

PLANNING COMMITTEE

17th June 2020

Planning Application 19/01312/HYB

Hybrid planning application for mixed use development, consisting of (1) full planning permission for 2 commercial units (B1 and B8 uses) and (2) outline planning permission (all matters reserved except for access) for the erection of up to 8 residential units and associated infrastructure.

Land North Of Greenlands Business Centre, Studley Road, Redditch

**Applicant: Mr S Spence
Ward: Greenlands Ward**

(see additional papers for site plan)

The author of this report is Anthony Young, Principal Planning Officer (DM), who can be contacted on Tel: 01527 881234 Email: anthony.young@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises a former car park measuring approximately 0.55Ha, used in connection with the former British Aluminium Ltd company who operated the site until it became vacant in the late 2000's/early 2010's.

The site is surrounded to the northeast, southeast and south by existing commercial uses and by residential properties to the north, northwest and west, the latter separated by the Studley Road.

Access to the site is gained via a private road directly off Studley Road and currently serves several existing commercial uses, who have a right of access.

Proposal Description

This is a hybrid planning application for a mixed use commercial and residential scheme comprising

1. Full planning permission for the erection of 2 commercial units (B1 and B8 uses) measuring some 12,196sq ft (1,133sq m) together with associated infrastructure. The units are not broken down % B1 or %B2 as the applicant has indicated they need to be kept as flexible as possible to enable uptake. Unit 2, which currently has a prospective end user is likely to be 90/95% B8 warehouse use with 5/10% B1 (office);
2. Outline planning permission (All matters reserved except for access) for the erection of up to 8 residential units and associated infrastructure.

The development would also see upgrading of the existing access, private driveway together with new car parking, HGV turning area and associated landscaping.

PLANNING COMMITTEE

17th June 2020

This proposal follows an earlier application (ref: 19/00899/FUL), which was refused for the erection of 6 commercial units measuring 21,798sq ft (2,025sq m) in total.

This earlier application was refused on the grounds that:

“The proposal would have an unacceptable impact upon the living conditions of neighbouring residential occupiers and the appearance of the streetscene. Of particular concern is the siting, scale, form and massing of the proposed building (units 1 to 4) and the extremely limited space left over for frontage landscaping. The building would appear overly dominant in the street and out of kilter with the domestic scale of neighbouring residential properties. Furthermore, Unit 2 would extend the full length of the property boundary of 175 Studley Road and being sited only 2.5m from this boundary, it is considered that the mass and form of the building would overbear unacceptably on this home. The proposal is therefore contrary to Policy 40 (i) and (viii) of the Borough of Redditch Local Plan and the District Council's High Quality Design SPD.”

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 5 – Effective and Efficient Use of Land
Policy 17 – Flood Risk Management
Policy 18 – Sustainable Water Management
Policy 19 – Sustainable Travel and Accessibility
Policy 20 – Transport Requirements for New Development
Policy 24: Development within Primarily Employment Areas
Policy 28: Supporting Education, Training and Skills
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

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

Relevant Planning History

19/00899/FUL	Erection of 6 commercial units (B1c and/or B8 use) measuring some 21,798sq ft (2,025sq m) together with associated infrastructure	Refused	30.09.2019
--------------	---	---------	------------

PLANNING COMMITTEE

17th June 2020

Consultations

Highways - Redditch

No objections subject to the following conditions:

- Conformity with submitted details
- Construction Environmental Management Plan
- Employment Travel Plan
- Electric vehicle charging points
- Cycle parking
- Residential Welcome Pack

The Highway Authority has also requested a S106 contribution of £24,836.82 to support Active Travel Infrastructure and to improve the existing bus stops closest to the application site.

Strategic Policy

Compliance with BORLP4 criteria based Policy 24: Development within Primarily Employment Areas, is required to allow residential development on the site.

Policy 28: Supporting Education, Training and Skills applies, requiring education, training or funding towards these activities should be sought.

Economic Development

Whilst there had been interest from businesses in the site, the recently refused planning application has identified that the employment that would likely be attractive to the local market is not acceptable for other reasons. With this in mind, the assertion is agreed that the restrictions placed on the site as a result of the neighbouring residential scheme limit the appeal. Therefore, whilst the marketing process has shown interest for an employment use, if that use can't actually be delivered at the site then this interest becomes rather meaningless.

Given this situation, the current proposal would still assist the development of part of the site for its intended use, which would support a local company to relocate, whilst allowing further development at the front of the site for alternative uses..

