



Planning Committee

Thu 12 Sep
2024
7.00 pm

Oakenshaw Community
Centre, Castleditch Lane
B98 7YB

REDDITCH BOROUGH COUNCIL

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a
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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 Tuesday 10th September 2024) 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 Tuesday 10th September 2024**
- 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 Tuesday 10th September 2024**.
- 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

Thursday, 12th September,
2024

7.00 pm

**Oakenshaw Community
Centre - Oakenshaw
Community Centre**

Agenda

Membership:

Cllrs:	Andrew Fry (Chair)	Bill Hartnett
	William Boyd (Vice-Chair)	David Munro
	Juma Begum	Jen Snape
	Brandon Clayton	Gemma Monaco
	James Fardoe	

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 - 18)

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. 23/00543/FUL - Conwil, Dagnell End Road, Redditch, Worcestershire, B98 9BD (Pages 19 - 36)

6. 24/00631/FUL - Land At Battens Close, Redditch, Worcestershire, B98 7HY (Pages 37 - 50)

7. 24/00387/FUL - Land South Of, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HP (Pages 51 - 64)

8. 24/00576/S73 - Highfield House, Headless Cross Drive, Redditch, Worcestershire, B97 5EQ (Pages 65 - 70)

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Planning Committee

Thursday, 18th July, 2024

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor William Boyd (Vice-Chair) and Councillors Juma Begum, Bill Hartnett, David Munro, Gemma Monaco and Jen Snape

Officers:

Helena Plant, Paul Lester, Steve Edden and Amar Hussain

Democratic Services Officers:

Gavin Day

1. APOLOGIES

Apologies were received from Councillors Brandon Clayton and Sid Khan with Councillors Chris Holz and Alan Mason in attendance as substitutes respectively.

2. DECLARATIONS OF INTEREST

Councillor Andy Fry declared in relation to Agenda item 5 (minute No5), in that he wished to address the Committee during public speaking as the Ward Councillor for Greenlands and Lakeside.

Councillor Gemma Monaco declared an interest in respect of Agenda Item 7 (Minute No7), in that she had publicly expressed her opinion during a previous phase of the development.

3. CONFIRMATION OF MINUTES

The minutes of the Planning Committee meetings held on 20th March 2024 and 17th April 2024 were presented to Members.

RESOLVED that

the minutes of the Planning Committee meetings held on 20th March 2024 and 17th April 2024 were approved as true and accurate records and signed by the Chair.

Chair

4. UPDATE REPORTS

The Chair Announced that there was an update report in relation to Agenda item 7 (Minute No7).

Members were given a few minutes to read the report, after which Members indicated they were happy to proceed and moved that the Update reports be noted.

**5. 24/00502/FUL - 3 SOUTHCREST ROAD, REDDITCH,
WORCESTERSHIRE, B98 7JG**

The application was reported to the Planning Committee at the request of the local Ward Councillor.

Having declared in relation to the item, Councillor Fry, retired to the public Gallery and Councillor William Boyd took over the Chair for the agenda item. Councillor Fry addressed the committee as Ward Member during public speaking, then retired from the committee room and took no part in the debate or decision thereof.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 22 of the Site Plans and Presentations pack.

The application was for 3 Southcrest Road, Redditch, Worcestershire, B98 7JG and sought a Rear single storey extension and two storey side garage and bedroom extension.

Officers detailed that the property was a 3 bedroom dwelling which sat in a elevated and prominent position.

Members attention was drawn to the current and proposed site plans detailed on pages 12 and 13 of the Site Plans and Presentations pack. Officers explained the extent of the works to Members, which would increase the number of bedrooms to 8 with 3 new bedrooms on the first floor with an additional 2 in the dormer loft.

The planning history was detailed on page 18 of the Public Reports pack and pages 15 to 20 of the Site Plans and Presentations pack. Officers clarified the Planning history in that:

- The application 20/01047/FUL was received in 2020 which sought a two-storey side extension. This application was refused, on the grounds that it was too imposing on the surrounding dwellings considering the prominence of the location and that the plans did not step back the extension.
- An appeal was dismissed on 16.06.2021.

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- A second application 21/01720/FUL was submitted in 2021 which proposed stepping back the extension to be less imposing and therefore, approval was granted.
- A third application 24/00047/FUL was submitted in 2024 for a larger extension which included a dormer loft conversion. The application was refused as the development once again was not stepped back.

Officers clarified that the second application 21/01720/FUL remained implementable and was for a two-storey side and single storey rear extension.

The application was recommended for refusal on the grounds that a new rear window was overlooking local properties and that the plans were not stepped back.

At the invitation of the Chair, Councillor Andy Fry, Ward Member, and Mrs Asya Parveen, the applicant, addressed the Committee in support of the application.

The following was clarified follow questions from members.

- That the 2020 application was refused as it was deemed out of character for the area being unnecessarily imposing as it was not stepped back.
- The 2021 application remedied the stepping back and was thus approved.
- That although Officers could not identify an exact figure the size of the proposed extension was in excess of an increase of 100% of the footprint of the dwelling.
- That there was a privacy concern in relation to No6 which was 9.3m away from an overlooking window created by the application.

Members then proceeded to debate the application.

Members noted that they can only consider the application which was in front of them, however, they did have regard to the prior planning history and the fact that there was an existing approved application for the site. Members expressed the opinion that the 2021 approved application was a more modest application, and the proposed development was very extensive and imposing.

Members also addressed the fact that there were no concerns raised by neighbours, however, it was noted that future occupants may not share the same view, therefore, more weight was given to the planning policies and guidance.

On being put to a vote it was

RESOLVED that

having had regard to the development plan and to all other material considerations, that planning permission be REFUSED, for the reasons as detailed on page 24 of the Public Reports pack.

6. 23/01108/FUL - HEART OF WORCESTERSHIRE COLLEGE, OSPREY HOUSE, ALBERT STREET, REDDITCH, B97 4DE

The application was reported to the Planning Committee because the application was for major development which also required a Section 106 planning obligation. 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 36 of the Site Plans and Presentations pack.

The application was for Osprey House, Albert Street, Redditch, B97 4DE and sought the Change of use of the existing building from education use (Use Class F1) to 33 supported living apartments (Use Class C2). The application also proposed the erection of a three storey 83 bed care home (Use Class C2).

Officers detailed the location of the development and its relation to the local road network. Officers further detailed the location of the existing and proposed building and site plans outlined on pages 26 to 30 of the Site Plans and Presentations pack.

27 underground car parking spaces were proposed beneath the care home building. An additional 35 above ground parking spaces would be provided making a total of 62 car parking spaces for the development in total.

The design of the new building would match the character of the area with inspiration being taken from British mills historic building which was in close proximity to the site.

Officers detailed that there were no highways or conservation objections subject to appropriate conditions and Section 106 contributions. Due to the Section 106 agreement, the recommendation was to delegate authority to the Head of Planning Regeneration and Leisure services to grant permission.

At the invitation of the Chair, Mr David Pickford, agent for the applicant, addressed the Committee in support of the application.

The following was clarified following question from Members.

- There was no arrangement to differentiate parking for staff and visitors to the site between the under and above group car parks.
- The Section 106 financial contributions which were requested were all single payments and the figures had been supplied by the relevant authorities based on their internal calculations.
- The 33 assisted living units were single person units, the maximum capacity would therefore be 33 occupants.

Members were broadly in support of the application and expressed the opinion that the development was needed in Redditch, the development also made use of a vacant site and was noted to have a generous parking provision.

Some concern was raised regarding the distribution of parking for staff and visitors, although Members accepted that it could not be a condition due to the required tests set out in the NPPF including the enforceability of such a condition. The possibility of an informative was discussed, whereby officers were in agreement that an informative could be included but it would be at the discretion of the applicant / operator to enforce this. The informative was to restrict the underground parking to be used by employees only.

Councillor Bill Hartnett then proposed an Amendment to the Officer's Recommendation to include such an Informative, wording to be determined by officers. The Amendment was seconded by Councillor David Munro and on being put to a vote was agreed by Members.

With the addition of the proposed amendment as detailed in the preamble above, the Officers recommendation was determined by Members and on being put to a vote it was

RESOLVED that

having had 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 the Section 106 Obligation.**
- b) Conditions and Informatives outlined on pages 36 to 43 of the Public Reports pack**
- c) The additional Informative as detailed in the preamble above.**

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7. 24/00083/REM - PHASE 5 DEVELOPMENT BROCKHILL EAST, HEWELL ROAD, REDDITCH, WORCESTERSHIRE

The application was reported to the Planning Committee because the application was for major development. As such the application fell outside the scheme of delegation to Officers.

Having declared an interest in the item, Councillor Gemma Monaco retired from the committee and took no part in the debate or decision thereof.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 37 to 53 of the Site Plans and Presentations pack.

The application was for land in Brockhill East, Hewell Road, Redditch, Worcestershire and was Phase 5 of the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Bromsgrove DC 24/00077/REM). The application sought reserved matters approval (appearance, landscaping, layout and scale) for the construction of 241 dwellings and associated works and infrastructure.

Members were informed that there was an update report which would be covered under the Officers presentation.

Officers detailed the various phases of the Brockhill development and their stages of completion in that:

- Phases 1 and 2 were complete.
- Phase 3 was a Hybrid planning application and permission was being sought
- Phases 4 and 6 had been approved.
- Phase 5 was a Hybrid application with Bromsgrove District Council (BDC) and permission had been granted by the BDC Planning Committee on 09.07.2024
- Phases 7 and 8 had not yet come before Planning Committee.

Members attention was drawn to the site layout detailed on pages 42 to 46 of the Public Reports pack. Officers identified the 47 dwellings which would be situated in the administrative area of Redditch Borough Council and that 21 of those (44.7%) were affordable housing units. This was an overprovision of affordable housing units to ensure phases 3, 4 and 5 together comply with the Councils 30% requirement.

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The green open space and SUDS basins were shown on page 44 of the Public Reports pack, Officers highlighted that over the whole Brockhill development, 57% was planned to be green infrastructure.

Officers drew Members attention to various housing designs detailed on pages 47 to 53 of the Public Reports pack, this was a selection and was not the whole assortment and that there were other designs which would be used on site. Officers further clarified that some of the designs would be used in both market and affordable units, so the development was considered tenure blind.

The following was clarified after questions from Members:

- That there was some proposed public parking/visitor bays around the site.
- That the public footpaths would be a tarmac material and not grass verges.
- That there is no provision for any play areas within Phase 5, however, there was specifications and details of the open space provision under the hybrid application which looks at the wider development.

Members expressed some concern that the development was less diverse in the housing types than other phases, however, Officers reassured Members that large developments often sought to give phases a different feel to distinguish between phases and give the area a character.

On being put to a vote it was

RESOLVED that

having regard to the development plan and to all other material considerations that the Reserved Matters of Layout, Scale, Appearance and Landscaping be approved subject to conditions outlined on pages 57 to 59 of the Public Reports pack.

8. 24/00503/FUL - 76 EATHORPE CLOSE, REDDITCH, WORCESTERSHIRE, B98 0HQ

The application was reported to the Planning Committee at the request of the local Ward Councillor.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 55 to 62 of the Site Plans and Presentations pack.

