



Planning Committee

Wed 6 Dec
2023
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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If you have any queries on this Agenda please contact

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Democratic Services Officer**

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GUIDANCE ON FACE TO FACE MEETINGS

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact Gavin Day (gavin.day@bromsgroveandredditch.gov.uk)

PUBLIC SPEAKING

For this meeting the options to participate will be in person, by joining the meeting using a video link, or by submitting a statement to be read out by officers.

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.
- 3) Public Speaking - in the following order:-
 - a. Objectors to speak on the application;
 - b. Ward Councillors (in objection)
 - c. Supporters to speak on the application;
 - d. Ward Councillors (in support)
 - e. 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 Monday 4th December 2022) and invited to the table or lectern.

- 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 address the committee.

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 Gavin Day from the Democratic Services Team on 01527 64252 (Ex 3304) or by email at gavin.day@bromsgroveandredditch.gov.uk before **12 noon on Monday 4th December 2022**)
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those using the video link will be provided with joining details for Microsoft Teams. 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 4th December 2022**).
- 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, re available to view in full via the Public Access facility on the Council's website 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.
- 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 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, Democratic and Property Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair, who will be seated at the front left-hand corner of the Committee table as viewed from the Public Gallery.



Planning

Wednesday, 6th December,
2023

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Peter Fleming (Chair)	Chris Holz
	Imran Altaf (Vice-Chair)	Sid Khan
	Juma Begum	Anthony Lovell
	Andrew Fry	Timothy Pearman
	Bill Hartnett	

1. Apologies

2. Declarations of Interest

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

3. Confirmation of Minutes (Pages 7 - 12)

4. Update Reports

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

5. 23/00387/S73 - Dorothy Terry House, Evesham Road, Redditch, B97 5EN (Pages 13 - 18)

6. 23/00940/FUL - Burnt Meadow Road, Moons Moat North Industrial Estate, Redditch, Worcestershire, B98 9HJ (Pages 19 - 34)

7. 23/00966/FUL - Agricultural Barn At Moors Lane, Feckenham, Worcestershire, B96 6JH (Pages 35 - 48)

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Planning Committee

Wednesday, 8th November,
2023

MINUTES

Present:

Councillor Imran Altaf (Vice-Chair in the Chair) and Councillors Juma Begum, Andrew Fry, Bill Hartnett, Chris Holz, Sid Khan, Emma Marshall and Gemma Monaco

Officers:

Helena Plant, Steve Edden, Max Howarth (of Anthony Collins Solicitors) and Amar Hussain (on Microsoft Teams)

Democratic Services Officers:

Gavin Day

43. APOLOGIES

Apologies for absence were received from Councillors Peter Fleming and Timothy Pearman with Councillors Emma Marshall and Gemma Monaco in attendance as substitutes.

Apologies were also received from Councillor Anthony Lovell.

44. DECLARATIONS OF INTEREST

Councillor Gemma Monaco spoke in relation to agenda item 6 (minute No48), in that she brought the site to the attention of the council following concerns raised by residents. It was clarified by the Committee's Legal Advisor that it was the Member's decision if they had to declare an interest and leave or if they were able to retain an open mind to consider the application fairly.

The legal advisor informed the Committee that the applicant of agenda item 5 (Minute No47) was known to him as they both attended the same school. The legal advisor advised that he was not in contact with the applicant and that there was no conflict of interest.

Chair

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45. CONFIRMATION OF MINUTES

The minutes of the Planning Committees held on 13th September 2023 and 27th September 2023 were presented to Members.

RESOLVED that

The minutes of the Planning Committees held on 13th September 2023 and 27th September 2023 were approved as true and accurate records and signed by the Chair.

46. UPDATE REPORTS

There were no update reports.

47. 23/00677/FUL - WIDNEY HOUSE, BROMSGROVE ROAD, REDDITCH, B97 4SP

The application was reported to Planning Committee for determination as the application was for a major development and as such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 12 of the Site Plans and Presentations pack.

The application was for Widney House, Bromsgrove Road, Redditch, B97 4SP and was a retrospective application which sought the change of use and the erection of 55 storage containers and associated parking.

Officers drew Members attention to the site location, access and layout as shown on pages 6 and 7 of the Site Plans and Presentations pack. Officers further identified the locations of the car parking and storage units on the site.

Officers briefly detailed the history of the site in that

- Commercial activities commenced in the 1960's
- The site use was changed to light industrial in 1982 under the application 1982/100/FUL
- The adjacent property (128 Bromsgrove Road) was purchased in 2008 by the applicant. Much of the rear garden was subsequently incorporated into the site.
- A large number of storage containers had been present on the site from around 2016, however, exact details of how many and on what dates could not be ascertained.

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It was clarified by Officers that Condition 3 detailed on page 29 of the Public Reports pack sought to restrict the number of storage containers to no more than 55, which was the current number on site. It was further clarified that 9 of the units were double stacked and these were situated in multiple different locations around the site.

The storage units could be accessed 24/7, however, Worcestershire Regulatory Services (WRS) expressed a concern on the impact of noise upon residential amenities enjoyed by neighbouring occupiers and sought to restrict the hours of operation. The details of the proposed restrictions were detailed under Condition 2 on page 29 of the Public Reports pack, subject to this WRS had no objection to the application. Officers further clarified that the restriction of the hours would enable Officers to manage the site access appropriately and did not prevent WRS from taking appropriate enforcement action under separate environmental legislation if it was deemed necessary.

At the invitation of the Chair, Statements in objection from Wayne Western and Heidi Andrews, Local Residents, were read out. Suzanne Asher, Agent for the Applicant and David Wharrad the Applicant also addressed the committee in support of the application.

Officers clarified the following points after questions from Members.

- There had been storage units on the site since 1999. It could not be clarified precisely when the current number of 55 container units appeared on the site but that 55 had been present since the start of 2023.
- Planning permission had not been sought historically to incorporate the rear garden of 128 Bromsgrove Road into the site. It was unclear as to when exactly the work took place, however, it could be confirmed that storage units were on that part of the site from 2016.
- That the application for the Certificate of Lawfulness could not be approved as it could not be demonstrated conclusively that all aspects of the site had been in place since 2013 (10 years) especially in relation to the rear garden of 128 Bromsgrove Road and matters relating to the storage units particularly the number and usage.
- That the number and location of the storage units would be fixed under Conditions and any changes to this would need to be approved under a planning application.
- That the noise survey which took place between 29.08.23 and 06.09.23 was commissioned by the applicant. Officers clarified that this survey was not requested by WRS or the Council as they had not identified a requirement to undertake

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a survey. It was further detailed that the survey took place during the last week of the school holidays which also included a bank holiday day.

- There was no public right of way through the site and no restriction/obstruction was caused to the adjacent right of way.

Members then proceeded to debate the application.

Members discussed in length the accessible times for the storage containers. Members were displeased with the timing of the Noise survey by the applicant and that it was, in their opinion, inappropriate to conduct a survey during a bank holiday week and was misleading.

Members were concerned that the latest time the storage containers could be accessed was 23:00 hours, they expressed the opinion that this was too late and would cause a disturbance to the local residents. Members gave consideration to the fact that the area surrounding the site was residential in nature and the disturbance of engine noise, lights and the noise caused by accessing the units could be disruptive late in the evening.

Councillor Sid Khan proposed an alternative recommendation to restrict the time that the Storage containers could be accessed to

- 08:30-21:30 Monday to Friday
- 09:00-17:30 Saturday
- 10:00-16:30 Sunday

However, without a seconder the Alternative Recommendation was not carried.