Waste and Recycling

Residents of the houses would need to present their bins onto Studley Road on the relevant collection day. This will be due to the construction of a private road which the refuse freighter will be unable to use and the access to the parking areas at the rear of the houses being too tight for access.

North Worcestershire Water Management

A planning condition is recommended requiring a drainage plan to be submitted to demonstrate how the applicant proposes to deal with surface water on site, use of SuDS techniques and how surface water will be disposed of.

PLANNING COMMITTEE

17th June 2020

Worcestershire Regulatory Services

Air quality - No adverse comments.

Noise - Noise from the proposed B8 use: Recommend that HGV movements, to and from the site, should only take place between 08:00 and 18:00 Mon-Sat with no HGV movements on Sundays and Bank Holidays. Additionally, recommended that the proposed acoustic fence should be a minimum height of 2.5m and a minimum surface density of 15kg/m².

Noise Impacting future residents: It is not considered that road traffic noise from Studley Road or the surrounding industrial / commercial businesses would adversely impact future residents. However, the exposed garden area, near to Studley Road, would benefit from being enclosed by a 2m high acoustic fence.

Contamination - 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 below for inclusion on any permission granted.

Cadent Gas Ltd

Cadent have identified operational gas apparatus within the application site boundary and have requested that their standard notes be included as an informative to the Applicant

Severn Trent Water Ltd

No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of foul and surface water drainage details.

Public Consultation Response

A total of 9 objections received raising the following principle issues.

Amenity

- Likely adverse impact on quality of life for residents of Hoveton Close due to close proximity of back gardens to the employment site
- Already problems with noise from the Pilkington factory most markedly at weekends and bank holidays, at night and in the very early mornings.
- Loss of currently an open outlook from the rear of existing homes, would be reduced to a corridor between buildings
- Lighting of the proposed carpark would be next to homes, adversely affecting bedrooms.
- Increased noise and disturbance from HGV trucks on Studley Road in a residential area.
- Unsightly commercial buildings in a residential area, where there used to be trees.
- The proposed acoustic fence will not reduce noise or restrict pollution

Public safety

PLANNING COMMITTEE

17th June 2020

- Risk of accident, fire, air pollution and other such risks to neighbouring homes
- Would result in increased traffic on Studley Road, an already very busy road and bus route, making it more hazardous for pedestrians and children especially with larger vehicles, associated with the development.
- The overall plan hasn't considered the existing traffic and pedestrian activity and that a main site access shared with private houses and industrial units sited directly opposite an already busy entrance and exit will cause inevitable problems, conflict and accidents

Parking

- There are two schools nearby, and a post office which has very limited parking across the road and which new residents may choose to use instead of travelling to the rear of the properties as proposed.

Assessment of Proposal

Five Year Housing Land Supply

The Council is unable to demonstrate a 5 year supply of housing land and therefore the NPPF paragraph 11(d)(ii) 'tilted balance' applies. This means applying a presumption in favour of sustainable development, and for decision taking means granting permission unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Principle of commercial use on site

The commercial element of the proposed development is acceptable in principle on site in line with Policy 24 of the Local Plan.

Principle of residential use on the site

Given the sites allocation as primary employment land, under Policy 24, other uses including residential, will only be permitted when:

- 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. Consultation must be undertaken with the Economic Development and Regeneration Service by the applicant to ascertain this;
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;

PLANNING COMMITTEE

17th June 2020

- 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.

The area of land to be taken by residential use would equate to some 0.2ha. The Employment Land Supply at 1 April 2019 was 61.15ha. I am satisfied that the loss of this amount would not cause or accentuate a significant shortage of land for employment use in the Borough.

In terms of meeting criteria ii or iii of Policy 24.3, for criteria ii, the Economic Development officer has recognised that larger units along the frontage would likely be attractive to the local market, as detailed on the previous planning application, but these were found to be unacceptable for reasons given in the reason for refusal. Therefore, whilst the marketing process has shown interest for an employment use, the type of units in demand can't actually be delivered. In terms of marketing, the site was on the Market since 2017 having been sold off separately by the St Francis Group (who developed the Velocity site). The Applicant bought the site in Dec 2018 and marketed it for some 18 months, with the marketing specifically focused on the smaller units (E.g. Unit 1 as now proposed) and the previously refused units, which is the area where demand is highest for such commercial units.

Officers are satisfied that the proposal complies with Policy 24.

Design and Amenity

BoRLP Policy 39 – Built Environment seeks to ensure all new development in the Borough contributes positively to the local character of the area and Policy 40 lists criteria to encourage good design to make the Borough a better place to live, work and visit.

