



# Planning Committee

Wed 10 Feb  
2021  
7.00 pm

Virtual Meeting



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

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

**Sarah Sellers**

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# **GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING**

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meetings via a live stream to the Council’s YouTube Channel which can be accessed using the link below:

[Link to view live stream of Planning Committee](#)

Members of the Committee, officers and public speakers will participate in the meeting using Microsoft Teams, and details of any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

## **PUBLIC SPEAKING**

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at:

[Link to amended Planning Committee Rules](#)

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:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 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
- 4) Members’ questions to the Officers and formal debate / determination.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Microsoft Teams.

**Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.**

**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.**

**Notes:**

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or by email at [sarah.sellers@bromsgroveandredditch.gov.uk](mailto:sarah.sellers@bromsgroveandredditch.gov.uk) before 12 noon on Monday 8<sup>th</sup> February.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Monday 8<sup>th</sup> February.**
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)**
- 4) 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.**
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**
- 6) 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.**



# Planning

COMMITTEE

Wednesday, 10th February,  
2021

7.00 pm

Virtual Meeting - Microsoft  
Teams

## Agenda

### Membership:

Cllrs:	Gemma Monaco (Chair)	Andrew Fry
	Salman Akbar (Vice-Chair)	Julian Grubb
	Tom Baker-Price	Bill Hartnett
	Roger Bennett	Jennifer Wheeler
	Michael Chalk	

### 1. Chair's Welcome

### 2. Apologies

### 3. 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.

### 4. Confirmation of Minutes of Planning Committee held on 27th January 2021

Minutes to follow

### 5. 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)

### 6. Application 20/01215/FUL - Coppice Childcare The Bungalow Clifton Close Matchborough Redditch B98 0HF - Worcestershire County Council (Pages 1 - 4)

### 7. Application 20/01450/FUL - Land adjoining former ambulance station Cedar View Batchley Redditch B97 8HW - Mr A Mukhtar (Pages 5 - 16)

### 8. Application 20/01498/FUL - Former M & S Unit 11 Milward Square Kingfisher Shopping Centre Redditch - Tom Johnson on behalf of Capital and Regional (Pages 17 - 22)

### 9. Application 20/01613/FUL - Land north of 12 Crabbs Cross Lane Redditch - Mr T Blick (Pages 23 - 32)

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REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**10th February 2021

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**Planning Application 20/01215/FUL****Change of Use to a Police ABE suite facility****Coppice Childcare, The Bungalow, Clifton Close, Redditch, Worcestershire, B98 0HF****Applicant: Worcestershire County Council  
Ward: Matchborough Ward****(see additional papers for site plan)**

The case officer of this application is Mr Anthony Young, Planning Officer (DM), who can be contacted on Tel: 01527 881234 Email: anthony.young@bromsgroveandredditch.gov.uk for more information.

**Site Description**

This single storey detached property is in a predominantly residential area and adjacent to the access road to The Kingfisher School and grounds, which is to the east of the site. Opposite the application building, across from the school access road, is a Community Church building, which has its own private parking access. The nearest residential properties are on the opposite side of Clifton Close road, west of the site.

**Proposal Description**

The proposal is to change the use of this single storey former children's nursery into a Police ABE facility for West Mercia Police. ABE stands for Achieving Best Evidence. The facility is for video-recorded witness interviews.

The existing building will be refurbished internally to create new interview rooms, waiting room areas and welfare facilities. Interviews are conducted for vulnerable and intimidated victims and witnesses, including children, usually connected to the most serious of crimes. Therefore, discretion is paramount for the use of the building and the residential location is intentional to provide a softer and more reassuring experience for the witnesses, with a more homely environment.

Officers attending will be in unmarked cars and access is limited to use only by those conducting interviews. It will not be a Police out station.

The facility will need to be available 24 hours a day seven days a week and the use of the premises will be primarily between 8am and 8pm, as these times are usually the most appropriate to interview witnesses. On occasion there may be a need to interview outside of the times, but these will be very much the exception, with perhaps less than a handful over a 12-month period. The suites are used frequently during the day but not constantly.

**PLANNING  
COMMITTEE**10th February 2021

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The hardstanding area in front of the building would remain providing 4 car park spaces.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

**Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

**Relevant Planning History**

2003/235/FUL	Change Of Use From Residential To Day Nursery	Approved	13.08.2003
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**Consultations****Cllr Brunner**

No Comments received to date.

**Cllr Fisher**

No Comments received to date.

**Highways Redditch**

No objection subject to provision of an electric vehicle charging point.

**Crime Risk Manager**

No objection.

**Community Safety Project Officer Community Safety**

There is no information within the application that identifies how the crime prevention and safety requirements of local and national planning policy are satisfied and accordingly recommend that the development is required to achieve Secured by Design accreditation and where possible this is made subject of condition.

**Public Consultation Response**



## PLANNING COMMITTEE

10th February 2021

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No representations received.

### Assessment of Proposal

The application site is in the Redditch urban area, and being within the Main Settlement, is Policy 2 Settlement Hierarchy compliant.

The applicant has advised that there would be no noise issues associated with this proposal and that it is an intentionally discreet venue which will not be associated with any sirens etc, unless in response to an incident which would be the same as any other premises. The application site at its nearest point to the boundary of the nearest dwelling on Clifton Close would be some 9.5m and, similarly, the separation between the application building and the nearest physical dwelling would be some 25m. I am satisfied that the proposal would not have any undue impact upon the residential amenity of the area.