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The application was for 76 Eathorpe Close, Redditch, Worcestershire, B98 0HQ and sought the internal alterations to create two flats with an associated entrance to the upper floor unit.

Officers drew Members attention to the location of the development and detailed that there was no individual parking provision associated with the dwelling with all local parking being communal in nature.

The existing and proposed layouts were detailed on pages 59 to 61 of the Site Plans and Presentation pack and the location of the new access for the first floor flat was also identified.

The ground floor flat would be a single bedroom unit whilst the first floor would feature two-bedrooms due to the link access being an additional space for the first floor flat.

No objections were identified from consultees, which included Worcestershire County Council (WCC) Highways, as they did not identify a net increase of vehicles required by the development and therefore, had no objection.

The following was clarified after questions from Members

- That the garden space would be a communal area, the management of which would be up to the landowner to manage.
- That WCC, Highways did not raise an objection, as from their calculations the existing and proposed development would require the same number of car parking spaces. According to WCC guidance:
 - The Existing 4 Bedroom dwelling needed 3 spaces
 - The Proposed 1 Bed flat would need 1 space
 - The Proposed 2 Bed flat would need 2 spaces

Members expressed some concern that the maintenance of the garden space was not properly outlined, however, they accepted that it was not a planning consideration but a managerial consideration to be decided by the landowner. 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 page 66 of the Public Reports pack.

The Meeting commenced at 7.00 pm
and closed at 8.54 pm



Planning Committee

Thursday, 15th August,
2024

MINUTES

Present:

Councillor William Boyd (Chair) and Councillors Brandon Clayton, James Fardoe, Joanna Kane, David Munro and Jen Snape

Also Present:

Councillor Joe Baker

Officers:

Amar Hussain, Tarek Ball and Andrew White

Democratic Services Officers:

Gavin Day

9. APOLOGIES

Apologies for absence were received from Councillor Bill Hartnett with Councillor Joanna Kane in attendance as a substitute.

Apologies were also received from Councillors Andy Fry and Gemma Monaco

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. UPDATE REPORTS

There were no update reports.

12. TREE PRESERVATION ORDER (214) 2024 TREE ON LAND AT 83 PARSONS ROAD, SOUTHCREST, REDDITCH, B98 7EG

The application was reported to the Planning Committee as there had been a objection to the raising of the Tree Preservation Order (TPO) which was not resolved by Officer mediation.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 11 of the Site

Chair

Plans and Presentations pack.

The application was for the confirmation of the TPO (214) 2024 for a single Oak tree on the land at 83 Parsons Road, Redditch, B98 7EG.

Officers detailed that the tree was in the rear garden of 83 Parsons Road. The provisional order detailed on page 13 of the Public Reports pack came in force following a query regarding the tree. Upon inspection, a concern was raised regarding the threat of felling and therefore, the provisional order was raised.

On 30th July 2024, Officers had undertaken a Tree Evaluation Measure for Preservation Orders (TEMPO). The results of the TEMPO survey was a score of 20 which was above the threshold where Officers would normally deem a TPO would definitely be required. The TEMPO evaluation was detailed on page 23 of the Public Reports pack

Following the raising of the order, an objection had been raised by the owner of 83 Parsons Road. The main reasons given for objection were that the tree did not have the necessary public amenity value due to being situated in their rear garden and that there was a health and safety risk due to falling debris.

Officers were of the opinion that the tree had the necessary amenity value to warrant the raising of a TPO, due to its size and visibility from public highways. Officer further stated that there was no visible health and safety risk posed by the tree, as the tree appeared to be in good health. Officers therefore did not agree with the objection. After failing to reach a conclusion via mediation the objector requested that the application be brought before Members.

The following was also clarified following questions from Members

- That the tree was approximately 130-160 years old and would be expected to survive for another 40-100 years.
- An Oak tree would be expected to grow 10-15 inches per year which would slow as it gets older.
- There was no evidence of any subsidence issues, and it was impossible to predict if any future problems would occur. It was further detailed that Oak trees tended to have little surface rooting; however, the deeper roots would likely be at least partially beneath the property due to its current size.

Officers clarified that for a TPO to be attached to a tree the tree needed to be of sufficient quality which included size, species and its amenity value to the public. There also needed to be an existing threat to the tree. Officers detailed that there were no other TPOs

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attached to trees in Parsons Road as many of those were on Council land and therefore, there was no clear threat to the tree and the criteria for raising a TPO was not satisfied.

On being put to a vote it was:

RESOLVED that

provisional Tree Preservation Order (214) 2024 relating to the Oak tree on land at 83 Parsons Road, Southcrest, Redditch, B98 7EG, be confirmed without modification and made permanent, as raised, and shown at Appendix 1 to the report

The Meeting commenced at 7.00 pm
and closed at 7.15 pm

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**PLANNING
COMMITTEE**

12th September 2024

Planning Application 23/00543/FUL**Demolition of existing dwelling and outbuildings and erection of 6 No. dwelling houses (use class C3) with associated access, parking and landscaping****Conwil, Dagnell End Road, Redditch, Worcestershire, B98 9BD,****Applicant: Mr D Chudasama
Ward: Abbey Ward****(see additional papers for site plan)**

The case officer of this application is David Kelly, Planning Officer (DM), who can be contacted on Tel: 01527 881666 Email: david.kelly@bromsgroveandredditch.gov.uk for more information.

Site Description

The site currently comprises a dwelling house and outbuilding in poor repair. The garden area is largely overgrown and the property has been unoccupied since circa 2010. The site is currently accessed from Dagnell End Road to the north. Berkeswell Close, which forms part of a large residential area constructed in the 1980's lies to the south east of the site and the Abbey Hotel golf course is located to the west. The land to the south is primarily open space managed by Redditch Borough Council with pedestrian access from the turning head of Berkeswell Close into the open space.

Proposal Description

The proposal relates to the demolition of the existing dwelling and the construction of 6 residential dwellings on the site, together with associated access, parking and landscaping. The primary access to the site would be via Berkeswell Close to the south, from which five of the dwellings would be served and a single dwelling would be accessed from Dagnell End Road. The proposal has been the subject of a number of amendments since the original application was submitted in 2023 including the reduction in the number of dwellings from 8 to 6 and amendments to the scale, design and external appearance of the proposed dwellings.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 16: Natural Environment

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Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

National Planning Policy Framework (2023)
Redditch High Quality Design SPD

Relevant Planning History

2005/529/OUT	Outline Application for Residential Development	Withdrawn	25.04.2006
2006/205/OUT	Outline Application for Residential Development	Approved	03.05.2007
2010/078/EXT	Extension of time application for residential development as approved under application reference 2006/205/OUT	Refused	14.06.2010
2012/189/OUT	Application for Outline Planning Permission with all matters reserved - Residential development	Refused	29.08.2012
2014/012/FUL	Demolition of existing house and erection of 10 dwellings comprising 4 x 3 bed semi detached, 3 x 4 bed detached and 3 x 5 bed detached houses with new access from Dagnell End Road.	Withdrawn	24.03.2015
2014/281/FUL	Demolition of existing house and erection of 10 dwellings comprising 4 x 3 bed semi detached, 3 x 4 bed detached and 3 x 5 bed detached houses with new access from Dagnell End Road. Appeal Dismissed 20.01.2016	Refused	07.08.2015
18/00285/FUL	Demolition of existing 4 bed dwelling and associated outbuildings and erection of 2 No. 5 bed detached dwellings and detached garages	Refused	02.05.2018

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Consultations

Worcestershire Highways - Redditch

Beoley (adjoining) Parish Council

Beoley Parish Council object to this as it is considered to amount to over development of a site that originally accommodated a single dwelling. Continued sprawl within the parish should be restricted.

Community Safety Manager

There needs to be full consideration of the design and layout of the proposal to ensure natural surveillance in line with Secure by Design principles. Fencing should be supplemented with defensive planting. There should be an appropriate strategy in respect of the security of doors and windows Mail delivery should be compatible with Secure by Design principles.

North Worcestershire Water Management

The proposed development site is situated in the catchment of Dagnall End Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is minimal, based on the EA's flood mapping. No objection subject to a condition for the submission and approval of a surface water drainage strategy.

WRS - Contaminated Land

Worcestershire Regulatory Services (WRS) have reviewed the application in relation to contaminated land as requested. No contaminated land concerns have been identified relevant to the proposal and therefore WRS have no adverse comments to raise in this respect.

WRS - Noise

Noise: No objection to the application in terms of road traffic noise.

Construction Phase Nuisance: The applicant should submit a Construction Environmental Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration and dust during the construction phase for approval.

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Worcestershire Archive and Archaeological Service

The proposed development area (PDA) is directly adjacent to a Saltway of probable prehistoric/Roman date (HER ref. WSM37590) and is c. 335m west of the intersection of the Saltway and the Roman Road Icknield/Ryknild Street (HER ref. WSM30441). Further east, c. 520m from the PDA, the Scheduled Monument 'The Mount' is a site of potential prehistoric date, with a possible later reuse as a defensive stronghold in the 13th century (HER ref. WSM00045, national ref. 1005309). The PDA and its immediate area are within the conjectural bounds of Beoley Medieval Deer Park, mentioned in documentary sources from the 13th century (HER ref. WSM41573).

Whilst there are no known heritage assets recorded on the development site itself, it lies within a wider landscape of archaeological potential, with recorded, multi-period heritage assets. There are no objections raised subject to a pre commencement condition for the submission and approval of a Written Scheme of Investigation (WSI) and a prior to occupation post investigation assessment.

Open Space/Parks

No comments from a Leisure perspective but the views of the Councils Tree Officer should be sought.

Arboricultural Officer

There are no objections raised in relation to this proposed new development subject to conditions as follows:

Retained trees and their Root Protection Areas (RPA) must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate as shown in Tree Protection Plan submitted.

No storage of plant/materials within the RPAs of any retained trees.

Any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.

Any existing or replacement tree that fails or is removed or seriously damaged/diseased within 5 years of completion is replaced with trees of suitable sizes/species.

Thomson Environmental Consultants

There are no issues of concern regarding the Bat Survey Report or the Great Crested Newt eDNA Survey/Non-licenced Method Statement and appropriate Licensing conditions need to be applied. A more legible version of the BNG metric should be supplied.

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Members should note that the consultees have not raised any additional concerns or condition requests in the reconsultation exercise (which expired on 11.08.24) in relation to the amended plans.

Public Consultation Response

59 comments received, summarised (on a topic basis) as follows:

Environment

Overdevelopment, high density housing has negative effect on the environment and the natural surroundings, increased pollution loss of woodland, loss of wildlife habitat (bats, newts, grass snakes, foxes, field mice, buzzards, robins, blackbirds, woodpeckers, cuckoos and even deer), increased carbon footprint.

Loss of the rural character from Dagnell End Road (CPRE comments)

Residential amenity

Properties on Berkeswell Close would be overlooked resulting in a loss of privacy and potentially loss of light, disturbance of the peace and quiet of the street as a result of an increased number of vehicles passing the existing dwellings. There would be loss of light and privacy to No's 27 and 28 Berkeswell Close.

Highways/Access

The proposed access road is not suitable for refuse vehicles, insufficient parking (including during construction) disruption during construction, harm to footpath, unsuitability of Berkeswell Close for the access of construction traffic due to a tight bend. Dagnell End Road should be used for access rather than Berkeswell Close.