Although Members expressed some concern with the early access of 07:00 in the morning, they accepted that due to the nature of the units use and in the interest of safeguarding local businesses, it was agreed that the early morning access was necessary. However, Members continued to express concern about the impact on local residents with weekday evening access for the units.

Councillor Andy Fry proposed an alteration to Condition 2 detailed on page 29 of the Public Reports pack and proposed to amend the operational time for the storage containers to 07:00 - 22:00 hours Monday to Friday. The Alternative Recommendation was seconded by Councillor Marshall and on being put to a vote was carried.

Members then proceeded to vote on the application, on being put to the vote it was.

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RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be **GRANTED** subject to the Conditions and Informatives outlined on pages 29 to 30 of the Public Reports pack, and further subject to the agreed amendment to Condition 2 detailed in the preamble above.

48. 23/00936/FUL - LAND AT FOXLYDIATE CRESCENT AND ROWAN ROAD, BATCHLEY, REDDITCH, B97 6NH

This application was being reported to the Planning Committee as the applicant was Redditch Borough Council. As such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 13 to 21 of the Site Plans and Presentations pack.

The application was for the Land at Foxlydiate Crescent and Rowan Road, Batchley, Redditch, B97 6NH and sought the demolition of the derelict garages and the construction of a single 3-bedroom dwelling.

Officers detailed the location and proposed layout of the site on pages 14 to 16 of the Site Plans and Presentations pack.

It was explained that the garages were in a state of disrepair and following a report of children playing on the roofs of the garages, the site was boarded up to prevent access. It was further detailed that the roofs had since been removed after the discovery of asbestos.

It was detailed by Officers that although the land was owned by the Council the garage units were erected by previous residents, Officers commented that there were no issues with their demolition from a planning perspective but could not comment on any potential legal disputes.

On being put to a vote it was:

RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be **GRANTED** subject to the conditions outlined on pages 34 to 37 of the Public Reports pack.

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49. 23/00937/FUL - LAND BETWEEN 15 AND 17 GREENLANDS AVENUE, GREENLANDS, REDDITCH, B98 7QA

This application was being reported to the Planning Committee as the applicant was Redditch Borough Council. As such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 23 to 29 of the Site Plans and Presentations pack.

The application was for the Land between 15 and 17 Greenlands Avenue, Greenlands, Redditch B98 7QA and sought the construction of a single 3-bedroom dwelling.

Officers detailed the location of the site being situated between 15 and 17 Greenlands Avenue, which was land previously occupied by garages which had been removed.

Officers further detailed that the new dwelling would match the existing street scene with the exception that it would be a detached property.

Members commented that the plans look good and would be a asset to the area. On being put to a vote it was:

RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions outlined on pages 42 to 43 of the Public Reports pack.

The Meeting commenced at 7.00 pm
and closed at 8.32 pm

**PLANNING
COMMITTEE**

6th December 2023

Planning Application 23/00387/S73

Variation of Conditions 7 and 8 attached to planning permission reference 2010/137/FUL dated 09/09/2010 (Demolition of existing Dorothy Terry House, together with ancillary buildings and 203 Evesham Road. Construction of new high dependency dementia "housing with care" scheme, consisting of 42 flats, and support accommodation): Section 73 application

Dorothy Terry House, Evesham Road, Redditch, B97 5EN

Applicant: Mrs Stephanie Ramsden: Housing 21
Ward: Headless Cross and Oakenshaw Ward

(see additional papers for site plan)

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 site comprises an established Care Home accessed via Evesham Road. To the north of the site, existing development comprises a number of flats (Guinness Close) and to the south of the site are some established cottages that front Evesham Road together with a more recent development of detached dwellings (The Folly) which front onto the southern boundary of the application site. To the east of the site is a further flatted development (Four Oaks Close).

Proposal Description

Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant planning permission by either varying (amending) or removing those conditions.

The application seeks to amend two conditions attached to approved application 2010/137/FUL which was implemented shortly after its approval and has since been operating as an established Care Home.

The first, Condition (7) lists all plans approved under reference 2010/137/FUL. In this respect, information contained on the 'red line' plan drawing number BS188/87 which is listed as an approved plan is now out-of-date and has been replaced by an up-to date Ordnance Survey Plan, drawing number PL/01-RO, albeit the extent of the application site area has not changed. All other plan references listed under Condition 7 are to be unaltered.

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The second Condition (8) currently states:

The development hereby approved shall be used for the purposes as a care scheme for people with dementia under Class C.2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose

The applicant seeks to amend Condition 8 such that it would read:

The Development hereby approved shall be used for the purposes of an extra care scheme under Class C.2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose

It should be noted that the original proposals also sought to remove Condition 9 attached to the consent. This currently restricts the use of the on-site café, laundry and hair salon to the use of residents within the application site only. The removal of this condition would have enabled these existing facilities to be used by non-residents and the general public. This element has now been removed and is no longer for consideration. A representation received from a member of the public has referred to this aspect which is why your officers are referring members to this briefly in the report.

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 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Others

National Planning Policy Framework (2023)

Relevant Planning History

2010/137/FUL	Demolition of existing Dorothy Terry House, together with ancillary buildings and 203 Evesham Road. Construction of new high dependency dementia 'housing with care' scheme, consisting of 42 flats, and support accommodation	Granted	09.09.2010
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PLANNING COMMITTEE

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Consultations

Worcestershire Highway Authority

Comments summarised as follows:

No objections are raised to the proposed change of use from Dementia Care to Extra Care at Dorothy Terry House.

Objections were raised with respect to the use of the existing café and hair salon by use by the wider public on grounds of insufficient car parking provision on site although it is noted that this element has been deleted from the proposed development.

Housing Strategy Team

The Housing Strategy Team support this application for the provision of an Extra Care scheme at the site as this is a much needed type of accommodation

Public Consultation Response

57 separate occupiers have been notified in writing on the application. A public notice was displayed at the site and a press notice advertising the application was published in the Redditch Standard. One representation has been received objecting to the application for the following summarised reasons:

*The proposed variation to the existing conditions may impact upon parking provision to the detriment of nearby residents

*Within the area there are many cafes and hairdressers offering this service and the proposal would affect surrounding businesses should another cafe and hairdresser be made available to the general public.

Assessment of Proposal

Dorothy Terry House is an established care home currently operated by Rooftop Housing Group.

Condition 8 attached to consent 2010/137/FUL restricts the use of the building to a (C2 Class) Care home for residents with dementia only.

The applicant, Housing 21 are applying to amend Condition 8 which would enable care to be provided for residents who are not suffering with dementia as well as those with dementia within an Extra Care facility. The proposed Extra Care use also falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) which would be lawful save for the condition which references dementia care only.

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Evidence submitted by the applicants' agents suggest that void rates (which refers to the number of empty properties) at Dorothy Terry House have risen in recent years, particularly since COVID-19. They also comment that there have been challenges in securing referrals and nominations from the Local Authority that fulfil the dementia criteria to comply with the planning permission.

Rooftop Housing have engaged with the Councils Strategic Housing Team regarding the removal of the Dementia specific classification which has limited the client group that can fulfil the criteria required for a successful allocation to the scheme. Local housing demand for older peoples accommodation in the local area is demonstrated as acute and the change to the proposed Extra Care scheme is supported by the Housing Strategy Team.