Community Safety set out a range of issues, of which the applicant is aware. The applicant has been in discussion with the Community Safety Projects Officer about these, and who acknowledges that not all the recommendations can be met, but has indicated that they would be happy to engage in a discussion nearer the time once the crime prevention suggestions have been reviewed and proposals can be firmed up. A planning condition is therefore proposed to facilitate this process.

Given the above considerations, I consider the application in all respects to be acceptable, subject to the recommended planning conditions.

For the reasons set out in this report, it is considered that the proposal complies with the Local Plan and is sustainable development and should therefore be approved without delay.

### **RECOMMENDATION:**

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

### Conditions:

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

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

**PLANNING  
COMMITTEE**10th February 2021

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- 2) The development hereby approved shall be carried out in accordance with the following plan: Block Plan - LO1; Proposed Plan PL002.

Reason: To define the permission.

- 3) The development hereby approved shall not be opened to the public until 1 electric vehicle charging space has been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority. Such space and power point shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities.

- 4) Prior to commencement of use hereby approved details of crime prevention and safety measures shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details and to remain as such thereafter.

Reason: In the interests of crime prevention.

**Informatives****Statement of Positive and Proactive Working**

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

**No Drainage to Discharge to Highway**

The Highway Authority has advised that drainage arrangements should be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development should be allowed to discharge into any highway drain or over any part of the public highway.

**Community Safety**

Community Safety set out a range of issues of which the applicant is already aware and will be the subject of further discussion in connection with Condition 4.

**Procedural matters**

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

**PLANNING  
COMMITTEE****10<sup>TH</sup> February 2021****Planning Application 20/01450/FUL****Redevelopment of the site to provide 9 No. 2-bed apartments****Land Adjoining Former Ambulance Station, Cedar View, Batchley, Redditch, B97 6HW.****Applicant: Mr A Mukhtar  
Ward: Batchley And Brockhill Ward****(see additional papers for site plan)**

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

**Site Description**

The application site consists of the former training centre adjacent to the now demolished and redevelopment ambulance centre. The site previously consisted of a single storey rectangular building, which has now been demolished. The site is surrounded by development with both dwellings and flats that back onto the site along Cedar View to the north and west, a run of terrace dwellings which back onto the site along Fir Tree Close to the south and a block of flats adjacent to the site to east named Bulley Court. The land slopes significantly down to the north.

**Proposal Description**

The proposal is for the redevelopment of the site to provide 9 No. 2 bedroom apartments and associated parking. The proposed development is to be accessed via the existing access point at Cedar Park Road, past the flats at Bulley Court. The flats will consist of a single building which is an L-shape in line with Bulley Court. The majority of the building will be 2 storey, whilst a single storey and a lower ground floor area take account of the slope of the land. The parking area is to the west of the building and provides 18 spaces. The access onto the site from Cedar View is to be closed off.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 19: Sustainable travel and Accessibility

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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**Others**

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

**Relevant Planning History**

No relevant planning history onsite

**Consultations****Highways Redditch**

The site is located within a residential area in a sustainable location. Cedar Park Road benefits from footpath on both sides of the road with street lighting located on only one side of the carriageway, no parking restrictions are in force on Cedar Park Rd. Bus stops and local amenities and are located within walking distance of the proposed development on Cedar Rd. The applicant has provided car parking and cycle parking in accordance with WCC Streetscape Design Guide. The vehicular tracking shown for the refuse truck within the site is acceptable however, since the site is constrained especially on the bend after entering the site it is recommended "No Parking" condition and hatching be attached and provided to ensure all vehicles are able to enter and leave the site in a forward gear.

No objection is raised subject to condition.

**Conservation Officer**

No Comment.

**North Worcestershire Water Management**

The proposed development site is situated in the catchment of Batchley Brook & Hewell Stream. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. Correctly designed drainage will mitigate any flood risk from surface water on the site.

No objection subject to condition.

**Waste Management**

The proposed bin store is narrow and will be difficult to manoeuvre the RCV's around the corner to access the site, especially if there are cars parked the way.

**WRS - Contaminated Land**

No objection subject to condition.

**Crime Risk Manager**

Objection subject to suggested design considerations to design out crime.

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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**WRS – Noise**

No objection to the application in terms of road traffic noise adversely impacting future residents. In order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the WRS Guidance and ensure its recommendations are complied with.

**Arboricultural Officer**

No objection to the proposed development regarding any tree related issues. The two main trees on site are Ash trees which are most likely going to suffer from Ash Die back in future years therefore are not worthy of protection. The conifers in the neighbouring gardens which back onto the proposed development shouldn't be adversely affected as the proposed new driveway which is already under a concrete laid drive. I don't envisage any remedial work will be needed to these as they don't overhang the development.

**Public Consultation Response**

69 letters were sent to adjoining occupiers on 27<sup>th</sup> November 2020 and expired on 21<sup>st</sup> December 2020. A Site Notice was placed onsite dated 30<sup>th</sup> November 2020 and expired 24<sup>th</sup> December 2020. A Press Notice was placed in the Redditch Standard on 4<sup>th</sup> December 2020 and expired 21<sup>st</sup> December 2020.

