

**PLANNING
COMMITTEE**

12th October 2016

Planning Application 2016/225/FUL

Construction of two new buildings: Building G to be used as children's play in association with Building F (Class D2) and Building H to have a flexible use for employment purposes in classes B1, B2 and B8. Retrospective application for the removal of earth bunding, the formation of a hardstanding area for parking and the formation of a new surface water attenuation pond.

Astwood Business Park, Astwood Lane, Astwood Bank, Worcestershire, B96 6HH

**Applicant: Mr J G Ranson
Ward: ASTWOOD BANK AND FECKENHAM**

(Site Plan attached)

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

Site Description

Astwood Business Park (formerly known as Astwood Farm) is located to the west of Astwood Bank. It is served by an existing vehicular access that runs from Astwood Lane which also serves three dwellings which are in proximity to the site: Windy Bank, Astwood Farmhouse and the Coach House.

In September 2008, as set out later in this report, planning permission was granted for the refurbishment and/or conversion of existing buildings on the site: Buildings A, B, C, D, E and F to provide offices, light industrial, general industrial and storage floorspace. The site now comprises six buildings which are used for a range of uses within Class B1, B2 and B8 with the exception of Building F which is used as a children's indoor play centre (Imagination Street).

The site is located within the designated Green Belt as shown on the Borough of Redditch Local Plan No.3 Proposals Map and the emerging Local Plan No.4 Policies Map.

Proposal Description

The proposed development relates to the erection of two new buildings within the existing extent of the site.

Proposed Building G

Building G would be located on land comprising part of the existing car park used by customers to Imagination Street between Buildings D and F. This building would be occupied by Imagination Street for use as an indoor trampoline park and would be known as 'Gravitation Street'. The building would have a floor area of approximately 930 sqm

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with a ridge height of 8.5m above ground level, which is marginally lower than the ridge of Building F. The eaves of the proposed building would be approximately 6.0 metres above ground level which is approximately 1.3m higher than the eaves of Building F. The proposed facing materials would match those used on Building F - that is profiled metal clad walls with profiled metal roof.

Proposed opening times for the trampoline park would be:

Monday to Thursday: 10:00 to 18:00 hrs

Fridays and Saturday: 10:00 to 21:00 hrs

Sunday and Public Holidays: 10:00 to 20:00 hrs

For information purposes, existing permitted hours of opening for Imagination Street are:

Monday to Saturday: 10:00 to 18:00 hrs

Sunday and Public Holidays 10:30 to 17:30 hrs

Proposed Building H

Building H would be located on land comprising an existing compound and parking area to the south east of the existing Building A, and to the south west of Building B.

This is proposed to provide flexible Class B1, B2 and B8 employment space to meet a future tenants needs. The building would have a floor area of approximately 1,570 sqm with a ridge height of 8.0m above ground level, which is 0.6m higher than the ridge on Building A and 0.9 metres lower than the ridge of Building B. The eaves serving Building H would be 5.5m above ground level which is approximately 1.8m higher than the eaves of Building A and around 1.3m lower than the eaves of Building B. The facing materials and flashings would match those used in the construction of Building G above, that is, profiled metal clad walls with profiled metal roof.

Other works: hardstanding area and new pond

An area to the south-west of Building F (west of Building E) has been levelled and a hardstanding created with road planings. The hardstanding is used as overspill car parking for Building F and other businesses at the site. It is intended to be used to provide for additional parking arising from the use of the proposed two buildings and to replace the existing spaces displaced as a result of the proposed development. The submitted site layout plan shows provision for 197 parking spaces. The retrospective works which do not benefit from planning permission have resulted in the filling in of a former surface water attenuation pond. A new attenuation pond has been formed in the western part of the site on an undeveloped 'green field' within the Green Belt. Consent is also sought for these retrospective works.

Existing earth bunding along the northern boundary is to be retained and additional planting is proposed to the north, south and west of Buildings E and F.

