bushes. So long as the building would be no higher than the trees, and assuming that the line of trees and bushes would be retained and that the opening and closing times are not ant social, there would be no objection

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

- ASDA have not complied with conditions attached to the original consent 2014/036/FUL
- Proposals would increase traffic and would lead to associated accidents
- Litter on site is likely to increase
- Contaminated land concerns. The site is the former Acad battery works. Concerns that contaminants would be dug up and cause airborne pollution and increased risk to human health
- There are already adequate filling stations within the local area. No need for more
- Noise associated with car engines / people and associated machinery in connection with the proposed facility will harm amenity
- This would be an incompatible use given close proximity to housing
- Would result in degradation of the area
- No new employment opportunities arising from any approval
- General air quality concerns
- Harm to wildlife in area
- Light pollution from proposed lighting and from car headlights
- Overdevelopment of the site
- The scale and design of the structure would alter the skyline and would be detrimental to the streetscene
- Concerns regarding pollution of watercourses
- Anti-social behaviour would increase to the detriment of amenity
- A reduction in on-site parking would lead to parking in adjoining residential streets
- Limited publicity / consultation with the local community
- Concern over safe entry and exit by fuel tankers
- Fire safety concerns in the event of an emergency

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

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Assessment of Proposal

Principle of development

The site is not designated for a specific use within the adopted Borough of Redditch Local Plan No.4, and therefore this proposal should be considered in terms of its impact on the site and surroundings.

The site is located within the Redditch urban area, which is the preferred location for development in accordance with Policy 2 of the Local Plan. The application proposes development within the existing Asda Superstore site, which constitutes previously developed land as defined by the Glossary to the National Planning Policy Framework. Policy 5 encourages the effective and efficient use of previously developed land and Policy 39 comments that all development should seek to optimise the potential of a given site to accommodate sustainable development by making efficient use of available space.

Paragraph 118 of the NPPF echoes this approach and advocates that planning decisions should give 'substantial weight' to the value of utilising previously developed land to accommodate development needs.

The use of the site for the purposes of providing a new Petrol Filling Station (PFS) facility is considered to be acceptable in principle, subject to compliance with all relevant development management considerations.

Highway considerations

The submitted Transport Statement has been scrutinised by Worcestershire County Highways engineers who have concluded that the proposed development would not have any adverse impact upon either the safe operation of the highway network or the ability for retail customers to find appropriate car parking.

The NPPF states, at Paragraph 109:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

The Transport Statement contains accurate consumer data taken from similar facilities, and has concluded that the traffic generated by the proposed development during peak times will not result in any impact upon the operation of the highway network.

The application would result in the loss of 50 vehicle parking spaces within the wider Asda Superstore site. As set out within Section 3 of the Transport Statement, a car parking survey has demonstrated that there remains sufficient capacity to accommodate the loss of parking spaces at all times of the day.

County Highways and the Petroleum and Safety Officer are satisfied that tankers would be able to access and egress the site safely without obstruction.

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Your officers have concluded that there is no basis for refusal of the application on grounds of loss of car parking or highway safety and that the application accords with Policies 19 & 20 of the Local Plan.

Drainage Considerations

The proposed development is located within an area identified by the Environment Agency as being within Flood Zone 1. As such, a Flood Risk Assessment (FRA) is not required to accompany the application.

Drainage Officers within NWWM and the Petroleum & Safety Officer have carefully considered the drainage strategy which accompanies the application and revisions to the strategy have taken place to the satisfaction of both NWWM and the Petroleum & Safety Officer. In particular the revisions concern the type and location of the proposed oil interceptor. Both parties agree that surface water drainage can be appropriately drained into the existing drainage facilities without harming watercourses.

Accordingly, the proposed drainage strategy for the site is considered to be acceptable and accords with Policies 17 & 18 of the Local Plan.

Residential Amenity Considerations

A Noise Impact Assessment (NIA) submitted as part of the application assesses the development's impact upon surrounding land uses in noise terms and demonstrates that the operation of the PFS would not impact on the amenities enjoyed by occupiers of surrounding residential dwellings. WRS are satisfied with the findings of the noise survey.

The proposals are considered to be appropriate for this location in accordance with Paragraph 180 of the NPPF when accounting for the likely noise impacts of the development.

It is important to ensure that the impact arising from the development, particularly in terms of light pollution does not materially impact upon the residential amenities currently enjoyed by occupiers of nearby dwellings.

The Borough Councils adopted High Quality Design SPD under 4.2.54 states that:

‘Artificial light sources may cause significant harm to residential developments and wildlife. New street lights and security lighting within developments should be positioned in locations where they do not shine directly in dwelling windows, but provide sufficient lighting for safety and security on the street’.

Under 4.2.55, it comments that ‘the type of lighting selected should be relevant to the local context, character and use of the area and minimise the impact of light pollution as well as being as energy efficient as possible’.

Lighting to the canopy would point directly below onto the forecourt. There are no objections in this respect.

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As stated by WRS, the current site is not particularly well lit. One existing Lighting Column would need to be removed to accommodate the proposed development and four new lighting columns are proposed. These have been reduced in height in accordance with the advice of WRS. Provided that the light fittings are angled away from neighbouring dwellings, your officers are satisfied that residential amenities would not be harmed. A planning condition to this effect is recommended below.

WRS have recommend that a solid fence or fitting is placed on the existing galvanised vehicle barrier to the north and east corner, to mitigate light intrusion from turning car headlights. The applicant has agreed to the fitting of a solid black panel to the barrier to act as a shield against light intrusion. Details of the material to be used would be conditioned.

In terms of Para 4.2.55 of the SPD, your officers are satisfied that the lighting would be relevant to its local context and use of the area, and has minimised the impact of light pollution.

Hours of operation for the proposed PFS would match those which are restricted via means of planning condition 7 attached to consent 2014/036/FUL where trading is not permitted outside the following hours: 0800 till 2200 Mondays to Saturdays; 1000 till 1700 on Sundays and 0900 till 1800 on Bank and Public Holidays.

Members may be aware that before the site was developed for commercial / retail use, the site operated as a battery manufactory (Alcad). The site was remediated to the satisfaction of WRS as the regulatory body for Environmental Health matters who confirm that more recent investigations establish that there are no outstanding issues.

Additional conditions are recommended by WRS under this application to ensure that contaminated land issues on site are appropriately addressed during construction.

Design Considerations

Section 12 of the NPPF relates to the achievement of a high standard of design in new development, and states that design quality should be considered throughout the evolution and assessment of individual development proposals. Policy 40 of the Local Plan comments that good quality design should contribute towards making the Borough a better place to live, work and visit.

The layout of the proposed PFS is functional in the context of the wider Asda Superstore site and would allow customers to the PFS to quickly access and pay for fuel, whilst also ensuring the ongoing operation of the car park for retail customers.

The scale, massing and height of the proposed development is considered to relate well to the existing Asda Superstore operation whilst respecting the height of existing residential built form. The maximum height of the PFS canopy would be 5.25 metres. Although the site itself is raised approximately 2.5 metres above the height of Union Street, the overall height of the structure would still be lower than the nearest three storey

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dwellings (No.56 and 57 Millsbro Road) which measure approximately 8.25 metres to ridge.

Your officers are satisfied that the proposed development accords with the requirement in the NPPF to ensure a high quality of design, and Policy 40 of the Local Plan.

Three small ornamental fruit trees within the existing car park would need to be removed to accommodate the development. However, these would be replaced by three new trees of the same species in comparable locations.

The submitted Landscaping Plan shows that the development can be accommodated without the removal or pruning of any trees which are situated immediately beyond the existing car parking spaces to the northern and eastern boundary. The existing landscaping in this location would partially screen the development from Union Street to the north.