The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The site is split into two components with housing fronting Studley Road and the employment element to the rear. A sewer easement passing between the two elements has to be safeguarded and in so doing provides convenient separation. With the provision of housing on Studley Road, the previous refusal reason has now been overcome and the appearance of the streetscene and residential amenity would be adequately safeguarded. The commercial element will take a more recessive position to the rear of the site and sit alongside other commercial developments. I am satisfied that the position and scale of the proposed commercial buildings would be acceptable in terms of their disposition with properties on Hoveton Close, which back on to the site. Furthermore, those properties on Hoveton Close would also benefit from the centre of the site remaining free from built development for purposes of maintaining the sewer easement.

PLANNING COMMITTEE

17th June 2020

Concern has been raised about noise and disturbance likely to be generated from the proposed vehicle servicing area service area in the centre of the site. To address this, an acoustic style fence is recommended along the shared boundary with residential properties and the applicant has also agreed to a restriction on hours of operation. External lighting can also be given further detailed consideration by way of planning condition.

The residential component is in outline with appearance, landscaping, layout and scale reserved for future consideration by way of a reserved matters application.

Subject to the imposition of appropriate conditions, the development would not give rise to unacceptable harm to neighbouring amenity in accordance with Policy 40 of the Development Plan and the residential scale of the street scene would be safeguarded in accordance with Policy 39.

Flooding and Drainage

BoRLP Policy 17 deals with flood risk management and Policy 18, sustainable water management, seeking to ensure, amongst other things, that development addresses flood risk from all sources and does not increase the risk of flooding elsewhere, with appropriate use of SuDs techniques.

North Worcestershire Water Management advised that the proposed development is located in the catchment of the Broad Ground Ditch which outfalls to the River Arrow. The site is classified as flood zone 1 and the risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. There is some surface water risk indicated on Studley Road to the west and pooling on the northern part of the site. This risk can be mitigated by suitably finished levels and drainage provided by the proposed scheme.

With appropriate measures secured by condition for site drainage your officers are satisfied that the proposal would be Policy 17 and 18 compliant.

Highways

At the heart of BoRLP Policy 19 and 20 is the importance of improving accessibility and mobility, whilst avoiding past trends of increased traffic and longer journeys.

The proposed development is located in a sustainable location in accordance with Policy 2 Settlement Hierarchy. The highway safety and parking concerns have been taken into account, however, in the light of there being no objection raised by the Highway Authority, I am satisfied that these concerns, in terms of paragraph 109 of the NPPF, would not cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

The Highway Authority has requested a S106 contribution to support Active Travel Infrastructure and to improve the existing bus stops closest to the application site. The LPA is not able to request S106 contributions below a threshold of 10 homes as applies

PLANNING COMMITTEE

17th June 2020

in this case, however, the employment element is by definition a Major development and therefore could attract a requirement for a S106 contribution. The Highway Authority has been asked to clarify if the requested contribution is solely related to the commercial element and Members will be updated accordingly at the meeting.

Given the above, and with the application of conditions, the scheme would be compliant with Policies 19 and 20 of the Borough of Redditch Local Plan.

Conclusion

Paragraph 8 of the NPPF defines sustainable development as having three dimensions: economic, social and environmental. In this case, given the 5 year housing supply shortfall, the presumption in favour of sustainable development for decision taking means, the 'tilted balance' under paragraph 11 d) ii) applies. This does not change the statutory status of the Local Plan as the starting point for decision making.

In view of the above assessment, I am satisfied that the proposal complies with the relevant policies of the Local Plan and no other material considerations have been identified that would indicate that the Local Plan should not be followed.

Furthermore, application of the 'tilted balance' means applying a presumption in favour of sustainable development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

In terms of economic benefits, the proposal would make a contribution, to the Council's supply of housing. It is also acknowledged that there would be some economic benefits associated with the proposal during the construction phase and from occupants supporting local shops and services.

The proposal would also fulfil the environmental and social dimensions of sustainable development, because the site is in a sustainable location, therefore reducing the requirement to travel by private vehicle and would contribute to supporting a sustainable community.

It is concluded that the adverse impacts of this proposal, as discussed above, would not significantly and demonstrably outweigh the benefits.

