



# Planning Committee

Thu 14 Nov  
2024  
7.00 pm

Oakenshaw  
Community  
Centre



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

**Gavin Day  
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## ***GUIDANCE ON FACE TO FACE MEETINGS***

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If you have any questions regarding the agenda or attached papers, please do not hesitate to contact Gavin Day ([gavin.day@bromsgroveandredditch.gov.uk](mailto: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 12<sup>th</sup> November 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.

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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](mailto:gavin.day@bromsgroveandredditch.gov.uk) before **12 noon on Tuesday 12<sup>th</sup> November 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 12<sup>th</sup> November 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](http://www.redditchbc.gov.uk)
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No. 4 and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.
- 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, 14th November,  
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 - 10)

### 4. Update Reports

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

### 5. 24/00717/OUT - Ipsley House, Ipsley Church Lane, Ipsley, Redditch, B98 0AJ (Pages 11 - 38)

### 6. 24/00740/S73 - Development Site At, Weights Lane, Redditch, Worcestershire (Pages 39 - 48)

### 7. 24/00839/S73 - Development Site At, Weights Lane, Redditch, Worcestershire (Pages 49 - 56)

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# Planning Committee

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Thursday, 10th October,  
2024

## MINUTES

### Present:

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

### Officers:

Ruth Bamford, Amar Hussain, Steve Edden and Paul Lester

### Democratic Services Officers:

Gavin Day

### 21. APOLOGIES

Apologies for absence were received from Councillors Brandon Clayton, James Fardoe and Gemma Monaco.

### 22. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 23. CONFIRMATION OF MINUTES

The minutes of the Planning Committee meeting held on 12<sup>th</sup> September 2024 were presented to Members.

### RESOLVED that

**the minutes of the Planning Committee meeting held on 12<sup>th</sup> September 2024 were approved as a true and accurate record and signed by the Chair.**

### 24. UPDATE REPORTS

The Chair Announced that there was an update report in relation to Agenda item 5 (Minute No25).

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.

Chair

# Planning Committee

Thursday, 10th October, 2024

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**25. 24/00387/FUL - LAND SOUTH OF, ASTWOOD LANE, FECKENHAM, REDDITCH, WORCESTERSHIRE, B96 6HP**

The application was being reported to the Planning Committee because, following discussions with the Assistant Director for Planning and Leisure Services, the Planning Officer considered that the application should be determined by the Planning Committee.

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

The application was for Land South Of, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HP and sought permission for an underground cable to connect Feckenham Greener Grid Park to Feckenham Substation.

Officers noted that The Feckenham Greener Grid Park was approved at Planning Committee by Members on 21<sup>st</sup> January 2022 under application 21/00195/FUL. The application before Members was for a connecting underground cable between the Greener Grid Park and Feckenham substation, it was further noted that no part of the approved application was to be amended under the proposed application.

The application site was shown on page 6 of the Site Plans and Presentations pack. Officers confirmed that the site was within the green belt, however, as the works were underground, they were not classified as engineering works as detailed under Paragraph 155 of the National Planning Policy Framework (NPPF) and thus were not considered inappropriate development.

An excess of 10% biodiversity net gain was proposed and consultees had no objection to the application subject to appropriate conditions. No further harm was identified which would warrant refusal

The following was clarified following questions to Officers.

- That no part of the application 21/00195/FUL could be considered as part of the proposed application
- That Hereford and Worcester Fire and Rescue Service were consulted regarding concerns raised around the environmental impact of the lithium batteries. Their response was detailed on page 5 of the Update Reports pack.

Members appreciated the concerns raised during the public speaking and the representation raised by Feckenham Parish Council; however, they noted that the concerns raised were not



# Planning Committee

Thursday, 10th October, 2024

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material considerations for the Planning application in front of them and could therefore, not be taken into account.

On being put to a vote it was:

**RESOLVED that**

**having had regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the Conditions outlined on pages 24 to 28 of the Public Reports pack**

**26. 24/00639/FUL - CLAYBROOK HOUSE, CLAYBROOK DRIVE, REDDITCH, WORCESTERSHIRE, B98 0FH**

The application was reported to Planning Committee for determination because the application was for major development (more than 1000 sq metres of new commercial / Industrial floorspace), as such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 13 to 22 of the Site Plans and Presentations pack.

The application was for Claybrook House, Claybrook Drive, Matchborough East, Redditch, B98 0FH and sought the Erection of 13 Class E Business Units with associated parking.

Officers detailed that the site had previously been used as employment land occupied by "Interserve". However, the site had been vacant for a period of time and following vandalism and anti-social behaviour issues, the building was demolished in 2023.

The proposed site plan was detailed on page 15 of the Site Plans and Presentations pack. Officers identified the access points to the units, in that units 1 to 12 and unit 13 would have different access, via Claybrook Drive and Hemming Road respectively. However, it was further noted that both were existing access routes to the site with no new ones being proposed.

Officers confirmed to Members that the use class for the units would be restricted to E(g) (iii) which was light industrial use, this excluded some uses which would normally be covered under the broader E classification.

there was one objection from a local resident which sited highways grounds, however, Worcestershire County Council, Highways, did not raise an objection to the application. Worcestershire Regulatory

# Planning Committee

Thursday, 10th October, 2024

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Services (WRS) were also consulted, and an acoustic fence was proposed along the northern side of the site.

The following was clarified following questions to Officers.

- It was not considered reasonable or necessary to restrict operational hours for the units given the employment land designation of the site; the restriction on the planning use class for the units; the buffer area beyond the northern boundary; and the provision of an acoustic fence (by planning condition)
- Condition 3 addressed the materials to be used on the site and the details of which would need to be submitted and approved prior to construction.
- The trees along the boundary would be considered during construction and would form a natural sound barrier along with the acoustic fence.

Members then proceeded to consider the application.

Members agreed that it was a good use for a derelict site which was being retained as employment space. Members expressed the opinion that it was a good use of the land and would be an asset to the local area.

On being put to a vote it was

**RESOLVED that**

**having had regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the Conditions outlined on pages 35 to 38 of the Public Reports pack**

The Meeting commenced at 7.00 pm  
and closed at 7.36 pm

**PLANNING  
COMMITTEE**

14th November 2024

**Planning Application 24/00717/OUT**

**Outline planning application for the demolition of existing buildings, construction of residential dwellings (Use Class C3), site access and highway works, open space, landscaping, sustainable urban drainage and ancillary works. All matters reserved for future determination, save for the means of access via Ipsley Church Lane**

**Ipsley House, Ipsley Church Lane, Ipsley, Redditch, B98 0AJ**

**Applicant: Rainier Real Estate (Ipsley) Ltd**  
**Ward: Winyates**

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

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

**Site Description**

The site, which is 1.83 hectares is located to the north of Ipsley Church Lane and to the west of Icknield Street Drive, the B4497. Beyond the sites northern boundary lies a residential development including that of Alveston Close and Berrington Close with the dwellings of Shottery Close immediately adjoining the northern boundary. Shottery Close comprises a relatively recent development, granted permission in 2004 for 50no. dwellings. Immediately beyond the eastern boundary lie a number of Heritage Assets including the Grade II\* Listed St. Peters Church and Grade II Listed Ipsley Court. Ipsley Court was converted to residential use (from Offices) under planning ref 2013/247/COUPRO in November 2013. To the west and south are large areas of public open space forming part of Arrow Valley Country Park.

Members will be aware that planning permission for the change of use of land to a cemetery on land south of Ipsley Church Lane was granted on 26 April 2022 (planning ref: 20/00863/FUL). This site is located directly opposite the application site. At the time of writing this consent has yet to be implemented.

The site itself is comprised of a vacant office block and associated car parking (233 surface car parking spaces). The offices were formerly occupied by the company GKN as the company's Head Offices before vacating the site in November 2019. The offices contain a total of 59,191 sq. ft of floorspace over three storeys (ground, first and second floor).

## PLANNING COMMITTEE

14th November 2024

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### Proposal Description

Outline planning permission is sought for the demolition of the existing office buildings and the construction of residential dwellings (Use Class C3). All matters are reserved for future determination, with the exception of the matter of access to the site via a modified access via Ipsley Church Lane.

The plans submitted for approval are for the primary vehicular access from Ipsley Church Lane. All other plans submitted as part of this application are provided for illustrative purposes only.

An illustrative Masterplan (Indicative only) has been submitted and shows how residential units **could be** rather than **would be** accommodated within the site.

The illustrative scheme proposes on site open space with 2 storey dwellings to the southern third of the site, dwellings up to 2.5 storeys in height to the middle third and dwellings up to three storeys in height to the northern third of the site. Members will note that the number of dwellings has not been specified (nor would it need to be) within this outline application.