8 letters of objection have been received; the contents have been summarised as follows;

- Flats sited very close to Bulley Court
- Overlooking to properties along Fir Tree Close
- Amenity to Bulley Court flats due to access
- Loss of light
- Noise, damage and dust – During construction
- Noise – additional traffic passing flats
- Existing parking in area is limited
- Access to flats narrow with sharp bend
- Landscaping considerations to reduce fly tipping onsite
- General damage caused by passing and turning vehicles
- Access would be preferred from Cedar View rather than Cedar Park Road
- Land better used as a recreation area

**Assessment of Proposal**

The application site is located within the residential area of Batchley, in a sustainable location close to the Redditch Town Centre. Therefore Policy is supportive of residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

**Character**

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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The locality consists of a mix of development including 2 storey terrace dwellings, 2 storey semi-detached dwellings and 2 storey flats. Bulley Court is adjacent to the site and is a modern development made of 2 blocks of flats with parking between. The current application is proposed as a continuation of these flats. The design of the proposed flats has taken reference from the existing flat schemes, with a similar depth in order to maintain continuity with the flats and then turned towards the houses located on Cedar View in an L-shape configuration. The proposal is considered to reflect the overall layout and density of development locally and therefore respect the character and appearance of its surroundings.

Amenity

The application site is surrounded by residential development and has changes in land level. This has required some sensitive design to ensure that the development does not unduly impact on the amenity of the surrounding occupiers. The south facing elevation of the proposed flats faces directly to the rear elevation of the terrace dwellings on Fir Tree Close. The Councils High Quality Design Guide SPD states that for flats or dwellings with main living accommodation such as living rooms and kitchens above first floor, a separation distance of 27.5m is required. The standard separation distance required between conventional 2 storey dwellings is 21m. The distance achieved from the proposed flats to the rear of the dwellings along Fir Tree Close is 21m. To ensure that adequate privacy is achieved, during the progress of the application, the applicants re-orientated the internal layout of the flats so that all the windows on the south elevation serve bedrooms, akin to a conventional 2 storey dwelling. Given the relationship with the neighbours would be parallel to that of a conventional back to back dwelling arrangement and as there is a substantial boundary of fir trees in third party ownership, the 21m separation distance is considered sufficient to protect amenity in this instance.

No 25 Fir Tree Close has objected to the proposal on amenity grounds. This dwelling is orientated with its side elevation close to the boundary with the car park. Taking a 45 degree line from the closest window, the flank wall of the proposed flats will be 17m away, which exceeds the advised distance of 15.5m outlined in The Councils High Quality Design Guide SPD. Given this and the orientation of the plots, no concerns are raised in terms of the impact on the amenity of the occupiers of this dwelling.

The proposal has achieved a window to window distance of 31.5m to the flats to the north of the site along Cedar View which takes into consideration the changes in land level and creates a similar relationship to these flats which exists at Bulley Court. This distance is considered reasonable to ensure no undue harm is caused to the occupier's amenity.

The proposed flats are sited 1m from the side elevation of Bulley Court however there are no windows in this elevation. The window to window distance from the L-shape projection to the rear projection of the closet block at Bulley Court is 22m which is considered reasonable given these windows serve bedrooms and bathrooms.

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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Taking all these matters into consideration the proposal is not considered to cause overlooking, overbearing or loss of light to the existing occupiers surrounding the site.

**Highways**

The proposed site will be access via the existing vehicular access which serves the Bulley Court development on Cedar Park Road. The width of the access road will narrow between the existing building and the boundary, however, a 1.5m pedestrian path has been proposed along this element of the road providing safe pedestrian access from the proposed development to the front access. In addition to this, the access had provided a no parking hatched area which will serve as a passing bay and allow more space for refuse vehicles or other larger vehicles to enter the site. Concerns have been raised by residents on the bend at the head of this access, however given space is provided for vehicles to turn onsite and leave in forward gear, the Highways Authority have raised no concerns on the safety of this access.

Concerns have been raised about limited parking being available locally. However, the application site provides 18 spaces which provides for 2 spaces at each flat, in line with the Worcestershire County Council parking standards.

**Housing Land Supply**

Currently, the Council cannot demonstrate a 5-year supply of housing land within the Borough. At 1st April 2020 the 5-year housing land supply was only 3.24 years.

Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply the presumption in favour of sustainable development. For decision taking this means; approving proposals that accord with an up-to-date development plan without delay or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

**Conservation**

The Cedars Care Home to the south of Fir Tree Close is a Grade II Listed Building. The Conservation Officer has been consulted accordingly. Given the intervening development at Fir Tree Close and the character of the surrounding development the proposal is not considered to harm the setting of this Listed Building. The Conservation Officer has raised no comment.

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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Noise

Concerns have been raised by residents on noise, both during construction and of additional traffic passing close to the flats at Bulley Court. In terms of construction, this is a temporary matter and an appropriately worded condition requiring the submission of a Construction Environmental Management Plan can mitigate any harm. In respect of vehicles passing the flats, the existing parking area for the flats is a similar proximity to the block than the proposed drive. Furthermore, there are no windows on this southern elevation and vehicles will be passing at low speeds due to the bend and width of the access. Having regards to these matters, it is not considered this relationship will cause noise issues for the occupiers of Bulley Court. Worcestershire Regulatory Services have raised no objections on noise.