The Worcestershire Extra Care Housing Strategy 2012-2026 also supports the benefits of Extra Care Housing and advises that people should move into Extra Care settings before a Cognitive Impairment (such as Dementia) has the opportunity to develop. Such provision would accord with the aims and objectives set out within Borough of Redditch Local Plan Policy 4.

Extra care is often viewed as being a potential 'step up' for a person with mild/moderate dementia as a planned move, perhaps from a family home. The planned move approach is considered to potentially release much needed family accommodation that would work towards tackling local general needs demand for housing.

The applicant's agent states that a key aim of the dementia strategy is to promote early diagnosis and subsequent early intervention to promote better quality of life in relation to living with dementia, which should include access to Extra Care Housing.

Planning permission 2010/137/FUL granted on site car parking provision to cater for the proposed use. This comprises eleven (11) spaces which are located within the main car parking area, accessed via Evesham Road, and three (3) spaces which are accessed to the rear (north-east) of the site via Guinness Close. A total of 14 spaces are therefore available for use. No changes are proposed to this provision and Worcestershire County Highway Authority have raised no objection to the application. It should be noted that Dorothy Terry House is well served by bus stops which are a short walk from the site and offer services connecting into the Town Centre, the bus and train station which is approximately 1.4 miles away.

The variation of Condition 7 is purely administrative since it replaces one 'red-line' application site boundary with another. The updated 'red line' plan, Drawing number PL/01-RO will be required to accompany the deed of variation to the S106 agreement (see below). As set out earlier in this report, all other plan references listed under Condition 7 are to be unaltered.

The proposals are considered to be acceptable in planning terms and no technical concerns have been raised by consultees including WCC Highway Authority. In light of this, your officers can support this application to vary the two conditions in question.

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The guidance in the Governments Planning Practice Guidance (PPG) makes it clear that decision notices for the grant of planning permission under Section 73 should re-state the conditions imposed on earlier permissions where those continue to have effect. In this case, partly owing the historical nature of the (original) 2010 consent, only Conditions 7, 8 and 9 attached to the original consent continue to have effect and are re-stated / re-worded as conditions 1, 2 and 3 respectively below.

The original planning consent was granted subject to an accompanying S106 legal agreement to tie the consent in perpetuity for occupiers with dementia. A deed of Variation to the S106 is required to reflect the changes sought by the current applicant, Housing 21 to use the facility as an Extra Care facility. Delegated authority to grant permission in this case is sought to complete the required deed of variation.

RECOMMENDATION:

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

- a) **The satisfactory completion of a deed of variation to the extant S106 planning obligation to an Extra Care Facility**

and

- b) **Conditions as below:**

Conditions:

- 1) The development hereby approved shall be implemented in accordance with the following plans:

Location plan Dwg. No PL/01-RO
Proposed existing site survey plan Dwg. No. BS188/98
Proposed lower ground floor plan Dwg. No. BS188/99C
Proposed ground floor plan Dwg. No. BS188/100B
Proposed first floor plan Dwg. No. BS188/101B
Proposed second floor plan Dwg. No. BS188/102B
Proposed third floor and roof plan Dwg. No. BS188/103B
Proposed elevations sheet 1 Dwg. No. BS188/106B
Proposed elevations sheet 2 Dwg. No. BS188/107B

Reason: To accurately define the permission for the avoidance of doubt

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- 2) The Development hereby approved shall be used for the purposes of an extra care scheme under Class C.2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose

Reason: To define the terms under which permission for this development is granted

- 3) The cafe, laundry facility and hair salon that are located to the west of the application site shall be used as ancillary facilities for the development only and shall not be separated from the scheme to be used as independent facilities for the use of the general public.

Reason: To define the permission, as such facilities would normally be provided within the Local District Centre, and given the facilities are outside this area, they could conflict with the purpose of the District Centre.

Procedural matters

This application is reported to Planning Committee for determination because the application is a Section 73 application concerning a major development being recommended for approval. As such the application falls outside the scheme of delegation to Officers.

**PLANNING
COMMITTEE**6th December 2023**Planning Application 23/00940/FUL**

Part-demolition of existing buildings, followed by: construction of 4 no. new Class E(g)(iii)/B2/B8 buildings with ancillary office space; extension to existing building to provide additional office space, provision of parking, landscaping and other ancillary works.

**Burnt Meadow Road, Moons Moat North Industrial Estate, Redditch,
Worcestershire, B98 9HJ,**

**Applicant: DV4 Coltham (Redditch) Ltd
Ward: Church Hill Ward**

(see additional papers for site plan)

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

Site Description

The site is located within the Moons Moat North Industrial Estate in Redditch. It is bounded by Thornhill Road to the north, Ravensbank Drive to the east, and Burnt Meadow Road to the south. Access to the site can be obtained via Thornhill Road or Burnt Meadow Drive. The site comprises five existing buildings with a total floor space of approximately 12,616m². These buildings are used for office, general industry, and storage and distribution purposes. The surrounding area predominantly accommodates industrial uses, with a mix of E, B2 and B8 classes and ancillary office uses. The site falls within a Primary Employment Area and is not located within the Green Belt.

Proposal Description

The proposed development consists of partial demolition of the existing buildings onsite and construction of new commercial buildings with a total floor space of approximately 12,604sqm. These buildings will be used use classes E g) iii), B2, and B8 with ancillary office space.

The Use Classes proposed include;

- E(g) uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(iii) Industrial processes
- B2 General industrial - use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- B8 Storage and distribution – This class includes open air storage.

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The existing building to be retained (unit 2) and proposes a single storey extension 60sqm to provide office space. Units 1 and 3 provide office space on a mezzanine floor within the unit. The site layout includes two further smaller units (4 and 5) parking areas, service yards, and circulation routes to support the new buildings. The site currently has a total of 425 car parking spaces, including 12 disabled parking bays and 22 electric vehicle charging spaces.

Unit 1:

- Haunch height: 10m (ridge height 12.9m)
- Total floor space: 3,500sqm GIA single volume unit

Unit 3:

- Haunch height: 12m (ridge height 15.3m)
- Total floor space: 6,827sqm GIA single volume unit

Unit 4:

- Haunch height: 8m (ridge height 10.8m)
- Total floor space: 929sqm GIA single volume unit

Unit 5:

- Haunch height: 8m (ridge height 10.8m)
- Total floor space: 1,068sqm GIA single volume unit

The reason for redeveloping the site is to create a functional development that meets modern commercial needs and keeps the business in its existing site in Redditch. The redevelopment aims to provide flexible spaces for various commercial uses, including office accommodation and welfare facilities. The goal is to enhance the site's infrastructure, improve security measures, and optimize the use of available land. Additionally, the redevelopment project aligns with the applicants requirements for achieving a BREEAM rating of 'Outstanding' and targeting net-zero carbon buildings.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 17: Flood Risk Management

Policy 18: Sustainable water Management

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 23: Employment Land Provision

Policy 24: Development within Primarily Employment Areas

Policy 36: Historic Environment

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

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NPPF National Planning Policy Framework (2023)
 NPPG National Planning Practice Guidance
 Redditch High Quality Design SPD

Relevant Planning History

2007/315/FUL	Reconfiguration Of Existing Industrial Unit To Suit Requirements Of New Tenant	Approved	22.08.2007
2007/392/FUL	Creation Of 20 No. Car Parking Spaces To Existing Car Park	Approved	18.10.2007

Consultations**North Worcestershire Water Management**

No objection subject to a condition requiring the submission of a scheme for a surface water drainage strategy for the proposed development.