Other matters

Letters received in objection to this application suggest that anti-social behaviour would increase. The Police Crime Risk Manager has been consulted and raises no objection to the application for the reasons set out earlier in this report. No evidence has been advanced to substantiate these claims and your officers have been informed that very few reports of anti-social behaviour on this site have been reported to the Police.

Many surrounding residents have suggested that the application has been inadequately publicised. Your officers would comment that 91 letters were posted to nearby occupiers and a notice was displayed at the site. As such, appropriate publicity of the application in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has taken place.

Conclusion

Having regard to the presumption in favour of sustainable development set out within the Borough of Redditch Local Plan No.4 and the National Planning Policy Framework and in the absence of justifiable reasons to refuse the proposed development, the application can be recommended for approval.

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RECOMMENDATION:

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

Conditions:

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

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

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

Drawing: 2009RD-110-01-C - Location Plan
Drawing: 2009RD-210-01-C - Existing Site Plan
Drawing: 2009RD-210-02-C - Proposed Site Plan
Drawing: 2009RD-210-03-D - Proposed PFS Plan
Drawing: 2009RD-210-04-D - Proposed Landscape Plan
Drawing: 2009RD-210-05-C - Proposed Tracking Plan
Drawing: 2009RD-310-01-D - Proposed Elevations
Drawing: 2009RD-410-01-D - Proposed Sections
Drawing: 2009RD-510-01-D - PFS Standard Details
Drawing: 2009RD-510-02-C - Control Room Details
MP Consulting Drainage Plan and Strategy Statement – Revision 4
Sanderson Associates Transport Statement
DTS Raeburn Phase 1 Preliminary Risk Assessment

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

- 3) 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

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1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. 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.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

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.

- 4) The development hereby permitted shall not trade to the public outside the following hours:

0800 till 2200 Mondays to Saturdays
1000 till 1700 on Sundays
0900 till 1800 on Bank and Public Holidays

Reason: In the interests of protecting residential amenities

- 5) Installation of the lighting to serve the development shall not take place until the Council has approved the detailed design / suitable cowling to be fitted to the lights to limit the leakage of light to residential properties in the vicinity. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

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Reason: in the interests of safeguarding the residential amenities enjoyed by the occupiers of neighbouring properties.

- 6) Details of the fitting to be applied to the existing galvanised vehicle barrier to the northern and eastern corner of the site including its means of attachment shall be submitted to the Local Planning Authority prior to the first operation of the development hereby approved. The fitting approved shall be implemented prior to first operation and shall remain in perpetuity.

Reason: To mitigate light intrusion from turning car headlights in the interests of safeguarding the residential amenities enjoyed by the occupiers of neighbouring properties.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites should be followed at all times during the construction phase:
<https://worcsregservices.gov.uk/pollution/planning-and-pollution.aspx>
enquiries@worcsregservices.gov.uk, 01905 822799
- 3) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant should contact the Local Planning Authority for further advice on this matter.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.

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UPDATE REPORT

Consultations

Petroleum & Safety Officer

Further comments as summarised below:

I have discussed this application with officers within Worcestershire Regulatory Services and no safety issues have been identified. I am aware that ASDA work directly with the Fire Brigade as their Primary Authority should any issues arise at the construction phase.

Worcestershire Regulatory Services

Further comments received summarised as follows:

WRS would comment that there are no minimum distances from any vent release areas to houses, just recommendations, which include not being near open windows or electrical items. WRS consider that the submitted plans are acceptable in that respect.

ASDA have a primary authority partnership with the London Fire Brigade.

The ground was remediated to an acceptable standard for commercial uses prior to the first occupation of the B&Q development, before the site became subdivided and ASDA occupied part of the site. The remediation took place at original ground levels before the part of the site which is proposed for development was raised to create the current surface level car parking area.

As part of this application the site was investigated and WRS have accepted the results of that investigation. The Unexpected Contamination condition (set out as condition 3 on pages 90 and 91 of the main report is purely precautionary to protect the workers during the installation process. The standard WRS contractor guidelines (set out as informative 2 on page 92 of the main report is there to ensure good working practices and protect workers and neighbours during the construction phase.

Public Consultation Response

Two further representations have been received in objection. Objections received are covered on Page 85 of the main report.

A four page document has been submitted by a neighbour who objects to the application which is included as an appendix to the update report.

The perceived lack of publicity / consultation with the local community has again been raised. Your officer's response is contained within the penultimate paragraph set out on Page 89 of the main report.

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Comments regarding detriment to property values and home insurances policies are not material planning considerations in the determination of this application.

Assessment of Proposal

Contamination

To reiterate comments set out on Page 88 of the report, the site has been remediated to the satisfaction of WRS as the regulatory body for Environmental Health matters. WRS and the Petroleum & Safety Officer comment that no safety issues have been identified.

Design Considerations

At the top Page 89, the report states that No's 56 and 57 Millsbro Road measure approximately 8.25 metres to ridge. This property has accommodation over three storeys and does in fact measure approximately 11.5 metres to its highest point rather than 8.25 metres. A slide to be shown during the course of the presentation will demonstrate the height of this building relative to that of the canopy serving the proposed PFS. An amended plan has been submitted to reflect an inaccuracy with respect to the height of No's 56 and 57 Millsbro Road. Drawing number 2009RD-210-03-D - Proposed PFS Plan is therefore proposed to be substituted by Drawing number 2009RD-210-03-E – (see recommended condition 2 on page 90 of the report).

Hours of operation

Your officers would like to clarify that the tanker deliveries to the site which would take place 3 times per week would take place during the hours restricted under recommended condition 4 (page 91 of the report). Condition 4 has been expanded to incorporate this restriction.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions 1 to 6 and informatives 1 to 3 as stated in the main report with the exception of amendments to the following conditions as set out below:

Conditions:

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

Drawing: 2009RD-110-01-C - Location Plan
Drawing: 2009RD-210-01-C - Existing Site Plan
Drawing: 2009RD-210-02-C - Proposed Site Plan
Drawing: 2009RD-210-03-E - Proposed PFS Plan
Drawing: 2009RD-210-04-D - Proposed Landscape Plan
Drawing: 2009RD-210-05-C - Proposed Tracking Plan

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Drawing: 2009RD-310-01-D - Proposed Elevations
Drawing: 2009RD-410-01-D - Proposed Sections
Drawing: 2009RD-510-01-D - PFS Standard Details
Drawing: 2009RD-510-02-C - Control Room Details
MP Consulting Drainage Plan and Strategy Statement
Sanderson Associates Transport Statement
DTS Raeburn Phase 1 Preliminary Risk Assessment

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

- 4) The development hereby permitted shall not trade to the public outside the following hours:

0800 till 2200 Mondays to Saturdays
1000 till 1700 on Sundays
0900 till 1800 on Bank and Public Holidays

Deliveries of fuel shall not take place outside these hours

Reason: In the interests of protecting residential amenities

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Protecting
people
from harm



Crime/Antisocial Behaviour Problem Profile Jinnah Road, B98 7ER.

01 December 2018 to
01 December 2019

AUTHOR: EMILY QUIRKE, C26060 PARTNERSHIP ANALYST,
PROBLEM SOLVING HUB

DATE PUBLISHED: DECEMBER 2019

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Aims and Purpose



Aims and Purpose

This report is intended to inform the decision making regarding the planning application for an unstaffed petrol station to be situated on the car park of ASDA, Jinnah Road, Redditch, B98 7ER.



Antisocial Behaviour

What?

Antisocial behaviour incidents can be classified as either AS Nuisance, AS Personal or AS Environmental.

A total of 5 incidents occurred between 01 December 2018 and 01 December 2019. All incidents were categorised as AS Nuisance.

July and November recorded the highest number of ASB incidents. All incidents occurred between March - November 2019.