Security

Various recommendations have been put forward by the Community Safety Project Officer including building phase security, lighting, door and window standards, secure mailbox delivery, safety issues with allocated parking and rear garden access. It is not considered reasonable to control these matters by way of condition. Suitable informatives have been added for consideration by the applicant.

Public representations

A number of comments have been received from Local Residents as listed in the Public Consultation Response section above. Matters such as overlooking, loss of light, noise access, and parking have been considered as part of this report. Other matters raised include, general concerns on damage to property by passing and turning vehicles. The plans demonstrate that sufficient space has been provided for vehicles to adequately access the site and turn and therefore any accidents by reason of driver error is not a matter for this application to consider and would be a civil issue. Landscaping has been requested to reduce issues of fly tipping. The redevelopment of the site, with greater use and natural surveillance will reduce fly tipping and as such a condition is not considered relevant. Also, a preference has been suggested for the site to use the access from Cedar View rather than Cedar Park Road and for the site to be used for recreation purposes to serve existing residents. The Council are only able to consider the application as put forward and therefore these matters are not relevant to the planning decision.

Conclusion and Planning balance

The site has been identified as being suitable for residential development. As referred to earlier in this report, the Council cannot currently demonstrate a five year supply of housing land. Significant weight should therefore be afforded to the contribution the scheme would make to the three overarching objectives of sustainable development

The detailed design, form and layout of the development is considered to be appropriate



REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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in its context and subject to suitable conditions is considered to be a policy compliant form of development. No issues have been identified which would make this application unacceptable in planning terms.

**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:

3716\_002C - Site Plan and Floor Plans  
3716\_003B - Elevations  
CTP-19-513\_SP01-1 - Tracking Bin Lorry  
3716\_001 Existing Site Plan and Location Plan

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

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

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

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

REASON: In the interests of highway safety.

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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- 5) The Development hereby permitted shall not be first occupied until the proposed apartment's parking spaces have been fitted with an electric vehicle charging point (1 per apartment as shown on the site plan). The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 6) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible 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.

- 7) The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing 3716-002 Rev C

Reason: To ensure conformity with submitted details.

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

REASON: To reduce vehicle movements and promote sustainable access.

- 9) The Development hereby approved shall not be occupied until the no parking area as shown in hatched on the approved Site Plan has been laid and properly marked onsite to ensure that it is retained for passing and no cars park in this area. The markings shall remain onsite for perpetuity.

REASON: In the interests of highway safety and to ensure space for the RCV to collect waste.

- 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: -

## PLANNING COMMITTEE

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

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

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

- 11) Prior to any works above foundation level commencing on site a scheme for surface water drainage will be submitted to, and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

- 12) 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.

## PLANNING COMMITTEE

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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 "Land Contamination Risk Management (LCRM)" guidance.
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 "Land Contamination Risk Management (LCRM)" guidance.
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to 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.

## PLANNING COMMITTEE

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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

- 13) The Development hereby approved shall not be occupied until the bin stores provided as shown on drawing 3716-002 Rev C.

Reason: To ensure adequate bin storage is provided.

### Informatives

- 1) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

- 2) 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

## **PLANNING COMMITTEE**

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contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.

- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 4) In order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the WRS Guidance and ensure its recommendations are complied with.
- 5) The applicant is advised to carefully consider the design specifications suggested by the Community Safety Projects and Designing Out Crime Officer.

### **Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received and it was submitted before the change to the Councils Scheme of Delegation.

**PLANNING  
COMMITTEE**10th February 2021

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**Planning Application 20/01498/FUL****Application to provide A1-A3-A5 (Class E + Sui Generis) comprising retail shop / cafe restaurant / hot food takeaway use****Unit 11, Milward Square, Kingfisher Shopping Centre, Redditch****Applicant: Tom Johnson: Capital and Regional  
Ward: Abbey Ward**

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

**Site Description**

The application site comprises part of the unit formerly occupied by Marks and Spencer, specifically the former food hall which has been vacant for some time. Before the unit became vacant, members may recall that access to the food hall was via Milward Square. Opposite (to the south) of the site lies the retail unit 'The Range'. The site area measures 583m<sup>2</sup> in area.

**Proposal Description**

The proposal seeks permission principally to use the first floor of the unit as a 'Dark Kitchen' where foods would be prepared for hot food takeaway. Food would be taken away via the service road (Silver Street) by delivery drivers acting for companies such as deliveroo, uber eats, and just-eat. It is expected that deliveries could be via car but most likely by scooter / powered two wheelers (PTW).

The retailer Next who are currently situated within close proximity to the site (with pedestrian access to the southern side of Milward Square) will be re-locating to the vacant former Marks and Spencer unit (which excludes the former M&S foodhall) in Spring 2021. The ground floor (the former food hall) will be operated by the company 'Simply Fresh' who are a grocery food outlet. Access to Simply Fresh will be via Milward Square.

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

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Policy 32: Protection of the Retail Core

**Others**

NPPF National Planning Policy Framework (2019)

## PLANNING COMMITTEE

10th February 2021

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### Relevant Planning History

None

### Consultations

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

This application to bring the former M&S unit back into use is supported. It is hoped that the proposals will bring additional local jobs to Redditch.