WRS - Contaminated Land

The proposal is supported by a Ground Investigation report dated April 2023. The assessment to date doesn't indicate the site to be significantly contaminated but given the extra investigation recommended and required, WRS would consider an appropriately worded condition is required for a Phase 1 study.

WRS - Noise

WRS have reviewed the noise report and concur that there should not be a significant impact during construction or operation on the residential properties. As no provision for external plant has been predicted. A noise impact assessment for any external fixed plant or equipment shall be submitted to and approved by the local planning authority prior to operation.

WRS - Air Quality

WRS have reviewed available records and documents in consideration of the impact from the operational activities of the proposed development on local air quality.

WRS note the proposals include additional EV charging spaces. Additionally the conclusions within the Air Quality Assessment provided are noted. Considering all

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available information WRS have no adverse comments in respect of impacts from the development (operational activities) on local air quality.

WRS- Light Pollution

WRS have reviewed the External Lighting Layout and raised no objections.

Worcestershire Archive and Archaeological Service

The Archaeological Desk Based Assessment assesses the proposed development area (PDA) as having low potential for Prehistoric and Roman remains. Therefore, no objection is raised to the proposed development from an archaeological point of view and no further investigations are required by condition on this occasion.

Arboricultural Officer

The proposed site is currently covered by Redditch New Town No. 6 TPO, 1965. No objection is raised subject to conditions on, Tree Protection, details of service routes, a Landscape Plan and retention of Lime Trees.

Worcestershire Highways - Redditch

Worcestershire Highways confirm that there are no justifiable grounds for objection to the application, subject to certain conditions and financial obligations. The comments highlight the need for a Framework Workplace Travel Plan and the transfer of the plan to Modeshift STARS. It also outlines targets for reducing single occupancy private vehicles and suggests additional incentives for promoting sustainable modes of transportation. The comments further provide recommendations for the submission of a Travel Plan, an Employment Travel Welcome Pack, and a Construction Environmental Management Plan. Overall, the Highway Authority supports the development proposal with the specified conditions and obligations.

Bromsgrove District Council

No Objection

Active Travel England

No Objection

Public Consultation Response

- 38 letters sent 1st September 2023 (expired 25th September 2023)
- Site notices posted 7th September 2023 (expired 1st October 2023)

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- Press notice published in Redditch Standard 8th September 2023 (expired 25th September 2023)

No third-party comments have been received as a result of this public consultation.

Assessment of Proposal

Principle of Development

The site is situated in an area that is designated as a Primarily Employment Area (Policy 24) within the Borough of Redditch Local Plan No.4 (BoRLP4). As such the proposed development is acceptable in principle.

Design

BoRLP4 Policy 40.2 states that “All development, including proposals for individual buildings, public and private spaces and wider development schemes will be expected to: - be of a high quality design that reflects or complements the local surroundings and materials” The layout, scale, design and external appearance of the building which proposes main grey cladding panels to be framed in blue trim to match the Fly by Nite company livery details of the existing buildings. The design will reflect the commercial use and is considered to be acceptable in this business and industrial area.

Highways

The applicant has provided 206 car parking spaces, 22 electrical vehicle charging points, 12 disabled bays and 92 cycle parking spaces. In addition, an associated lorry space has been provided for each unit. Appendix E of the Transport Statement contains drawings that show vehicle tracking analysis. The analysis includes tracking of both site accesses and internal movements within the site. It assesses the movements of a large car and an articulated HGV.

The existing site has 425 parking spaces however it is suggested the majority of these are not used and it is proposed to reduce the number of spaces, based on operational need. The Transport Statement (TS) advises parking has been considered for both B2 and B8 land uses. Based on WCC parking standards, B2 use would require 355 car spaces and 86 cycle spaces, whilst B8 use would require 69 car spaces and 43 cycles spaces. The TS states that, given the flexible land use permission sought and based on operator’s experience of similar schemes, it is proposed to provide (i) 206 car spaces; (ii) 12 disabled bays across the site; (iii) 22 ULEV spaces across the site; (iv) 92 cycling spaces across the site and (v) associated lorry parking with each unit.

A parking accumulation assessment has been undertaken and the results suggest each unit would have spare capacity at all times. The Highway Authority have acknowledged the parking proposals, and deemed them to be reasonable. Actual parking use will depend on the use of each unit but operator experience of similar schemes is helpful. The

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Transport Information Note (TIN) states the additional 484m² floor area would increase the parking level required from a policy position. For B2 use, this would result in ten additional spaces whilst B8 use would result in two additional spaces. The TIN confirms there is no intention of amending the site layout, in order to provide additional parking, as it is concluded the previous parking accumulation assessment shows there is sufficient spare capacity to accommodate the theoretical increase. The Highway Authority is content to accept this reasoning. It is also noted that although the proposal results in a net loss of parking spaces, currently the site does not benefit from disabled spaces or any electrical vehicle charging points and therefore the provision provided with this development is an improvement.. Worcestershire County Council (WCC) Highways has therefore confirmed that this provision and layout is acceptable.

Worcestershire County Council have highlighted the need for a Framework Workplace Travel Plan. The plan should be transferred to Modeshift STARS, an online travel planning website used by the Worcestershire County Council. This is to ensure the development promotes sustainable modes of transportation and provides additional incentives for visitors to make informed travel choices. This matter can be controlled by condition.

The Highways Authority have requested the following financial contributions to mitigate the proposed development.

Footway Improvements

Specific Purpose - The proposals will generate additional pedestrian movements in this locality and the inclusion of a Travel Plan providing staff welcome packs to new staff can encourage further mode shift. The Highway Authority seeks a contribution towards improving pedestrian provision at a number of locations, to enhance the pedestrian route/s from the site and improve pedestrian safety and accessibility.

Contribution – The following contributions are sought in order to provide dropped kerbs and tactile paving at the following locations:-

- Dropped kerbs and tactile pavings at Ravensbank Drive/Burnt Meadow Road junction - £3,000; and

- Dropped kerbs and tactile pavings at Ravensbank Drive/Thornhill Road junction - £3,000.

Trigger – Implementation of works.

Walking and Cycling Route Signage

Specific Purpose – The proposals will generate new walking and cycling trips to and from the site that are linked to external routes. In order to help direct pedestrians and cyclists, it is desirable to erect appropriate directional walking and cycle signage within the surrounding area to encourage such trips.

Contribution – A contribution of £5,000 is requested.

Trigger – Implementation of works.

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Public Transport Infrastructure Improvements

Specific Purpose - The proposals will generate additional bus trips in this locality and the inclusion of a Travel Plan providing staff welcome packs to new staff can encourage further mode shift. The Highway Authority seeks a contribution towards improving the bus stop infrastructure at the nearest bus stop to the site, which is located on Ravensbank Drive, by enlarging the existing hardstanding waiting area to improve conditions for waiting passengers.

Contribution – A contribution of £4,000 is requested.

Trigger – Implementation of works.

Traffic Regulation Order

Specific Purpose – A fee to process a TRO application is requested in this location, believing that there may be a future requirement to introduce new waiting restrictions on Burnt Meadow Road if subsequent on-street parking interferes with visibility at the widened site access.

Contribution - A contribution of £4,500 for processing the associated TRO.

Trigger – Prior to occupation. If the TRO is not required, the contribution would be returned to the Applicant after a set timescale.

Based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on the local highway network and therefore there are no justifiable grounds on which an objection could be maintained.