### Relevant Policies:

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

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Settlement Hierarchy  
Policy 3: Development Strategy  
Policy 4: Housing Provision  
Policy 5: Effective and Efficient use of Land  
Policy 6: Affordable Housing  
Policy 11: Green Infrastructure  
Policy 12: Open Space Provision  
Policy 15: Climate Change  
Policy 16: Natural Environment  
Policy 17: Flood Risk Management  
Policy 18: Sustainable water Management  
Policy 19: Sustainable travel and Accessibility  
Policy 24: Development within Primarily Employment Areas  
Policy 30: Town Centre and Retail Hierarchy  
Policy 31: Regeneration for the Town Centre  
Policy 36: Historic Environment  
Policy 37: Historic Buildings and Structures  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

**PLANNING  
COMMITTEE**

14th November 2024

**Others**

Redditch High Quality Design SPD  
 SPG Employment Land Monitoring  
 SPD Open Space Provision  
 SPD Affordable Housing Provision  
 SPD Education contributions  
 Worcestershire Waste Core Strategy (WWCS)  
 National Planning Policy Framework (2023)  
 National Planning Practice Guidance

**Relevant Planning History**

24/0430/CUPRIO	Prior approval application (Class MA) for a change of use from Use Class E to residential (Use Class C3) to form 79 apartments over the ground, first and second floors	Approved 30.05.2024
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**Consultations****Worcestershire County Council – Highway Authority**

No objections subject to conditions and financial obligations.

Comments summarised as follows:

Ipsley Church Lane which comprises a single carriageway, is subject to a 30mph speed limit and runs east to west connecting to the B4497 Icknield Street Drive to the east via a priority give way junction with a right turn lane, and Mill Farm to the west but is a no-through road to the west. Icknield Drive connects the A4189 Warwick Highway to the north, A435 Birmingham Road to the south.

**Access Proposals**

The Applicant intends to realign the existing vehicular access off Ipsley Church Lane, which currently serves the former GKN offices. The submitted Drawing No. 0001/P10 'Proposed Vehicular Access' shows that the Applicant intends to realign the access to provide a 5.5m carriageway width, 10m junction radii, 2m wide footway on the eastern side of the carriageway and 2.4m x 43m visibility splays (commensurate with the 30mph posted speed limit to be provided and maintained). The Applicant has identified that vegetation would be cleared to ensure the 2.4m x 43m visibility splays are unimpeded.

The proposed 2m wide footway on the eastern side of the access would provide a connection to a proposed uncontrolled pedestrian crossing connecting with Public Right of Way (PRoW) 620(C) and Footpath 638 (A), which runs along the south of Ipsley Church Lane, providing connections to bus services on the B4497 Icknield Street Drive.

## PLANNING COMMITTEE

14th November 2024

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The Highway Authority has no objection to the proposed access arrangements to serve the development site. The Applicant also intends to provide a small section of new footway on the western side of Ipsley Church Lane, and an uncontrolled pedestrian dropped crossing, as illustrated on Drawing No. 0001/P10. The Applicant has shown that 1m x 43m visibility splays, with the 1m distance set back from the kerb line at the crossing point, would be provided at the uncontrolled crossing. The small section of footway would provide a connection to the existing PRow RD-639, to the west of the site.

The Highway Authority supports this new section of footway. Any alterations to the existing public highway will require approval via a Section 278 Agreement.

### Street Lighting

It is not clear, at this time, if street lighting is to be provided but the Applicant should employ a suitably qualified engineer to carry out a lighting assessment, in accordance with WCC's Street Lighting Design Guide (SLDG). This would be secured via an appropriately worded planning condition.

### Trip Generation

The Highway Authority are satisfied that the development would still result in an overall net reduction in trip generation compared to the consented use.

### Sustainable Transport

The Manual for Streets (MfS) states that 'walkable neighbourhoods' have a range of facilities within 800m. Guidance on the preferred maximum walking distances to amenities is given in the Chartered Institution of Highways and Transportation's (CIHT) Providing for Journeys on Foot (2000). This guidance prescribes that a walking distance of 400m is acceptable for trips to bus stops and local shops, with 800m being the preferred maximum.

The Applicant's Transport Assessment (TA) details a number of local services and facilities that fall within a 2km walking distance of the site. Whilst this exceeds MfS 'walkable neighbourhoods' threshold, the Highway Authority is content that these can be accessed via sustainable modes.

The development site is located approximately 350m from the nearest bus stop which is situated on the B4497 Icknield Street Drive.

Under the 1985 Transport Act, WCC has a duty to consider the transport needs of elderly and disabled residents. A service must be provided for all elderly and disabled residents where no suitable bus service exists for those unable to access a bus due to disability. WCC analyses this using historic trip need, DfT mileage rates and census data (for population per dwelling, disabled population statistics and age data) based on five years calculated cost. The service provides access to vital services, particularly acute health where it is no longer policy to offer appointments at the nearest facility to the resident's home address. On this basis WCC requests a contribution of £1,247.40 towards community transport for this site.

## PLANNING COMMITTEE

14th November 2024

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The site falls within the First School catchment for Matchborough First School Academy located 0.8 miles away and there are no concerns with the provision of a safe walking route to the school.

The development site falls within the Middle School catchment for Ipsley CE RSA Academy located 0.9 miles from the development. The development site falls within the Arrow Vale RSA Academy High School catchment zone, located 0.7 miles from the development. Walking routes are considered to be acceptable.

### Travel Plan

The Highway Authority is in receipt of an Interim Travel Plan, prepared by Jubb and dated July 2024. The Highway Authority would attach an advised planning condition requiring that, prior to occupation, the Applicant submit a Travel Plan in accordance with the County Council guidelines in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and has been approved in writing by the Local Planning Authority.

### Construction Management Plan

No details have been provided in respect of the construction stage of the development. A Construction Traffic Management Plan, setting out the proposed hours of operation, routing, access proposals and site details should form a condition on any successful planning consent.

In conclusion, the Highway Authority has undertaken a robust assessment of the planning application and is of the opinion the proposal would not result in any significant detrimental impact on the effective operation of the local highway network or create any significant highway safety concern. Hence, the Highway Authority recommends no objection subject to conditions and obligations.

### **RBC Conservation Officer**

Comments summarised as follows:

The site currently has a substantial three storey brutalist office building with concrete facings to the upper floors and brick to the ground floor. There are subordinate two storey ranges to the west and rear. The building was constructed in 1972/3 to designs by the Weedon Partnership for the engineering firm GKN. To the front, south end of the site is extensive carparking with some limited landscaping. Both the office building and car park are accessed from Ipsley Church Lane.

To the east of the site and southeast of the office building is St Peter's Church, Grade II\*. To the north of the Church are the remaining wings of Ipsley Court, the North Wing and South wing, each listed in their own right at Grade II. The extant wings of Ipsley Court are largely separated from the site by a modern office building which sits between the historic structures backing on to the site to the rear.

## PLANNING COMMITTEE

14th November 2024

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### St Peter's Church

Comprises a medieval Church dating back to the 13th century with alterations and additions in the 14th, 15th and 18th centuries, restored in 1867. It is constructed in sandstone beneath pitched tiled roofs. The heritage statement identifies the significance as follows, 'it is considered that the vast majority of the Church of St. Peter's significance is held in the architectural, historic and archaeological interest of its built form and fabric and with a small amount of artistic interest manifest in the building's interior and the various notable features that are retained there; i.e. the medieval font, the pulpit and the memorials from the post-medieval period which illustrate the church's connection with the Huband family from the mid-16th century onwards'. The importance of the building is indicated by its Grade II\* listing.

Historically Ipsley Court and its associated farmstead lay to the north and west respectively, and the surrounding agricultural setting remained until the 1970s when parts of the surrounding area including the site, were developed as part of the Redditch New Town expansion. A church hall was also constructed to the north of the Church possibly around this time. On the basis that the setting has changed substantially since the 1970s the Heritage statement suggests that the setting now only contributes a small amount to the significance of St Peter's, although it's immediate setting within the Church yard remains and the relationship with Ipsley Court and the agricultural land to the south is also legible. The Site contributes little to the setting due to the 1970s development. The contrasting materials and bulk of the office building are at odds with the size, architecture and character of the church. Views from the site are compromised as they are across the car park and views from the south of the church include the development on the Site rather than the rural views which previously existed. The development on the site clearly detracts from the setting and the site as a whole makes little contribution to the significance of St Peter's.