#### **Worcestershire Regulations Services (WRS) – Noise & Odour.**

Comments summarised as follows:

I have no adverse comments to make. However please consider the following comments in your decision making process:

The explanatory note of Noise Policy Statement for England (NPSE) defines the following terms used in the National Planning Policy Framework (NPPF) with classifications being: NOEL (no observed effect level), LOAEL (Lowest observed effect level) SOAEL (Significant observed effect level).

The noise report has identified that in terms of the NPSE guidance, the predicted cumulative impact of additional vehicle movements due to this application will entail an increase of 4 dB at residential receptors during the most sensitive night-time assessment period. This is classed as being of 'slight /moderate impact' or LOAEL.

BS4142:2014, Methods for rating and assessing industrial and commercial sound, describes methods for rating and assessing sound of an industrial and/or commercial nature. The standard covers the loading and unloading of vehicles and also the movement of vehicles. However, the passage of vehicles on public roads is outside of the scope of this standard. The service road in which vehicles associated with this planning application will travel is not a public road as it is not an adopted highway. Notwithstanding the above, the noise report advises that the prominent noise level at the closest receptors is the Redditch Ring Road. This service road is also used by other traders and other traffic associated with the Kingfisher Centre. In terms of this standard, the noise report advises of +11dB rise which equates to significant impact which is acknowledged as undesirable. Careful consideration of the context is a key factor when applying BS4142:2014 to scenarios. The factors mentioned above and given the context that delivery vehicles already use this road, it could be argued that this extra traffic flow does not introduce an entirely 'new' noise source to the area.

The World Health Organisation (WHO) offers advice in its published document 'Guidelines for Community Noise' pertaining to noise levels that can give rise to the onset of health effects to excessive noise exposure. This is measured in the frequency of an event over a short period of time and the likelihood of causing sleep disturbance. The frequency of occurrence of maximum (L<sub>Amax</sub>) noise events should not typically exceed



**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**10th February 2021

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45 dBA 10-15 times in any night (23:00-07:00). The noise report advises that current traffic on the service road does trigger the 45dBA threshold for disturbance and advises of 8 incidences during the survey period between the hours of 01:00-04:00. It is therefore anticipated that there are regularly in excess of 15 vehicle movements along the road adjacent to Evesham Mews in a typical night time period (23:00 - 07:00). This could be interpreted that the current traffic flow on this service road already exceeds the recommended 15 occurrences or an alternative view is that the current consented uses of the access road are not generating noise complaints so additional occurrences will go unnoticed.

In terms of the plant required to serve the development, I note that it is the applicant's intention to submit a separate planning application where noise and odour arising from the plant would be assessed against its impacts upon residential amenity accordingly.

In summary the wider noise climate in this area needs to be considered in its current context. Occupiers of the Evesham Mews development are situated within close proximity of an existing commercial hub and there is an argument that these residents should expect a different standard of amenity compared with that of a purely residential area. It is my understanding that all residents have been consulted and no objections have been received. The noise report has based its findings on measured levels of vehicles that operated in an orderly manner, no loud music, squealing of tyres etc and although this management is outside the control of the planning remit, correct management and maintenance of vehicles should fall within the code of 'respecting thy neighbour' which should limit the potential for noise complaints to the local authority.

**Worcestershire County Highways**

No objection

**Public Consultation Response**

Occupiers of the 'Evesham Mews' residential development consulted by letter. No representations received. Site Notice displayed. No comments received.

**Background**

In earlier reports to the Planning Committee, members have been informed of changes to the Town and Country Planning (Use Classes) 1987 (as amended). Changes came into effect on 1<sup>st</sup> September 2020 which now mean that 'A' use classes cease to exist, that is, (formerly) Class A1(shops), A2 (financial and professional services), A3 (cafes and restaurants) A4 (drinking establishments) and A5 (hot food takeaway). Former classes A1, A2, and A3 now fall within the (new) class E. Former A4 uses are reclassified as 'Sui Generis' Uses and former A5 uses are similarly classified as Sui Generis Uses.

Members will no doubt be aware that when Marks and Spencer were trading as a retail fashion outlet, the unit also contained an ancillary café restaurant with access from the northern side of the unit. Simply Fresh will also accommodate a small café area to complement their grocery food outlet within the former food Hall. It is understood that

## PLANNING COMMITTEE

10th February 2021

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Simply Fresh and Next have a close working relationship and internal access between the units is intended to allow customers to be able to move freely between the two.

### Assessment of Proposal

#### Principle of development

As set out above, the re-classification of the A1 to A3 uses into the new Class E came into effect on 1<sup>st</sup> September 2020. However, permitted development rights afforded by the existing Town and Country Planning (General Permitted Development) (England) Order 2015 do not come into effect until 31<sup>st</sup> July 2021. This means that at present (for example) a shop may not change to a restaurant without first obtaining a planning permission. Notwithstanding this, your officers consider that the Governments overall direction of travel in this respect is clear. Having regard to the former and proposed level of floorspace which would be used for café / restaurant use relative to that of retail use, there are not considered to be any material differences. This fact together with the new 'E' class categorisation as set out above leads your officers to conclude that the ground floor operation of the unit by Next and Simply Fresh in the manner proposed is acceptable and does not require further consideration.

The merits of this application therefore rest on whether the use of the upper (first) floor for hot food takeaway use is acceptable in planning terms.

The site is located within a Retail Core area, as identified in the Borough of Redditch Local Plan No.4 and therefore Policy 32: Protection of the Retail Core is of particular relevance.