Trees

The proposed site is currently covered by Redditch New Town No. 6 TPO, 1965. The submitted Arboricultural report highlights that most of the trees on site are not covered under this order with only T86, T91 and T127 (all Oaks) covered under the TPO as they date back to 1965 when the order was made. All other trees on site were planted as part of the landscape on the original building construction in the 1980s. The development seeks to remove most of these trees to facilitate the new development. No objection is raised to this subject to suitable mitigation. However, G20 consists of several Lime trees that offers screening to the building from Ravensbank Drive these have been historically managed as pollards and could be retained under any new development.

T86 has been classified as a Veteran tree and must be retained under any development, the report highlights that the tree will benefit from removal of current hard standing within its R.P.A to soft landscaping by a total of 36%. This is welcomed, it is also noted that to the north of this tree there will need to be some construction within the R.P.A, this will need to be carried out sensitively and supported by a detailed Arboricultural Method Statement which should also cover all other retained trees on site.

T127 (Oak) will be retained under the new development however there will be a need for some remedial pruning.

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No objection is raised subject to conditions on, Tree Protection, details of service routes, a Landscape Plan and retention of Lime Trees.

Drainage

The proposed development site is situated in the catchment of the Church Hill Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that there is some low-risk surface water flooding on the site, with some higher risk patches around the proposed Unit 3. There is no record of any historical flooding that supports the extent of the risk shown. But even so correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

A Flood Risk Assessment and detailed drainage plan has been provided with the application, it provides details of the attenuation provided for the scheme and the proposed off site flow rate. This has been attenuated to an acceptable level up to the 1 in 100 year storm level with a 40% allowance for climate change. This is supported by accompanying calculations.

The proposed drainage strategy proposes a cellular attenuation system, while this attenuates flow, it does not provide any other benefits. Given that the use of the site there needs to be a simple index approach assessment to ensure the water quality of the site runoff is appropriately treated. Almost certainly other features will be required to ensure that pollutants associated with trafficking of heavy goods vehicles are retained on site.

Details of the maintenance of all drainage features on the site should be detailed in a management plan and included in the normal operating procedures of the site. This should also indicate the company/ operator who is responsible for this maintenance. This can be secured by condition.

Archaeology

The Archaeological Desk Based Assessment assesses the proposed development area (PDA) as having low potential for Prehistoric and Roman remains, although notes that this may reflect low incidence of prospection in the wider landscape, low to moderate potential for Early Medieval remains and moderate potential for Medieval remains - notably the park pale of the medieval deer park. It is agreed that the potential for below ground archaeology of significance ' with the exception of the park pale ' is low. The PDA is away from recorded areas of settlement, the managed ponds (to the west) and known environmental deposits. Archaeological earthworks associated with the medieval/post medieval landscape will have been impacted by the 20th century development, as will shallower archaeological deposits (I note the made ground to the depth of 0.6-0.9m). Given the low potential for earlier remains, on this occasion, further investigations are not proportionate. Any potential below ground remains associated with the park pale are likely to run alongside the edge of the road, which doesn't appear to be changing to a large extent. Therefore, no objection is raised to the proposed development from an

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archaeological point of view and will not be recommending further investigation by condition on this occasion.

Ecology

The applicant has submitted an Ecological Appraisal by FPCR Environment and Design Ltd dated April 2022. The assessment of the site buildings and surrounding features revealed that the buildings were in good structural condition and well-maintained. There were no external features that could be utilised as roosting locations for bats, and no evidence of roosting bats was found within the buildings or in association with external features. The buildings had flat roofs with no roof voids, and no gaps were identified in any of the external features. The surrounding areas of the buildings were also in good condition, with no gaps present and well-maintained.

The report outlines a number of enhancement measures including planting of grassland and native shrubs, installation of bat, bird and insect boxes and creation of hedgehog routes. These enhancements aim to enhance biodiversity, provide suitable habitats for various species, and maximize the nature conservation value of the site. This can be secured by condition.

Conclusion

Overall it is considered the proposed development is in accordance with the relevant policies of the Borough of Redditch Local Plan No.4 and can be properly characterised as sustainable development for the purposes of the NPPF. The application is therefore recommended for approval.

RECOMMENDATION:

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

a) The satisfactory completion of an appropriate legal mechanism ensuring that contributions (up to a value of £19,500) are sought on the following matters;

- Footway Improvements
- Walking and Cycling Route Signage
- Public Transport Infrastructure Improvements
- Traffic Regulation Order

a) Conditions as below:

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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, materials as outlined on Elevations and documents:

20-065-PA-HR-01B - Site Location Plan
 20-065-PA-HR-03P - Site Plan - As Proposed.
 20-065-PA-HR-04F - Site Sections - As Proposed
 20-065-PA-HR-05B - Typical cycle shelter detail
 20-065-PA-HR-06A - Typical paladin fence detail
 20-065-PA-HR-10G - Unit 1-Floor Plans-As Proposed.
 20-065-PA-HR-11H -Unit 1 - Elevations & Sections - As Proposed.
 20-065-PA-HR-012F - Unit 1 - Roof Plan - As Proposed
 20-065-PA-HR-25C - Unit 2 - Floor Plans - As Proposed
 20-065-PA-HR-26D - Unit 2 - Elevations - As Proposed
 20-065-PA-HR-27C - Unit 2 - Roof Plan - As Proposed
 20-065-PA-HR-30G - Unit 3 - Floor Plans - As Proposed.
 20-065-PA-HR-31G - Unit 3 - Elevations & Section - As Proposed.
 20-065-PA-HR-32F - Unit 3 - Roof Plan- As Proposed.
 20-065-PA-HR-41B - Unit 4 - Floor Plans - As Proposed.
 20-065-PA-HR-42B - Unit 4 - Elevations - As Proposed.
 20-065-PA-HR-43C - Unit 4 - Roof Plan - As Proposed.
 20-065-PA-HR-51B - Unit 5 - Floor Plans - As Proposed
 20-065-PA-HR-52B - Unit 5 - Elevations - As Proposed
 20-065-PA-HR-53C - Unit 5 - Roof Plan - As Proposed
 41338-T-REV0 - Topographical survey
 7883.LS.1.0. Landscape Strategy Plan
 2022-102 300 T2 Drainage Layout
 1886-ESC-00-ZZ-DR-E-2100 T3 External Lighting Plan
 BREEAM NC 2018 Pre-Assessment
 BREEAM NC 2014 Pre-Assessment

Transport Statement by Mode
 Transport Informative Note by Mode
 Framework Workplace Travel Plan by Mode
 Sustainability Statement by Engineering Services Consultancy Ltd
 Air Quality Assessment Air and Acoustic Consultants
 Noise Assessment by Air and Acoustic Consultants

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Ground Investigation report by Applied Geology
Ecology Appraisal by FPCR Environment and Design Ltd
Asbestos Reassessment Report 2023 by Search Environmental Ltd
Demolition Asbestos Survey Report 2023 by Search Environmental Ltd
Archaeological desk-based assessment by Archaeology Warwickshire
Arboricultural Impact Assessment by Aspect Arboriculture
Construction Environmental Management Plan by Benniman Construction Group

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

- 3) The Development hereby approved shall not be occupied until the site access works have been implemented, as shown on Drawing No.20-065-PA-HR-03/O, together with the proposed external highway works, comprising the construction of a section of new footway on Thornhill Road. The mouth of each widened vehicular access shall also include dropped kerb crossing points, together with tactile paving, installed to the satisfaction of the Local Highway Authority. The new external footway shall be subject to a separate S278 Agreement.