Worcestershire Highways should address and re-visit the current 60 mph speed limit imposed, especially as it appears the future occupants have special dispensation to turn into to Plot 5 from the "lane" it appears with a little more thought the 6 properties can also do so (other representations have objected to the use of the Dagnell End Road for access). Berkswell Close, already narrow due to many parked cars, will become difficult to navigate.

The access to Nos. 13 and 27 Berkeswell Close would be more difficult.

Applications to develop this site since 2006 have either been refused or withdrawn.

An additional vehicle would pass properties on Thornbury Lane 450 times a year as a result of the proposal.

Other matters

Lack of health and education provision

Sufficient housing to meet the needs of Redditch

Air and Noise pollution

The proposal is not in keeping with the existing character of the neighbourhood

Detrimental impact on mental health

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A couple of larger more executive homes should be built
Redditch has already met it's housing requirements, as per BORLP4 so the only reason to build them is to tidy up the derelict site
The view from the bungalows at the bottom of Berkeswell Close would be negatively affected
The existing dwelling is a traditional habitable building which was left to go to ruin but could be reused
Loss of property value

Support comments:

The existing site is an eyesore and the proposal is well designed development. It has an appropriate mix of homes, with ample parking and amenity space. Previous refusal reasons have been addressed.

The national housing supply shortage should be considered

Assessment of Proposal

Principle

It is considered that the site would fall within the residential area in respect of the Borough of Redditch Local Plan No. 4 (BoRLPNo. 4). Whilst the site is not specifically allocated for residential development, it has been accepted (notably in the previous appeal on the site in relation to application 2014/281/FUL) that the principle of residential development would be acceptable. Outline planning permission was granted for residential development of the site under application 2006/205/OUT on 03rd May 2007.

The application site also comprises an area to the south of the main site to facilitate access which is designated as Primarily Open Space in the BoRLPNo 4. Policy 13 in relation to Primarily Open Space states that in considering applications for development on Primarily Open Space the following will be taken into account:

- i. the environmental and amenity value of the area;
- ii. the recreational, conservation, wildlife, historical, visual and community amenity value of the site;
- iii. the merits of retaining the land in its existing open use, and, the contribution or potential contribution the site makes to the Green Infrastructure Network, character and appearance of the area;
- iv. the merits of protecting the site for alternative open space uses;
- v. the location, size and environmental quality of the site;
- vi. the relationship of the site to other open space areas in the locality and similar uses within the wider area;
- vii. whether the site provides a link between other open areas or as a buffer between incompatible uses;
- viii. that it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality; and
- ix. the merits of the proposed development to the local area or the Borough generally.

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It is noted that the proposal would result in the loss of a small area (282sqm or 0.028ha) of the open space separating Church Hill North and Hither Green Lane. The views of Leisure Services are noted and the area would be located in the NE corner of the area of open space. The loss of this area was considered acceptable in applications 2006/205/OUT and 2014/281/FUL and Officers consider that the benefits of additional housing provision outweigh the loss of the small area of open space.

Character and Appearance

Policy 40 of the BoRLP No. 4 requires new development be of a high quality design that reflects or complements the local surroundings and materials. Further detail in relation to design is set out in the Redditch High Quality Design SPD. These are consistent with the objectives of the NPPF (the Framework) to secure good design.

The proposal has been the subject of a sequence of amendments in respect of the layout and design and appropriate re-consultation has taken place in relation to the current proposal. Consent was originally sought for 8 dwellings but this has been reduced to 6 in order to take the constraints of the site (notably the existing site configuration and the presence of protected trees) into account.

Paragraphs 4.2.11 and 4.2.12 of the Redditch High Quality SPD requires that new residential development should embody the particular characteristics of the built and natural environment in which it is located to provide a sense of place and identity. The use of particular materials and details in construction, the mix of building types, periods and styles, the street pattern and street furniture, the layout, scale and massing of buildings or arrangement and landscaping of spaces can be reflected in new development to ensure it retains and enhances the local character of an area. The submitted Design and Access Statement appropriately references the character of dwellings in the area notably those on Berkswell Close/Lechlade Close. The layout of the immediate area is typical of a 1980's suburban settlement and Officers consider that the proposed revised layout of the scheme would reasonably reflect the layout and configuration of the immediate area, taking the constraints of the site into account. It is also considered that the proposed form, density, design and materials appropriately reflect the immediate area. There are L shaped bungalows immediately adjoining on Berkswell Close. This has been addressed through the provision of a transitional storey and a half arrangement for plot 1 at the southern end of the site. The properties to the frontage on Dagnell End Road provide a strong frontage in line with para 4.2.17 and the rural context of this frontage has also been considered in terms of appropriate landscaping and set back from the road. There are a number of protected trees towards the frontage but these will be augmented with a mixed native species hedge to ensure the retention of the rural character of Dagnell End Road.

In respect of refuse collection, there is a bin collection point (BCP) appropriately sited and landscaped. Each of the proposed properties will be afforded a small shed to accommodate cycle storage in accordance with the SPD. The proposed garages which serve the properties will be equipped with an EV Charging Point as required under current Building Regulations. No planning conditions are therefore required. There are

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highway improvement works outlined below which seek to improve the cycle and pedestrian connectivity of the site.

In respect of separation distances, the flank wall of plots 3 and 4 are adequately separated from the rear elevations of plots 1, 2 and 5, 6 respectively. Plot 1 is approximately aligned with the position of No. 27 Berkeswell Close and separated from this property by 20m such that no loss of residential amenity would occur. Overall, the separation distances between the proposed dwellings within the site, and, in respect of any adjoining properties would fully accord with the requirements of the SPD. The proposed private amenity spaces would substantially exceed the 70sqm requirement of the SPD and notably the private amenity space of plot 5 has been increased to mitigate any impact arising from the shading arc of the protected oak tree located close to the NW boundary.

In terms of landscaping, the proposal is accompanied by a Landscape and Ecological Enhancement Plan and Boundary Treatment Plan which set out the approach to these matters in detail. Existing mature trees and hedgerows are to be retained and enhanced with new tree and shrub planting. The planting (notably of native hedges and wildflower gardens) has been designed to enhance the biodiversity of the site. There are communal areas, as set out on the estate plan that will be maintained by the management company.

In terms of sustainability, the dwellings will be designed to meet the minimum requirements of Part L of the building regulations including air permeability testing. It is also stated that water consumption would accord with the requirements of Part G of the building regulations (which seek to minimise consumption and waste) in accordance with 4.2.65 of the SPD. It is considered that public and private spaces have been clearly defined within the scheme and there is sufficient overlooking of these spaces to comply with Secure by Design principles.

Trees

There are a number of Tree Preservation Orders on the site namely TPO NO.189 (2022) covering individual oak trees towards the Dagnell Road frontage and an area wide TPO comprising mixed species Redditch New Town No.3 TPO (1965). The application is accompanied by an Arboricultural Impact Assessment and Tree Protection Plan. The revised layout of the proposal has taken the position of the trees into account with a notably large private amenity space for plot 5. There are no objections raised by the Councils Tree Officer in terms of the impact on protected trees of replacement planting subject to conditions to safeguard the Root Protection Areas (RPA's) of the protected trees during construction.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal, Bat Survey and Great Crested Newt eDNA Survey. The submission of the proposal pre dates the requirement for Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, the application is accompanied by a BNG Assessment. Dagnell End Meadow SSSI is

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located approximately 700m to the west of the site. The proposal entails the demolition of the existing dwellinghouse and outbuilding and therefore a Bat Survey has been carried out. The survey revealed the presence of two day roosts in the dwellinghouse one containing a common pipistrelle and one containing a soprano pipistrelle. The outbuilding did not show any evidence of bat roosting. There were also moderate levels of commuting and foraging activity by common pipistrelles. The pond surveyed 100m to the south of the site was negative for Great Crested Newt eDNA. The BNG Assessment shows that the proposal will result in a net loss of garden and corresponding increase in built environment but also includes areas of managed habitat that have moderate value to wildlife. The development will result in a net loss of 0.12 units (10.94%) and linear habitat gain of 0.31 units with trading rules not satisfied and additional habitat value would be required on or offsite. Since the submission of the application pre dates the implementation of the BNG regulations, it is not necessary to demonstrate biodiversity gain on site or make arrangements for off site credits. However, there are biodiversity enhancements outlined in the Landscape Enhancement Plan which are considered appropriate. The views of the Councils external ecologist are noted and there are no objections raised in respect of protected species subject to conditions in relation to appropriate lighting, the securing of a Bat Mitigation License and Construction Environmental Management Plan (CEMP) with appropriate ecological mitigation.

Highways

There are a number of highway issues to consider. The application is accompanied by Transport Statement and supplementary information has been provided by the applicant to address the matters raised by WCC. One of the reasons for the dismissal of the previous appeal on the site (Ref: 2014/281/FUL) was the issue of visibility at the access onto Dagnell End Road where the access to the scheme was located. The main issue with the access and visibility was the intervisibility between vehicles on Dagnell End Road and the new site access. The visibility splay in the easterly direction is severely restricted by the presence of a mature tree to the detriment of both users of Dagnell End Road and the site access. Visibility to the West from the access is acceptable, although the access is not particularly visible to motorists on Dagnell End Road. In order to address this matter, only one dwelling (Plot 5) will be accessed from Dagnell End Road, utilising the existing residential access, meaning there will be no intensification in the use of the access. The remaining 5 properties will be accessed from Berkeswell Close. It is not proposed that the estate road is adopted by the Highways Authority and the access to the site will remain private.

The Transport Statement outlines that there are no existing highway safety issues that would warrant mitigation as part of the development proposals. In terms of sustainability, the closest bus stops are located on the B4497 Paper Mill Drive approx 375m walking distance of the site. Bus No. 62 operates an hourly Monday to Saturday service on this route. Redditch Train Station is located approx 3.3km from the site. Church Hill Centre and Middle School are located approx 1.6km to the south of the site and there is a dedicated lit cycleway via Chelmarsh Close which would enable pedestrian and cycle access to these facilities. Whilst the site would be regarded as peripheral in respect of the wider residential area, there is existing infrastructure which would facilitate access to

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services and facilities. In order to enhance the utility of the infrastructure above, the applicant has offered to extend the existing footway on Thornbury Lane onto Paper Mill Drive and provide a dropped kerb crossing with tactile paving to improve access to the bus stop on the southern side of Paper Mill Drive. The parking provision has been considered acceptable. In terms of construction traffic, it has been confirmed that the Dagnell End Road access can be used for this purpose. There have been no objections raised by Worcestershire Highways, subject to conditions including a Construction Traffic Management Plan (CTMP).

WCC have requested a contribution toward Community Transport. The matter of similar infrastructure contributions has recently been considered in *The University Hospitals of Leicester NHS Trust, R (On the Application of) v Harborough District Council [2023] EWHC 263 (Admin)*. WCC has a duty to provide community transport for elderly and vulnerable residents under the Transport Act 1985. The outcome of the above case is that contributions towards the generalised provision of transport, rather than specific deficiencies arising from the development would usually fail to comply with reg.122(2) of the CIL Regulations 2010. It should be noted that the improvements to the footway at Paper Mill Drive to improve access to bus services would be reasonably related to the development proposed and therefore compliant in respect of the CIL regulations. The highway improvements can be secured via Section 278 of the Highways Act 1980.