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

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

The first floor 'dark kitchen' would provide catering support during trading hours to the ground floor café restaurant within Simply Fresh. Out of shopping centre trading hours, the dark kitchen would continue to function, catering for a home delivery (hot food takeaway) service.

In principle, the proposed hot food takeaway proposal is considered to be acceptable since it would not result in the loss of existing retail floorspace and would add to the vitality and viability of the Kingfisher Shopping Centre (KSC).

## PLANNING COMMITTEE

10th February 2021

---

### Residential amenity and safety considerations

Currently the Kingfisher Shopping Centre can be open 24 hours a day seven days a week.

However outside of special events the centre is open to the public from:  
9:00-5:30pm Mon-Wed; 9am-7pm Thurs; 9am-5:30pm Sat; 10:30-4:30pm Sun

The ground floor grocery offer and ground floor café / restaurant provided by Simply Fresh would be open to the public in line with the existing shopping centres opening hours.

The dark kitchen would operate effectively as, de facto a self-contained business by delivering food to customers via companies such as deliveroo, uber eats, and just-eat to customers who have ordered food via phone or online. The dark kitchen would be active between the hours of 7am to 4am. There would be no on-site collection facility. During Simply Fresh trading hours the dark kitchen would provide catering support to the (ground floor) Simply Fresh restaurant /café.

It is important to stress that customers will not be permitted to takeaway food from the dark kitchen. Takeaway would be via delivery drivers only. The service area and Silver Street is managed by the KSC. Silver Street is not adopted (public) highway and existing barriers prevent (public) vehicular access. Aside from anti-social behaviour (ASB) which might arise from customers collecting food directly from the dark kitchen, Silver Street is a busy service area where vehicular / pedestrian conflict would arise if general access to the public were to be permitted.

A noise impact assessment has been undertaken by RBA Acoustic to assess the impact of noise arising from night-time takeaway delivery vehicles upon the nearest dwellings: those being the Evesham Mews flats which are located off Silver Street to the south.

The report has concluded that the application would have no adverse impact upon those occupiers. All occupiers within the Evesham Mews development have received letters informing them of the application proposals and no representations have been received in objection to the application, where the consultation period expired on 14<sup>th</sup> January 2021. Notwithstanding this, Worcestershire Regulatory Services have carefully examined the findings of the acoustic survey setting out their comments above. Members will note that no objections have been received.

Whilst expected to be relatively minor in nature, final plant design / extraction systems and specification which would be installed on the roof, will be subject to a second, separate application for planning permission which would again be examined by WRS.

### Other matters

WCC Highways have been consulted and no objections have been received.

**PLANNING  
COMMITTEE**10th February 2021

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Conclusion

The proposals are welcomed in so far as new commercial uses would occupy current vacant floorspace within the KSC, adding to the vitality and viability of the KSC. No adverse amenity impacts have been identified and in the absence of this, the application is supported.

**RECOMMENDATION:**

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

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

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

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

Drawing 19003\_060\_00\_Exst\_00 Rev A  
Drawing 19003\_060\_01\_Exst\_01 Rev A  
Drawing 19003\_060\_Block Plan  
Drawing 19003\_060\_Location Plan  
Drawing 19003\_065\_00\_Proposed\_00\_Rev A  
Drawing 19003\_065\_01\_Proposed\_01\_Rev A  
Drawing 19003\_068\_00\_Service Area  
RBA Acoustics Noise Impact Assessment report 10584/NIA

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

- 3) Hot food takeaway from the first-floor dark kitchen is permitted via delivery drivers only. Customers are not permitted to take away food directly from this area.

Reason: The merits of the application have been assessed on this basis. In the interests of highway safety and protecting residential amenities.

**Procedural matters**

This application is reported to Planning Committee for determination because the application proposes a hot food takeaway use. Such applications fall outside the scheme of delegation to Officers.

**PLANNING  
COMMITTEE****10<sup>th</sup> February 2021****Planning Application 20/01613/FUL****Erection of 3 two storey dwellings.****Land To The North Of, 12 Crabbs Cross Lane, Redditch, Worcestershire,****Applicant: Mr T Blick  
Ward: Crabbs Cross Ward****(see additional papers for site plan)**

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

**Site Description**

The application site is located within the residential area in Crabbs Cross. The site is a large area of 0.187 hectares North of No. 12 Crabbs Cross Lane. The site is currently accessed via the Crabbs Cross Council owned car park off Evesham Road. The site is undeveloped, and tree covered with a significant drop in land level from east to west. The site is surrounded by development with a Cul-de-sac of dwellings to the North and Abbeycroft Care Home to the west and the Highway Network to the south and east.

**Proposal Description**

The application is for the construction of No. 3 three-bedroom dwellings. The dwellings will be part two storey with single storey elements on the front and rear to utilise the change in land levels. The dwellings will be 4.5m in height from the front elevation and highest land level toward the east. The dwellings will be 7.4m from the rear elevation to the west with a floor area of 112sqm. The dwellings are to be sited in a row from north to south sharing the existing access to No. 12 from the Council owned carpark to the north east of the site. Each dwelling will be provided with 2 parking spaces and a rear garden.

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

BDP1 Sustainable Development Principles  
Policy 2: Settlement Hierarchy  
Policy 5: Effective and Efficient use of Land  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

**Others**

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

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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**Relevant Planning History**

No Relevant Planning History onsite.