### Ipsley Court

North Wing and South Wing, both separately listed at Grade II, are all that remains of Ipsley court. The central range, which was possibly in origin Elizabethan, was demolished in the early 18th century leaving the two wings and a small return to each at the west end where the main central block would have been. The farm associated with the Court was located on the Site to the south of the office building. It is not clear if this was demolished to make way for the GKN Building or was demolished before. Like the Church the significance of both wings relates to their architectural and historic interest and this is indicated by the Grade II listing. Also like the Church very little of the setting contributes to the significance, with the exception of the relationship of the Church to the south. As with the Church the largely rural setting has disappeared, replaced with housing to the north, a modern office building to the west, and the site to the west of that. The views of the buildings from Ipsley Church Lane with the rural land to the southeast is a remnant of the historic setting. The heritage assessment notes that there are glimpses of the buildings from the site, but these views do not contribute to the setting.



## PLANNING COMMITTEE

14th November 2024

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### Non Designated Heritage Assets

#### The GKN Building

The heritage statement notes that at the time that the Redditch Local List was compiled this building was considered for the list but was rejected for the following reason:

*"Office block. 1972-3 by the Harry Weedon Partnership. Brick and concrete-faced. Two and three storeys. Considered but ultimately not included on the Redditch District Council Schedule of Buildings of Local Interest. The schedule notes that the building is of no special architectural merit, displays no unusual technological innovation or virtuosity and is of no particular townscape value."*

Although the building was not considered worthy of the Redditch Local List in 2009 for the reasons noted above, I consider it to be a non-designated heritage asset.

Paragraph 209 of the NPPF requires, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

It is considered that the proposed scheme would have little impact on the setting of both St Peters and the North and South Wings of Ipsley Court. It is noted above that the site makes little contribution to the setting of St Peter's. There are some views across the car park towards the Church and these views will be lost if the car park is developed for housing, but the contribution this part of the setting makes to the significance of the Church is minimal, but there will be a loss of the sense of openness if nothing else. The replacement of a large office building with more modest, in terms of height and bulk, dwellings especially if some views through the site are maintained may be beneficial to the setting of the listed building. Any minor harm to the significance of St Peter's as a result of the scheme would need to be balanced against the public benefits of the scheme (Paragraph 208 of the NPPF), and as the proposal is for housing the public benefits are likely to outweigh the any potential minor harm. When designing the layout of the final scheme, thought should be given to maintaining some views through to the Church.

In terms of Ipsley Court, it is not considered that the loss of the office building and the redevelopment of the site for housing will impact on the significance of this listed building.

The GKN Building will obviously be demolished to make way for the housing scheme. There will therefore be a loss of this non designated heritage asset, but as acknowledged above this building was not included in the 2009 Local List and is considered to be at the lower end of non-designated heritage assets in terms of interest. As per Paragraph 209 of the NPPF, in determining the application a balanced judgement will be required having regard to the scale of harm and the overall significance of the heritage asset.

## PLANNING COMMITTEE

14th November 2024

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### RBC Housing Strategy

Comments received summarised as follows:

I have taken into consideration the submitted Planning Statement paragraphs 4.3.30 onwards regarding Vacant Building Credit and in particular paragraph 4.3.36 and 4.3.37

4.3.36 The gross internal floor area of the existing vacant building is 6,796 sqm. The floorspace of the proposed new development will be determined at reserved matters stage.

4.3.37 The proposed development is eligible for Vacant Building Credit, reducing the affordable housing contributions required to nil unless more than 6,796sqm of new residential floorspace is provided by the development. The proposal aligns with local and national policies aimed at promoting the reuse of vacant buildings and increasing housing supply. The affordable housing requirement will be applied to the net additional floor space.

I understand that Planning Officers are satisfied that evidence supplied by the applicant confirms that the existing (GKN building) has been vacant since 2019. Planning Practice Guidance (PPG), para: 028, Reference ID: 23b-028-20190315) clarifies that VBC applies where buildings have not been abandoned and that local authorities should have regard to the intention of national policy to incentivise brownfield development. The gross internal floor area of the existing vacant building is 6,796 sqm. The floorspace of the proposed new development would be determined at reserved matters stage because details of layout are not for consideration at this stage. As such, I agree that any affordable housing requirement can only be applied to the net additional floor space. As the proposed development is eligible for Vacant Building Credit, this may reduce the affordable housing contributions required to nil unless more than 6,796sqm of new residential floorspace is provided by the development.

Therefore, I can confirm that the affordable housing element would only be required should a future detailed application proposed more than 6,796 sqm of floorspace.

Should an affordable housing element be required I can confirm that there is a very high demand for 2,3 and 4 Bed housing in the Borough, so, of the 30% affordable housing we would want 2/3 social rent, 1/3 Share Ownership/First Homes/Alternative Home Ownership product - eg Rentplus/Rent to Buy.

Of the whole AH provision 25% should be First Homes and any remaining percentage should be shared ownership.

So - 25% First Homes

66.66% Social Rent

8.33% Shared ownership

The priority is for 3 bed properties.

50% 3 beds

## PLANNING COMMITTEE

14th November 2024

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50% other eg 30% 2 Bed 20% 4 bed

Shared Ownership/First Homes should be 50:50 between two and three beds.

Sizes should be:

2 Bed 4 person

3 bed five or six person

4 bed six, seven or eight person

The location of the affordable housing on the site should be small clusters and indistinguishable from the market housing in respect of finish.

### **North Worcestershire Water Management (NWWM)**

Comments received summarised as follows:

While in principle I have no issues with the proposed development from a flood risk perspective, minimal drainage details have been provided with this application, but this is acceptable at an outline stage. As part of a detailed application, we would expect to see a full drainage strategy. This should identify where surface water will be discharged to and include an appropriate level of attenuation if surface water cannot be kept on site. It should also detail the extent of the new buildings and any new hard standing and what materials will be used to finish these areas. It would be required that surface features such as ponds and balancing areas are considered prior to sub surface ones, such as attenuation tanks. We are pleased to see that the current (indicative) layout has shown that space has been set aside for an attenuation area. It is recommended that the applicants take the opportunity to incorporate surface water drainage into any soft landscaping features such as a rain garden. It is also recommended that under drained permeable pavement is provided as part of a SuDS scheme.

### **Worcestershire Regulatory Services (WRS) - Contaminated Land**

No objection subject to land remediation conditions

### **Worcestershire Regulatory Services (WRS) - Noise**

The development will require a Demolition and Construction Management Plan with particular reference to the demolition of the existing substantial office complex. This should set out agreed working hours, recommended to be:

Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm, not at any time on Sundays, Bank or Public Holidays.

The plan should set out measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and construction phase of the development.

This can be controlled via planning condition.

## PLANNING COMMITTEE

14th November 2024

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### **Arboricultural Officer**

Comments received summarised as follows:

I hold no objections to the trees highlighted that are to be removed as part of this proposed development. The majority of the trees for removal are of poor quality and make up the interior of the site. The boundary trees are to be retained which is welcomed as these offer screening for the site.

There is a large section of land to the South of the site planned which can be used for mitigation tree planting for any removed trees within the development.

Oaks T29, T30, T31 and T32 to the Northwest of the site are under protection from a TPO and lie within the Woodland adjacent to the site. The Root Protection Area (RPA) of these trees is approx. 12m which as highlighted would be incurred into by the proposed development based on the (indicative site layout). This matter should be addressed as part of a future (detailed) planning application.

Based on the (indicative) site layout plan, the crowns of these trees may dominate the gardens and block a considerable amount of light to the properties. I would also add that the future pruning pressure on these trees from residents will be greatly increased due to general debris issues and light. Again, this matter should be addressed through a detailed future planning application.

Any detailed application should be supported by an Arboricultural Method statement to show how all trees retained will be protected under any proposed development. Further, a Landscaping scheme should show and identify species of new tree planting within the site.

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

No objections subject to the inclusion of an archaeology condition

### **Worcestershire County Council Education Services**

Comments summarised as follows:

State that in this case, a contribution would be payable to the County Council for education provision in accordance with the adopted SPD. In this case, contributions would be sought for early years provision and SEND (Special Educational Needs and Disabilities).

### **Worcestershire County Council Public Rights of Way**

Comments summarised as follows:

The definitive line of public rights of way (PRoW), Redditch footpath RD-639 runs along the western boundary of the application site. Paragraph 104 of the NPPF states that planning policies protect and enhance public rights of way and access. A proposed footway on the southwest corner of the site providing a connection to footpath RD-639 would help meet this requirement. Any change to the surface of a PRoW must be approved by the Highways Department.

## PLANNING COMMITTEE

14th November 2024

---

### **NHS Integrated Care Board (ICB)**

Comments summarised as follows:

Herefordshire and Worcestershire Integrated Care Board (ICB) have identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The proposed development would be likely to have an impact on the services of 2 GP practices.

The existing practices affected do not have capacity to accommodate the additional growth resulting from the proposed development. Affected practices which are a member of the Primary Care Network (PCN): Nightingales PCN, Kingfisher PCN.