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Relevant Policies :

Borough of Redditch Local Plan No.3:

BRA01 Detailed Extent of and Control of Development in the Green Belt
CS02 Care for the Environment
CS07 The Sustainable Location of Development
CS08 Landscape Character
B(BE)13 Qualities of Good Design
E(EMP)02 Design of Employment Development

Emerging Borough of Redditch Local Plan No.4:

Policy 8: Green Belt
Policy 25: Development Outside of Employment Areas
Policy 39: Built Environment
Policy 40: High Quality Design and safer communities
Policy 43: Leisure, Tourism and Abbey Stadium

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

2007/061/FUL	Refurbishment and conversion of buildings A, B, C, D, E, and F to provide offices, light Industrial, general Industrial and storage	Approved	11.09.2008
2010/238/COU	Use of land for the display and sale of motor vehicles	Refused Appeal Dismissed	28.10.2010 31.03.2011
2010/308/FUL	Retrospective Application - Erection of a temporary storage building and stationing of portacabin for ancillary office purposes	Refused	15.02.2011
2012/148/COU	Change of use of Building F (approx 1,778 sqm) from permitted Class B1 or Class B8 uses to children's indoor play centre (Class D2)	Approved	24.09.2012

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2015/025/FUL	Erection of building for use as research and development facility with ancillary office and other uses, formation of additional parking and service roads and all associated works	Refused	26.02.2016
2015/373/FUL	Erection of extension to Building F to be used as part of children's indoor play centre (Class D2); and retrospective application for laying out hardstanding to be used for parking and formation of attenuation pond	Refused	22.03.2016

Public Consultation Responses

None received

Consultee Responses

British Horse Society

Comments summarised as follows:

Objections to the application on the following grounds:

* Although the existing access road runs along bridleway RD-744, the amount of traffic using it is already a deterrent to local riders. The application includes retrospective consent for an additional 98 parking spaces which only adds to the incompatibility of riding / motor vehicle traffic

* If permission is granted, bridleway RD-744 should be diverted. Footpaths across adjoining land could be upgraded subject to relevant landowner permissions. The transport plan submitted by the applicant indicates that traffic arising from the erection of Building G (Gravitation Street) will peak after school on weekdays - i.e. between 3:30 and 6.00pm and on Saturdays, Sundays and Bank Holidays; the times when most horse riders will want to use the bridleway.

* The volume of traffic associated with Gravitation Street alone is likely to exceed the total amount going to and from the other units. It will significantly increase the amount of traffic on surrounding minor roads. The BHS latest accident studies show that there have been over 2,000 road accidents involving horses in the UK during the last 5 years. The best way of reducing this number is by providing more, safe off-road riding opportunities and not allowing developments such as this which will increase the amount of traffic on narrow country lanes.

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* Paragraph 75 of the NPPF comments that planning policies should protect and enhance public rights of way and access, and that LPA's should seek opportunities to provide better facilities for users. No changes or enhancements are envisaged to the bridleway or any public footpaths which are in close proximity to the site and as such the BHS consider that the proposals fail in this respect.

* The two buildings proposed may be appropriate in an urban business park setting but are wholly inappropriate in the Green Belt and are detrimental to the amenity value of the bridleway and footpaths. The fact that the bridleway is part of the Monarchs Way long distance path, adds weight to this argument as it has greater amenity value in terms of bringing visitors to the area and as a shared use route.

RBC Development Plans

Comments summarised as follows:

In both adopted Local Plan No.3 and Emerging Local Plan No.4 the application site is located within designated Green Belt land.

Policy CS.7 of the adopted Local Plan No.3: The Sustainable Location of Development sets out a sequential approach to the location of all development and states that uses that attract a lot of people will be directed in the first instance to the urban areas. Criterion iv. states that Green Belt locations will only be considered in exceptional circumstances, when all other options have been exhausted and where there is a clear development need. The purposes for which Green Belts were designated must not be compromised. Whilst the submitted Planning, Design and Access Statement advises that the development "cannot be disaggregated and provided on another site within the Borough", there is no evidence that a more appropriate town centre or urban area site, in line with policy, would not be possible. Evidence is not provided that there is a clear need for development or that exceptional circumstances for development within the Green Belt exist.

Policy B(RA).1 of the adopted Local Plan No.3: Detailed Extent of and Control of Development in the Green Belt states that there will be a presumption against allowing inappropriate development in the Green Belt and that development will only be allowed if very special circumstances exist which clearly outweigh the harm to the Green Belt.

Policy 8 of Draft Local Plan No.4: Green Belt is consistent with paragraphs 89 - 90 of the NPPF. Paragraph 89 of the NPPF states that the construction of a new building should be regarded as inappropriate development in the Green Belt unless it falls within one of the stated exceptions. As the proposed development would not fall under any of the exceptions it would be considered as inappropriate development. It is noted that the Planning, Design and Access Statement suggests that the proposed development is an exception as it constitutes to 'infilling', however an increase in floor space of over 25% would suggest more than the 'limited' infilling referred to in the NPPF. The proposed

development would also have a greater impact on the openness of the Green Belt than the existing development. As such, the proposals would constitute inappropriate development in the Green Belt which would harm the openness and conflict with the purposes of including land within it.