REASON: To ensure the safe and free flow of traffic onto the highway.

- 4) The development hereby approved shall not be occupied until 'cyclist dismount' signage has been installed at the entrance of the site to the cycle shelters. The signage shall then be retained for the lifetime of the development.

REASON: In the interests of highway safety to seek appropriate cycle access within the site, with the objective of seeking to reduce potential conflicts between cyclists and motorised vehicles, especially HGVs.

- 5) The Development hereby approved shall not be brought into use until the Applicant has submitted a Travel Plan using Modeshift STARS Business. They must meet green level accreditation before occupation and bronze level accreditation within 12 months of occupation.

REASON: To reduce vehicle movements and promote sustainable access

- 6) The Development hereby approved shall not be occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority an employment Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each member of staff at their work induction.

REASON: To reduce vehicle movements and promote sustainable access.

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- 7) No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If a connection to a sewer system is proposed, then evidence shall be submitted of the in principal approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

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

- 8) Unless otherwise agreed by the Local Planning Authority development, other than demolition and 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 the Environment Agency's "Land Contamination: Risk Management" guidance.

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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 the Environment Agency's "Land Contamination: Risk Management" 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.

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. This is a pre-commencement condition due to the fact there is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required.

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- 9) Prior to occupation of the development hereby proposed, details of any external fixed plant or equipment installed shall be first submitted to, and approved in writing, by the Local Planning Authority. The equipment shall then be installed in accordance with the approved details.

Reason: To ensure Noise does not become a nuisance.

- 10) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site or any within influence of any ground or development work on any adjoining land 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.

Reason: To protect the trees onsite. This condition is required to be pre-commencement given the impact any works could have on the tree roots.

- 11) All works in accordance with British Standard BS: 5837.12 document 'Guide for trees in relation to Construction 2012'. All tree management pruning work should be carried out in accordance with recognised good practice by reference to British Standard 3998 (2010).

Reason - To ensure the protection of the tree onsite.

- 12) Prior to commencement of ground works a detailed Arboricultural method statement to expand on Appendix c in submitted Arboricultural Report to include service routes should be submitted to, and approved in writing, by the Local Planning Authority. The equipment shall then be installed in accordance with the approved details.

Reason - To ensure the protection of the tree onsite.

- 13) Prior to first occupation, a detailed Landscape plan shall be submitted with clear indications of size, species and location to mitigate for the loss of trees on site. The plan shall be approved in writing and the landscaping carried out in accordance with the approved plan in the first available planting season following occupation. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason - To ensure the protection of the tree onsite.

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- 14) The works hereby approved shall be carried out in accordance with the recommendations set out in the Ecology Appraisal by FPCR Environment and Design Ltd including the mitigation and enhancement measures outlined in the report. Details of the proposed mitigation and enhancement measures are to be submitted to and approved in writing by the LPA before development commences on site and implemented in accordance with a timetable specified in that report.

Reason:- To ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on the biodiversity

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development (more than 1000 sq metres of new commercial / Industrial floorspace) and it requires a S106 Agreement, and as such the application falls outside the scheme of delegation to Officers.

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Planning Application 23/00966/FUL**Demolition of existing buildings and erection of new dwelling and associated works.****Agricultural Barn At Moors Lane, Feckenham, Worcestershire, B96 6JH****Applicant: Mr R Eost
Ward: Astwood Bank And Feckenham Ward****(see additional papers for site plan)**

The case officer of this application is Rosie Paget, Planning Officer (DM), who can be contacted on Tel: 01527 881184 Email: rosie.paget@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises a series of interconnected and standalone buildings and structures that were previously used for hunt hound kennels. Access is via Moors Lane, a single width track leading from the B4090 Alcester Road and approximately 0.5kms southeast of the village of Feckenham. The site lies in Open Countryside as defined by Policy 9 of the Borough of Redditch Local Plan No4 (BoRLP).

Proposal Description

This full planning application seeks planning permission for the demolition of the existing buildings and the erection of a new dwelling and associated works.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient Use of Land

Policy 9: Open Countryside

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 18: Sustainable Water Management

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 (2023)

Redditch High Quality Design SPD

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Relevant Planning History

20/00400/FUL	Conversion of barn (kennels) into a 3-bed residential dwelling including partial demolition and associated works	10.09.2020
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This planning application was approved by Planning Committee on 09 September 2020.

Consultations**Feckenham Parish Council**

This planning application is for a Green Oak two-storey house off Moors Lane at the location where there are a number of unsightly old agricultural buildings, one of which housed the former dog kennels. These redundant buildings already have the benefit of planning permission for a change of use to a new residential dwelling. The applicant is now seeking to build a well-designed family home in lieu of the permitted dwelling already allowed in the earlier application and is also proposing to clear the site of all the unsightly old agricultural structures. The proposed scheme has the advantage that it has a smaller total volume than the unsightly disused agricultural buildings and is also of a much higher quality build which will be much more sympathetic to the locality. The Parish Council acknowledges that the applicant has a realistic fallback position in the existing permission and supports this new and deserving planning application in its place.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the Brandon Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that risk to the site from surface water flooding is minimal. Even so correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

The planning statement indicates that surface water will be disposed via a soakaway, however mapping indicates the underlying soil is Loamy and clayey with slightly impeded drainage. Based on this an infiltration test will need to be conducted to determine the suitability of a soakaway. If a soakaway is not possible an alternative will need to be proposed. Please note that according to STW records there are no nearby public sewers so this will unlikely be an option that can be considered.

Further information can be provided via a condition. It is required that the applicant / agent provides the Local Planning Authority with details of the proposed drainage for the site. This should be in the form of a drainage plan and should include the means to manage surface water from the site appropriately. It should also detail the extent of the new buildings and any new hard standing and what materials will be used to finish these areas. Where surface water cannot not be kept on site, we would request there is an appropriate level of attenuation.

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WRS – Noise

No objection to the application.

WRS - Contaminated Land

The above site has been reviewed for any potential contamination issues. The site appears to have been occupied for agriculture/animal boarding, and a planning condition for reporting unexpected contamination has been suggested as a precautionary measure.

Worcestershire Highways - Redditch

Worcestershire County Council acting in its role as the Highway Authority recommends that this application is refused due to the site's unsustainable location.

The Highway Authority have noted the previous application 20/00400/FUL that was granted planning permission in 2020; however the Highway Authority recommended refusal due to the site's unsustainable location.

The proposed development is located in a rural and unsustainable location off an unclassified road. The site has an existing vehicular access with acceptable vehicular visibility. Moors Lane does not have footpaths, street lighting or parking restrictions in the vicinity. The site is not located within walking distance of amenities, or a bus route / stop. The lack of adequate footway provision and street lighting to the amenities / bus stop would compromise pedestrian safety and deter journeys on foot particularly in times of darkness and adverse weather conditions. Moors Lane consists of a narrow carriageway with thin grass verges located on either side of the carriageway. These factors are unlikely to encourage cycling to services and facilities. Due to the above factors the trips would become car-based trips which would be unacceptable.

In addition, this route would not be suitable for vulnerable users such as families with young children or those with disabilities and it would not be suitable as a daily commuter route.