Where?

All 5 ASB incidents occurred inside or around the ASDA on Jinnah Road. One occurred within a surrounding **alleyway**, one in the **car park**, one within the stores **fitting rooms** and two within **close proximity to the store**.



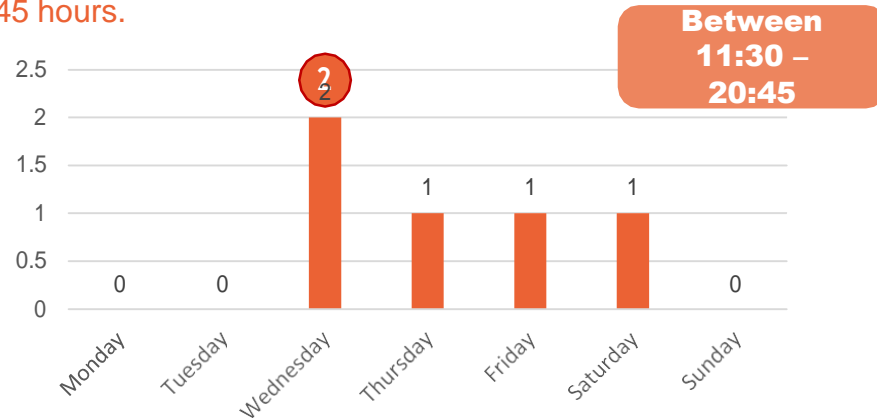
Why?

ASB incidents recorded included:

- Drug use,
- Drug dealing,
- Public nudity,
- Nuisance.

When?

The most common day for offences is **Wednesday**. All offences occurred between 11:30 hours and 20:45 hours.



How? What?

Qualifiers are recorded against incidents describing key factors associated with each individual incident. The following qualifiers were the most frequently recorded:

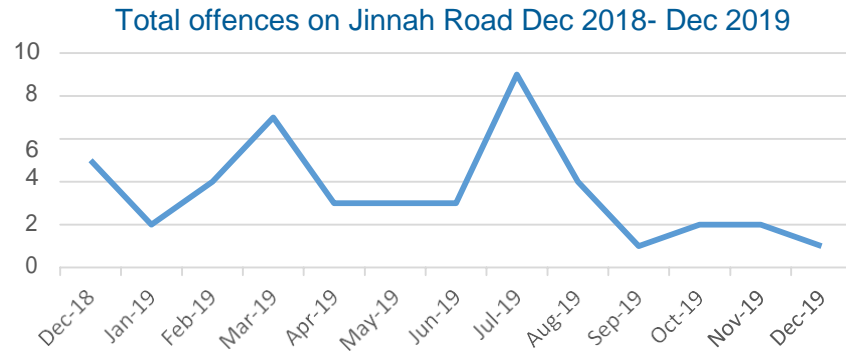


All Crime and Incidents

What?

46 different offences were committed between 01 December 2018 and 01 December 2019 on and around the car park of ASDA, Jinnah Road, B98 7ER. 2 of the offences had multiple recorded reports for the same incident, totalling 49 individual reports however only 46 actual offences.

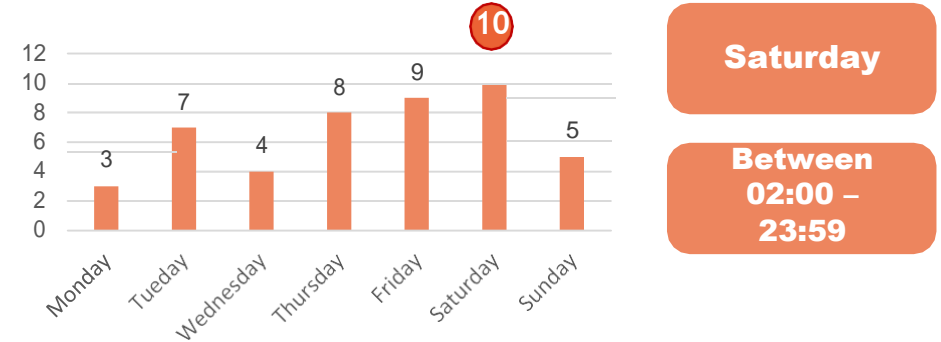
July 2019 recorded the highest volume of incidents (n = 9), followed by December 2018 and March 2019. The number of offences in August decreased by ≈11% in comparison to July.



Crime levels fluctuated over the year, with some months experiencing only 1 offence in comparison to the peak number of offences experienced in July (n = 9). The graph shows a general decrease in offences since this peak figure was attained. At least one offence occurred every month over the year. September 2019 and December 2019 showed the lowest number of offences (n = 1).

When?

The most common day for offences is **Saturday** closely followed by **Friday** and then **Thursday**. All offences occurred between 02:00 and 23:59 hours.

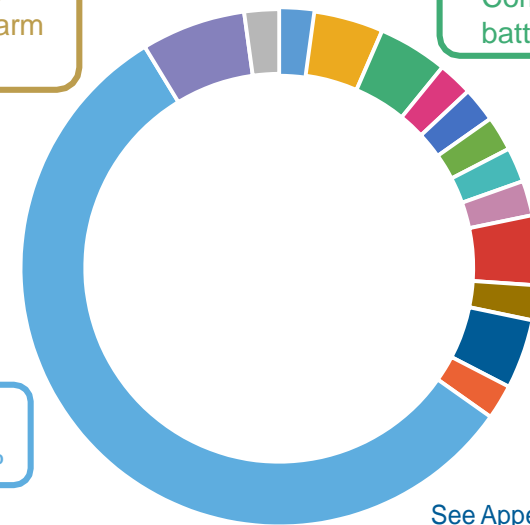


Assault with Injury - Assault occasioning actual bodily harm (n = 2) – 4.3%

Theft if not classified elsewhere (n = 3) – 6.5%

Theft from shops and stalls (n = 26) – 56.5%

Assault without Injury - Common assault and battery (n = 2) – 4.3%



See Appendix 1 for list of all offences

All Crime and Incidents

Where?

Out of the 46 incidents, 2 occurred within Matalan and the other 44 having occurred either inside the B&Q/ASDA stores or within close proximity.



Why?

27 of the 46 total offences were classified as either '**Attempted - Theft from shops and stalls**' or '**Theft from shops and stalls**'.

Desired items included:

- Groceries (n = 12)
- Alcohol (n = 9)
- Clothing (n = 5)
- Perfume (n = 4)

Other items included: money, toys, power tools and SD memory cards.

Other incidents included:

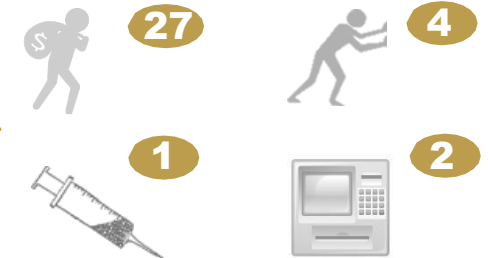
- Fights,
- Theft of vehicle number plate,
- Theft of cash,
- Theft of personal items (purse, laptop from vehicle).

How?

The majority of incidents involved the **taking of goods without payment** (n = 27).

Other incidents included:

- Pushing/hitting/punching (n = 4),
- Using a needle as a threat (n = 1),
- Forcing open cash machine (n = 2).