Response to the Third Party Comments

Environment

In terms of the representations received, these have cited the loss of trees, habitat and open space. Whilst these matters have been evaluated in some detail above, the application has been supported with appropriate ecological surveys to address any impact on protected species. It is considered that the Biodiversity Duty of the Council in respect of the site has been discharged. There would be a limited loss of trees but this would be mitigated by additional tree planting in a more managed environment that presently exists. In terms of overdevelopment, the scheme has been considerably reduced from the appeal scheme considered under 2014/281/FUL (10 dwellings) to the previous iteration of this proposal (8 dwellings) to the current proposal for 6 dwellings. It is considered that a balance must be achieved in terms of integrating with adjoining development whilst at the same time ensuring the efficient and effective use of available land for housing.

Residential Amenity

In terms of the comments made in terms of the impact of the proposal with respect to Nos. 27 and 28 Berkeswell Close, it has been outlined above that the position of the site is such that the separation distances from any adjoining properties would fully accord with the requirements of the Redditch High Quality Design SPD.

Highways

The Third Party Representations have raised two main issues in relation to the proposal. Firstly, in terms of access to the site, it is requested that the current Dagnell End Road

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access is used instead of access via Berkswell Close. It is important to note that the former access option has been definitively ruled out on highway safety grounds in the appeal on the 2014 application. The reason is that the presence of protected trees does not enable sufficient visibility to be secured at this access. Secondly, Third Parties have raised concern in relation to disruption due to access for construction vehicles and in increase in the use of Thornbury Lane/Berkeswell Close by the future residents of the development. In terms of access for construction vehicles, the applicant has confirmed that the Dagnell End Road access can be utilised for construction vehicles and safe protocols put in place (temporary traffic lights/banksmen etc). for the temporary duration of the construction. A Construction Traffic Management Plan (CTMP) has been applied. It is not considered that the increased vehicle movements arising from an additional six dwellings would be so detrimental such that consent should be withheld. The Framework clearly states that development should only be prevented or refused on highway grounds if the residual cumulative impact on the road network would be severe.

Other matters

In terms of contributions towards health and education provision, it is considered that the scheme is below a threshold for which contributions should be sought. In terms of sufficient housing provision in Redditch, the five year housing land supply figures are maxima and therefore the provision of additional housing would accord with the BoRLP No.4 and the Framework in respect of the overriding objective of national policy as set out in the Framework to maximise housing delivery. There have been no objections from statutory consultees in respect of noise or air pollution. The loss of a view or the loss of property value are not material planning considerations.

Planning balance and conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is considered that the proposal would result in the provision of additional housing and the design and layout of the proposal is acceptable when evaluated against the BoRLP No. 4 and the Redditch High Quality Design SPD. The scheme has been amended and there are no fundamental concerns raised in the consultation or reconsultation exercise that suggest that consent should be withheld.

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.

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

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

Drawing Ref: 1430 01 rev H Proposed Site Plan
Drawing Ref: 1430 02 rev B Plot 1 Proposed Floor Plan and Elevations
Drawing Ref: 1430 03 rev C Plot 2 Proposed Floor Plan and Elevations
Drawing Ref: 1430 04 rev D Plot 3 Floor Pan and Elevations
Drawing Ref: 1430 05 rev B Plot 4 Floor Plan and Elevations
Drawing Ref: 1430 06 rev D Plot 5 Floor Plan and Elevations
Drawing Ref: 1430 07 rev B Plot 6 Floor Plan and Elevations
Drawing Ref: 1430 010 rev C Proposed Site Sections
Drawing Ref: 1430 011 rev B Proposed Materials Schedule
Drawing Ref: 1430 012 rev C Proposed Boundary Treatments
Drawing Ref: 1430 013 Site Location Plan
Drawing Ref: 1430 014 rev B Density Plan
Drawing Ref: 1430 015 rev B Estate Plan
Drawing No. 1404 1 rev 0 Landscape Enhancement and BES

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

- 3) 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 possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle 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 home 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: to ensure that a suitable drainage system is in place in accordance with policy 17 of the Borough of Redditch Local Plan No. 4.

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

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 205 of the National Planning Policy Framework.

- 5) All retained trees and their Root Protection Areas must be protected during the clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. There shall be no storage of plant/materials within the Root Protection Areas of any retained trees. . This fencing and /or ground protection 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.

- 6) The development hereby approved shall be carried out in accordance with the BS5837 Arboricultural Impact Assessment Ref: BALDS006-23, Revision A and Tree Protection Plan BALDS006-23 TPP, Revision C.

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

- 7) All hard and soft landscaping works shall be carried out in accordance with Drawing No. 1404 1 rev 0 Landscape Enhancement and BES. The works shall be carried out prior to the occupation of any part of the development. Any trees or plants which within a period of 5 years from the completion of the development die,

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are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In order to secure the appropriate landscaping of the area.

- 8) The development hereby approved shall not commence unless the Local Planning Authority has been provided with:

A Low Impact Class Licence (LICL)/Bat Mitigation Class Licence (BMCL) or Bat Mitigation Licence to cover the development works, to include mitigation measures as proposed in Bat Report ref. Conwil-KW-XX-XX-RP-E-001.

Reason: To avoid adverse impacts on bats and to enable the development to proceed lawfully.

- 9) The development hereby approved shall not commence until a sensitive lighting plan has been provided to and approved in writing by the Local Planning Authority.

Reason: to avoid the negative effects of lighting on bats, birds and small mammals.

- 10) A Construction Environmental Management Plan (CEMP) shall be provided to and approved by the Local Planning Authority prior to the commencement of the development hereby approved. This CEMP will include any scheduling of pre-construction surveys for bats, great crested newts, badgers, nesting birds and reptiles, and precautionary working methods related to these species/species groups.

Reason: To avoid incidental disturbance or harm to mammals, common reptiles and amphibians during construction works.

- 11) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of edge of carriageway shall be provided on both sides of the access to parking spaces. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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- 13) The development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide have been provided for each dwellinghouse and thereafter the cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 14) The Development hereby approved shall not be occupied until the visibility splays shown on drawing 24249-01 Rev 1 have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

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

Reason: To reduce vehicle movements and promote sustainable access.

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

- The routing of the construction vehicles to the proposed development. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities as required;
- The number of construction vehicles, type and size of the construction vehicles, frequency of the vehicles, hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Traffic management measures for construction vehicles on Dagnell End Rd to include any temporary signage and the use of a banksman to oversee all vehicular manoeuvres.
- Any temporary traffic management measures such as signage and / or cones in the highway will require a permit. Applications can be made via www.worcestershire.gov.uk
- Measures to demonstrate that those immediately affected by the construction works will be kept informed and due consideration and courtesy will be shown to the local community.

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The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development subject to the granting of planning permission.

Reason: In the interests of highway safety.

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

0800 to 1800 hours Monday to Friday
0900 to 1300 hours Saturdays

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

Reason: In the interests of residential amenity.

Informatives

- 1) In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Authority has helped the applicant resolve technical issues such as:

- o impact of the development upon amenity of neighbours,
- o improving the design of the proposed development,
- o ensuring appropriate consideration of highways and access

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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- 4) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway improvement works with the Highway Authority (Worcestershire County Council, WCC), nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow relevant conditions imposed under this permission to be discharged but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into to allow the works and the applicant has complied with the requirements of the New Roads and Streetworks Act 1991 (NRSWA) and Traffic Management Act 2004. The person or organisation shall follow the necessary procedure by applying to WCC Streetworks Team for road space for a period to be agreed.

WCC normally use Section 278 to allow the developer to employ a contractor and for that contractor to work on the existing public highway in the same way as if WCC were conducting the works.

When any work is undertaken by a party acting on behalf of a developer on the existing adopted highway it will also be necessary to electronically provide notices to WCC (start date, location, workspace area) to allow these works to take place in accordance with NRSWA. Also, details regarding temporary traffic management controls for works in the public highway are to be submitted to WCC for approval using the online application process.

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

The term "highway improvement works" includes, but is not limited to, a proposed junction or access arrangement, highway drainage, street lighting, structures in or adjacent to highway, and any necessary traffic regulation orders or statutory notice.

Procedural matters

This application is being reported to the Planning Committee because eleven (or more) objections have been received and the recommendation is for approval. Part of the land which is subject to the application is within the ownership of Worcestershire County Council. As such the application falls outside the scheme of delegation to Officers.

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Planning Application 24/00631/FUL**Change of use from C3 (Dwellinghouse) to C2 (Residential Institution) following previous approval (20/00947/FUL)****Land At Battens Close, Redditch, Worcestershire, B98 7HY****Applicant: Mr J. Bhogal
Ward: Greenlands and Lakeside****(see additional papers for site plan)**

The case officer of this application is Charlotte Wood, Planning Officer (DM), who can be contacted on Tel: 01527 64252 Ext 3412 Email: Charlotte.Wood@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is a long, rectangular piece of land, which is accessed off Battens Close. The proposal site comprises of a long driveway, which runs adjacent to a row of garages, and two recently constructed semi-detached properties which face north east and have parking areas to the front and garden areas to the rear. To the north of the site there are open playing fields belonging to St Bede's Catholic Middle School. Directly to the south of the site are the rear private gardens belonging to the properties along Southcrest Road.

The site lies to the south east of, and is in close proximity to Redditch Town centre. It is located within the urban area of Redditch indicated as white land on the proposals map and is primarily residential in character, comprising mainly of two storeys with dwellings set back from the highway behind parking and garden areas.

Proposal Description

Following consideration at planning committee, planning permission was granted in November 2020 (planning reference: 20/00947/FUL) for the construction of two dwellings on the application site. Prior to this, the site was predominantly undeveloped scrub land. The buildings have now been constructed; however, it has been confirmed that the properties have not yet been occupied.

The current application seeks the change of use of these properties from C3 dwellinghouses to C2 residential institutions to allow full-time care to be provided to children who require assistance for emotional and behavioural disorders (EBD). It has been clarified during the application process that a maximum of four children would live across the two properties and their ages would range from 7 to 17 years. Children would be split according to gender.

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Members should note that the proposal description, as submitted, referred to a change of use from C3 dwellinghouses to C2A secure residential institutions. An updated supporting statement was received on the 13th August which stated that the reference to “C2A secure residential institutions” was in error and the proposal description should have read “C2 residential institutions”. The updated statement also included new information with regards to how the care service would operate.

It has further been clarified that no external changes are proposed for the previously approved dwellings and that the internal floor plans would also remain as previously approved under planning reference 20/00947/FUL.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 20: Transport Requirements for New Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

National Planning Policy Framework

National Planning Practice Guidance

Redditch High Quality Design SPD

Relevant Planning History

20/00947/FUL	Proposed two dwellings with associated parking and amenity facilities	Granted	12.11.2020
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Consultations**Worcestershire County Council Highways**

No objection to the proposal following amendments to the proposed parking layout. The site lies in a sustainable location with an existing vehicular access with good visibility. The proposal complies with the Streetscape Design Guide in terms of parking provision.