For the reasons set out in the report, it is considered that the proposal complies with the Local Plan and is sustainable development and should therefore be approved without delay.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be DELEGATED to the Head of Planning and

PLANNING COMMITTEE

17th June 2020

Regeneration to GRANT Full planning permission (commercial) and Outline (residential) subject to;

(a) The satisfactory completion of a S106 planning obligation, (should this be required following further advice from the Highway Authority) ensuring that ;

- Contributions are paid to Worcestershire County Council to support Active Travel Infrastructure and to improve the existing bus stops closest to the application site, and
- S106 monitoring fees are paid to the Borough Council

and

(b) The conditions listed below

Conditions

PART 1 – FULL PLANNING PERMISSION RELATING TO THE ERECTION OF 2 COMMERCIAL UNITS (B1AND B8 USES) TOGETHER WITH ASSOCIATED INFRASTRUCTURE

1. The area of the site covered by the FULL planning permission relates to all land which is hatched blue and marked 'FUL Application' on submitted plan 563-14.

Reason: For the avoidance of doubt.

2. The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in accordance with the following plans and drawings –

- 563 – 10 Planning- Existing Site & Location Plan
- 563 – 14 Planning Applications Separation
- 563 - 12 Rev: B – Planning – Proposed Site Plan
- 563 - 13 Rev: A – Planning - Proposed Plans and Elevations

Reason: To define the permission and in the interests of proper planning

4. Prior to the first installation, details of the form, colour and finish of the materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out accordance with the approved details.

**PLANNING
COMMITTEE**

17th June 2020

Reason: To ensure a high quality appearance is achieved, to safeguard the visual amenities of the area.

5. Further to condition a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

(a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;

(b) written specifications including cultivation and other operations associated with tree, plant and grass establishment;

(c) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings,), where appropriate;

(d) a timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits, and to enhance the setting within the immediate locality

6. If within a period of five years from the date of the completion of the building works or completion of the landscaping scheme pursuant to condition 6 (whichever is later), any planted tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced.

7. No works or development above foundation level shall take place until a final scheme for surface and foul water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means

PLANNING COMMITTEE

17th June 2020

of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

8. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, shall not commence until conditions A to G have been complied with:

A) A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

B) Where an unacceptable risk is identified a scheme for detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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 must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

C) Detailed site investigation and risk assessment shall be undertaken and a written report of the findings produced. This report shall be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment shall be undertaken by competent persons and shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

D) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be prepared and is subject to the approval of 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.

**PLANNING
COMMITTEE**

17th June 2020

E) The approved remediation scheme shall 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.

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

G) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall 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 shall 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.

9. Notwithstanding the submitted planning application details, prior to first occupation of the development hereby approved full details of a noise mitigation strategy along with technical specifications shall first be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The approved measures shall remain in place thereafter.

Reason: To safeguard the amenities of future occupiers.

10. The Development hereby approved shall not commence until a Construction Environmental 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:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);

**PLANNING
COMMITTEE**

17th June 2020

- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority. The hours of construction shall be 8am-6pm Monday to Friday; 8am to 1pm Saturday and no working Sunday or Bank Holidays or public holidays.

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

11. The commercial development hereby approved shall not be brought into use until the applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

Reason: To reduce vehicle movements and promote sustainable access.

12. The Development hereby approved shall not be brought into use until 2 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities.

13. The commercial development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To encourage sustainable travel and healthy communities.

14. No part of the development hereby permitted shall be commenced until details of the construction, surfacing and drainage of the access, parking and vehicle manoeuvring areas have been submitted to and approved in writing by the Local

PLANNING COMMITTEE

17th June 2020

Planning Authority and no building shall be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure safe access to the site in the interests of highway safety and public convenience.

15. Prior to the first occupation of the development, details of suitable biodiversity enhancements to be placed on the approved buildings, or elsewhere on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of the approved development and the approved provision maintained and retained thereafter in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of local biodiversity gain, having regard to the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

16. HGV movements, to and from the site, shall only take place between 08:00 and 18:00 Mon-Sat with no HGV movements on Sundays and Bank Holidays or public holidays.

Reason: To safeguard the amenities of neighbouring residents from what otherwise would be an unrestricted B8 use at this location.

17. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting 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 to the buildings and other parts of the application site and the hours at which such lighting is to be operated.

The work shall thereafter be carried out in accordance with the approved details shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the residential amenities of neighbouring residential properties.

PART 2 – OUTLINE PLANNING PERMISSION RELATING TO ERECTION OF UP TO 8 RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE

1. The area of the covered by the OUTLINE planning permission relates to the area hatched red and identified as 'Outline Application' on submitted plan 563-14

PLANNING COMMITTEE

17th June 2020

Reason: for the avoidance of doubt.