Appendix

Offence Title	Count of Full Offence Title
Adult Protection Investigation	1
Assault with Injury - Assault occasioning actual bodily harm	2
Assault without Injury - Common assault and battery	2
Attempted - Meeting a female child following sexual grooming etc (Offender is aged 18 or over and victim is under 16)	1
Attempted - Theft from automatic machine or meter	1
Attempted - Theft from shops and stalls	1
Breach of non-molestation order	1
Cruelty to Children/Young Persons - Cruelty to and neglect of children	1
Domestic Abuse Investigation	2
Having possession of a controlled drug - Class B - Cannabis	1
Theft from a motor vehicle	2
Theft from automatic machine or meter	1
Theft from shops and stalls	26
Theft if not classified elsewhere	3
Threaten with an offensive weapon in a public place	1
Grand Total	46

Appendix

List of all offences reported at Jinnah Road

APPENDIX D

Health and Safety at Asda Petrol-Filling Stations:

- The petrol station shall be for fuel supply for transportation needs and its operation will involve the two primary activities including unloading of Unleaded and Diesel fuel from delivery tanker vehicles to underground storage tanks (UST) and fuel dispensing on the forecourt by member self-service. In approaching the design of ASDA's petrol stations, the guidance in the Association of Petroleum and Explosives Administration (APEA) publication "Guidance for the Design, Construction, Modification and Maintenance of Petrol Filling Stations" has been followed.
- All dispensers are limited, and therefore the pump will cut out at a spend of £99. Fuel **cannot** be obtained from the pump until the relevant payment card details have been authorised by the bank.
- The petrol filling station is located within full visibility of the ASDA store enabling distance monitoring by staff, in addition to the staff member present on the forecourt at all times during trading hours. **CCTV will be installed covering every filling position and the fuel delivery area.** This CCTV system is remotely monitored. In addition, all vehicles entering and exiting the petrol filling station will have their number plates monitored and recorded. At night, outside the trading hours for the PFS, lighting will be dimmed but kept on deterring antisocial behaviour and provide a base level of lighting for the operation of CCTV.
- There will be a trained person available at all trading times (known as a 'competent person' in the guidance). Their role is to assist customers and to deal with any issues. They are also responsible for general forecourt housekeeping, safety and reporting of any equipment faults/failures, and are able to accept attended deliveries in the unlikely event of the Driver Controlled Delivery unit failing. They can be summoned to the petrol station through either the activation of the disabled call system (see section 10), the customer help phone, or via the remote monitoring service. There is signage within the PFS which directs customers to contact the competent person in the event of an incident.
- Disabled members will be assisted by a number of features on a designated fuel dispenser which will be signed to be visible on approach to the facility. This pump will have a marked call point to attract the attention of the forecourt attendant. Regular customers can be given a fob for use within the car. The attendant can assist with the dispensing of fuel into the customer vehicle, while the customer remains in their vehicle. This system is known as 'myhailo' and more details can be found at www.myhailo.co.uk.
- The station has been designed to afford the highest standards of environmental protection available in relation to both groundwater and air pollution. The storage and management of Hazardous Materials on site will be subject to a series of Control Measures including compliance with:
 - The "Design, construction, modification, maintenance and decommissioning of filling stations" produced by the APEA and Energy Institute.
 - DSEAR (Dangerous Substances & Explosive Atmospheres Regulations) 2002.
 - Environment Agency guidance on drainage and use of interceptors.
- The USTs will be double skinned and constructed to BS EN 12285 – 1 2003 with the interstitial space between the inner and outer lining continuously monitored by a state of the art Veeder-Root TLS 450 leak detection system (Class 1 Leak Detection in compliance with Clause 11.2 of the APEA Guidance Blue Book). The tanks will be coated in Endoprene paint, carrying a 30 year warranty.
-

- Product distribution from the unloading fill point to the underground tanks and tank to the dispensers shall be polyethylene fusion welded pipework compliant with BS EN14125. Joints are fusion welded on site removing possible defects associated with mechanical fittings.
- Fuel distribution from the tanks to pumps shall via fusion welded pipework, with fuel drawn up from tanks by suction pumps.
- Air quality is protected by the implementation of stage 1B and stage 2 vapour recovery positions at the point of fuel delivery and at the point of fuel dispensing respectively. These systems capture vapours displaced by petrol entering tanks and prevents their release to the atmosphere. The stage 2 system is regulated by the local authority, and an application will be made at the proper time.
- Directive 2014/99/EU on Stage II PVR Operators shall ensure that the petrol vapour capture efficiency of the stage II petrol vapour recovery system is equal or greater than 85% as certified by the manufacturer in accordance with standard EN 16321-1:2016.

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Planning Application 19/01060/OUT

Outline planning application for residential development (up to 73 units) with all matters reserved except for Access.

Former Clive Works , Edward Street/Bromsgrove Road, Redditch, Worcestershire, B97 6HA.

Applicant: James Smith & Son (Redditch) Ltd
Ward: Central 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 Former Clive Works site is a brownfield site, situated on the periphery of Redditch Town Centre. The railway station and railway line about the site to the east. The site is currently used as a surface level car park accessed off Edward Street following the demolition of the Clive Works complex in the mid-2010s; which included two mid-19th century villas, namely No16. Boxwood House and the Master's house, and a complex of brick built industrial buildings also dating from the mid-19th century.

Proposal Description

Outline planning permission for residential development is sought with all matters reserved except means of Access.

Matters such as Appearance, Landscaping, Layout and Scale would be considered at the Reserved Matters stage; however, an indicative plan has been submitted under this outline application that shows how the site could be redeveloped. The indicative plan shows an apartment complex of up to 73 units in a U-shaped plan enclosing an associated car park and amenity provision within the scheme. The indicative plan also shows a pedestrian gated access off Bromsgrove Road to the railway station. The indicative plan shows 48 No. 1 bed units and 25 No. 2 bed units. Indicative elevational plans show the apartments to be between 2-5 storeys in order to achieve the number of units proposed for the site.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 3: Development Strategy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

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Policy 6: Affordable Housing
Policy 12: Open Space Provision
Policy 15: Climate Change
Policy 16: Natural Environment
Policy 17: Flood Risk Management
Policy 18: Sustainable Water Management
Policy 19: Sustainable Travel and Accessibility
Policy 20: Transport Requirements for New Development
Policy 22: Road Hierarchy
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for the 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
Redditch High Quality Design SPD
Open Space Provision SPD
Town Centre Strategy
Worcestershire Waste Core Strategy

Historical document

Edward Street Development Brief 2007

Consultations

Arboricultural Officer

The proposed development sits on land currently being used as a car park, on the south east boundary lies two Lime trees currently protected under Borough of Redditch TPO No. 147 2014. These two trees appear in good form and vigour with no visual signs of structural defect or disease. As part of the indicative layout, a new path is to be constructed which passes through the R.P.A of these two Lime trees and could possibly encroach the root protection area. Suitable conditions will be required to ensure that the footpath is suitably built without hindering the root protection area and the trees be protected during construction.

Crime Risk Manager

No objections to this application.

Conservation Officer

The proposed access is the only matter to be determined at this stage; it is considered the principle of development and the proposed access would comply with conservation policies as set out in the NPPF (2019) and the Borough of Redditch Local Plan No.4 (2017). Therefore, have no conservation objections to the outline permission for this site.

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Any future reserved matters application should be accompanied by a Heritage Statement due to the site's sensitive location within the setting, and adjacent to, a locally listed non-designated heritage asset.

Urban design Welcome the redevelopment of this site, as it currently has a significantly detrimental impact on the area through erosion of the street scene creating a negative first impression of the town from the railway station. Will deliver the regeneration of a significant strategic site, and contribute towards the residential provision of the town centre.

As the scheme progresses to reserved matters, there will inevitably be a higher level of detail required with specific consideration given to the following principal elements:

- Clarification on the separation of affordable and private apartments.
- Breaking up the large car parking areas with soft landscaping.
- Whether parts of the scheme need a further bin storage point.
- Potential re-siting of the cycle store to form a more integrated part of the scheme and to account for a likely high level of cycle access from the southern boundary.
- Whether the amenity space is sufficiently integrated into the scheme, and whether proximity to the railway line and bin storage undermines its environmental quality.
- Exploring a design that provides contemporary response to the site's historic form enhancing and drawing from a historically rooted sense of place, creating an appropriate gateway to the historic town.