A developer contribution will be required to mitigate the impacts of this proposal. The ICB calculates the level of contribution required in this instance to be £686 per dwelling, to be paid prior to first occupation of the development.

The ICB requests that this sum be secured through a planning obligation linked to any grant of planning permission.

### **Public Consultation Response**

The application has been publicised by writing to nearby occupiers, by press notice and by site notice.

Six letters objecting to the application have been received. Comments are summarised as follows:

- Concerns regarding traffic flow during the demolition and construction phase, i.e. the management of road traffic, parking, noise and dust pollution
- The indicated 3 storey houses to the rear of the site are too close to the northern boundary and will result in a loss of privacy caused by overlooking, loss of outlook and loss of light
- The houses are in close proximity to St Peters Church where bellringing takes place regularly. Future residents of the houses (with private gardens) are likely to object to the sound of the bellringing bringing the two uses into conflict
- Whilst the change of use of the existing building as permitted, ref 24/00430/CUPRIO to 79 apartments would have provided the type of accommodation needed in the Borough, the proposal is likely to result in a significant number of much larger dwellings which are not needed to the same extent as smaller properties
- The use would be incompatible with the adjoining (ecclesiastical) use
- Concerns raised regarding impact upon established wildlife in the area

## PLANNING COMMITTEE

14th November 2024

---

One letter has been received in support of the application. Comments are summarised as follows:

- Pleased to see that the site may be re-developed after several years of vacancy
- Transport links are generally good in the area

### **Procedural matters**

This outline application includes an indicative layout. However, this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate a number of residential units, and not how the site **would** be developed.

### **Assessment of Proposal**

#### Principle of development

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

- i) such development would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned; and
- ii) it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment; or
- iii) the site is no longer appropriate for employment use because of at least one of the following reasons and these problems are incapable of resolution in the foreseeable future:

It impinges upon residential amenity;

It causes substantial transport network, highway or traffic problems:

It creates other adverse environmental effects; or

Technical reasons such as land stability or fundamental infrastructure problems.

Criteria i) is considered to be satisfied. There is no significant shortage of land that would be accentuated should the site be redeveloped for residential use. The Employment Land Supply in Redditch Borough for the period 2011-2017, as outlined in the 2017 report, designates approximately 55 hectares of land for employment use between 2011 and 2030. As of April 2021, the available employment land supply in Redditch Borough exceeds this requirement at 61.45 hectares.

## PLANNING COMMITTEE

14th November 2024

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Criteria ii) is similarly considered to be satisfied. The submitted Marketing Statement & Report produced by Knight Frank demonstrates that the site is no longer viable as an employment area, evidenced by the fact that it has been continually marketed for 3 and a half years, with no interest from commercial occupiers. The Councils Employment Land Monitoring SPG, at para 2.10 suggests that sites should be marketed for a minimum period of 2 years and 3 months. The marketing period undertaken significantly exceeds this period of time.

In terms of Criteria iii), a new residential scheme would be wholly compatible with surrounding / adjoining uses.

It should be noted that an extant residential permission exists on this site as detailed in the Planning History above, where consent has been granted for the conversion of the existing office building to residential use under planning reference 24/0430/CUPRIO.

The proposal is therefore considered to comply with Policy 24 of the Borough of Redditch Local Plan No.4.

Clearly the GKN Building would need to be demolished in order to accommodate the new residential development.

As set out by the RBC Conservation Officer, the GKN Office buildings were not considered worthy of inclusion within the Redditch Local List in 2009 with the document commenting that the building was of no special architectural merit, displays no unusual technological innovation or virtuosity and is of no particular townscape value. Notwithstanding this, the Conservation Officer (CO) considers the building to be a non-designated heritage asset.

The CO considers that a residential scheme, in principle would have little impact on the setting of both St. Peters Church and the North and South Wings of Ipsley Court.

Your officers consider that the layout of the development (submitted under a future detailed application) should pay careful attention to the setting of adjacent listed buildings, but, in principle, a detailed proposal, replacing the (large) office building with a more modest, in terms of height and bulk, form of development has the potential to be largely beneficial to the setting of the listed buildings, especially where some views through the site are maintained and or enhanced. In this respect the applicant states that:

*The development will create improved views of St. Peter's Church by establishing a walkway connecting to Arrow Valley Country Park. This will preserve the church's visual openness from the park, integrating it as a scenic focal point within a new residential area. Unlike the existing commercial setting, which restricts public access and enjoyment due to its private, enclosed nature, the new design will allow the church to be appreciated as a central feature.*

## PLANNING COMMITTEE

14th November 2024

---

Your officers consider that an application bringing forward a potentially large number of family homes would result in significant public benefits in this case and as such the proposal would comply with the provisions of Paragraph 208 of the National Planning Policy Framework (NPPF).

As set out under Paragraph 209 of the NPPF, in determining the application a balanced judgement will be required having regard to the scale of any harm and the overall significance of the heritage asset.

Overall and in conclusion, the principle of the development is considered to be acceptable.

### Scale and density of development

As set out earlier in this report, numbers of dwellings are unspecified. In general terms the indicative layout is considered to be broadly acceptable to your officers.

BORLP4 Policy 5 (Effective and Efficient Use of Land) advises that there remains a need for prudent reuse of previously developed (brownfield) land within the Borough which has the potential to contribute towards meeting Redditch's development needs. In relation to residential development, Paragraph 5.2(i.) states that the reuse and regeneration of Previously Developed Land (PDL) will be actively encouraged.

This proposal presents an opportunity to repurpose vacant brownfield land, thus reducing the pressure for development on greenfield sites and maximising the use of existing infrastructure.

Policy 5 supports the efficient use of land, including the re-use and regeneration of brownfield land, at a density of between 30-50 dwph. The indicative layout shows residential development at a density of around 50 dwph in accordance with Policy 5.

The emphasis on prioritising and redeveloping previously developed brownfield land aligns with government policy in the National Planning Policy Framework (NPPF, December 2023), and aligns with BORLP4 Policy 1, 3, and 5 insofar that it is a Brownfield site, the reuse and development of which is to be actively encouraged.

BORLP4 Policy 39 (Built Environment) states that all development in the Borough should contribute positively to the local character of the area, responding to and integrating with the distinctive features of the surrounding environment, particularly if located within a historic setting.

A detailed proposal would have the potential to contribute positively and significantly to the area's built environment. The design and layout clearly need to be sensitive to the surrounding context, ensuring it complements and integrates seamlessly with existing architectural and historical features nearby.



## PLANNING COMMITTEE

14th November 2024

---

### Affordable housing

Borough of Redditch Local Plan Policy 6 (Affordable Housing) requires the provision of 30% affordable housing on sites of 11 or more dwellings, incorporating a mix of tenure types. Policy 5 recognises that where the economic viability of a scheme on previously developed land is questionable, the Borough Council may negotiate a more appropriate level of infrastructure provision.

Paragraph 65 of the NPPF states that:

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

Further guidance to that contained within Paragraph 65 of the NPPF which allows for a ‘Vacant Building Credit’ to be applied to any proposals that involve the demolition of an existing building can be found at Paragraph 28 (reference ID:23b-028-20190315) of the National Planning Policy Guidance (NPPG). Paragraph 26 of the NPPG states that

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

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

The calculation of any Vacant Building Credit (VBC) should be based on an assessment of comparable gross external area, or floorspace (GEA).

Ipsley House has been vacant since November 2019. The building was owner occupied and maintained by GKN for several years, but it has remained unused due to softening investment sentiment and reduced occupier demand. The building is a lawful and permanent structure, currently not in active use and meets the criteria for VBC. There is no evidence of the building being intentionally vacated for the purpose of claiming VBC.

The gross internal floorspace of the existing vacant building is 6,796 sq. m.

The floorspace of the proposed new development will be determined at reserved matters / detailed stage. Any affordable housing requirement will be applied to the net additional floor space.

## PLANNING COMMITTEE

14th November 2024

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Because the proposed development is eligible for Vacant Building Credit, this reduces the affordable housing contributions required to nil unless more than 6,796sqm of new residential floorspace is provided by the development. The proposal aligns with local and national policies aimed at promoting the reuse of vacant buildings and increasing housing supply.

### Access, Accessibility and Sustainable Transport

BORLP4 Policy 19 (Sustainable Travel and Accessibility) states that transport will be coordinated to improve accessibility and mobility, so that sustainable means of travel, reducing the need to travel by car and increasing public transport use, cycling and walking are maximised.

The site has already been recognised as a sustainable and accessible location through its current use and allocation as an employment area, and the approval of the prior approval application (ref 24/0430/CUPRIO) determined that the trip generation is expected to decrease as a result of a residential redevelopment.