Policy 25 of Draft Local Plan No.4: Development Outside of Employment Areas states that economic development in locations that are not designated Primarily Employment Areas may be appropriate where it does not have an adverse impact on the surrounding area. Proposals should:

- i. be in close proximity to suitable transport routes and services;
- ii. have regard to the scale and nature of the travel demand across all modes likely to be generated;
- iii. be accessible from existing residential areas by all appropriate modes of transport and are not dependent upon access by private transport, where amenity is not negatively affected;
- iv. be acceptable in terms of impact on the wider environment; and demonstrate the provision of adequate infrastructure including Green Infrastructure required to support the proposal.

As the site is largely inaccessible by sustainable forms of transport it does not meet all of the criteria and so cannot be considered suitable.

Policy 27 of Draft Local Plan No.4: Rural Economic Development, states that small scale rural developments will be considered on a case by case basis. The policy states that proposed development should be accessible via sustainable transport and not generate traffic levels unsuitable for the rural road network. Given its location, the application site is largely inaccessible by public transport and is not considered a sustainable location for the level of traffic anticipated. It is acknowledged that a Transport Statement has been submitted with the application and this will be assessed by Worcestershire County Highways.

Policy 43 of Draft Local Plan No.4: Leisure, Tourism and Abbey Stadium states that leisure applications will be supported where the proposal is located in places that are sustainable and accessible by a choice of transport modes, principally Redditch Town centre and/ or where additional visitor numbers can be accommodated without detriment to the local economy and environment. The proposed site is not in the town centre, nor is it accessible by a range of transport modes and so would not be considered an appropriate location for the D2 leisure element of this application.

Conclusions

As set out above, the proposal is considered to be inappropriate development within the Green Belt as it would harm openness and cannot be considered as limited infilling. It is therefore unacceptable both in terms of the NPPF as well as Local Plan No.3 and

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Emerging Local Plan No.4. It has also been demonstrated that the proposal is inappropriate in terms of both employment (Policy 25) and leisure (Policy 43).

North Worcestershire Economic Development and Regeneration

Overall, NWEDR are supportive of sustaining economic activity and promoting economic growth within the North Worcestershire area. We do recognise, however, that in this instance there are competing issues and planning restrictions which make supporting economic development more difficult to achieve. However, we consider that there are a number of benefits of this particular scheme and we feel this could be supported through the planning framework

Area Environmental Health Officer (WRS)

The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended for inclusion on any permission granted to adequately address this issue (Phase 1 Risk Assessment / Tiered Investigation. In respect of Air Quality it is recommended that conditions be imposed with respect to cover: Secure Cycle Parking, the provision of Electric Vehicle Charging Points and the provision of Low Emission Boilers

North Worcestershire Water Management

No objection subject to the inclusion of a pre-commencement condition requiring drainage scheme details to be submitted

Ramblers Association

Following a site visit, it has been discovered that the attenuation pond referred to in the request for retrospective planning permission has been dug out on the line of Footpath RD-764. The footpath as shown in the application has been moved over to the hedgeline which is not satisfactory. The removal of the earth bund has exposed the footpath to a full view of the business park which is unacceptable. The earth bund was presumably to screen the buildings from the footpath originally.

I would suggest that the trees and hedging shown on the proposed layout should be planted to form a visual barrier sufficiently high to screen the buildings from the footpath or the footpath could be diverted round the pond and nearer to this screen so that there is less chance of seeing the buildings.

WCC Public Rights Of Way

Redditch footpath RD-764 runs through, and bridleway RD-747 is adjacent to, the site. The proposals should not disrupt or have any detrimental impact upon the public right of way during or after construction

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Assessment of Proposal

Green Belt

The main issues pertaining to the Green Belt location of the site are as follows:

- * whether or not the proposed development would constitute inappropriate development having regard to the sites Green Belt location;
- * the effect of the proposals on the openness of the Green Belt, and the purposes of including land within it;
- * If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

The site lies within the green belt in open countryside. Policies B(RA).1 of LP3 and Policy 8 of Draft Local Plan No.4 are both consistent with relevant paragraphs of the National Planning Policy Framework.

Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless it falls within one of the stated (6 bullet point) exceptions. Your officers consider that the proposed development would not fall under any of the exceptions and as such the proposals should automatically be considered as inappropriate development.

The applicant considers that the two new buildings proposed WOULD fall within one of the stated exceptions. That is, bullet point 6 where the exception is stated as follows:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Noting the above exception, your officers would concede that the land on which the two buildings are to be located could reasonably be classed as previously developed or brownfield land. However the part of the area on which the retrospective hardstanding is proposed and also where the pond is to be created is not brownfield, but green field land within the Green Belt.

