

PLANNING COMMITTEE

4th December 2019

Planning Application 18/01626/S73

Application under s96a for a minor material amendment to conditions 29 and 30 of 18/01626/S73

Details pursuant to conditions of 29 and 32 of 18/01626/S73

(Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.

Redditch Gateway Land Adjacent To The A4023, Coventry Highway, Redditch, Worcestershire, ,

Applicant: Stoford Gorcott Ltd

Ward: Alvechurch South Ward

(see additional papers for site plan)

The author of this report is Simon Jones, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548211 Email: simon.jones@bromsgroveandredditch.gov.uk for more information.

Background

Members will recall that at the meeting of Planning Committee on 18th March 2019 that Members requested that the details to be subsequently submitted pursuant to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 be submitted to Redditch Borough Council's Planning Committee.

Details pursuant to conditions 12, 16, 21 and 37 were approved at the last meeting of Redditch Brough Council's Planning Committee on 13th November 2019.

There are two elements to this report. Firstly, consideration of an application under section 96a seeking a minor material amendment to the wording of a conditions 29 and 30. Secondly, the consideration of details pursuant to conditions: 29, 32 and 36. The first matter is reported to committee as it relates to condition 29, pursuant to which details have been submitted.

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Relevant Planning History

17/00700/OUT Redditch BC	Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; and Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023.	Approved	11.06.2018
17/00701/OUT Bromsgrove DC			
18/01596/S73 Bromsgrove DC	Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.	Approved	10.04.2019
18/01626/S73 Redditch BC			
19/00619/REM Bromsgrove DC	Application for approval of reserved matters relating to appearance, landscaping, layout, scale and access (internal to the site) for a use class B8 (storage and distribution) building with ancillary floorspace including use class B1 (offices); earthworks; plot and structural landscape works inclusive of an ecological enhancement area; internal access roads, car parking, gatehouse; utilities and plant infrastructure; on the northern development parcel pursuant to S73 permissions SDC 18/03746/VARY, BDC 18/01596/S73, RBC 18/01626/S73 following outline permissions SDC 17/01847/OUT, BDC 17/00701/OUT, RBC 17/00700/OUT	Approved	15.10.2019

REDDITCH BOROUGH COUNCIL

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18/01626/S73 Redditch BC	Condition 12 Archaeology WSI and Method for Evaluation	Approved by Committee	13-11-2019
Condition 12			
18/01626/S73 Redditch BC	Condition 16 Levels	Approved by Committee	13-11-2019
Condition 16			
18/01626/S73 Redditch BC	Condition 21 Traffic Signal Junction	Approved by Committee	13-11-2019
Condition 21			
18/01626/S73 Redditch BC	Condition 37 Watercourse buffer and watercourse diversion	Approved by Committee	13-11-2019
Condition 37			

Application under section 96a seeking a minor material amendment

With the first phase on the northern site now benefiting from detailed permission, the 3 Local Authorities are in the process of approving a series of planning conditions. The first phase can be developed independently of the phases within the southern site. To that end, the reserved matters approval, was supported by a Flood Risk Management Summary Note and a Sustainable Drainage Strategy. Those same reports have been submitted in respect of planning conditions 29 and 30, which required the submission of a detailed flood mitigation scheme (based on the approved FRA 2018) and a detailed surface water drainage scheme based on sustainable drainage principles.

The Reports were accepted as part of the reserved matters application. Each report only focussed on the first phase on the northern site. The application to approve condition 29 and 30 remains with the Local Authorities for determination. However, in reviewing the planning conditions the applicant have noticed that there may be some ambiguity in the intention of the planning condition wording.

Planning condition number 29 requires a detailed flood mitigation scheme, but it is not clear that such a scheme need only relate to a phase and need not be site wide. The condition as worded, seeks to control the implementation of phase 1 groundworks which happens to occur in the northern site. The condition also requires the scheme to be in place prior to any buildings being occupied, but it is not clear if those buildings are on the first phase or phases in the southern site.