The Transport Statement provides an audit of key connections and routes from the existing point of access on to Ipsley Church Lane. One of the key links is into PROW 638(A), which connects to 627(C) providing a walking cycle route to the east, which includes the nearest primary and secondary schools, via a subway under Icknield Street Drive/Ipsley Lane. The footpaths are well-lit and signposted.

Ipsley Church Lane is a no-through road, terminating to the west of the site where it provides pedestrian access to Arrow Valley Country Park. Consequently, the road does not permit through traffic, resulting in a quiet and low-traffic environment.

The development is considered to align with BORLP4 Policy 19 by integrating and improving access to existing sustainable transport options such as public transit, cycling, and walking, to reduce car dependency. In line with policy BORLP4 the site benefits from sustainable links to local amenities such as the Morrisons supermarket and Matchborough Centre through use of Public Rights of way which can be accessed via foot and cycle.

Members will note that WCC Highway Authority raise no objection to the proposals on highway safety grounds subject to conditions and a financial obligation.

### Landscaping and Arboricultural matters

Landscaping is a matter reserved for any future detailed planning application. Notwithstanding this, the illustrative scheme shows how opportunities for landscaping can be maximised within the constraints of the site's location.

## PLANNING COMMITTEE

14th November 2024

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Trees located along the periphery of the site would be retained as an integral part of the development. The Tree Officers comments set out above have been communicated to the applicant.

Your officers would expect any detailed application (where the matter of layout would be considered) to address the points made with respect to Oaks T29, T30, T31 and T32 to the Northwest of the site.

### Ecology

BORLP4 Policy 16 mandates the protection and enhancement of Redditch Borough's natural environment by minimising the use of natural resources. It aims to safeguard and, where appropriate, improve the quality of resources such as water, air, land, wildlife corridors, species (including protected species), habitats, biodiversity, and geodiversity.

Due to the significant areas of hardstanding present on the site, the application presents a clear opportunity to improve the site's biodiversity value through the creation of new on-site habitats and green spaces which would include meeting statutory obligations to achieve a minimum 10% biodiversity net gain.

A condition to secure this is set out below.

### Flood Risk and Drainage

The submitted Flood Risk Assessment confirms that the site is located within Flood Zone 1, indicating a low flood risk, and ensures that the development will not pose any significant flood risk on or off-site. Whilst any detailed drainage strategy is reserved for future determination, the indicative plans provide additional details regarding surface features as part of a landscape-led SUDs strategy. The scheme prioritises surface-level SUDs in alignment with the Lead Local Flood Authority's (LLFA) aim for these features over sub-surface alternatives. NWWM as the LLFA for North Worcestershire raise no objection stating that a detailed drainage strategy would need to accompany any future detailed application.

### Open Space

The indicative layout shows an area of on-site open space for future residents to enjoy which includes a LAP (Local Area for Play).

On site open space at this stage is considered to reflect the sites size as well as its location which benefits from extensive green infrastructure in its surroundings including Arrow Valley Country Park which provides an extensive network of nature trails, lake, ponds, and open space.

## PLANNING COMMITTEE

14th November 2024

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### Residential amenity considerations

Any detailed application would need to ensure that future residents are provided with decent standards of amenity in line with the Councils High Quality Design SPD.

Despite the application being publicised extensively, relatively few objections have been received. Understandably some residents have raised concerns around highway safety, noise and dust during the demolition and construction phase.

Such disturbance is an inevitable consequence of granting permission for new development and, being temporary in nature, is not in itself a reason to refuse permission. Members will note recommended Condition 7 below which requires the submission and agreement to a Demolition and Construction Management Plan.

Whilst indicative, the plans show that the tallest dwellings would be three storeys in height. The existing residential development of Shottery Close (to the north) contains apartments of up to 4 storeys in height.

Detailed plans would be expected to demonstrate that new dwellings are appropriately separated from existing dwellings such that a material loss of privacy; loss of outlook and overshadowing does not occur having regards to impacts upon both existing residents and occupiers of the new dwellings.

It is noted that application 24/00430/CUPRIO has granted consent for the conversion of the existing office building to 79 apartments. Some existing residents consider that the type of accommodation being provided under that application would have better suited the Boroughs housing requirements. This application, if implemented, would provide 35no. 2 bed flats and 40 no. 1 bed flats with 4 studio apartments.

The Redditch Housing and Economic Development Needs Assessment (HEDNA) however comments that for the owner occupied and private rent sectors, the greatest level of growth is in 3 bed properties. It goes on to state that for market housing and affordable home ownership, a higher proportion of larger 3-4 bed (family type) properties are needed. Members will also note comments received by the Councils Housing Strategy Officer who clarifies that there is very high demand for 2,3 and 4 Bed housing in the Borough with a particular priority for 3 bed houses in Redditch.

In line with Policy 5, part 5.3 of BORLP4, any detailed application would be expected to provide a mix of dwellings and would expect applicants to refer to and evidence the most up to date assessments to determine the most appropriate types of dwellings required meeting the strategic housing needs of the Borough.

Some residents have asserted that the use would be incompatible with the adjoining (ecclesiastical) use, principally having regard to noise arising from regular bell ringing from St. Peters Church. However, your officers have noted that a large number of dwellings are already situated in close proximity to the church and believe that future

## PLANNING COMMITTEE

14th November 2024

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occupiers will be aware of such constraints when purchasing a property (*Caveat emptor* / let the buyer beware).

As set out earlier in this report, WRS (noise) have raised no specific objections to the application following the consultation subject to the inclusion of a Demolition and Construction Management Plan planning condition.

### Planning Conditions

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

### Section 106 Planning obligation

In accordance with Paragraph 57 of the NPPF and Section 122 of the CIL regulations, a planning obligation has been sought to mitigate the impact of this major development, if the application were to be approved. The Planning obligation would cover:

- Contributions to the NHS Integrated Care Board (ICB) towards GP Surgeries
- Contributions to WCC Educational Services towards SEND and early years provision
- Contributions to WCC towards the provision of Community Transport
- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy
- Contributions towards securing improvements and environmental enhancements to the Town Centre in accordance with Policy 31 of the BOR LP4
- A Section 106 (Planning Obligation) monitoring fee/s

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

At the time of writing, the planning obligation is in draft form.

### Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development is considered to be an acceptable use in principle, assessing the proposal against the provisions of Policy 24 of the Borough of Redditch Local Plan No.4.

## PLANNING COMMITTEE

14th November 2024

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The demolition of the existing building to facilitate the proposed use has been carefully considered. Your officers consider that the layout of a future residential development has the potential to be largely beneficial to the setting of the adjacent listed buildings. In turn, enhanced views through the site would contribute positively to the local character and visual amenities of the area.

A future application bringing forward a potentially large number of family homes would result in significant public benefits in this case and as such it is considered that the proposal would comply with the provisions of Paragraphs 208 and 209 of the National Planning Policy Framework (NPPF).

Means of access to the site is considered to be both safe and sustainable and whilst matters including scale, layout, appearance and landscaping are reserved for consideration under a later detailed or reserved matters application there is nothing to suggest that a wholly acceptable detailed application could not come forward in the future.

Subject to suitable conditions and the completion of a legal agreement, the application is considered to be a policy compliant and sustainable form of development.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, authority be delegated to the Assistant Director, Planning and Leisure Services to GRANT outline planning permission subject to:-**

- a) The satisfactory completion of a S106 planning obligation ensuring the following matters are delivered:**
- Contributions to the NHS Integrated Care Board (ICB) towards GP Surgeries
  - Contributions to WCC Educational Services towards SEND and early years provision
  - Contributions to WCC towards the provision of Community Transport
  - Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy
  - Contributions towards securing improvements and environmental enhancements to the Town Centre in accordance with Policy 31 of the BOR LP4
  - A Section 106 (Planning Obligation) monitoring fee/s

**and**

- b) Conditions and informatives as listed below:**

**PLANNING  
COMMITTEE**14th November 2024

---

**Conditions:**

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

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

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

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

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

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

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

Site Boundary Plan: Drawing P22-0295\_DE\_0002\_C\_1 dated 12.7.24  
Proposed Vehicular Access Drawing 0001 REV: P10 dated 18.10.24

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

- 5) 1) 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.

**PLANNING  
COMMITTEE**14th November 2024

---

2) 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 (1) 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.

6) Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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



**PLANNING  
COMMITTEE**14th November 2024

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

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

- 7) The Development hereby approved shall not commence until a Demolition and 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:-
- o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - o Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
  - o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
  - o Details of any temporary construction accesses and their reinstatement; and
  - o A highway condition survey, timescale for re-inspections, and details of any reinstatement.
  - o Details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and construction phase of the development.