Conditions have been recommended for the access, parking and turning facilities to be provided on site, for the first 5 metres of the access to be surfaced with a bound material, for cycle storage to be provided on site and for an employment travel plan to be provided.

Worcestershire Regulatory Services - Noise

No objection. The small-scale residential institution seeks to replicate domestic living. Whilst similar uses have given rise to isolated noise complaints, the degree of the impact depends on the degree of control and supervision exerted over residents by staff rather than the use being an inherently noisy activity requiring isolated locations.

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Cadent Gas Ltd

No objection. An informative is recommended to remind applicant of their legal responsibilities and to advise them to contact Cadent in prior to carrying out the works.

Public Consultation Response

35 neighbour letters were sent and a site notice was erected in order to publicise this application. Following amendments to the proposal description and receipt of an updated supporting statement, neighbour letters were re-sent, and a new site notice was erected.

In response to publicising the application, 25 individuals have submitted letters of objection in relation to the proposal. Some individuals have submitted multiple representations. Further to this, a petition containing 35 names and signatures in objection to the proposal has also been received. The representations collectively raised the following concerns:

- Increased traffic
- Unsuitable access
- Insufficient parking
- Noise impacts
- Loss of privacy
- Risk of crime/safety/anti-social behaviour
- Future use of the properties
- Loss of houses for families which are needed in Redditch
- Wrong location for development type
- Lack of outdoor space for children

A number of other issues have been raised which are not material planning considerations and therefore have not been reported in this section.

Assessment of Proposal

Whether a Material Change of Use has Occurred

Development is defined in Section 55 of the Town and Country Planning Act 1990 as the carrying out of building, engineering, mining or other operation's in, on, over or under land; or the making of any **material** change in the use of any buildings or land.

Where activity results in a material change of use of a building to a use falling within a different use class, then planning permission will be required. Depending on the circumstances of each case, a children's care home will either fall into a C2 or C3 use classification.

- Class C2 of the Town and Country Planning (Use Classes) Order as amended refers to "use for the provision of residential accommodation and care to people in need of care".

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- Class C3(b) of the Town and Country Planning (Use Classes) Order as amended refers to “use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents).”

As the current use class of the properties subject to the application is C3 (dwellinghouses), the starting point is to first establish, as a matter of fact and degree, whether the proposal would constitute a change of use from C3 to C2. If a children’s home was being run on the basis of children being looked after by a permanent occupant of the dwelling, there would be no change of use and therefore no requirement for planning permission. This is regardless of whether the individuals living together are related as family members. However, if care is provided on a shift pattern basis, it is likely that a change of use from C3 to C2 will occur.

Notwithstanding the above, it should further be noted that a change of use from C3 to C2 may not amount to a **material** change of use and therefore may still not amount to development which requires planning permission. If there is no material difference in activity to that which may be anticipated in the case of a dwellinghouse, and no greater level of disturbance or amenity impact, then no **material** change of use has occurred.

The issue of whether or not a **material** change of use has occurred will ultimately be a matter of fact and degree in each individual case. The key issues are the numbers of residents involved, whether or not staff work shift patterns or have a permanent residence at the site and the materiality in planning terms of any change of use.

With regards to the current proposal, it has been established that there would be two children in each house and there would be a maximum of two staff on duty at each property at any one time during the day and also during the night. Whilst there would be staff on duty 24 hours a day and 7 days a week, there would be no staff living at the property. Staff would therefore operate on a shift pattern basis, with day shifts taking place between 8am-8pm and night shifts operating between 8pm-8am. The duties of the support workers would be similar to those of parents living with a child. Such duties would include taking them to and from school as well as social activities and also making sure they attend appointments, such as doctors and dentist appointments. Meals will be prepared for the children, with the help of the children, depending on their age.

The supporting statement sets out that limited visitors would be expected at the property. Contact with family members would be by prior arrangement and social workers and other professionals will visit the children every 6 weeks to assess living conditions and their progression.

Having regard to the above, whilst two children residing at each property would be expected in a dwellinghouse of this size and the children’s attendance to school, social activities and health appointments would follow a typical pattern of movements in a household, the comings and goings arising from the proposed shift pattern and changeover of staff would have a material impact to character. Whilst shift patterns would be consistent and there would only be two shifts per day, changeover of staff would be a

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regular, daily occurrence and during periods of staff handovers, this could mean a total of 6 individuals would be present at each property at any one time. Therefore, as a matter of fact and degree and having regard to relevant appeal decisions which have considered this matter, officers regard that a **material** change of use from C3 to C2 would arise in this instance and therefore it is correct that planning permission is sought for this change.

Principle of Development

The application site is located within the Greenlands and Lakeside ward, an urban area of Redditch, which is defined in Policy 2 of the Borough of Redditch Local Plan no. 4 (BoRLP4) as a sustainable location for development, offering the highest level of services.

The proposal would result in the loss of two C3 dwellinghouses but would provide care and a place of residence for up to 4 children across the two properties. Officers consider that care residences, in the same way as C3 dwellinghouses, should be in sustainable locations offering occupiers good access to local services such as schools. In this regard the principle of development is considered acceptable.

Character and Appearance

Policy 39 of the BoRLP4 states that development should contribute positively to the surrounding environment. Similarly, Policy 40 of the BoRLP4 expects development to be of a high quality design that reflects or complements local surroundings and materials.

The design and appearance of the proposed dwellings subject to the 2020 application was thoroughly considered at the time of this previous application. Regard was given to density, layout, design and materials of the properties. A site visit has confirmed that the properties have been constructed in accordance with the previously approved planning permission. Concerns have been raised that the buildings have been built with the intention of being a secure care facility. Local residents have raised concerns that the doors are high security doors and that the fencing and gates are also indicative of a secure facility. However, door types were not conditioned as part of the original permission and the fencing and gates that have been installed to the front of the properties would fall within the parameters of permitted development and therefore would not in themselves require planning permission. Whilst the fencing may not be typical of other local houses, the properties are positioned off a long access drive and are not visible within the public street scene.

Whether the applicant constructed the buildings with the intention that they may become care homes in the future is not a matter that should affect how the current application is considered. Importantly, the proposal has been built in accordance with the approved plans and a dwelling does not need to be occupied in order to gain status as a dwellinghouse.

Therefore, as considered previously, the development is acceptable in terms of character and appearance and would meet the requirements of policies 39 and 40 of BoRLP4.

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Residential Amenity

Paragraph 135(f) of the NPPF states that planning decisions should seek a high standard of amenity for existing and future occupants of land and buildings. Furthermore, the Borough of Redditch High Quality Design SPD provides guidance in relation to residential amenity.

The buildings subject to the change of use were previously assessed in terms of their separation distances to surrounding properties during consideration of the previous 2020 application. It was considered that the proposed dwellings did not result in any adverse loss of privacy, light or overbearing impact. It was also found that the proposals provided private amenity space in excess of the standards in the SPD for each dwellinghouse. As the properties have been built in accordance with the approved plans forming the 2020 application, these considerations still stand.

Further consideration, however, should be given to the impact of the proposed change of use of the building on residential amenity of surrounding properties. The impacts arising from the operation of the care service use and the associated comings and goings should be taken into account.

The changeover of staff would see the arrival of up to two cars for each property at around 8am and 8pm, and during these times there would also be up to two staff members for each property leaving the site. Other visitors are expected to be very infrequent and therefore not cause a significant impact. Whilst the access driveway to the properties lies adjacent to the rear of a number of houses on Southcrest Road, this is an existing access serving a row of garages and therefore vehicle movements along this access is a pre-existing occurrence. The parking and turning area for the southernmost property lies adjacent to the rear gardens of numbers 64-70 Southcrest Road, however is in excess of 12 metres from the rear elevation of these maisonettes. Whilst the number of car movements that would be generated are recognised as being higher for the proposed C2 use relative to the previously approved C3 use, these movements would still be relatively infrequent during the day and would not be at unsociable hours. The care homes and their gardens would lie behind the rear gardens of 72-86 Southcrest Road, however would be positioned 15 metres from the rear elevation of these properties. Given the scale of the proposed care service and the number of children occupying the properties it is not considered that this relationship would result in a detrimental impact to residential amenity that would warrant refusing planning permission.

With regards to noise and nuisance matters, Worcestershire Regulatory Services (WRS) have been consulted and have raised no objections. Whilst they have highlighted that similar uses have given rise to isolated noise complaints which are beyond that expected from a dwellinghouse, they note that this is dependent on the degree of control and supervision over residents by staff rather than the proposed use being inherently noisy. Given that the management of the individuals is an operational issue and that the care service will be regulated by other controls, such as Ofsted, it is not a reason to refuse planning permission. Furthermore, the characteristics and behaviours of the individuals living at the properties cannot be assumed. WRS have also highlighted that the proposed

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use in this instance is of a small scale. A planning condition could be attached to the permission to restrict the number of children in each property to be no more than two.

Several of the neighbour responses raise concerns with safety. The NPPF seeks to ensure that development is inclusive, and the fear of crime does not undermine quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration. The children occupying the care homes would be between 7 and 17 years of age and would be cared for 24 hours of day by responsible adults. Several neighbour responses note that this area is of an older generation and is also next to a school. There is no evidence to suggest that the children's care home would be in conflict with an older adult population. Furthermore, it has been indicated that the children residing at the care homes may attend mainstream school and therefore could be in contact with these school children irrespective of the proposed development.

Based on the above considerations it is concluded that there are no reasons to refuse the application on residential amenity grounds.

Highways

The Highways Officer has notes that the site is located within a sustainable location within close proximity to amenities and public transport. The site lies off an unclassified road and the existing access has good visibility. Whilst the Highways Officer initially raised concerns that the proposal would provide an under provision of car parking, an amended site plan was received, indicating an additional vehicular parking space within boundaries of the application site. The revised site plan provides a total of 5 car parking spaces between the two properties. As 4 members of staff would be on shift at any one time, the proposed number of spaces are deemed acceptable and in compliance with the Streetscape Design Guide, which seeks one car parking space per member of staff. Whilst there could be additional vehicles present on site during times of staff handover and visitors, staff handovers would only be for a brief period of time and the number of visitors are expected to be infrequent. Within the context of the residential area, the number of additional vehicles would not be significant or beyond that which would be reasonably expected for a C3 dwellinghouse use. The Highways Officer has also requested a condition for an Employment Travel Plan to be submitted in the event that planning permission is granted. This would look at promoting sustainable transport modes which could help reduce the number of vehicles going to and from the site.

The Highways Officer has recommended further conditions in relation to the access, car parking and turning facilities and has also requested that cycle storage is provided. As the proposed site plan shows a suitable location in the garden areas for a cycle, these details can be referred to within a planning condition.

Overall, parking provision and the movement of vehicles and pedestrians in association with the proposed change of use is considered acceptable. In addition there would be no conflict with paragraph 115 of the NPPF which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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Public Consultation Responses

Letters of objection have been received from 25 individuals and a petition with 35 signatures has also been received. A summary of the issues raised that have not already been covered in the report and an officer response to these issues are provided below, however regard has been had to the full contents of all submissions whilst drafting this report and forming the recommendation.