The important point to note with regard to bullet point 6 (above) is that this exception only applies where the development *would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

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The Framework (at Paragraph 79) comments that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

Your Officers consider that openness derives from an absence of built form. The areas on which the proposed buildings are to be located are free of any built form. No existing buildings are proposed to be demolished to accommodate Buildings G and H. and significant gaps exist between existing buildings - particularly between existing buildings F and D and between existing buildings E and B. Spatially, although there are existing parked vehicles within the site and the compound area, there are gaps between vehicles and a degree of permeability to the site which does not materially diminish a sense of openness. The two proposed buildings at 8 and 8.5 metres to ridge would significantly exceed the average height of a motor car. The scale, massing and solidity of these permanent buildings within the landscape would limit views through the site, particularly from the adjacent public rights of way (as referred to by the representations received). The solidity and lack of permeability would clearly limit the degree of openness within the site.

Although '*limited infilling*' is not clearly defined within the framework, your officers do not consider that these proposals could possibly represent limited infilling and for the reasons above, the proposals would have a greater impact on the openness of the Green Belt given that the part of the existing site which is to be developed is free from built form.

As part of your officer's assessment of whether or not the proposals are inappropriate in line with the 6th bullet point of Paragraph 89 of the framework, it is important to consider whether the proposal would conflict with the five purposes of including land within the Green Belt as listed in Paragraph 80 of the Framework which are as follows:

- 1 to check the unrestricted sprawl of large built-up areas;
- 2 to prevent neighbouring towns merging into one another;
- 3 to assist in safeguarding the countryside from encroachment;
- 4 to preserve the setting and special character of historic towns; and
- 5 to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal would not result in urban sprawl, would not result in the merging of towns and the site is not within or close to a historic town. With regard to assisting with the recycling of urban land, the West Midlands Green Belt has a far greater influence than just within the boundaries of Redditch Borough and the urban regeneration purpose can be seen as affecting more than this Borough. The development of this site in the manner proposed would accommodate demand for leisure, commercial and employment uses which would otherwise be more appropriately sited within the more sustainably located Redditch Urban area sites which could assist with urban regeneration. Therefore, the proposal offends against this purpose.

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Although the applicant argues that that the location of Buildings G and H are within the established business park on previously developed land, your officers consider that the proposals as a whole, taking into consideration the proposed additional parking proposals together with the additional attenuation pond which are to be located on greenfield (not previously developed) land, would fail to safeguard the countryside from encroachment. As such, the proposals would offend against this purpose. Your officers have noted that the proposed hardstanding is shown in an location which was to be landscaped under original application 2007/061/FUL when the Committee granted consent at that time.

It therefore has to be concluded that the proposed development would constitute inappropriate development in the Green Belt which would harm the openness of the Green Belt. The Framework, at Paragraph 87 makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the Framework comments that VSC to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposed development would be inappropriate development and would, therefore, by definition be harmful to the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

The applicant sets out factors arising from the development which they consider would be of benefit, which include an increase in the range and quality and recreation facilities to the Borough and economic benefits by increasing employment opportunities. They also suggest that the proposed landscaping proposals would represent an enhancement to the character or visual quality of the area. Your Officers have considered these matters and consider that the mitigation proposals such as landscaping proposed are neutral in the planning balance. The economic benefits of the scheme carry some weight, but are not sufficient to clearly outweigh the substantial weight which should be given to the harm to the Green Belt either by themselves, or in combination with other factors. These therefore do not constitute the very special circumstances necessary to justify the development.

Sustainability Issues

The proposed trampoline park is a leisure (D2), and main town centre use as defined within Annex 2: Glossary to the NPPF.

The NPPF at paragraph 24 states: *“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be*

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considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre...

The NPPF at paragraph 27 states: *“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors [NPPF Para 26], it should be refused.”* Policy CS.7 of the Local Plan No.3 echoes the NPPF stating that uses that attract a lot of people should be directed to the Town Centre where such uses are encouraged in principle, rather than an out of centre location such as the application site, which has poor public transport links.

Policy 27: Rural Economic Development in the emerging Local Plan repeats the NPPF's statement that small scale rural offices and other small scale rural development shall be excluded from the sequential approach. The words 'small scale rural development' are not defined within the NPPF nor under Policy 27. The applicant, incorrectly, in the consideration of your officers considers that the proposed 930 square metres of floor space to be formed within a new steel portal framed building represents 'small scale rural development'. Your officers strongly disagree with this assertion believing rather that the kind of development the NPPF and the Council, under Policy P27 are describing would include *inter alia* the conversion of an modest existing building to an office use. As such, a sequential test in accordance with the requirements of the NPPF is required.