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

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety and to safeguard residential amenities

- 8) Prior to first commencement of development, a detailed scheme for the site access works at Ipsley Church Lane, shall be submitted to the Local Planning Authority (and Worcestershire County Council Highways). The development shall not be occupied or brought into use until the submitted scheme, which is broadly in

**PLANNING  
COMMITTEE**14th November 2024

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accordance with Proposed Vehicular Access Drawing 0001 REV: P10 dated 18.10.24, subject to any necessary changes identified during the detailed design and Road Safety Audit processes, has been agreed in writing by the Local Planning Authority, in consultation with Worcestershire County Council Highways, and has been implemented in full.

Reason: In the interests of achieving safe and suitable highway access for all users.

- 9) Prior to first occupation of the development hereby approved, a Travel Plan in accordance with the County Council guidelines shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Worcestershire County Council Highways). This plan will thereafter be implemented, monitored for a minimum of 5 years, and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer in consultation with the Local Planning Authority and thereafter implemented as approved.

Reason: To promote sustainable access

- 10) Prior to first occupation of the development hereby approved, a Residential Travel Welcome Pack shall be provided to each dwelling at the point of occupation, details of which shall be submitted to and approved by the Local Planning Authority (in consultation with Worcestershire County Council Highways).

Reason: To promote sustainable access

- 11) Prior to its first installation, a lighting assessment, undertaken in accordance with Worcestershire County Council's Street Lighting Design Guide, setting out details of lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowl of all external lights and the hours at which such lighting is to be operated. The agreed scheme shall be implemented in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form.

Reason: In the interests of highway and public safety, to safeguard residential amenities and to ensure that protected species are not harmed in the interests of biodiversity.

## PLANNING COMMITTEE

14th November 2024

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- 12) Prior to first commencement of development, 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 shall be 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 Plan 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.

### Informatives

- 1) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 2) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 3) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**PLANNING  
COMMITTEE**14th November 2024

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- 4) 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](mailto:worcestershirevehicle.crossing@ringway.co.uk). The Applicant is solely responsible for all costs associated with construction of the access
- 5) 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 detailed design approval by the Highway Authority until the 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.

- 6) 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.

**PLANNING  
COMMITTEE**14th November 2024

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- 7) The Applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof
- 8) This consent does not authorise the erection of temporary direction signs on the public highway. Should the Applicant wish to direct traffic to the development site they should seek the consent of the Highway Authority. All temporary directional sign proposals should be submitted to the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No signs should be erected without the consent of the Highway Authority.
- 9) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:  
Constructors should give utmost consideration to their impact on neighbours and the public:

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

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

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

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

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

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, Applicants can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

**PLANNING  
COMMITTEE**14th November 2024

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**Procedural matters**

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

**PLANNING  
COMMITTEE**

14th November 2024

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**Planning Application 24/00740/S73**

**Variation of condition 35 of planning permission 19/00977/HYB dated 01/11/2021:  
FROM: No more than 128 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.**

**AMEND TO: No more than 200 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.**

**(Cross boundary application with Bromsgrove DC 24/00753/S73)**

**Development Site At, Weights Lane, Redditch, Worcestershire**

**Applicant: Persimmon Homes South Midlands Ltd  
Ward: Batchley And Brockhill 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.

**Consideration and Determination of Cross Boundary Application**

Two identical applications have been submitted, which include land within two LPA boundaries (Bromsgrove and Redditch).

The consideration of the impacts of a development proposal is not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Redditch.

The Bromsgrove equivalent s73 application 24/00753/S73 was approved as per the officer recommendation at the 15th October meeting.

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

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**Site Description**

The application site forms part of the Brockhill allocation, which is a greenfield site extending to circa 56ha and is irregular in shape, comprising heavily grazed improved grassland and large arable field parcels typically subdivided by fencing. The allocation site's boundaries extend adjacent to Brockhill Lane to the west, Weights Lane to the north, the Redditch/Birmingham railway line to the east, Phase I (Pointer's Way) and Phase II (Meadow View) to its south, and Phase 3 and Phase 4 which are a continuation of Phase 2. These phases have been or are being built by Persimmon. To the north of the application site, off Weights Lane, is an area of employment development known as Weights Farm Business Park.

**Proposal Description**

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application.

In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect.

This application seeks the variation of Condition 35 and seeks to amend the 128-dwelling trigger point to a new 200-dwelling trigger point relating to highway improvements to the Dagnell End Road / A441 Birmingham Road.



## **PLANNING COMMITTEE**

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### **Relevant Policies**

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

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 3 Development Strategy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 6: Affordable Housing

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 19: Sustainable Travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 22: Road Hierarchy

Policy 31: Regeneration for Town Centre

Policy 36: Historic Environment

Policy 37: Historic Buildings and Structures

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 46: Brookhill East

Appendix 1 RCBD1 Redditch Cross Boundary Development

#### Others

NPPF National Planning Policy Framework (2023)

NPPG National Planning Practice Guidance

Borough of Redditch High Quality Design SPD (June 2019)

#### **Bromsgrove District Plan**

RCBD1: Redditch Cross Boundary Development

High Quality Design Supplementary Planning Document (June 2019)

### **Relevant Planning History**

The application site forms part of a larger site that was the subject of a cross boundary hybrid planning applications for the following proposal.

Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping.

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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This was approved at Redditch Planning Committee on 27th January 2021 subject to the signing of s106 agreement. Following the signing of the s106 agreement, the Redditch decision (19/00977/HYB) was issued on 1st November 2021.

The s106 agreement included the following contributions, highways (including bus service and infrastructure), education contribution on a per plot basis, off site open space contribution, Redditch town centre contribution, Bromsgrove and Redditch CCG Contribution and Worcestershire Acute Hospitals Trust.

**Other Planning History**

- Phase 1 (2011/177/OUT): Mixed use development of 171 dwellings, public open space (no matters reserved) and outline application for 4,738 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 3rd October 2011.
- Phase 2 (2014/256/OUT): Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 29th March 2017.
- New School: (16/000007/REG3) New two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking. County application planning consent was granted on 13th October 2016.
- Land at Weights Lane (2012/120/OUT) Mixed use development of up to 200 dwellings, 5,000 sqm (gross) Class B1 office floorspace with associated open space and access arrangements. Planning permission was granted on 11th March 2014.
- Land at Weight Lane (reserved matters): (2015/265/RM) Layout, appearance, scale and landscaping for the erection of 200 no. dwellings with associated infrastructure and landscaping and the discharge of conditions 5, 9, 15 and 16 of the outline application reference 2012/120/OUT. Planning Permission was granted 16th December 2015.
- Phase 4 (22/00359/REM). Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 72 dwellings and associated works and infrastructure, pursuant to the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Bromsgrove DC 22/00255/REM). Reserved Matters was granted 26th August 2022.
- Phase 6 (22/01553/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 109 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB. (Cross boundary application with Bromsgrove DC 22/01608/REM). Reserved Matters was granted 2nd August 2023.

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

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- Phase 5 (24/00083/REM) Reserved matters approval (appearance, landscaping, layout and scale) for the construction of 241 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Bromsgrove DC 24/00077/REM). Reserved Matters granted 19<sup>th</sup> July 2024.

**Consultations****Worcestershire Highways**

No objection to the variation of condition

**Tutnall And Cobley Parish Council**

Tutnall and Cobley Parish Council cannot support this application. We feel that the developers should stick to the original approval and carry out the road improvements. The application appears to be a blatant attempt to postpone the commitment of the developers to do the accepted works at the junction. This will cause more people to be inconvenienced by the works.

**Public Consultation Response**

264 letters sent 29 July 2024 (expired 22 August 2024)  
Site notices displayed 24 July 2024 (expired 17 August 2024)  
Press notices published 02 August 2024 (expired 19 August 2024)

12 objections have been received in total, summarised as follows:

- Highway concerns
- The alteration to Condition 35 has the potential to increase the number of occupied dwellings to 200, which will result in a detrimental impact on the A441/Dagnell End Road traffic signal junction, thus causing additional traffic queues and vehicle delays to an already congested junction.
- The criteria for reviewing traffic flow arising from the scheme should be reassessed

A number of issues have been raised which are not material planning considerations and therefore have not been reported to Members.

**Assessment of Proposal****Highways Matters****Background**

A detailed Transport Assessment (TA) was prepared by PJA in support of the hybrid planning application.