Network Rail

The proposed development is obviously situated extremely close to the existing railway line. Provisions will need to be made in the building designs to mitigate against the risk of complaints from residents about noise arising from the operational railway. The station operates a Public Address (PA) systems and also periodic night-time maintenance takes place by Network Rail that are routine railway operations.

There is the provision of new tree planting along the eastern perimeter edge on the indicative plan (directly adjacent to the railway line). Provisions will need to be included in any planning consent to ensure that the landowner proactively manages the growth of these trees to reduce both the impact of leaf fall in the Autumn and also the risk of branches falling onto the lines.

Note the proposed pedestrian access (with gate) linking the development directly to the railway station (and therefore avoiding a slightly more circuitous route over the road bridge on Bromsgrove Road). The developer will need to discuss the arrangements for this access with WMT (as leaseholder of the station area) – including the proposals for the design, operation and maintenance of the proposed gate to ensure that no additional costs are borne by WMT.

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Waste Management

The plans show access to a bin area that is contained within the property boundary and although these are shown being accessed with vehicle tracking software, it is my opinion that this will be too difficult to access due to the parking area. My suggestion to overcome this issue would be for the developers to create an access to the bin area directly off Edward Street thus allowing the Waste crews to pull up on Edward St and access the bins.

Unsure that there is enough capacity for our collection method (alternate weekly domestic/recycling) shown on the plans for the proposed underground system.

Education Authority

If development goes ahead in this area, there would be a need for a contribution towards local education facilities which includes Holyoakes Field First School and Birchensale Middle School.

Worcestershire Archive and Archaeological Service

The proposals affect an area which is likely to have previously contained heritage assets of below-ground archaeological interest. Looking at the evidence set out in the desk-based assessment (DBA) submitted with the application, particularly the geotechnical data, I think any archaeology across most of the site would either have been removed or heavily truncated. The only area where deeper deposits may have existed is along the medieval route into the town, in the southern part of the site. Here the DBA evidences a very deep hole running across most of this area.

The DBA suggests that a conditioned watching brief would be appropriate, but I do not see this as a viable strategy. Given the depth of modern disturbance, I think a watching brief would fail to pick up archaeology, if present. The only possible strategy in this case would be an evaluation, however, unsure there is enough potential in this case to justify an evaluation. Whilst it is possible that something may have survived, I think the potential is low, therefore, I have no further comments on this application.

Highways Redditch

No objection subject to conditions and financial obligations.

The application has been submitted with a transport assessment and travel plan, the former of these has been updated. The updated assessment addresses the anticipated demands that the site generates, but it should be noted that the Highway Authority considers that with the demolition of the former buildings that all the residential trips are considered to be new trips.

The proposed access is considered to be suitable and the site overall is considered to be a sustainable location with easy access to local services, retail and transport interchange.

The internal site layout is a matter for future consideration as it is only considered to be a representation on one form of layout. As such matters of car parking quantum and

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justification, cycle parking location and access to the railway station are not matters for comment at this stage.

It is considered appropriate for the applicant to provide financial contributions to mitigate the additional demands that this proposal places on the transport network, these look to address cycle access to employment areas within Redditch and vehicle impacts on the A38 based on anticipated commuter trips to employment land in Bromsgrove.

North Worcestershire Water Management

Recommend conditions.

WRS - Contaminated Land

Recommend conditions.

WRS - Noise

Noise and Vibration:

The submitted noise and vibration assessment appears satisfactory and indicates that with appropriate mitigation noise and vibration should not adversely impact future residents.

However, potential effects of noise and/or vibration should be considered again at the reserved matters stage and a suitable mitigation scheme developed to adequately protect the development in its final form. Therefore at the reserved matters stage, when the detailed design is finalised, the applicant should submit a revised noise assessment, together with the chosen noise / vibration mitigation products, for further comment.

Construction Phase Nuisance:

In order to minimise any nuisance from noise, vibration and dust emissions, during the construction phase, the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.

Hereford & Worcester Fire And Rescue

No comments submitted.

North Worcestershire Economic Development And Regeneration

No objections to this proposal which falls in line with regeneration plans for the area.

Town Centre Co-ordinator

No objection to the above proposal from a Town Centre Strategy perspective and support the application for residential on this gateway site.

Housing Strategy

Happy with the distribution of the affordable units in separate blocks with their own access. 1 bed flats will meet Redditch's housing need.

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Leisure Services Manager

Request a contribution towards enhancing existing open space and sport facilities in the locality.

NHS Mark Fenton Associate Director, Estates & Facilities Management

No Comments Received To Date

NHS/Medical Infrastructure Consultations

Request a contribution towards the need for additional primary healthcare provision in order to mitigate the impacts of the development.

NHS Acute Hospitals Worcestershire

Request a contribution to enable the Trust to provide services needed by the occupants of the new homes and the community at large.

Public Consultation Response

1 objection letter that relates to the allocation of car parking spaces to the proposed housing.

Assessment of Proposal

Principle of development

The site falls within a large strategic site designated to regenerate the Town Centre. This strategic site includes three parcels of land which have been identified and amalgamated for consideration as one. The parcels of land include land at Prospect Hill, Edward Street and Church Road each of which has been the subject of a Supplementary Planning Document. Due to the opportunities to create linkages between these sites, they have been amalgamated to form one Strategic Site. Policy 31 of the Redditch Local Plan No.4 applies and encourages the following for regeneration purposes:-

- Realise the potential development opportunities
- Improve and diversify the Town Centre offer
- Improve the physical environment
- Expand on the business and cultural offer of the Town Centre
- Increase residential accommodation.

In addition, the Town Centre Strategy identifies the following as priority projects:-

- Tackling the ringway
- Improving public spaces
- Sense of arrival and signage
- Improving the café and restaurant offer
- Enhancing the evening and night time economy
- Enhancements to Church Green
- Tackling the train station
- Rejuvenation of Silver Street area

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- Improved lighting, safety and security in the Town Centre
- Public art programme
- Encouraging Town Centre living.

These projects are considered to be priorities in terms of delivering changes needed to ensure the future of Redditch as a sustainable Town Centre, where appropriate financial contributions will be sought to ensure the delivery of these priority projects.

To deliver significant amounts of the Council's residential, retail and office requirements, development in the Town Centre should not compromise the above projects and should incorporate a mix of uses including residential, employment (B1), retail and leisure.

The proposal put forward for this part of the strategic site is residential and as such is in accordance with one of several uses considered to be acceptable in this location of the Town. The site is approximately 0.45 hectares in area with 73 units of accommodation proposed; representing a density of 162dph. This is a similar density to that considered favourably on the nearby Victoria Works application site (18/01515) and the Trades and Labour Club site (2016/024).

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, 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.

Access

Access is the only matter to be considered at this stage and the means of access is proposed off Edward Street, which is a single lane one-way road connecting to Bromsgrove Road. County Highways have considered the application and have no objection to the means of access off Edward Street and as such recommend conditions.

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Waste Management have raised concerns regarding access into the site due to the indicative parking bays shown adjacent to the means of access, but note that accessing the waste compound directly off Edward Street itself would not be an issue. County Highways have no objection to the proposal and would have considered HGVs and emergency vehicles using the access. The current indicative layout does show direct access to the waste compound from Edward Street. However, in respect to the internal site layout, provision of parking, cycle storage and waste compound arrangements, this would be a matter for future consideration as the indicative layout submitted is only a representation on one form of layout and this could easily change at Reserved Matters stage.