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In respect of planning condition number 30, the condition requires a detailed drainage strategy based on sustainable drainage principles. However, the requirement currently requests this for 'the site' as opposed to being for phases in either the northern or southern sites. At this stage, sustainable drainage details for the other phases are not yet designed, because the layout of the other phases have not been progressed to any degree.

For both planning conditions the applicant proposes to insert additional wording to enable a phased approach to be taken. This amendment, if approved, will also enable the current applications for conditions 29 and 30 to also be approved, given the material that has been submitted has already been considered positively within the reserved matters process.

The text below sets out the current wording of the condition 29 and 30, with amendments made in bold text for ease of reference.

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*With the exception of pre-development ecological mitigation including hedgerow and tree removal, archaeological investigation, and formation of temporary construction access(es), the Phase 1 Groundworks hereby approved shall not be commenced until a detailed flood mitigation scheme **for the first phase in the northern site** based on Flood Risk Assessment ref. RGNP-BWBZZ- XX-RP-YE-0004_FRA - December 2018, has been submitted to and approved in writing by the Local Planning Authority. It shall include the following elements:*

- a. Final watercourse designs and channel cross sections, to ensure the watercourse has capacity to convey the 1 in 100 year plus 35% climate change flood event with no out of bank flooding;*
- b. Evidence that peak flows and levels off site have not been increased.*

*The scheme shall be fully implemented prior to first use of any buildings **within the first phase on the northern site** are approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.*

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*With the exception of ecological mitigation including hedgerow and tree removal, archaeological investigation works and formation of temporary construction access(ess), development works **within a phase** shall not commence until a detailed surface water drainage scheme for **that phase** ~~the site~~, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development **of that phase**, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to first use of any part of **that phase of** the development hereby approved. The scheme shall:*

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- a. include details of infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from ~~the~~ **that phase of development site**;*
- b. provide provision of surface water attenuation storage as stated within the FRA and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments';*
- c. demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;*
- d. where flooding occurs onsite **within a phase** at the 1 in 100 year plus climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system;*
- e. provide details of the depths and locations of flooding. Where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of **that phase the site**;*
- f. demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme **for a phase of development**, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;*
- g. provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;*
- h. provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event;*
- i. provide and implement a maintenance plan to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development **within that phase**. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.*

Consultee Comments

Warwickshire LLFA

No objection

North Worcestershire Water Management

No objection

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Officer Comments

The Procedure

The on-line Planning Policy Guidance states :

PPG ref ID17a-005

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions#Making-a-non-material-amendment>

"As an application to make a non-material amendment is not an application for planning permission, the DMPO 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011 ."

A successful application under s.96A does not result in a new permission but amends an existing permission.

Assessment of Details

Condition 29

Flood Mitigation Scheme

Condition Requirements (as amended by s96a application)

*With the exception of pre-development ecological mitigation including hedgerow and tree removal, archaeological investigation, and formation of temporary construction access(es), the Phase 1 Groundworks hereby approved shall not be commenced until a detailed flood mitigation scheme **for the first phase in the northern site** based on Flood Risk Assessment ref. RGNP-BWBZZ- XX-RP-YE-0004_FRA - December 2018, has been submitted to and approved in writing by the Local Planning Authority. It shall include the following elements:*

a. Final watercourse designs and channel cross sections, to ensure the watercourse has capacity to convey the 1 in 100 year plus 35% climate change flood event with no out of bank flooding;

b. Evidence that peak flows and levels off site have not been increased.

*The scheme shall be fully implemented prior to first use of any buildings **within the first phase on the northern site** are approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.*

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Submitted Details

Levels

- Existing Levels – Drawing 6290-004
- *RGNP-BWB-DGN-XX-DR-D-602_Proposed Finished Levels_S3-T3*
- *RGNP-BWB-DGN-XX-DR-D-632_Proposed Earthworks_S3-T3*
- *RGNP-BWB-DPV-XX-DR-C-700_Construction Layout_S3-T2*
- *RGNP-BWB-DPV-XX-DR-D-720_Construction Details_S1_P1*
- *6290-117 Proposed Site Sections sheet 2*
- *6290-104 D Proposed Site Sections*
- *6290-112 E Proposed Sections*