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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In the consideration of the Dagnell End Road / A441 Birmingham Road Junction the Committee Report made the following comments in paragraph 8.4-8.7. This are outlined below:

*8.4 The junction currently experiences congestion during weekday peak hours and is located on a primary route connecting Redditch to the wider areas to the north, including Birmingham and access to the M42. A mitigation scheme has been identified for the junction, providing a 'nil-detriment' situation in terms of capacity, with wider benefits to the local community by providing a signal-controlled pedestrian crossing, operated by push button.*

*8.5 The junction scheme utilises land purchased by the applicant from the Local Planning Authority for the sole purpose of delivering a junction improvement in this location, in what is a constraint location in terms of land ownership. The improvement scheme is shown in the PJA Drawing Ref: 2809 P 12 Rev P4.*

*8.6 In terms of the phasing this work, the full element of the Hybrid can be started prior to the Dagnell End Road improvement scheme being required. This is justified to ensure sufficient time for the applicant team to obtain full technical approval for the junction scheme, without halting the delivery of construction on site. There is also a need to build in space between the Weights Lane improvements finishing and the Dagnell End Road works starting.*

*8.7 The Highway Authority accepts this position in retaining people in jobs and housing continuing to be built (also affecting the wider supply chain) at a time of recession relating to Covid-19. It is acknowledged that this will place some minor additional traffic impacts on an already congested junction for a short time, but on the premise that an improvement scheme is to be delivered in the medium term. As few network safety issues are identified at the junction, and the scale of impact being relatively small and typical of daily variation movements, the Highway Authority believes this balanced view and way forward to be acceptable.*

The hybrid permission conditioned two highway improvement schemes. Under condition 34 regarding works along the Weights Lane Corridor and condition 35 regarding the Dagnell End Road / A441 Birmingham Road. The Weights Lane improvements are now complete. There was a requirement to separate the Weights Lane and Dagnell End Road schemes by the Highway Authority's Road Space Management Team. They required a sufficient period of time between one set of roadworks finishing and another starting, especially when in close proximity to each other. At the time of granting consent, there was an expectation that no dwellings beyond the 128 approved in the hybrid would be occupied until the Dagnell End Road improvement scheme was completed. Subject to planning condition, this would be acceptable in terms of the highway network.

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

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Current application

As part of this application, a Technical Note (TN) by the applicant's Highway Consultant (PJA) has been provided to justify this proposal.

The TN states WCC has recently stipulated that the applicant will not be allowed to commence the required Dagnell End Road/A441 Birmingham Road junction improvement works until March 2025, for several reasons including:

- To allow a break in roadworks in the area to benefit local residents;
- To undertake works during a period of improved ground conditions; and
- To allow necessary agreements, including with utility providers, to be implemented.

The Highway Authority S278 Team has subsequently advised the Applicant that approval for starting works to improve the Dagnell End Road / A441 Birmingham Road junction will not be granted prior to March 2025. There is a requirement for several of the Statutory Undertakers to undertake works in the vicinity of the junction prior to the applicant improving the junction. It is desirable that these utility works are undertaken separately from the junction improvement works. If all necessary utility works are complete by the end of March 2025 and the surrounding local highway network clear of any other significant roadworks, then approval to commence the works to improve the Dagnell End Road / A441 Birmingham Road junction could be granted with the earliest start date being from April 2025. The start date will depend on the Applicant completing the necessary S278 Agreement with the Highway Authority, including proposed temporary traffic management measures.

The Highway Authority is planning to submit Section 50 of the New Roads and Street Works Act 1991 (NRSWA), which would require all utility providers to undertake any necessary works within a 3- month period, prior to March 2025. Please note that Section 52 is incorrectly referenced in the supporting Transport Note.

As a result, the Applicant cannot currently undertake the required improvement works at the Dagnell End Road junction and, as a result, would be in breach of this condition if dwellings beyond the 128 cap were occupied. The Applicant expects to be at the 200th occupation by the time the roadworks are completed. Therefore, it has submitted a Section 73 planning application to amend Condition 35, increasing the trigger for highway improvement works to the 200th occupation in line with development progress in order to continue occupying both market and affordable dwellings.

The TN advises that the applicant expects to be at the 200th occupation by the time the roadworks are completed. Hence, the purpose of submitting this Section 73 planning application to amend Condition 35, increasing the trigger for highway improvement works to the 200th occupation in line with development progress.

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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The issue is if it would be reasonable to require the applicant to suspend house building until March 2025 or to accept some short-term impact on the local highway network, including the Dagnell End Road / A441 Birmingham Road junction.

An understanding of the level of impact is required and as part of WCC Highways Assessment, the following comments have been provided:

**Trip Generation**

The TN calculates that there would be an extra 51 two-way AM trips and an additional 54 two-way PM trips for the 200 figure after taking into account the difference in trip generation for 128 and 200 dwellings.

Before any improvements were made, this would result in about 20 two-way AM trips and 22 two-way trips at the intersection of Dagnell End Road and A441 Birmingham Road, according to the agreed-upon trip distribution.

As new housing is finished and occupied, these extra trips would accumulate.

**Baseline Flows**

According to the TN, a baseline traffic survey was conducted in June 2019 in order to bolster the initial planning request. This determined the baseline flows to be 2,291 peak two-way trips in the AM and 2,482 peak two-way trips in the PM.

The TN notes a Redditch planning application (ref: 21/01830/FUL) for a David Wilson Homes development at Hither Green Lane, Redditch. This application included a TA Addendum that was submitted in 2023 and contained turning count survey data that was collected on Tuesday 15 November 2022 at the intersection of Birmingham Road and Dagnell End Road. As baseline flows, 1,671 AM peak two-way trips and 1,741 PM peak two-way trips were recorded.

Comments submitted as part of the publicity process have suggested on-going roadworks in the area might have affected the November 2022 results. The Highway Authority would contest the notion that November is a neutral month with a higher probability of lower traffic volumes. An independent traffic count at the junction was conducted on 12 March 2024, during the morning peak hour of 0800-0900. 2,253 two-way trips were recorded, which is 38 fewer than in the June 2019 survey.

This was acknowledged in the Highway Authority's official response to the David Wilson Homes application:

*“Compared to the background traffic flows surveyed and used in the LinSig model for the Brockhill Phase 3, traffic flows have since slightly reduced post-covid and this has been confirmed by the Highway Authority’s own permanent traffic counter, which is positioned*

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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*on the A441 to the north of the Dagnell End Road junction (the northern arm of the junction). Several months' worth of data was obtained to verify this."*

According to the TN, the decrease in traffic flows that WCC refer to is consistent with the declines seen in the surveys that have been finished since 2019. Therefore, in the years after the Land at Brockhill East application, it has been widely acknowledged that there has been a slight decrease in general traffic past the junction.

#### Junction Impact

The TN states that traffic flows in 2024 have been demonstrated to be lower than when the Land East of Brockhill application was submitted. The reductions in local traffic flows are greater than the additional 20 AM and 22 PM trips predicted to be generated by a 200-dwelling trigger point, therefore the total traffic flows will be lower than those assessed as part of the original application.

It is considered that there will not be any negative effects on the junction before any highway improvement projects are finished if Condition 35 is changed as part of the Section 73 application. When base traffic flows are reduced, the effect of a small increase in development trips is deemed insignificant.

The Highway Authority concurs that neither the local highway network nor the junction would suffer appreciably from the minor increase in development trips. The recommended increases in development trips fall comfortably within the range of daily variations in baseline flows at the junction that are considered acceptable. Therefore, the Highway Authority has no justification for objecting to the proposed increase in the trigger point threshold from 128 to 200 dwellings.

#### Conclusion on Highway Matters

The key issue is the likely impact of development traffic associated with the difference between 128 and 200 dwellings. For the Dagnell End Road / A441 Birmingham Road junction, the trip distribution assessment suggests this is likely to result in approximately 20 two-way AM trips and 22 two-way trips. The Highway Authority is content these flows are a reasonable estimate. These trips would gradually build up as dwellings are constructed out and become occupied. The Highway Authority is of the opinion the build-up of the 20 two-way AM trips and 22 two-way trips is considered to be within the daily fluctuation of baseline flows, such that the gradual increase would have no noticeable significant detrimental impact on the existing junction that would justify a refusal of the application.

On that basis the Highway Authority offers no objection to the variation of condition 35. There are no justifiable grounds on which an objection could be maintained on highway grounds. As a consequence, it is considered that the proposed development would deliver sustainable development in accordance with the requirements of Policy 20, 22 and 46 of the BRLP.

## PLANNING COMMITTEE

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### Legal Agreement

A section 106 agreement (s106) was completed for the hybrid application. However, the legal agreement did not include wording that if a s73 consent was granted then the obligations in the s106 legal agreement (such as affordable housing, education, off site open space, etc) should relate to the new s73 consent.

Therefore, if approved a supplemental deed to the legal agreement is required in this case to ensure that the obligations still apply.