Worcestershire County Council Countryside Service

Feckenham parish Bridleways FH-669, FH-670 and FH-680 are affected by this proposal; see enclosed illustrative map. Both FH-669 and FH-670 form part of the access route for the proposed property and FH-680 runs through the red line boundary for the property. The applicant should consider the safety of bridleway users, throughout the construction phase particularly, but also with general vehicular access to the property. FH-680 is currently obstructed by the structure labelled as a shed in the Existing Site Plans. We would welcome the removal of the obstruction of the definitive line for the bridleway and would like to remind the applicant that the legal minimum width for a bridleway along a field edge is 3 metres and access for this Public Right of Way (PRoW) should remain open until any legal order has been made operative to change it. The planning statement and proposed site plans show a wish to divert or extinguish part of bridleway FH-680. The legal requirements which need to be satisfied before an Extinguishment or Diversion Order can be made by the County Council are set out in Sections 118 and 119 of the Highways Act 1980 respectively and would need to be applied for separately to this planning application.

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Arboricultural Officer

The site consists of two unused agricultural buildings bordered by mature trees and hedgerow. A TPO (TPO No.208 (2023)) has been made which covers the four mature Oaks on site which will be influenced by the proposed development.

The proposed development has indicated that all trees and hedgerow will be retained which is welcomed, however I do envisage that some remedial pruning will be needed to facilitate the new dwelling. The new dwelling will also bring pruning pressure to the trees on site however this can be managed through the TPO.

There have been no plans submitted showing how retained trees will be protected throughout all phases of construction. I would therefore ask for an Arb Impact Assessment to be submitted to show how the planned development will affect the trees on site.

Conclusion

I have no objection to the proposed development subject to tree protection conditions.

Core Waste Team

With regards to the above application, can you ask if the developer plans to make the access road more accessible and capable of taking an 18t RCV please, as at present I'm not sure the surface could handle this vehicle, and this is what we use to collect this area.

Public Consultation Response

A site notice and press notice was displayed. No representations were received.

Cllr Clayton

I think this change of use for these buildings is a good way of using previous buildings and not taking away more open land to accommodate residential use and it will enhance the area which we all want in a village setting.

Assessment of Proposal

Principle of Development

The application site lies within the Open Countryside where Policy 9 of the BoRLP 4 restricts development to a closed list of exceptions which includes a replacement of, and comparable in size with, an existing building (Policy 9.2v). Two buildings exist on site identified as Shed 1 and Shed 2 on the existing site plan. The existing footprint, volume and height of shed 1 and 2 combined alongside the proposed is set out below by means of comparison.

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Existing	
Footprint	369 m ²
Volume	1360 m ³
Height	6m
Proposed	
Footprint	176 m ² (- 193 m ²)
External Floor Area	226.7 m ²
Volume	818 m ³ (- 542 m ³)
Height	6.5m (+ 0.5m)

The table above shows that the proposed dwelling has a reduced footprint and volume than the existing buildings on site. The proposed height is shown to increase by 0.5m above the height of the highest part of Shed 2. Due to the varying heights across the existing buildings, volume is considered the most appropriate parameter in this instance. The external floor area is shown in the table for completeness; however, as the proposal has accommodation on the first floor, this is not directly comparable to the existing buildings. Having regard to the volumes of the existing and proposed buildings, it is considered that the proposed dwelling is comparable in size with the existing buildings and the proposal is therefore considered to accord with Policy 9 of the BoRLP 4.

Policy 9 of the BoRLP 4 identifies that development within the open countryside will not be permitted except in certain circumstances. The development has been assessed against the criteria set out within policy and in order to prevent sprawling alterations and buildings on site and to protect the openness of the countryside certain permitted development rights could be removed via condition. In this instance, Schedule 2, Part 1 Class A (enlargement, improvement or alteration), B (additional etc. to the roof) and E (outbuilding) and Part 2, Class A (gates, fences etc) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) would be removed.

Sustainable Location

Policy 2 of the BoRLP 4 provides a settlement hierarchy for development within Redditch in order to make it clear how settlements should be developed sustainably. The proposal site falls outside of the three areas listed within the hierarchy. Therefore, paragraph 2.3 of the policy applies, which states development in this location should only provide for locally identified development needs.

The Application form ticks the box for self-build and custom build. The submitted planning statement sets out that:

“the new property is for the Applicant and his family who have outgrown their existing property within the village. As a local resident with established local connections to the village of Feckenham, this new dwelling is effectively a local need, self-build dwelling”.

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The Council maintains a self-build register, as required by the Self Build and Custom Housebuilding Act 2015, for which the Applicant is not registered. No legal agreement has been submitted to secure the dwelling as self-build. The dwelling has therefore been considered as a market dwelling and there is conflict with Policy 2 of the BoRLP 4.

The NPPF sets out that housing should be located where it will enhance or maintain the vitality of rural communities, and isolated homes should be avoided. In this instance, the existing barn is in an isolated location, as although there are other residential dwellings along Moors Lane these are situated over 150 metres from the site.

It is also noted that the site is located outside of an identified settlement, on a narrow road which is unlit and has no pavements. The nearest public transport is not within walking distance. It is therefore likely that the future occupiers of the proposed dwelling would be reliant on private car. The Highway Authority have raised objection to this proposal as they consider that the proposed dwellings would be in an unsustainable location.

NPPF paragraphs 78-80 set out that planning decisions should be responsive to local circumstances and support housing development that reflect local needs. Paragraph 80 of the NPPF sets out that there are some exceptions to allow isolated homes in the countryside.

The word 'isolated' is not defined within the NPPF. However, in a High Court judgement (Braintree District Council v Secretary of State for Communities and Local Government, Grey read Limited and Granville Developments Ltd, 2017), it was clarified that 'isolated' should be given its ordinary dictionary meaning of 'far away from other places, buildings or people; remote'. The matter was then further considered by the Court of Appeal in 2018 who considered that "isolated" means physically separated from a dwelling or village.

The site is located within land designated as countryside surrounded by fields with surrounding scattered farmsteads and dwellings. Therefore, whilst the site is not remote from other built forms it is physically separate from the nearest village, settlement or community.

The proposal does not meet with the circumstances outlined within paragraph 80 and is an isolated home for the purposes of this policy.

Layout, Character and Appearance

Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and have appropriate and effective landscaping, are sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Having regard to the design and appearance of new development, policies 39 and 40 of the Borough of Redditch Local Plan No. 4 (BoRLP 4) require development to contribute positively to the local character of the area and be of a high quality design.

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The site is partially visible from Moors Lane and has a PRow along its western edge. The site although in a rural setting does not form part of any landscape designation.

The proposed development would see a reduction in built form and removal of some of the structures across the site. The proposed dwelling would have accommodation across two floors and the proposed overall height is c.6.5m. The proposal would include a total of five bedrooms. The proposal utilises a mix of weatherboard and brickwork with clay tile for the roof, to retain a largely rural, agricultural appearance, albeit a more modern appearance. By reason of the form, scale and materials, the proposed design would integrate with and enhance the local character of the area.

The proposals also includes the creation of an amenity space. The change of use of this land would inevitably result in a more domestic appearance to this area in view of the likelihood of future occupiers erecting domestic paraphernalia such as washing lines and garden equipment. Notwithstanding this, it is noted that this area of land lies at a significant distance from the main road (Alcester Road) and whilst would not be readily viewed from the nearby PRow on Moors Lane, there is an existing PRow across the western part of the site. On the basis of this, the domestic use of this land would result in some harm to the rural appearance of the area and a planning condition could be attached to any future planning permission to maintain the openness of the site and its boundary treatments.

The proposal would also re use a brownfield site (kennels) which is in accordance with Policy 5 of the BoRLP 4.