Sustainability

Given the close proximity of the site to the bus and train station, the site is in a sustainable location and as such there would be scope for a reduced provision of car parking in any future scheme, similar to that approved under the Victoria Works and Trades and Labour Club schemes.

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." Given the position of the site, it is considered that this site offers a genuine choice of transport modes. 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.

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."

Scale

The indicative plans submitted shows the blocks of apartments with varying roof heights starting with two storeys adjacent to Edward Street to respect the scale of the nearby residential units on Bromsgrove Road and commercial buildings and increasing to five storeys as the scheme gets closer to the bus and train station.

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Whilst the scale of the building is not intended to be approved at this stage, it is considered the scale of development shown would be acceptable given the context of the sites surroundings.

Layout and appearance

The indicative plans submitted shows the layout and potential elevations of the buildings. The buildings are potentially located around the perimeter of the east, south, and western boundaries of the site with car parking provided within the centre and informal open space areas to the north of the site. Indicative elevational plans show varying roof lines and brick and render finish. The layout and appearance of the proposal is not approved at this stage. However, following comments from Urban Design, Conservation, Highways and Waste Management, any layout scheme submitted at Reserved Matters Stage would need to address the following matters:-

- Breaking up the large car parking areas with soft landscaping.
- Appropriate location/provision of bin storage facilities.
- Potential re-siting of the cycle store to form a more integrated part of the scheme and to account for a likely high level of cycle access from the southern boundary.
- Whether the amenity space is sufficiently integrated into the scheme, proximity to the railway line and bin storage may undermine its environmental quality.
- Exploring a design that is sensitive to the location of its setting in respect to a locally listed non-designated heritage asset nearby, and provides a contemporary response to the site's former historic form enhancing and drawing from a historically rooted sense of place, creating an appropriate gateway to the historic town.

The indicative layout shows the provision of a gated pedestrian access from Bromsgrove Road to the railway station. This has been negotiated to enhance general access to the station. Whilst the layout is not for approval at this stage it is considered prudent to impose a condition to ensure that the footpath link is incorporated within the final layout of the scheme at the reserved matters of the development.

Landscaping

The indicative layout shows the retention of the two Lime trees close to the southern eastern boundary of the site that are protected with a Tree Preservation Order. Appropriate conditions are recommended to ensure their protection during development.

Drainage

The site is 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 although there is some surface water risk indicated on Edward Street. An indicative drainage strategy has been provided for the scheme, however, more information would be required at the reserved matters stage. NWWM do not raise any objections to the application and recommend the imposition of a drainage condition.

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Residential amenity considerations

Only 1 letter of objection has been submitted and relates to the allocation of potential car parking to the proposed housing. Officers would clarify that this level of detail would be considered at the reserved matters stage when considering the layout of a scheme and the final number of bedroom units.

In respect to residential amenity, a spacing of at least 27.5 m between the potential apartments fronting Bromsgrove Road and existing dwellings can be achieved on the indicative plan and as such complies with guidelines set out in the Council's SPD on High Quality Design.

Planning obligations

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

Open space

Contributions towards off site open space provision due to increase demand from future residents is 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 Memorial Playing Fields, open space improvements at the Garden of Remembrance at Plymouth Road and playing pitch infrastructure at Redditch Cricket Hockey and Rugby Club and Redditch HDA Bowling Club have been suggested.

Waste

Contributions towards refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy. A total of 32 No. 1100 litre bins would be required for the scale of the development. This part of the obligation would cover the cost of 16 recycling and 16 domestic communal 1100 litre bins.

The indicative plan shows underground storage for domestic and recycling waste. Whilst this is welcomed from a visual amenity point of view, the cost for providing the underground storage facilities and bin receptacles would be at the cost of the developer. Given that this detail could change at the reserved matters stage to the traditional approach it is considered prudent to still apply this matter as a Head of Term to ensure that the waste facilities are paid for by the developer.

Town Centre

Contribution towards Town Centre Enhancements in accordance with the Town Centre Strategy. This contribution would be used towards enhancements to the railway station and surrounding area to provide a sense of arrival and could include public art programme identified as priority projects under policy 31 of the LP4.

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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 22 units would be required.

NHS - Redditch and Bromsgrove Clinical Commissioning Group (CCG)

Redditch and Bromsgrove Clinical Commissioning Group (CCG) have requested a contribution as the development is likely to have an impact on the services of 6 GP practices nearby that do not have capacity for the additional growth resulting from this development. The contribution would be used towards the need for additional primary healthcare provision in order to mitigate the impacts of the development.

Education

County Education state that a contribution would be payable for education provision in accordance 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.

Highways

A financial contribution is sought to mitigate the additional demands that this proposal places on the transport network, these look to address cycle access to employment areas within Redditch and vehicle impacts on the A38 based on anticipated commuter trips to employment land in Bromsgrove.

NHS – Worcestershire Acute Hospitals NHS Trust

Worcestershire Acute Hospitals NHS Trust has requested a contribution to enable the body to provide services needed by the occupants of the new homes and the community at large. Officers accept that the request is material. However, legal advice received concludes that the requests do not meet the CIL regulation 122 tests; this request would be contrary to policy and does not serve a planning purpose; and/or does not fairly and reasonably relate to the proposed development. A contribution for this matter will not be pursued.

Footpath/cycle link to railway station

Negotiations have been held with the agent/applicant to provide a gated access from Bromsgrove Road to the railway station in order to improve accessibility in this locality. It is considered prudent that this matter forms part of the S106 to ensure its provision.

Monitoring

A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

Following on from officer's request for the above contributions, the applicant's agent has responded as follows:-

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“We submitted the planning application as an Outline to establish the principle of residential development on this former employment site with the access not being a Reserved Matter.

With the planning application we provided a sketch indicative scheme, prepared by our Architects, to provide some context for the Outline application and we made you aware that our Clients would not be carrying out the development nor necessarily building the scheme shown in the indicative sketch proposals. In addition, we provided engineering, environmental and supportive consultation reports as agreed with you in our pre-application consultation meetings.

The Section 106 contribution requests made by your planning application consultees have been based upon the indicative sketch proposals primarily related to the number and type of units. Given that the site is to be sold competitively, the actual detailed scheme may well be different in form and content as you appreciate. You will therefore appreciate that my Clients are not in a position to confirm or agree either the payment list or the detailed amounts requested at this point in time as that will be the responsibility of the selected developer of the site. However, your list and the payments are extremely helpful in providing the parameters for the developers and on an initial viewing the requests generally seem compliant.

With the help of the Savills Birmingham office, we have been jointly instructed to dispose of this land and will hopefully start that exercise, subject to a satisfactory outcome with your planning committee”.

Officers consider that as this is an outline application for a site that is likely to have potential sales interest in the New Year, there is the possibility that the above contributions could fluctuate dependent upon the end user. It is also possible that a separate planning application may be submitted in the meantime by the end user whilst this application remains pending. However, officers consider it prudent for now that the above contributions still be included within the recommendation of this application.

Conclusion

The site is an open hardsurfaced area being used informally for car parking purposes; however, this has a highly negative visual impact on an important landmark site into the Town Centre.

The site is ideally located for residential redevelopment in accordance with policy 31 of the Local Plan No. 4 positioned in an optimum position for the 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 of sustainable development and complies with Local Plan Policy 5 in respect to high density development, as well as providing a meaningful contribution towards the Council's 5 year supply of housing as well as affordable housing provision

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The indicative scheme shows how one form of high density development could create a vibrant and attractive scheme in this area of the Town. However, as Matters such as Appearance, Landscaping, Layout and Scale would be considered at the Reserved Matters stage, and given that there are details to be refined in respect to the positioning of cycle facilities, amenity provision, and design of the building/s that could apply a contemporary approach to reflect the former heritage of the area; it is very likely that the scheme will change.