**Consultations****Highways Redditch**

The site is located in a residential and sustainable location, the site at present benefits from a gated vehicular access which is accessed through the car park vehicular access located off Evesham Rd a classified road. Evesham Rd benefits from footpaths and street lighting on both sides of the road and parking restrictions are in force in the vicinity. The site is located within acceptable walking distance of amenities, bus route and bus stops. The site layout has been provided within the Design and Access Statement which confirms 2 car parking spaces per dwelling. No objection subject to condition.

**Arboricultural Officer**

No objection subject to conditions.

**North Worcestershire Water Management**

No objection subject to condition.

**WRS - Contaminated Land**

No objection subject to condition.

**Legal Services - Redditch**

This 1985 Conveyance of the adjoining land does reserve a right of way over the roadway shown coloured brown on the 1985 Conveyance plan – which is the roadway in the Councils Car Park. No objection is therefore raised.

**WRS - Noise**

No objection subject to condition.

**Public Consultation Response**

13 letters were sent to adjoining occupiers on 4<sup>th</sup> January 2021 and expired on 28<sup>th</sup> January 2021. A Site Notice was placed onsite dated 5<sup>th</sup> January 2021 and expired 29<sup>th</sup> January 2021.

4 letters of objection have been received; the contents have been summarised as follows;

- Overlooking to No. 560 Evesham Road
- Character of the area
- Existing parking issues locally
- Highways Concerns with access to carpark and busy area
- Overbuilt area not in need of additional housing
- Impact on privately co-owned area of land to the north by reason of; social events which currently take place could create noise disputes, opening of site could result in the public using the space and overlooking loss of privacy.

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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- Construction disruption including noise and dust, and duration of works
- Change to a view
- Concern on loss of trees outside site
- Previous loss of trees onsite creating noise issues with traffic
- Environmental issues and loss of species
- Destabilisation of land due to tree removal
- Increased surface water run-off
- Devalue properties
- Existing noise issues from the Abbeycroft Care Home.
- Public Consultation

**Assessment of Proposal**

The application site is located within the residential area of Crabbs Cross, in a sustainable location. Therefore Policy is supportive of residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

**Character**

The application site is located within the built-up area of Crabbs Cross. There is a mix of development locally with a cul-de-sac to the north made up of 2 and 3 storey terrace properties, Crabbs Cross Lane to the west is made up of 2 storey semi-detached dwellings and the Abbeycroft Care Home and Methodist Church directly to the west of the site. The application site has its own entrance to the east of the site from the Council owned car park on Evesham Road. This plot sits as a separate area between the surrounding estates and as such do not form part of the street scene of any existing built form. The proposed dwellings have been simply designed, with a pitched roof, front gable feature and side entrance. The dwellings utilise the change in land level and appear single storey from public views to the east of the site and are full two storey dwellings to the rear. Each property has some variation with the inclusion of clipped gable features to add some individual interest to each dwelling. The dwellings are considered to reflect the general character, spacing and density of the other built form locally and are therefore an appropriate form of development in this location.

**Amenity**

Concerns have been raised from No. 560 Evesham Road to the north of the site on overlooking as a result of this development. The proposed dwelling to the north sides onto the north boundary and no side windows are proposed. Furthermore, the separation distance achieved between properties is 27.5m which exceeds the Councils guidance on window-to-window distances between dwellings. Having regards to the separation distances achieved to all the surrounding properties, no concerns are raised to adjoining occupiers by reason of overlooking, loss of light or overbearing as a result of this development. Furthermore, the dwellings have provided a suitable garden area for each

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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dwelling having regards to the private amenity space requirements in the Councils High Quality Design Guide SPD.

**Housing land Supply**

Although some comments have been received outlining the area is overbuilt and not in need of additional housing; currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. At 1st April 2020 the 5 year housing land supply was only 3.24 years.

Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply the presumption in favour of sustainable development. For decision taking this means; approving proposals that accord with an up-to-date development plan without delay or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

**Highways**

The proposal utilises the existing access through the Council owned Crabbs Cross car park along Evesham Road which currently serves No.12. This access is subject to a legal right of way over Council owned land under a 1985 Conveyance. Members will be aware that Land ownership is not a material planning consideration however Legal Services are satisfied that this existing conveyance allows lawful access into the site.

The site is located in a residential and sustainable location, the site at present benefits from a gated vehicular access which is accessed through the car park. Evesham Road benefits from footpaths and street lighting on both sides of the road and parking restrictions are in force in the vicinity. The site is located within acceptable walking distance of amenities, bus route and bus stops. Concerns have been raised on the use of this access and parking issues locally. The Highways Authority have considered this access and raised no objection on Highways safety grounds. Vehicles will have plenty of space for turning to ensure that they always leave the site in forward gear. Furthermore, each dwelling has been provided with 2 parking spaces which complies with the Worcestershire County Highways Standards.

**Trees**

The site is covered in a mix of young to semi-mature trees consisting of Ash, Acer, Rowan and Hazel. Individually these trees are not of specific merit and no objection has been raised to their loss by the Tree Officer. There is a small coppice of trees on the eastern side of the development site on the other side of the drive, these will not be



REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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affected by the development. Concerns have been raised by residents on the loss of trees onsite prior to the submission of this application. No trees onsite are covered by a Tree Preservation Order and as such permission was not required for their removal. Further concerns have been raised on the fact the removal of trees could destabilise the land. This is a matter for building regulations during construction.