Concern raised	Response
The application would allow the properties to be used as a prison on a young offender's centre	If the proposed use was materially different that the current proposal then a new planning application would be required.
Risk of crime/safety/anti-social behaviour. Will the Council be responsible for any property damage or theft arising?	There is no evidence to suggest that the proposed use would increase risk of crime, safety and anti-social behaviour. Children would be supervised at the home throughout the day and night. Any crime issues, including damage and theft, are police matters and the Council would not intervene.
Poor access	The Highways Officer has deemed the existing access to be acceptable, however has asked for a condition for the first 5 metres of the access to be finished in a bound material.
Increase in traffic and overspill parking along Southcrest Road. Visitors may block the parking to the rear of the properties along Southcrest Road.	The increased number of traffic movements arising from the change of use in the context of the surrounding residential area would not be significant and has not been raised as a concern by the Highways Officer. Although parking provision was initially raised by the Highways Officer and amended plans have been received indicating further onsite parking to prevent the potential of displaced parking on the public highway. The blocking of neighbours parking spaces is a civil matter rather than a planning matter and could arise in any event regardless of the current planning application.
The company who would operate the service are not local and have no interest in the wellbeing of local residents.	Details of where the company are based are not a material planning consideration.
Properties that back onto the access are open and vulnerable to home invasion.	The access is pre-existing and has served garages for a number of years. It is not considered that these properties would be at further risk as a result of the proposal.

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Surrounding properties put up with a lot of disruption whilst the properties were being built.	A level of disruption is disrupted with all development and is not a reason to refuse planning permission. Noise and nuisance issues can be reported to Worcestershire Regulatory Services for investigation.
Houses for families are needed in Redditch. This would be a more suitable use.	The proposal would only result in the loss of two C3 dwellinghouses. Care homes would also provide a home for children. There is no evidence to suggest that care homes are not needed in Redditch.
Who would manage the homes? Have social services, Ofsted or the department of education been consulted to see if the site is suitable?	Whilst the home would be subject to Ofsted regulations and inspections, this falls outside of the planning process.
There is a lack of information in relation to the proposal. e.g. when will the units be active	Officers consider that there is adequate information to make a determination on the planning application. Whilst the planning system cannot control exactly when the proposal would be implemented, the planning permission would need to be implemented within 3 years of the date of permission.
There is a lack of safeguarding for other children in the area. There is likely to be contact between children in care facility and children who attend the school. Schools should be informed so that they can inform parents.	Comments have been received from St Bedes School and therefore the school is aware of the application. Interactions between particular children cannot be controlled by the planning system. Children in the care home may attend mainstream school and therefore could be in contact with children who attend the school irrespective of the planning application. Children would be under constant supervision of a responsible adult whilst living in the care home.
It is the wrong location for the development in a busy, residential area.	Officers consider the location of the development to be acceptable as considered in the 'principle of development' section of the report.
Increased noise levels	Worcestershire Regulatory Services have not objection on noise grounds This matter has been considered in further detail in the report above.
Loss of privacy	The buildings subject to the change of use were previously assessed in terms of their separation distances to surrounding properties during consideration of the previous 2020 application. It was considered that the proposed dwellings did not result in any adverse loss of privacy. This assessment remains the same regardless of the individuals that would occupy the buildings. Furthermore it is noted that the front of the buildings is accessed off a long

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	<p>driveway and fencing and gates have been installed to the front of the site.</p>
Lack of outdoor space for children	<p>As considered in the report above, the garden areas exceed the required standards set out in the Council's High Quality Design SPD for dwellings. Given the scale of the proposed C2 use, this would also be adequate and provide an adequate provision of amenity space for the future occupiers of the property.</p>
Conditions have not been complied with from the previous application.	<p>Most conditions on the original planning application that required information to be submitted and discharged have been discharged. The only exception to this is the contaminated land condition which required a tiered risk assessment, details of remediation and a validation report to demonstrate the effectiveness of the remediation carried out. Whilst the risk assessment and remediation details have been approved, the implementation and validation of this remediation had not been completed and therefore the condition has only been partly discharged.</p> <p>This matter however relates to the original application and should not affect the consideration of the current change of use application.</p>
Proximity of site to water and contaminated land.	<p>These matters were considered in the original 2020 application when permission for two dwellinghouses were granted on site.</p> <p>With regards to flooding, the Drainage Officer confirmed that the application site falls within flood zone 1 and is not at significant risk for flooding. A planning condition for a surface water drainage scheme, however, was attached to the original permission and this condition has now been discharged.</p> <p>With regards to contaminated land Worcestershire Regulatory Services originally indicated that there is potential for the site to have land contamination issues and recommended a condition for a tiered risk assessment to be undertaken at the site. As discussed above, a risk assessment was undertaken and suitable remediation measures were agreed. Once a validation report has been submitted and approved, contaminated land issues at the site will be fully addressed.</p>

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Proposed staffing levels are too low.	This is not a planning consideration and would be controlled by other regulations.
Effect on property value/house insurance	This is not a material planning consideration.
The application needs a local community crime, disorder and nuisance impact assessment on local communities.	Given the scale and nature of the proposal, this is not considered reasonable or necessary. This assessment has not been sought in the case of similar applications for care homes of this scale in residential areas.
False and misleading information has been provided. For instance in the planning statement it is stated that there would be two members of staff at night whereas on an email received by the planning officer it states that there would be one member of staff at night.	Clarification has been sought and an amended supporting statement was received which supersedes previous statements. In terms of staffing there would be up to a maximum of two staff members present at each property during the day and night. There is no evidence of the submission including deliberately false or misleading information.

A petition containing 35 signatures was also submitted from third parties. This raised the following issues:

- Security
- Privacy
- Safety
- Poor location
- Property devaluation
- Noise levels
- Extra traffic and parking around d Battens Close and Southcrest Road.

All of these points raised have already been addressed above.

Conclusion

Having regard to the sustainable, residential location of the site, the proposed change of use of the two properties subject to this application from dwellinghouses (Use Class C3) to children's homes (Use Class C2) for up to 2 children in each, is considered acceptable in principle.

There are no outstanding objections from consultees, and it is concluded that there are no issues of highway safety or severe road network impacts that would warrant refusal. Whilst there would likely be an intensification of activity at site due to the change of use,

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not considered to be so significantly adverse as to cause unacceptable noise or amenity impacts to neighbouring residents.

Taking all matters into account, including all third party representations that have been received, it is considered that the change of use is acceptable subject to conditions.

RECOMMENDATION:

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

Conditions:

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

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

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

Location Plan at scale 1:1250 - drawing no 24-2035/L
Proposed Site Plan - drawing no. 19-1794/101A Rev A
Proposed Floor Plan Layouts - drawing no. 19-1794/202
Proposed Floor Plans & Elevations - drawing no. 19-1794/02d

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

- 3) The two properties subject to this application shall only be used as a residential care home for children, with a maximum of 2 children in each residence at any one time and shall be used for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: to provide certainty of the proposed development and limit the scale of the use in order to protect the amenity of neighbours.

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

Reason: In the interests of highway safety.

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- 5) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 5 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 6) The Development hereby approved shall not be occupied or be brought into use until the access, parking and turning facilities have been provided as shown on Plan 19-1794/101A Rev A.

Reason: To ensure conformity with submitted details.

- 7) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking for 2 cycles have been provided at each residence, as shown on Proposed Site Plan drawing no. Plan 19-1794/101A Rev A. The cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To encourage sustainable modes of transport

- 8) 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

Procedural matters

This application is being reported to the Planning Committee because the number of objections received exceeds that which can be considered by officer's.

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**PLANNING
COMMITTEE**12th September 2024**Planning Application 24/00387/FUL****Proposed underground cable to connect Feckenham Greener Grid Park (approved under 21/00195/FUL) to Feckenham Substation****Land South Of, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HP****Applicant: Statkraft UK Ltd
Ward: Astwood Bank And Feckenham Ward****(see additional papers for site plan)**

The case officer of this application is Mr Paul Lester, Planning Officer (DM), who can be contacted on Tel: 01527 881323 Email: paul.lester@bromsgroveandredditch.gov.uk for more information.

Background

Planning permission 21/00195/FUL was granted on 21st January 2022 (following approval at Redditch Planning Committee) for the construction and operation of Greener Grid Park (GGP) comprising energy storage and grid balancing equipment, along with associated infrastructure, landscaping and access at land south of Astwood Lane, immediately east of the substation. Commencement of development has not taken place.

The development is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply. The development will store, import, and export electricity but will not generate any additional electricity nor have any direct on-site emissions of CO² during normal operations.

Details of the approved GGP layout are included in the committee presentation.

Site Description

The site comprises 0.98ha of land to the south of Astwood Lane. The approved Greener Grid Park (GGP) is located on at land south of Astwood Lane, immediately east of the Feckenham National Grid Substation. The proposed cable route runs from the substation and connects into the high voltage yard of the approved GGP, located on the western portion of the GGP.

The surrounding area is primarily agricultural, with cultivated fields and grazing land to the north, south and east of the site. The metal pylons and overhead cables associated with the Substation, which are approximately 50m in height, extend into the surrounding area.

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The village of Feckenham is approximately 1 km to the west of the site. The nearest residential properties are Salt Way Farm and Mutton Hall, which lie approximately 350 m to the south and 500 m to the northeast.

While the site is in near Feckenham, it is not in the Feckenham Parish administrative area.

Proposal Description

The proposed development comprises of an underground cable which would connect the GGP into the substation. A 10-metre buffer area has been included either side of the indicative cable route shown on Drawing 15777-026, with the final location of the cable route to fall within this buffer area following further design work and assessment of ground conditions prior to construction start.

Cross sectional drawings of the indicative cable route have been provided within Drawing 15777-023, showing the depths to be adopted for the construction of the Proposed Development at different locations throughout the site.

Vehicular access to the site would be obtained via the proposed access for the GGP, utilising this site access from the Astwood Lane. It is therefore proposed this access will be constructed prior to the construction of the proposed development.

The construction phase of the proposed development would last for approximately 5-months.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient use of Land

Policy 8: Green Belt

Policy 11: Green Infrastructure

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 18: Sustainable Water Management

Policy 19: Sustainable Travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 22: Road Hierarchy

Policy 36: Historic Environment

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

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Others

NPPF National Planning Policy Framework (2023)

NPPG National Planning Practice Guidance

Redditch High Quality Design SPD

Overarching National Policy Statement for Energy (January 2024)

National Policy Statement for Electricity Networks Infrastructure (Revised January 2024)

Relevant Planning History

21/00195/FUL	Construction of a Greener Grid Park comprising energy storage and grid balancing equipment, along with associated infrastructure, landscaping and access.	Approved	21.01.2022
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Consultations

Hereford & Worcester Fire And Rescue

No comments received to date, a further update regarding the Hereford & Worcester Fire And Rescue consultee response will be provided as part of a written update.

Arboricultural Officer

No objection subject to conditions

- Tree Fencing
- Root Protection Areas

Western Power Distribution

No Comments Received To Date

Worcestershire Archive And Archaeological Service

No objection subject to conditions relating to:

- The submission of a programme of archaeological work
- Written scheme of investigation

North Worcestershire Water Management

No objection

WRS - Contaminated Land

WRS have reviewed this application we have no adverse comments to make.