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 priorities for enhanced vitality and viability of the Town Centre and promotion of sustainable development. 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 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 and sport provision in accordance with the Council's adopted SPD.
2. Contributions are paid to 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. 30% Affordable housing be provided on site as part of the scheme.
5. Contribution to be paid to the Redditch and Bromsgrove Clinical Commissioning Group (CCG) to be used towards the need for additional primary healthcare provision in the area.
6. Contribution to be paid to County Education to support works at the catchment area schools Holyoakes Field First and Birchensale Middle School.
7. Contribution to be paid to County Highways to address cycle access to employment areas within Redditch and vehicle impacts on the A38 based on anticipated commuter trips to employment land in Bromsgrove.
8. A gated cycle/footpath link from Bromsgrove Road to the railway station shall be provided as part of the scheme before the development is first brought into use and maintained as such thereafter.
9. A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a

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provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

And

b) Conditions and informatives as summarised below:

Conditions:

- 1 Details of Appearance, Landscaping, Layout, and Scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

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

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

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

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

- 4 The development hereby approved shall be carried out in accordance with the following plans and drawings (to be defined).

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

- 5 The reserved matters application for residential development shall include a total number of dwellings which is no more than 73 residential units.

Reason: To provide certainty to the extent of the development hereby approved and to maximise the efficient use of this brownfield site.

- 6 The number of storeys adjacent to Edward Street shall vary between 2-3 storeys maximum. Along Bromsgrove Road, there will be a gradual rise in the number of storeys from 2 -5 storeys.

Reason: To provide certainty to the extent of the development and to ensure that the overall height of the buildings respect the surrounding area.

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- 7 The reserved matters scheme shall incorporate a provision of housing that shall be predominantly 1 - 2 bed units.

Reason: To provide certainty to the extent of the development and to ensure the right provision of housing is provided in this area of the Town.

- 8 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.

- 9 The Development hereby approved shall not be occupied until the access shown on Drawing 3889-GA-002 rev P03 has been provided.

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

- 10 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.
- Proposals to minimise dust from construction.
- Construction noise suppression.
- Piling techniques.

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- Programme of works (including measures of traffic management and operating hours).
- Provision of boundary hoarding and lighting.

The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers.

- 11 The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

- 12 The development hereby permitted shall not be first occupied until the appropriate number of electric charging spaces have been fitted with an electric vehicle charging point in accordance with 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 highway specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 13 The development hereby permitted shall not be first occupied until the sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority 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.

- 14 No works or development above foundation level shall take place until a final scheme for surface 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 treatment. This scheme should be indicated on a drainage plan and the

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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.

- 15 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.

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5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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

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

- 16 No development shall take place until an assessment for potential effects of noise and/or vibration and suitable mitigation scheme for the development in its final form shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the development and retained for the life of the development hereby approved.

Reason: To ensure that the development can be carried out safely without unacceptable excessive noise and vibration for the potential occupiers.

- 17 No demolition, site clearance or development shall take place until all trees and hedges and their protection areas (RPA) to be retained on the site and around the boundaries of the site must be protected during site 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.

- 18 No development shall take place until details of proposed footpaths and their construction that are proposed close to the protected Lime trees shall be submitted

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to, and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first use of the development hereby approved.

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

- 19 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.

- 20 No development above foundation level of the scheme hereby approved shall take place until full details of a landscape management plan, to include long term objectives, management responsibilities and maintenance schedules for all site play areas/amenity areas/landscaped areas within the scheme has been submitted to and agreed by the Local Planning Authority. The landscape management plan thus approved shall be fully implemented upon first use or occupation of the development and thereafter, all landscaping to which the plan relates shall continue to be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the effective and ongoing maintenance and management of these areas in the interests of visual amenity and community safety

Informatives

- 1 The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

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The proposal therefore delivers a policy compliant sustainable form of development.

- 2 Due to the nature of this proposal, this application is subject to a s106 Agreement.
- 3 This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.
- 4 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- ' Informing, respecting and showing courtesy to those affected by the work.
- ' Minimising the impact of deliveries, parking and work on the public highway.
- ' Contributing to and supporting the local community and economy.
- ' Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- 5 Worcestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils Travel Plans Officer. As part of this process the applicant must register for Modeshift STARS Business and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Worcestershire County Council can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

- 6 The applicant is advised of the following comments from Network Rail:-

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Measurements to railtracks

When designing proposals, the developer is advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

RAMS – CDM –

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWSouth@networkrail.co.uk

FENCING

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.

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- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

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Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Drainage proposals and Network Rail land

Please discuss drainage proposals with Network Rail. The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

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Excavation and Earthworks and Network Rail land

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works.

Noise

The developer (along with their chosen acoustic contractor) is recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

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Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.

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Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

All vegetation on site should be in line with the recommended tree matrix for the reasons outlined in the document.

<http://wcms-internet.corp.ukrail.net/community-relations/trees-and-plants/>

BAPA

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWSouth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

The developer is requested to contact the Network Rail Asset Protection team at least 20 weeks before works commence on site.

Procedural matters

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

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Advertisement and
Listed Building 19/01326/ADV and 19/01307/LBC
Consent Applications

Installation of 2 outdoor digital advertising signs to replace existing static advertising board and new 'Stage Door' sign made of adhesive vinyl lettering to top fixed glazed door panel

Palace Theatre, Alcester Street, Redditch, Worcestershire, B98 8AE.

Applicant: Rubicon Leisure Ltd
Ward: Abbey Ward

(see additional papers for site plan)

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

Site Description

The Palace Theatre is a grade II listed building situated in the town centre of Redditch. The significance of the building is derived from it being designed by the renowned theatre designer Bertie Crewe as well as the remaining historic fabric internally and externally.

Proposal Description

The proposal involves two new advertisements on the front elevation of the Palace Theatre facing onto Alcester Street. One of the signs would replace an existing notice board with 2 new digital display screens in a niche on the west end of the front elevation and the other would be a replacement stage door sign.

Two separate applications have been submitted for this proposal. A listed Building consent application and an Advertisement Application.

Relevant Policies:

Borough of Redditch Local Plan adopted January 2019

Policy 1- Presumption in favour of sustainable development
Policy 36- Historic Environment
Policy 37- historic Buildings and structures
Policy 39- Built Environment
Policy 42- Advertisements

Others

Redditch High Quality Design SPD
National Design Guide
NPPF- National Planning Policy Framework (2019)
NPPG- National Planning Practice Guidance

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Relevant Planning History

None

Consultations

Conservation Officer sent 06/11/2019 Expired 30/11/2019

No objection.

Highways Redditch sent 15/11/2019 Expired 09/12/2019

No objection, subject to an informative relating to brightness of signage.

Community Safety Project Officer sent 15/11/2019 Expired 09/12/2019

I note the screen device is toughened glass to withstand vandal attack and the bracket mounting is substantial to mitigate against theft, consequently we have no other comment to make.

Theatres Trust

We have no objection to the replacement of the stage door sign with adhesive vinyl lettering.

Similarly, neither does the replacement of the static advertisement with a digital sign cause us any concern with regard to the character and significance of the theatre. There have been several proposals recently of this nature around the country. Digital signage provides the theatre with greater flexibility to adjust adverts, allowing for example to better target messages. Advertisements and show signage are in any case an integral aspect of the character and appearance of theatre buildings, and in relation to advertisement consent we do not consider that it will compromise highway/pedestrian safety or the amenity of surrounding properties.