The proposed development is for a five-bedroom dwelling. The Housing and Economic Development Needs Assessment (HEDNA) 2022 sets out that for market housing and affordable home ownership, a higher proportion of larger 3- and 4-bedroom properties are needed. Therefore, whilst the proposal does not meet with the dwelling sizes of greatest need; one dwelling of this size is a limited contribution to mix across the Borough.

Highways

It is discussed above; the Highway Authority have raised an objection regarding the sustainability of the site. The proposal will provide sufficient parking and turning areas and an electric vehicle charging point has been provided, therefore is considered acceptable in that regard. The County Council has requested planning conditions for cycling, access gates, parking and turning areas. The Council acknowledges that the location of the site is likely to require predominantly car-based trips and that sustainable modes of transportation should be encouraged. Notwithstanding this, the current surface of Moors Lane is not suitable for a bike and the Highway Authorities requirement for the cycle storage to be covered and secured would require a new building within the countryside. On balance, it is considered that cycle parking could be provided within the dwelling and that a new building for cycle storage would cause harm to the openness of the countryside in this location, this condition is therefore not proposed to be attached to any planning permission. The proposed access gate is identified on the site plan at a distance greater than 5m from Moors Lane and therefore this condition is not considered necessary.

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The definitive line of Feckenham bridleways FH-669 and FH-670 run along the access track to the application site, and bridleway FH-680 crosses the site. FH680 is currently obstructed by one of the existing buildings which is proposed to be removed; FH680 would not be obstructed following the proposed development. The Public Right of Way Officer has commented on the application and has raised no objections provided that the Applicant adheres to a number of obligations. The Planning Statement and Proposed Site Plan shows a desire to divert or extinguish part of bridleway FH-680 and the PRow Officer has directed the Applicant to the Highways Act, which is a separate process to this planning application. The Applicant's Agent has brought to Officer's attention the powers under the Town and Country Planning Act Section 257 to "stop up or divert any footpath..... if they are satisfied that it is necessary to do so in order to enable development to be carried out". The PRow Officer has confirmed that it is not necessary to stop up or divert the bridleway and therefore if the Applicant wishes to do so, it should apply to the County Council under the Highways Act, the LPA is not minded to take a different approach.

Waste

The Core Waste Team has highlighted that the access road is currently unsuitable for waste collection. The Agent has confirmed that the Applicant does not propose any updates to the surface of Moors Lane. The extent of highway that is maintained at public expense has been confirmed as 66m from the Alcester Road and therefore several dwellings on Moors Lane would be serviced in a similar manner to the application site. Whilst the surface of the road is not aligned to current standards; this is not considered a reason for refusal.

Residential Amenity

Having regard to the location of the building and the significant distances to the nearest residential properties, there would not be any significant impacts in terms of loss of light, outlook or privacy.

The proposed development has a large rear, south facing, garden area which would provide for the future occupiers needs in excess of the prescriptive standards in the High Quality Design SPD. The dwellings internal layout is acceptable and the size of the dwelling exceeds the nationally described space standards.

Ecology and Trees

Policy 16 of the BoRLP 4 seek to protect the natural environment and that good design principles are incorporated into new development.

A Preliminary Ecological Appraisal has been submitted (January 2023). The report confirms that the buildings are not considered to be suitable as roosting sites for bats. The report remarks that trees, which are to be retained, have potential for roosting bats and proposed works should avoid disturbance via lighting and roost disturbance works and tree protection is proposed. In respect of nesting birds, the report recommends removal and/or management of suitable nesting habitat should be undertaken outside of the main nesting season and where this is not possible, a suitably qualified ecologist to be present.

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The report recommends two bird and two bat boxes, a hedgehog box and an insect hotel, and wildflower plantings to the margins, these can be secured by condition.

The Tree Officer has raised a TPO (TPO No.208 (2023)) which covers the four mature Oaks on site which will be influenced by the proposed development. Any works required to the trees can be appropriately managed through the TPO and this is a separate process to this planning application. The Officer has no objection subject to conditions for: tree protection, an arboricultural impact assessment and tree protection plan, root protection, and utility plans.

Contaminated Land

Worcestershire Regulatory Services have reviewed the proposals and have requested a planning condition for the Reporting of Unexpected Contamination.

Drainage

There are no known flood risks in the immediate vicinity of the application site. North Worcestershire Water Management have requested a planning condition for a surface water drainage scheme to determine the suitability of a soakaway.

Sustainability

The application is supported by a Sustainability Energy Statement. The proposals includes: a fabric first approach, air source heat pump (ASHP) for hot water and under floor heating, rainwater harvesting system, solar panels, EV charging and other sustainability measures. Policy 15 of the BoRLP 4 does not apply to development sites of less than 10 dwellings; however, these energy efficiency measures are welcomed. No objections have been received from WRS Noise generally or in respect of the ASHP. As these measures are not required by policy and are not necessary to make the development acceptable a planning condition would fail to meet the tests of paragraph 56 of the NPPF.

Planning Balance and Conclusions

Fall Back

The Planning Statement has advanced a fallback position. Planning permission was granted (ref: 20/00400/FUL) for the conversion of the barn (kennels) into a 3-bed residential dwelling including partial demolition and associated works on 10 September 2020. Pre-commencement planning conditions have been discharged and Officers are satisfied on the balance of probabilities that the permission has been commenced.

Therefore, the principle of residential development on site and at this location has been established. As set out within this report, the replacement of the existing buildings on site with the residential dwelling accords with Policy 9 of the BoRLP 4. The site is considered to be in an isolated and unsustainable location. The overall layout and design of the dwelling, its effect on the character and appearance of the area, alongside other technical matters are considered to be acceptable. Whilst the number of bedrooms permitted within the fall back was less (3-bedrooms) than the proposed (5-bedrooms); one dwelling of this size is a limited contribution to mix across the Borough. Whilst there is conflict with Policy 2 of the BoRLP 4 insofar as the site is located in an isolated and unsustainable location;

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the fallback position establishing a dwelling on site is a material consideration and on balance, it is recommended that planning permission should be granted.

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:

- Location Plan - Drawing 01
- Proposed Floor Plans and Sections - Drawing D1971.2D
- Proposed Elevations - Drawing D1971.3E

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

- 3) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site or any within influence of any ground or development work on any adjoining land 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.

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

- 4) Prior to commencement of development an arboricultural method statement and tree protection plan should 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: In order to protect the trees on the application site.

- 5) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs, together with a physical sample, shall be

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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.

- 6) No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: To ensure that a suitable drainage system is in place.

- 7) Prior to installation, a plan showing the routes and specification of installation of all utility services should be provided to, and approved in writing by, the Local planning Authority. The works shall then be carried out in accordance with the approved details.

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

- 8) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

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

- 9) Prior to first occupation of the proposed development, to provide a net gain in biodiversity, the Biodiversity Habitat Enhancements set out within Section 4 of the Worcestershire Wildlife Consultancy PEA Report Number 2023/006 A, dated 4th February 2023 shall be undertaken and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity.

- 10) The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing D1971.1C

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Reason: To ensure conformity with submitted details.

- 11) 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 the Environment Agency's 'Land Contamination: Risk Management' guidance 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.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1 Class A, B and E and Part 2, Class A shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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Reason: Policy 9 of the Borough of Redditch Local Plan No.4 identifies that development within the open countryside will not be permitted except in certain circumstances. The development has been assessed against the criteria set out within policy and in order to prevent sprawling alterations and buildings on site and to protect the openness of the countryside certain permitted development rights have been removed.

Procedural Matters

This application is being reported to the Planning Committee because the application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.

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