Natural England

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

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Ecology (Thompson Environmental Consultants – Redditch BC appointed ecology consultant)

No objection

They confirm that Biodiversity Net Gain (BNG) is in scope for this development and approves the BNG documents submitted with the application. The development should comply with Tetra Tech Great Crested Newt Survey Report and Tetra Tech Ecological Appraisal.

Public Consultation Response

101 neighbour letters sent 25th April 2024 (expired 19th May 2024)

3 neighbours have objected, their objections can be summarised as follows:

- Object to the Greener Grid Park
- Impact on Green Belt
- Impact on ecology/wildlife
- Fire Safety
- Traffic impact during construction phase

Feckenham Parish Council (Neighbouring Parish)

Members are aware that the complete objection can be viewed on public access by using this link <https://publicaccess.bromsgroveandredditch.gov.uk/online-applications/> but the Parish Council summary is listed below:

1. The actual need for the Statkraft main site is now highly questionable, and by 2023 Fire Safety standards, the existing specification is unsafe. We also highlight the significant adverse environmental impact caused by the thousands of tons of waste of Lithium Batteries over the facility's lifetime, which has not been addressed. The UK now has a huge excess of BESS developers who have agreed connections to the National Grid, and Statkraft's 49.9MW scheme could easily be located elsewhere at a location which did not harm the Green Belt or endanger the aspiration to achieve Net-Zero by 2050.
2. This relatively small cable installation is not a "Stand Alone Application". It needs to be considered in the known context of the other energy projects being proposed locally: Roundhill 50MW Solar/BESS and its two cable applications, Immersa 200MW BESS and its cable, and Innove 400MW BESS and its cable. We think the waste implications in (1) and the cumulative impact of ALL these schemes must be considered together and not as isolated projects. We therefore ask the Planning Officer to consider asking Statkraft to provide a full EIA assessment to encompass ALL its schemes.
3. The environmental impact and Great Crested Newt mitigation needs should be considered in the context of ALL the local energy schemes together, not just this small

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cable application in isolation. The environmental harm of developing all these sites is likely to be far greater than the effects the applicant describes in this small cable scheme, particularly if future construction happens simultaneously or sequentially over a long period of time. We request Natural England and the Council's ecologist review these issues independently.

4. The forecasted construction times for this cable scheme appear to be wildly inconsistent with the quoted figures in the three other live planning applications. We ask the Highways Officer to review all these figures together and advise accordingly.
5. If planning consent is granted, we ask for conditions to be added to safeguard restitution and repair of public highways at Statkraft's expense and, if possible, a condition to ensure all contractors and projects work together to minimise transport and highway disruption i.e. that a suitable Construction Management Plan be agreed upon.

Assessment of Proposal

Need for the Development

The proposed development comprises of an indicative cable route and 10-metre construction zone either side of the indicative cable route. The Proposed Development therefore forms part of the GGP, required to ensure the connectivity of the GGP with the Substation, therefore ensuring the GGP can operate. The wider need for the GGP was established in the previous application and approved through Planning Permission reference 21/00195/FUL, the committee report concluded that *“the supporting information and consultation responses indicate that subject to appropriate mitigation and planning conditions, the development should not give rise to unacceptable green belt, amenity, landscape, highway or environmental impacts. The matters raised in objection to the application have been considered in preparing this report and where appropriate are addressed by the proposed planning conditions. The proposed conditions would ensure that the development does not give rise to unacceptable impacts on the amenity of those that live in the area”*.

Principle of Development

The application site lies outside of any defined settlement. Under the locational strategy for the Borough, set out in Policy 2 Settlement Hierarchy, development is in the first instance directed to the existing urban areas and defined rural settlements. It would need to be demonstrated that a rural location was essential for the development, or the proposal would conflict with the locational strategy. Furthermore, the site is in the Green Belt where development is strictly controlled. It is these matters which determine whether the principle of development in this location and for the proposed purpose is acceptable.

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Green Belt

The proposal seeks to install an electricity grid connection between the approved Green Grid Park and Feckenham substation comprising the installation of underground cable.

The purpose of the Greener Grid facility is to support the flexible operation of the National Grid and decarbonisation of electricity supply. The development will store, import, and export electricity.

Central Government has published a number of reports and findings which support the need for such energy infrastructure. The application is for an essential element to the approved development.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 155 of the NPPF states certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

b) engineering operations

The proposal would be located entirely underground. This is therefore considered an engineering operation which would preserve openness and would not conflict with the purposes of including land within Green Belt. The electricity grid connection does not amount to inappropriate development as it falls within the above exception and it is therefore considered acceptable in principle within the Green Belt location.

The principle of the development is considered acceptable.

Landscape and Arboricultural Impact

When in operation the connection would not be visible, this in view of the cable being underground. Surface infrastructure would be very limited (inspection covers, etc.). It follows that there would be no long term landscape impacts associated with the proposal.

During the construction stage there would be equipment associated with the works visible in the landscape. However, as the works would be temporary, undertaken by a contractor, and managed by a robust Construction Environmental Management Plan (CEMP), this impact would not amount to a sustainable reason for refusing planning permission.

The application is supported by an Arboricultural Report prepared by Advanced Arboriculture Ltd. The Arboricultural Report has assumed the installation method for the Proposed Development would include open trenching, with an indicative development area requiring 10 m wayleave either side of the location of the cable. The Arboricultural Report therefore concludes the proposed works would allow the retention of all key trees

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and hedgerow that were surveyed, resulting in a negligible risk of any harm as a result of works. This has been reviewed by the tree officer, who has confirmed that they have no objection to a small removal of hedgerow and agrees with the report that proposed cable route will cause minimal disturbance to the existing trees and shrubs on the site. Overall, there are no objections subject to tree protection conditions.

Ecology Impact

Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. As well as promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

In line with Policy 16, appropriate mitigation measures must be implemented to ensure protection of the natural environment, with benefits from development to biodiversity captured.

The application is accompanied by a Preliminary Ecological Appraisal prepared by Tetra Tech. It identifies that the proposed development would have negligible impacts on statutory designated sites due to the intervening distance of these receptors from the Site, both during the construction and operation of the Proposed Development. The PEA concluded that due to the electrical towers within the Substation and potential for Schedule 1 bird species, it is recommended works commence out with the nesting season (March – June) for these species. Additionally, further pre-commencement checks will be required using precautionary working measures for species where suitable habitat is present. Assuming these measures can be adopted, it is anticipated the design of the proposed development would remain compliant with current local and national biodiversity planning policy. Implementation of these mitigation measures will ensure that there are no adverse ecological impacts from the proposed development.

A Great Crested Newt (GCN) Survey Report has been submitted. A total of two waterbodies were assessed for their potential to support the European protected species great crested newt. The site was surveyed this has confirmed that GCN are present off site but within 500 m of the site boundary in Waterbody 2. The population is considered to be a small based on a peak count of 10 individuals. The desk study showed records of GCN within this waterbody, as well as records within 2km to the south west and within 500 m to the south east. Further assessment of site and future surveys are required prior to application to Natural England for a European protected species (EPS) licence for GCN.

Biodiversity Net Gain (BNG) has now become mandatory for all relevant applications since the 2nd April 2024. This application was submitted after this date and therefore subject to the mandatory BNG requirements.

A Biodiversity Net Gain Assessment has been submitted. Habitats are assigned a value based on their intrinsic biodiversity value or 'distinctiveness', which is predefined for each

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habitat within the metric. This value is then multiplied based on the size, condition and geographical location of the habitat in order to ascertain its absolute value in 'biodiversity units'. Separate calculations are used within the metric for area, based habitats, linear habitats (such as hedgerows) and watercourses (including ditches and streams). These units are non-transferable and must therefore be considered individually for each project or development. Collectively, they are referred to as 'biodiversity units'. In terms of Biodiversity Net Gain, the proposal would result in an overall biodiversity net gain in habitats and hedgerows over and above the 10% legislative requirement (net gain of approximately 0.33 habitat units (+11.09%) and a net gain of approximately 0.19 hedgerow units (+14.18%)).

The views of the Councils appointed Ecological Consultant and no objection from Natural England are noted and the reports and accompanying plans are considered well-presented and give a clear explanation of likely impacts on ecological features and of proposed mitigation measures.

Flooding and Drainage

The application is accompanied by a Flood Risk Assessment and Drainage Strategy prepared by Motion. This has been reviewed by North Worcestershire Water Management, who conclude the following. The proposed development site is situated in the catchment of the Doe Bank 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 indicates that there is some risk of surface water flooding across the site, but this is mostly low risk. NWWM have no objection to the development and do not consider that a drainage condition is necessary in this case.

Archaeological

Worcestershire Archive and Archaeological Service they note that a conditional programme of archaeological investigation was recommended and conditioned in relation to the Greener Grid Energy Park (21/00195/FUL) due to the potential for below ground archaeological features and deposits, as indicated by the submitted Desk Based Assessment.

Worcestershire Archive and Archaeological Service recommend, given the potential for below ground archaeological remains, that the archaeological investigation is extended to the area of the cable route, in the pasture field, to the south of the area of the proposed Greener Grid Park. Both areas could be evaluated and reported on concurrently, essentially treated as a single site. There would be no requirement to archaeologically investigate the length of the cable route in the area of Feckenham Substation.

Other Matters

The objection comments received by Feckenham Parish Council are noted. This follows their objection to the GGP. Firstly, as outlined above, the GGP already has planning

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permission, approved by the planning committee under planning reference 21/00195/FUL. It is not the purpose of this application to reassess the merits of that proposal, nor is it to assess the merits of the other planning application currently being considered by Redditch Borough Council (Construction of a battery energy storage compound, fencing, CCTV, access and associated infrastructure at Land At Astwood Lane, Feckenham 23/00417/FUL) or a scheme that has not been submitted to the Council at this time.

The ecology information submitted to support this application has been fully assessed and this is outlined in the Ecology Impact section of the report. This is proportionate to the scale of the development proposed and is acceptable subject to conditions. Any future planning application on an adjacent site will have to similarly consider all ecological matters as well as any cumulative impact with proposals that have planning permission.

The proposed development will use the approved access under the GGP. That cannot be started until the new access has been provided and a condition survey of the highways to be used by construction traffic has been carried out in association with the Highways Authority. For completeness, the conditions applied to the GGP permission have been included in the proposed conditions outlined below. The construction phase of the proposed development would last for approximately 5-months. Due to the nature of the works associated with the proposed development, traffic volumes are not anticipated to increase significantly from that already proposed as part of the GGP. NPPF paragraph 115 sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Subject to the mitigation measures already agreed and conditioned for the GGP and replicated for this application any disruption during construction would be temporary and relative to existing levels of traffic, such effects cannot reasonably be described as severe.

Inevitably, and as with any construction operation, there may be some inconvenience and potentially some disturbance to residents in the locality. However, such inconvenience or disturbance would be short-lived and for the duration of the works only, and so it would not amount to a sustainable reason for refusing planning permission. A condition is recommended requiring the works to be carried out in accordance with a Construction Environmental Management Plan. When operational, the development would not give rise to any amenity issues.

Conclusion

The proposed development would facilitate the connection of the consented Green Grid Park to the National Grid. The Applicant has taken measures to ensure that the impact of the cabling route would be minimised along its route. The general principle of development is considered to be acceptable. All material planning considerations have been assessed against the adopted Development Plan and national guidance and has not identified any harm that would warrant refusal of the application and as a result the application is recommended for approval, subject to the conditions set out below.