Drainage

The proposed development site is situated in the catchment of The Wharrage. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. Given the location and surface water pooling indicated on the surrounding properties North Worcestershire Water Management have advise that appropriate level of attenuation should be included within the development to ensure there is no increase in offsite flood risk. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area. This matter can be adequately addressed with an appropriately worded condition.

Noise

Concerns have been raised by residents on noise during construction. Construction is a temporary matter and an appropriately worded condition requiring the submission of a Construction Environmental Management Plan can mitigate any harm. Further comments have been received on the duration of building works onsite. Unfortunately, the Council cannot control the timeframe of construction and only that works start within 3 years of permission granted as under condition 1 of this report.

Concerns have been raised on the impact on the future occupiers by reason of the adjoining care home and recreational uses of the adjoining privately co-owned communal land to the north. It is acknowledged that residents currently experience issues with the care home in respect of shouting. However, this is an existing use onsite and given the sporadic nature of the noise and sensitivity of the residents residing at the site, it is not a noise nuisance that can be controlled by Worcestershire Regulatory Services (WRS). In respect of the existing recreational uses taking place on the adjoining open land to the north, such as picnics and parties, the current owners of this land are concerned that future noise complaints may result in these events no longer being able to take place. These events would not take place on a regular or consistent manner and no side windows are proposed on the northern property adjacent to the communal land. These adjoining uses are not considered to be incompatible and as such this would not be reason to refuse planning permission in this instance. WRS have requested the submission of a noise survey due to the proximity of the main Highway Network to the site to ensure that all internal and external noise levels comply with the British Standard. Any mitigation measures required through this noise survey will also better protect future residents from any events that take place on this piece of land.

Ecology

## PLANNING COMMITTEE

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The application has been supported by a Preliminary Ecological Appraisal by Worcestershire Wildlife Consultancy dated September 2020. Some residents have raised concerns over the loss of habitats as a result of this development. A potential badger sett has been found in the north east of the site. The impact on this has been considered low to moderate. Given development is proposed within 30m of this potential sett; although the sett was largely covered by ivy and no signs of use were found, the site must be monitored on a fortnightly basis within 3 months prior to the development. If active, suitable mitigation and licenses will be required. Given no development is proposed in this north eastern corner it is not considered reasonable to delay development on these grounds. Further mitigation has been advised on nesting birds and bats and this information can be conditioned.

### Public representations

A number of public comments have been received as a result of the consultation on this application. Matters such as character, overlooking, surface water runoff, noise, construction, highways, parking, trees and environment issues have been considered as part of this report. Other matters raised include; loss of a view, devaluation of properties and possible issues with public using privately owned communal land are not material planning considerations. Further concerns have been raised on the level of consultation on the development due to the land ownership of the communal land to the north. The Council do not hold information on land ownership and when a piece of land adjoins a development site the appropriate course of action is to place a site notice onsite. A site notice was placed onsite, in addition to letters sent to all adjoining occupiers and as such an appropriate level of consultation has taken place having regards to The Town and Country Planning (Development Management Procedure) (England) Order 2015.

### Conclusion and planning balance

The site has been identified as being suitable for residential development. As referred to earlier in this report, the Council cannot currently demonstrate a five year supply of housing. Significant weight should therefore be afforded to the contribution the scheme would make to the three overarching objectives of sustainable development

The detailed design, form and layout of the development is considered to be appropriate in its context and subject to suitable conditions is considered to be a policy compliant form of development. No issues have been identified which would make this application unacceptable in planning terms.

### **RECOMMENDATION:**

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

### **Conditions:**

## PLANNING COMMITTEE

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- 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:

3557 001 Site and Location Plan  
3557 002 Proposed Plans and Elevations  
3557 003 Sections

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

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

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

- 4) Prior to occupation of the approved dwellings a Noise Survey shall be submitted to, and approved in writing by the Local Planning Authority. The report shall include any necessary noise mitigation measures in order to achieve the recommended internal and external noise levels of the standard and these mitigation measures shall be implemented and retained in perpetuity.

Reason: Due to noise from road traffic on the surrounding road network.

- 5) During construction, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed. No storage of plant/materials within the Root Protection Areas of any retained trees.

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

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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- 6) Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

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

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

REASON: In the interests of highway safety.

- 8) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point (1 per dwelling). The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 9) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible 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.

- 10) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 3557 001

Reason: To ensure conformity with submitted details.

- 11) 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: -

o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;

o Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);

## PLANNING COMMITTEE

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- o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- o A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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

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

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

Or

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

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

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

**REDDITCH BOROUGH COUNCIL****PLANNING  
COMMITTEE**

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

- 13) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal with dated September 2020 by Worcestershire Wildlife Consultancy.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to Paragraph 170 of the NPPF.

- 14) Prior to any works above foundation level commencing on site, a scheme for surface water drainage will be submitted to, and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

**Informatives**

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.
- 2) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3) In order to minimise any nuisance from noise, vibration and dust emissions during the construction phase the applicant should refer to the WRS Best Practice Guidance and ensure that its recommendations are complied with.

**Procedural matters**

This application is being reported to the Planning Committee because the red line of the site includes a Redditch Borough Council owner car park. As such the application falls outside the scheme of delegation to Officers.