Public Consultation Response

Advertisement Application:

None

Listed Building Application:

Site notice posted 07/11/2019 Expired 01/12/2019

Press notice (Redditch Standard) 15/11/2019 Expired 02/12/2019

Assessment of Proposal

Advertisement Application:

Paragraph 132 of the NPPF requires that advertisement applications be considered in terms of their impact on amenity and public safety, taking account of cumulative impacts. This is supported by Policy 42- Advertisements of the Borough of Redditch Local Plan which amongst other things, states that advertisements should be for a scale and

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character appropriate to the style and age of the building and its setting, do not adversely affect the street scene, do not impeded natural surveillance or endanger highway safety. In addition it sets out that advertisements affecting historic buildings should consider the significance of the building, be of a traditional design and in a style sympathetic to the building and its historic context.

Digital Display advertisements

The digital display advertisements would replace an existing advertisement notice board which is set within a niche on the front elevation of the Palace Theatre. It would consist of 2no. 49 inch display size screens, installed onto a wall mounted bracket, screw fixed into the existing brickwork. Fixings would be directly into the brickwork, behind the existing notice board.

The screen would be dust tight and has the highest protection rating. They would also be weather proof and have toughened glass to protect internal components and to add an extra layer of security against vandals, within a mild steel enclosure.

The display would have an ambient light sensor that changes the screens brightness depending on the ambient light; this leaves the screen with the best clarity while also conserving energy. The screens are designed to run 24 hours daily; with an advanced temperature control system to keep it running at optimum temperature.

Stage door advertisements

The proposed stage door sign would replace an existing smaller stage door sign that is set back on a recessed doorway on the front elevation of the Palace Theatre. The proposal is to remove the existing 'Stage Door' sign that is currently stuck to the door with 'sticky pads' and replaced with self-adhesive black vinyl letters, which would be individually cut and applied directly to the existing frosted glazed window. The proposed font is Baskerville Old Face, 200mm height x 150mm width.

Listed Building Application:

Historic Environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is supported by the Historic Environment policies in the Redditch Local Plan No.4, notably Policy 36 which, amongst other things, states that designated heritage assets including listed buildings, structures and their settings will be given the highest level of protection and should be conserved and enhanced.

In addition guidance in the recently revised NPPF must also be considered. Paragraph 189 requires applicants to describe the significance of any heritage asset affected, the level of detail being proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposals on significance; Paragraph 190 requires LPAs to take account of the significance of affected heritage assets when

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considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal; Paragraph 193 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm. Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification, Paragraph 194; Paragraph 196 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal.

The Council's Conservation Officer has raised no objection to the proposed vinyl acrylic signage proposed for above the stage door, which illustrated most clearly in the Heritage Statement.

They have also raised no objection to the proposed digital advertising signs which would sit within a niche to the left hand side of the stage door. Given that historic photographs submitted with the application show that this area has been altered. They have also noted that the niche currently houses a traditional notice board, and that advertisements have always been part of the traditional appearance of a theatre. As such it is not considered that the digital signage would detract from the character of the listed building and will not therefore harm its significance.

Highways

Worcestershire County Highways have raised no objection to the proposal. They do however note that the applicant should be aware that the brightness of illuminated signs shall not exceed the values stipulated in the institution of lighting engineers technical report PLG5:2005 "Brightness of Illuminated Advertisements". This shall be inserted on as an informative to any permission that is given.

Community Safety

Community Safety have noted that the proposed screen device would have toughened glass to withstand vandal attack and the bracket mounting is substantial to mitigate against theft, consequently they have no further comments to make, and have raised no objection to the application.

Conclusion

Overall it is considered that the proposed advertisements would not affect public safety, the amenity of the area or the character or significance of the listed building. As such it is considered that the proposals would accord with the policies in the Borough of Redditch Local Plan and the NPPF and would be acceptable.

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

Conditions:

- 1) This consent shall remain valid for a period of five years from the date hereof.

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Reason: In accordance with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3) No advertisement shall be sited or displayed so as to;

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

PLANNING COMMITTEE

15th January 2020

Drawing No. L(0)000- Location Plan
Elevation Plan- Indicative Position of Digital signs
Technical drawing with dimensions
Statement of Significance

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

RECOMMENDATION: That having regard to the development plan and to all other material Considerations, **Listed Building Consent:** be **GRANTED** subject to the following conditions:

Conditions:

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

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

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

Drawing No. L(0)000- Location Plan
Elevation Plan- Indicative Position of Digital signs
Technical drawing with dimensions
Statement of Significance

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

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

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Planning Application 18/01626/S73

Details pursuant to condition 36 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.

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

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

Applicant: Stoford Gorcott Ltd

Ward: Alvechurch South Ward

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 18th 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 meeting of Redditch Brough Council's Planning Committee on 13th November 2019. Subsequently on 4th December 2019, details pursuant to conditions 29 and 32 were approved following a non-material amendment to the wording of conditions 29 and 30 to clarify which Phase of development they related to.

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**15th January 2020**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
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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			
18/01626/S73 Redditch BC	Application under section 96a seeking a minor material amendment to Conditions 29 and 30	Approved by Committee	04-12-2019
Section 96a NMA			
18/01626/S73 Redditch BC	Condition 29 Flood Mitigation Scheme	Approved by Committee	04-12-2019
Condition 29			
18/01626/S73 Redditch BC	Condition 32 Site Investigation / Land Contamination	Approved by Committee	04-12-2019
Condition 32			

Assessment of Details**Condition 36; Landscape Environmental Master Plan (LEMP)****Condition Requirements**

36. In respect of each phase no development shall commence, including groundworks, but excluding ecological mitigation including hedgerow and tree removal, archaeological investigation and formation of temporary construction access(es), until a Landscape and Ecological Management Plan (LEMP) has been submitted

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**15th January 2020

to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. description and evaluation of features to be managed, including bat commuting routes, Ipsley Alders Marsh, translocated veteran trees, future veteran trees, hedgerows, watercourses and the area of Green Infrastructure to the eastern end of the northern development parcel;
 - b. ecological trends and constraints on site that might influence management;
 - c. aims and objectives of management;
 - d. appropriate management options for achieving aims and objectives;
 - e. prescriptions for management actions over the lifetime of the development, including pre-construction checks;
 - f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g. details of the body or organisation responsible for implementation of the plan;
 - h. ongoing monitoring and how any remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason: To enhance biodiversity

Submitted Details

On the 4th of January 2020 revised information was submitted to address concerns expressed by the Senior Ecologist's, in the form of an updated Landscape & Ecological Management Plan (LEMP) pursuant to condition 36. Associated with this is submission was a revised Veteran Tree Strategy (VTS) pursuant to a separate condition, condition 40.

Landscape & Ecological Management Plan December 2019 (version issued 04-01-2020)

- 681 P11 J Landscape Proposals (Sheet 1 of 4)
- 681 P12 J Landscape Proposals (Sheet 2 of 4)
- 681 P13 J Landscape Proposals (Sheet 3 of 4)
- 681 P14 J Landscape Proposals (Sheet 4 of 4)
- 681 P15 J Landscape Masterplan
- 681 P16 D Landscape Cross Sections

Consultee Comments**Worcestershire County Council - Senior Ecologist (6th January 2020)**

**PLANNING
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I have reviewed the Redditch Gateway LEMP and Veteran Tree Strategy (VTS) documents that were updated on 04/01/2020 and am pleased to see that management of future veteran trees is now addressed and committed to.

Following the Natural England guidance on veteran tree management (2000) is logical, and the plan set out in the VTS is clear. The inclusion of 'scattering' acorns is welcome, especially followed by sensitive management in these areas, however consideration should be given to lightly burying them to increase germination rate (mimicking the caching behaviour of squirrels and corvids).

Aside from my remaining doubt that 'wholly exceptional' reasoning has been demonstrated for translocation of the existing veteran trees, with a plan for future veterans now included in the VTS and referenced in the LEMP I am content to recommend discharge of conditions 36 (and 40)

RECOMMENDATION:

1. That the details submitted pursuant to conditions:

36. Landscape Environmental Management Plan

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

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