Drainage

- RGNP-BWB-DDG-XX-DR-D-500_Drainage Layout_S1-P4
- RGNP-BWB-DDG-XX-DR-D-500_Drainage Layout Key Plan_S3-T2
- RGNP-BWB-DDG-XX-DR-D-501_Drainage Layout Sheet 1_S3-T2
- RGNP-BWB-DDG-XX-DR-D-502_Drainage Layout Sheet 2_S3-T1
- RGNP-BWB-DDG-XX-DR-D-503_Drainage Layout Sheet 3_S3-T2
- RGNP-BWB-DGN-XX-DR-D-650_Diverted Blacksoils Brook Plan and Cross Sections_S3-T2
- RGNP-BWB-DGT-XX-DR-D-652_Western Watercourse Plan and Sections_S1-P3
- **Sustainable Drainage Strategy**
RNGP-BWB-ZZ-XX-RP-D-0008_SDS-S1-P5 (full version)
- **Flood Risk Management**
RNGP-BWB-ZZ-XX-RP-YE-0007_RM-FloodManagement(bound)-S2-P01

Consultee Comments

Environment Agency
No objection

Warwickshire LLFA
No objection

North Worcestershire Water Management (NWWM)
No objection

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We (Warwickshire LLFA and NWWM) are satisfied that all the comments have been addressed and the model updated appropriately. We are satisfied that the flood outlines in the post-development scenario do not increase flood risk off-site.

Condition 32

Site Investigation / Land Contamination

Condition Requirements

32. With the exception of works relating to an approved scheme of remediation, archaeological works, ecological mitigation including hedgerow and tree removal and formation of temporary construction access(es), development works must not commence until points 1 to 4 have been complied with:

1. A scheme for further site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address the potentially unacceptable risks identified. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme shall be compiled by competent persons and shall be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

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

3. Where the site investigation identifies that 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 shall be submitted to and approved in writing by the Local Planning Authority in advance of undertaking. The remediation scheme shall 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. With the exception of any works required to carry out remediation, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development

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 acceptable risks to workers, neighbours and other off site receptors.

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Submitted Details

- BWB – Environment – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Factual Ground Investigation Report – March 2019
RGNP-BWB-ZZ-XX-RP-YE-0006_FGIR-P03
- BWB – Environment Geotechnics – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Geotechnical Assessment Report – May 2019
RGNP-BWB-ZZ-XX-RP-CE-0002_GAR-S2-P01

Comments

Worcestershire Regulatory Services

No objection

WRS have reviewed the following documents in response to your email and the discharge of conditions request:-

- BWB – Environment – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Factual Ground Investigation Report – March 2019
- BWB – Environment Geotechnics – Stoford Gorcott Ltd Redditch Gateway Northern Plot, Redditch – Geotechnical Assessment Report – May 2019

The reports detail additional site investigation undertaken in relation to the subject site. The additional investigation is reported to have taken place in February 2019 and consisted of 6 cable percussive boreholes, 6 dynamic sample boreholes, 16 trial pits, environmental laboratory testing, and gas and groundwater monitoring. 8 soil samples were taken and submitted for analysis for metals, phenols, cyanide, PAH, TPH, VOCs, and SVOCs. No exceedances of the site assessment criteria were identified for a commercial setting. Four rounds of gas monitoring were undertaken. No elevated levels of ground gas were recorded and the outcome of the gas risk assessment reports that no further action is required.

WRS consider that the information submitted represents suitable additional site investigation as required by the condition. No signs of contamination were encountered as part of these works and therefore there is no requirement for further remedial or mitigation measures.

Based on the information provided WRS are satisfied that the requirements of condition 32 and 33 and therefore have no objection to discharge of these conditions.

I hope the above is useful. Please get back in touch with WRS if you have any further enquiries.

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RECOMMENDATION:

- 1. That the proposed changes to the wording of conditions 29 and 30 be accepted as non-material amendments.**
- 2. That the details submitted pursuant to conditions:**
 - 29. Flood Mitigation Scheme**
 - 32. Site Investigation / Land Contamination**

be approved as acceptable in so far as they relate to Phase 1 of the development (northern parcel)