Of much greater relevance than Policy 27 is Policy 25 taken from the emerging Local Plan No.4. Both your officers and the applicant agree that the status of both policies can only be given limited weight at this time. However, your officers would comment that LP4 is now at a very advanced stage and that Policy 25 is consistent with the Framework.

Policy 25: Development Outside of Employment Areas, which would apply to both proposed Building G and H, states that economic development in locations that are not designated Primarily Employment Areas may be appropriate where it does not have an adverse impact on the surrounding area. Proposals should:

- i. be in close proximity to suitable transport routes and services;
- ii. have regard to the scale and nature of the travel demand across all modes likely to be generated;
- iii. be accessible from existing residential areas by all appropriate modes of transport and are not dependent upon access by private transport, where amenity is not negatively affected;
- iv. be acceptable in terms of impact on the wider environment; and demonstrate the provision of adequate infrastructure including Green Infrastructure required to support the proposal.

Since the site is largely inaccessible by sustainable forms of transport it does not meet all of the criteria above and so cannot be considered suitable.

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Policy 43 of LP4: Leisure, Tourism and Abbey Stadium, which would apply to proposed Building G (Trampoline Park), comments that leisure applications will only be supported where they are located in places that are sustainable and accessible by a choice of transport modes, principally Redditch Town centre and/ or where additional visitor numbers can be accommodated without detriment to the local economy and environment. The application site is not in the town centre, nor is it accessible by a range of transport modes and so is not considered to be an appropriate location.

Conclusion

Your Officers have concluded that the proposals represent inappropriate development within the Green Belt which would therefore, by definition, be harmful to the openness of the Green Belt. The proposals would offend against 2 of the 5 purposes for including land within the Green Belt. The benefits of the scheme put forward as VSC by the applicant are not sufficient to clearly outweigh the substantial weight which should be given to the harm to the Green Belt and therefore cannot justify the development.

The applicant has not satisfied the NPPF's and the Councils sequential test as set out above. The proposed uses would be unsustainably located in an area which cannot be easily accessed by sustainable transport modes where the need to travel can be minimised.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reasons stated below:

- 1) The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposals do not meet any of the policy criteria in Paragraph 89 of the National Planning Policy Framework and as such the proposals would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would result in significant adverse visual harm to, and would reduce the openness of the Green Belt and would fail to comply with two of the 5 key purposes of the Green Belt, as set out under Paragraph 80 of the NPPF, which are to assist in safeguarding the countryside from encroachment and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. No very special circumstances exist or have been put forward to overcome the harm to the Green Belt. As such the proposal is considered to be contrary to Policy B(RA)1 of the adopted Borough of Redditch Local Plan No.3 and the provisions of the National Planning Policy Framework.
- 2) The proposed development, located in the green belt, partly situated on a green field site, and shown as a landscaped area on previously approved plans, would be visually conspicuous and prominent when viewed from public vantage points thus

constituting visual harm to the green belt and harm to the landscape character of the area, contrary to Policy CS.8 of the adopted Borough of Redditch Local Plan No.3. and the provisions of the National Planning Policy Framework.

- 3) The applicant has failed to satisfy Paragraph 24 of the National Planning Policy Framework which requires that a sequential test be applied to planning applications for main town centre uses that are not in an existing centre. The creation of a D2 use in a location outside the town centre in an area poorly served by public transport would be likely to generate a significant quantity of unsustainable trips in private vehicles contrary to Policy CS7 of the adopted Borough of Redditch Local Plan No.3 and the provisions of the NPPF.
- 4) The proposed erection of Buildings G and H represents an unacceptable intensification of commercial uses and vehicle movements in an unsustainable rural location, where such uses would be more appropriately located in the Redditch Urban Area. The application would be contrary to sustainability principles and objectives contained within Policy CS.7 of the adopted Borough of Redditch Local Plan No.3. and the National Planning Policy Framework

Informatives

- 1) The development is hereby refused in accordance with the following drawings:

Appropriate references to be inserted here

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

Council Officers and the applicant have met to discuss concerns raised by the local planning authority prior to the applications determination. The applicant considered that the proposals should be determined as submitted.

Procedural matters

This application is being reported to the Planning Committee at the request of Cllr J Potter, Ward Member for Astwood Bank and Feckenham who supports the application