### Other Matters

Technical matters regarding the number of affordable housing units, flood risk, drainage, ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the proposed condition change under this application do not result in any material change to these matters, subject to relevant conditions under 19/00977/HYB being imposed.

### Conclusion

In conclusion, whilst Officers note that the variation will add to existing traffic on the local road network, the detailed transport note accompanying the application has been reviewed by the Highway Authority and it has been concluded that the impacts of the development arising from the variation of Condition 35 cannot reasonably be described as severe. In accordance with paragraph 115 of the NPPF and BRLP policies, the development should not be refused on highways grounds. The proposal is therefore recommended for approval.

### RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00977/HYB and to agree the final scope, detailed wording and numbering of conditions.

### Procedural matters

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



**PLANNING  
COMMITTEE**

14th November 2024

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**Planning Application 24/00839/S73**

**Variation of condition 4 (Approved Plans) following grant of planning permission 19/00977/HYB (Hybrid planning application for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations and associated works and an outline application for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping) Substitution of HQI 73 House Type with HQI 50 House Type on Plots 80-83 and reorientation of Plots 84-85 in order to address gradients onsite.**

**(Cross boundary application with Bromsgrove DC 24/00838/S73)**

**Development Site At, Weights Lane, Redditch, Worcestershire**

**Applicant: Persimmon Homes South Midlands Ltd  
Ward: Batchley And Brockhill 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.

**Consideration and Determination of Cross Boundary Application**

Two identical applications have been submitted, which include land within two LPA boundaries (Bromsgrove and Redditch).

The consideration of the impacts of a development proposal is not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Redditch.

The Bromsgrove equivalent s73 application 24/00838/S73 was approved as per the officers recommendation at the 15<sup>th</sup> October meeting.

**Site Description**

The application site forms part of the Brockhill allocation, which is a greenfield site extending to circa 56ha and is irregular in shape, comprising heavily grazed improved grassland and large arable field parcels typically subdivided by fencing. The allocation

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

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site's boundaries extend adjacent to Brockhill Lane to the west, Weights Lane to the north, the Redditch/Birmingham railway line to the east, Phase I (Pointer's Way) and Phase II (Meadow View) to its south, and Phase 3 and Phase 4 which are a continuation of Phase 2. These phases have been or are being built by Persimmon. To the north of the application site, off Weights Lane, is an area of employment development known as Weights Farm Business Park.

**Proposal Description**

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.

In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application.

In this case the applicant is seeking a variation to the approved plans through the use of a section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect.

This application seeks the variation of approved plans (condition 4) for the full element of the hybrid permission, which related to the set of approved plans. The applicant seeks to substitute consented HQI 73 House Type (2 bedroom semi-detached) with HQI 50 House Type (4 one bedroom maisonettes) on Plots 80-83 and reorientate Plots 84-85.

The number of approved dwellings remains 128 for the full element of the hybrid. 44 affordable dwellings (split between shared ownership and affordable homes for rent) does not change as a result of this application.

No dwellings within Redditch Borough Council are proposed to be changed. The changes to the proposed dwellings is on land within Bromsgrove District Council.

## **PLANNING COMMITTEE**

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### **Relevant Policies**

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

Policy 1: Presumption in favour of Sustainable Development  
Policy 2: Settlement Hierarchy  
Policy 3 Development Strategy  
Policy 4: Housing Provision  
Policy 5: Effective and Efficient use of Land  
Policy 6: Affordable Housing  
Policy 16: Natural Environment  
Policy 17: Flood Risk Management  
Policy 19: Sustainable travel and Accessibility  
Policy 20: Transport Requirements for New Development  
Policy 22: Road Hierarchy  
Policy 31: Regeneration for Town Centre  
Policy 36: Historic Environment  
Policy 37: Historic Buildings and Structures  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities  
Policy 46: Brookhill East  
Appendix 1 RCBD1 Redditch Cross Boundary Development

#### **Others**

NPPF National Planning Policy Framework (2024)  
NPPG National Planning Practice Guidance  
Borough of Redditch High Quality Design SPD (June 2019)

#### **Bromsgrove District Plan**

RCBD1: Redditch Cross Boundary Development  
High Quality Design Supplementary Planning Document (June 2019)

### **Relevant Planning History**

The application site forms part of a larger site that was the subject of a cross boundary hybrid planning applications for the following proposal.

Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping.

REDDITCH BOROUGH COUNCIL**PLANNING  
COMMITTEE**

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This was approved at Redditch Planning Committee on 27th January 2021 subject to the signing of s106 agreement. Following the signing of the s106 agreement, the Redditch decision (19/00977/HYB) was issued on 1st November 2021.

The s106 agreement included the following contributions, highways (including bus service and infrastructure), education contribution on a per plot basis, off site open space contribution, Redditch town centre contribution, Bromsgrove and Redditch CCG Contribution and Worcestershire Acute Hospitals Trust.

**Other Planning History**

- Phase 1 (2011/177/OUT): Mixed use development of 171 dwellings, public open space (no matters reserved) and outline application for 4,738 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 3rd October 2011.
- Phase 2 (2014/256/OUT): Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 29th March 2017.
- New School: (16/000007/REG3) New two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking. County application planning consent was granted on 13th October 2016.
- Land at Weights Lane (2012/120/OUT) Mixed use development of up to 200 dwellings, 5,000 sqm (gross) Class B1 office floorspace with associated open space and access arrangements. Planning permission was granted on 11th March 2014.
- Land at Weight Lane (reserved matters): (2015/265/RM) Layout, appearance, scale and landscaping for the erection of 200 no. dwellings with associated infrastructure and landscaping and the discharge of conditions 5, 9, 15 and 16 of the outline application reference 2012/120/OUT. Planning Permission was granted 16th December 2015.
- Phase 4 (22/00359/REM). Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 72 dwellings and associated works and infrastructure, pursuant to the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Bromsgrove DC 22/00255/REM). Reserved Matters was granted 26th August 2022.
- Phase 6 (22/01553/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 109 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB.0977/HYB. (Cross boundary application with Bromsgrove DC 22/01608/REM). Reserved Matters was granted 2nd August 2023.

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

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- Phase 5 (24/00083/REM) Reserved matters approval (appearance, landscaping, layout and scale) for the construction of 241 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Bromsgrove DC 24/00077/REM). Reserved Matters granted 19<sup>th</sup> July 2024.

**Consultations****Worcestershire Highways**

No objection to the variation of condition 4.

**Housing Strategy**

Note that the tenure and number of affordable dwellings does not change, but the size of the units is reduced from 4 two bedroom units to 4 one bedroom units. The loss of the 2 bedroom units is acceptable given the overall level of affordable housing provided on the wider site.

**Arboricultural Officer**

No objection

**North Worcestershire Water Management**

Having reviewed the changes, I have no further comment make.

**Tutnall And Cobley Parish Council**

No comments received to date

**Public Consultation Response**

Site notice displayed 22 August 2024 (expired 15 September 2024)

Press notice published 30 August 2024 (expired 16 September 2024)

No comments received

**Assessment of Proposal**

The changes in the house types are considered acceptable. The elevational and layout changes to facilitate the dwellings are satisfactory. The height, scale and massing of the development does not alter substantially from the approval.

The comments from consultee including the change in the size of the affordable housing are noted. Overall, the changes in terms of affordable housing and design are acceptable. The proposed development is considered acceptable in accordance Borough Local Plan policies, the Redditch High Quality Design SPD and the NPPF.

## PLANNING COMMITTEE

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### Highways

The Highway Authority notes HQI 73 House Type is a 2-bedroom dwelling, whilst the HQI 50 House Type is a 1-bedroom dwelling. The submitted scheme proposals layout drawing shows the previous two car parking spaces per dwelling, at Plots 80-83, being amended to provide one car parking space per new dwellings. This parking provision is in line with the requirements set out in the WCC Streetscape Design Guide. The proposed changes, including the reorientation of Plots 84/85, would have no significant impact on the local highway network.

### Legal Agreement

A section 106 agreement (s106) was completed for the hybrid application. However, the legal agreement did not include wording that if a s73 consent was granted then the obligations in the s106 legal agreement (such as affordable housing, education, off site open space, etc) should relate to the new s73 consent.

Therefore, if approved a supplemental deed to the legal agreement is required in this case to ensure that the obligations still apply.

### Other Matters

Technical matters regarding flood risk and drainage are acceptable. Other matters relating to ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the proposed condition change under this application do not result in any material change to these matters, subject to relevant conditions under 19/00977/HYB being imposed.

### Conclusion

In conclusion, the proposed changes are considered to be acceptable. Therefore, the application is recommended for approval, subject to the recommendation below.

### RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00977/HYB and to agree the final scope, detailed wording and numbering of conditions.

## **PLANNING COMMITTEE**

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### **Procedural matters**

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

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