2. Application(s) for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- (i) The expiration of three years from the date of this permission; or
- (ii) The expiration of two years from the final approval of the reserved matters; or,
- (iii) In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the appearance, landscaping, layout and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall thereafter be in accordance with the approved details.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

4. The development hereby approved shall be carried out in accordance with the following plans and drawings –
- 563 – 10 Planning- Existing Site & Location Plan
 - 563 – 14 Planning Applications Separation
(note: the illustrative housing layout is not approved)

Reason: To define the permission and in the interests of proper planning

5. Prior to the first installation, details of the form, colour and finish of the materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out accordance with the approved details.

Reason: To ensure a high quality appearance is achieved, to safeguard the visual amenities of the area.

6. Further to condition a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

**PLANNING
COMMITTEE**

17th June 2020

- (a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (b) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- (c) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings,), where appropriate;
- (d) a timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits, and to enhance the setting within the immediate locality

- 7. If within a period of five years from the date of the completion of the building works or completion of the landscaping scheme pursuant to condition 6 (whichever is later), any planted tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced.

- 8. No works or development above foundation level shall take place until a final scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

PLANNING COMMITTEE

17th June 2020

9. 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, shall not commence until conditions A to G have been complied with:

A) A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

B) Where an unacceptable risk is identified a scheme for detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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 must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

C) Detailed site investigation and risk assessment shall be undertaken and a written report of the findings produced. This report shall be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment shall be undertaken by competent persons and shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

D) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be prepared and is subject to the approval of 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.

E) The approved remediation scheme shall 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.

F) Following the completion of the measures identified in the approved remediation

**PLANNING
COMMITTEE**

17th June 2020

scheme a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

G) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall 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 shall 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.

10. Prior to the first occupation of the development, details of suitable biodiversity enhancements to be placed on the approved dwellings, or elsewhere on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the first occupation of the approved development and the approved provision maintained and retained thereafter in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of local biodiversity gain, having regard to the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

11. The reserved matters application shall include details of bin storage and secure cycle storage facilities and shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interest of safeguarding residential amenity and to encourage sustainable means of travel

12. The Development hereby approved shall not commence until a Construction Environmental 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:-

**PLANNING
COMMITTEE**

17th June 2020

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities on the site in locations approved by in writing by the Local Planning Authority. The hours of construction shall be 8am-6pm Monday to Friday; 8am to 1pm Saturday and no working Sunday or Bank Holidays or public holidays.

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

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

Reason: To reduce vehicle movements and promote sustainable access..

14. The development hereby approved shall not be brought into use until an electric vehicle charging space for each of the dwellings has been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities.

15. No part of the development hereby permitted shall be commenced until details of the construction, surfacing and drainage of the access, parking and vehicle manoeuvring areas have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure safe access to the site in the interests of highway safety and public convenience.

PLANNING COMMITTEE

17th June 2020

Informatives

Unless otherwise stated these informatives relate to Parts 1 and 2

Statement of Positive and Proactive Working

The local planning authority has 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.

Alteration of highway to provide new or amended vehicle crossover

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.

Construction Environmental Management Plan (CEMP)

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.
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle 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.

Travel Plan Requirements (Part 1 only)

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

PLANNING COMMITTEE

17th June 2020

accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are

Severn Trent Water Ltd

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Clean Water Comments

Severn Trent Water have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, , <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> select "Water and / or Sewer map request form" fill out the relevant details and fee payment and return to:

Severn Trent Water, Asset Data Management,
GISmapping Team, PO Box 5344, Coventry, CV3 9FT
Fax: 02477 715862
e-mail: GISmapping@severntrent.co.uk

Any correspondence and diversion applications are to be submitted through New Connections, the relevant form can be found on the Severn Trent website at <https://www.stwater.co.uk/building-and-developing/other-developments/diversions/>

PLANNING COMMITTEE

17th June 2020

Please click on download water diversion application form and complete the form as fully as possible.

Information on diversion application charges can be found
<https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance> in "Our Charges" - Developer Charges 2015-2016 in Section 5.
Please attach all the relevant documentation and relevant fee and return the form to:
Severn Trent Water Ltd
PO Box 5311
Coventry
CV3 9FL
Telephone: 0800 707 6600
Email: new.connections@severntrent.co.uk

Procedural matters

This application is being reported to the Planning Committee because it is a major development and two (or more) objections have been received