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RECOMMENDATION:

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

Conditions:

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

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

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

15777-020 FECKENHAM GREENER GRID PARK CABLE ROUTE SITE LOCATION
PLAN 1-2500 R2

15777-021 FECKENHAM GREENER GRID PARK CABLE ROUTE BLOCK PLAN 1-500
R1

15777-023 FECKENHAM GREENER GRID PARK CABLE ROUTE CABLE CROSS
SECTION 1-25 R1

15777-025 FECKENHAM GREENER GRID PARK CABLE ROUTE PROPOSED SITE
PLAN R2

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

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

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Reason: In accordance with the requirements of paragraph 211 of the National Planning Policy Framework.

- 4) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 211 of the National Planning Policy Framework.

- 5) 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 a distance of 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.

- 6) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees. This fencing and /or ground protection 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.

- 7) The development shall be completed in strict accordance with the recommendations for further survey and mitigation works outlined in Section 4 of the Tetra Tech Great Crested Newt Survey Report and Section 4 of the Tetra Tech Ecological Appraisal (unless varied by a European Protected Species (EPS) licence issued by Natural England). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: To enhance biodiversity in accordance with Borough of Redditch Local Plan Policy 16, paragraphs 180, 185 and 186 of the National Planning Policy

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Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 8) No development shall commence until a Biodiversity Management and Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Borough of Redditch Local Plan Policy 16, the National Planning Policy Framework and The Environment Act 2021.

- 9) The landscaping scheme shall be undertaken in strict accordance with the Post Development Plan: Cable by Tetra Tech and shall be undertaken in the first planting season following the completion of the construction works for the underground cable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To safeguard the visual amenities of the area and to increase the biodiversity of the site, to mitigate any impact from the development.

- 10) The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing 3419-DR-P-0004 Rev 1 and 3419-DR-P-0001 Rev 16.

Reason: To ensure conformity with submitted details.

- 11) The development hereby approved shall not commence until the visibility splays shown on drawing 3419-DR-P-0004 Rev 1 have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 12) The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing

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by the Local Planning Authority. This shall include but not be limited to the following:

- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc).
- c. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- d. Details of any temporary construction accesses and their reinstatement.
- e. A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- f. Details of the proposed routes for the Abnormal Loads and HGV's.
- g. Details of any temporary improvements to the highway.

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

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

- 13) The development hereby approved shall not commence until a condition survey of the highways to be used by construction traffic has been carried out in association with the Highways Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and Highways Authority and shall assess the existing state of the highway.

No building or use hereby permitted shall be occupied or the use commenced until a second condition survey has been submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

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Procedural matters

This application is being reported to the Planning Committee because following discussions with the Assistant Director for Planning and Leisure Services the Planning Officer considers that the application should be considered by Committee.

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Planning Application 24/00576/S73 Minor material amendment in Variation of condition 2 of planning permission ref: 23/01115/FUL for patios and balconies to apartments including retaining walls and fencing, acoustic fencing and decorative fencing and gates, cladding, re-roofing and repainting of existing building.

The proposed amendments relate to the provision of insulated brick panels between windows, existing aluminium windows to be replaced with dark grey aluminium and the brick retaining walls to be replaced with concrete walls with composite cladding and wood cladding

Highfield House, Headless Cross Drive, Redditch, Worcestershire, B97 5EQ,

Applicant: Mr George Doupnik

Ward: Headless Cross And Oakenshaw Ward

(see additional papers for site plan)

The case officer of this application is David Edmonds, Principal Planning Officer (DM), who can be contacted on Tel: 01527881345 Email: david.edmonds@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises three adjoining buildings, which were formerly in office use but are in the process of being converted to residential use as per the planning history listed below. The buildings are three storeys in height with one of the three blocks being set at a higher level due to the prevailing topography. The buildings are set in the southern portion of the site, with the northern portion of the site predominantly laid to hardstanding forming vehicular parking. To the north beyond the application site is the water tower and reservoir. The site is bound by Headless Cross Drive to the west, Coldfield Drive to the south and the Bromsgrove Highway A448 to the east.

Proposed Description

The application proposes a series of amendments to works associated with the conversion of the building to residential use.

The approved plans for application 23/01115/FUL comprise: - the addition of balconies to each residential unit, including associated ground excavation/build up at ground floor level to account for the topography of the site. The approved plans illustrate cladding of the external walls with buff brick slips and off-white render, the like of like replacement of roof tiles and painting of external paintwork in light grey. Additionally, the proposals included the installation of 2.5-metre-high acoustic fencing to the Bromsgrove Highway boundary and at the ground floor of the southern patios - brick retaining walls with decorative metal fencing over to ground floor patios on northern elevation and 1.8 metre decorative bow top railings to part of Headless

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Cross Drive boundary with associated 1.8-2 metres high wall, railings and gates to the vehicular access.

The currently proposed amendments involve inserting insulated brick panels between retained window openings to improve thermal efficiency, the replacement of the existing dark brown framed windows with 'anthracite' (dark grey) aluminium windows and for the inner retaining walls, on the north elevation, to be constructed from concrete and be finished with light grey composite cladding and the small sections of external wall on the front, sides and rear, be clad in brown timber.

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

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

National Planning Policy Framework (2023)

Redditch High Quality Design SPD

Relevant Planning History

21/00521/CUPRIO	Change of use from office (use class B1) to form 69 apartments (use class C3)	Prior Approval Required and Granted	26.05.2021
23/00992/CUPRIO	Conversion of part of an office block into residential flats. 17 x 1 bed and 7 x 2 bed (previous app 21/00521/CUPRIO)	Prior Approval Required and Granted	26.10.2023
23/01236/CUPRIO	Prior approval application (Class MA) for Conversion of part of an office block into 21 residential flats comprising 9 x 1 bed and 12 x 2 bed (previous app 21/00521/CUPRIO)	Prior Approval Required and Granted	19.12.2023
23/01115/FUL	Addition of patios and balconies to apartments including retaining walls and fencing. Acoustic fencing to Northern boundary. Decorative fencing and gates to entrance. Cladding, re-roofing and re-painting of existing building.	Planning Permission Granted, subject to conditions including condition 3 relating to form colour and finish of materials	22.02.2024

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Consultations

Worcestershire Highways - No objection since there is no material nor significant change to the highway/ transportation implications of the development.

Public Responses- A site notice was displayed on 16.07.24 which expired 09.08.24. Press notice – 12/07/24 which expired on 29/07/24. No public comments have been received.

Assessment

This application is submitted under Section 73 of the Town and Country Planning Act 1990 for an amended design for the whole development granted planning permission under reference no. 23/01115/FUL., If permission is granted it would result in a new planning permission for the whole development on the site. Therefore, the assessment, whilst focussing on the amendments also provides a summary assessment of the whole development, whilst recognising that the design granted permission under reference no. 23/01115/FUL is a fall-back position.

Proposed amendments

Subdivision of the window openings with insulated brick panels. This would result in an appearance which is more residential than office and would create more visual interest in the continuous alignment of the elevations of a large building.

Replacement windows from brown to charcoal grey aluminium. This would harmonise with other aspects of the approved colour scheme and would appear sleeker, than the upvc windows approved under planning permission reference 23/01115/FUL.

Retaining wall cladding. The use of composite cladding for the retaining walls rather than brick slips would introduce an external face material different from the host building and that of the brick slips which are part of the approved design. However, given that the walls on which it would be applied are not conspicuous it would be acceptable. The use of natural wood, rather than brick slips, on the more conspicuous retaining walls would be an acceptable since it would blend in with the proposed wooden acoustic and boundary fencing.

With respect to the proposed amendments officers are mindful that the building sits alone in its own grounds with no nearby direct neighbours, the closest structure being the water tower which is finished in pale/grey concrete. Whilst there are more traditional red brick and slate tile roofed dwellings at Highfield Avenue and Highfield Road to the west, the building neither replicates this style or is read alongside it. Views of the existing building are limited to glimpses from Coldfield Drive through gaps in an otherwise substantial tree screen. Similar significant screening exists on the Headless Cross Drive boundary such that views of the building are not possible.

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Having regard to all these factors it is considered that the revised building material finishes and changes are acceptable.

Remaining development

The remains of the scheme are as previously approved, namely;

External materials –The existing building is finished in dark brown brick. The proposal which sought the over clad high level brick work with ‘yellow stock’ (buff) brick slips and ‘pearl’/ ‘antique’ render the bottom portion of the dwelling in off white render the form, colour and finish were details approved under condition 3 of planning permission reference no. 23/00115/FUL. The metalwork would be painted grey. The roof would be replaced like for like and this would not require planning permission.

Addition of balconies and patios. The cut and fill involved with creation of the patios respects the sloping landform and reduces the extent of retaining walls and the balconies do not cause any overlooking due to the isolation of the application building. Overlooking between balconies would be prevented by 1.8 metre high obscure glass screens and limited overlooking from balconies at higher level to those below.

Installation of fencing –The acoustic fencing will not be prominent in public views from any vantage point except when within the site when it will be seen in the context of the tree screening beyond. The further 2.5-metre-high fencing would benefit the proposed occupiers of these residential units and would be a consistent boundary treatment

Retaining walls with decorative metal fencing over to ground floor patios on northern elevation Given that the land continues to slope upwards towards the car park beyond the patio the extent of these retaining walls will not be visible within the site. There are no changes to the 1.1-metre-high decorative railings above the retaining walls and views of them are limited by the topography. Both would be seen in the context of the existing three storey building

Gate/wall/railings. Given that these will not provide a solid boundary and the landscaping which they will be seen against they are considered visually acceptable part of the proposal is set well in the site access such that it will not appear prominent in wide public views.

Other matters The installation of solar panels is shown on the plans, however this is considered to constitute permitted development by reason of Part 14, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The installation of smoke shafts and vents are indicated at various positions on the roof slope. Given the limited number proposed in the context of the size of the buildings subject to the works it is considered that these elements do not

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materially affect the external appearance of the building and therefore do not constitute development requiring planning permission.

Overall, these aspects of the scheme, remain, as they did under consideration of application 23/01115/FUL acceptable with respect to their impact on the character and appearance of the site.

In conclusion, the proposed development would accord with the policies in the adopted local plan, SPD and the NPPF.

RECOMMENDATION:

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

Conditions:

1. The development to which this permission relates must be begun not later than 22nd February 2027

Reason: In accordance with the requirements of Section 73 of the Town and Country Planning Act 1990, as amended.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:
 - Proposed Site Plan 23/51 P4-G
 - Proposed Site Sections 23/51 P6b
 - Proposed Elevations 23/51 102g
 - Proposed Floor Plans 23/51 P2-B
 - Proposed Floor Plans 23/51 P1B

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

Informatives

- 1) In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Authority has helped the applicant resolve technical issues such as:
 - impact of the development upon amenity of neighbours,
 - improving the design of the proposed development,
 - securing highway improvements

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- Others – securing additional plans and an upgrade to proposed cladding facing public areas

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

Procedural matters This application is reported to Planning Committee for determination because the application is for major development and as such the application falls outside the scheme of delegation.