

PLANNING COMMITTEE

15th January 2026

Planning Application 25/00601/FUL

Proposed development of 6 No. houses with associated parking

Former Play Area, Loxley Close, Church Hill South, Redditch, Worcestershire

Applicant: Mr Lee Collymore
Ward: North

(see additional papers for site plan)

The case officer of this application is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Ext 3372 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site includes one of the hammerheads of Loxley Close as well as the former play area located to the south east of Loxley Close and in the Church Hill South area of Redditch. Footpath links exist to the south and west of the site and link to other neighbouring closes in the locality as well as employment areas beyond Church Hill Way. The site comprises of a large area of tarmac due to the former use of the site as a play area. The site also includes established tree planting and general landscaping to the east of the site. As part of the original development of Loxley Close, an equipped play area facility was provided on the site. The play equipment has since been removed leaving a large hard surfacing area.

The site is now allocated for housing in the Borough of Redditch Local Plan No. 4 under Site No. 209. Details of site No. 209 confirms the site area of the allocated site to be 0.31 hectares with a potential capacity of 10 dwellings on this brownfield site. A small stream and pond is located to the Southeast of the site.

Proposal Description

The scheme provides 6 dwellings, in the form of two rows of terraces of 3 No. 2 bedroom units. The dwellings would be 2 storey in height and would be 100% affordable housing.

The site area for the application is 0.22 hectares. The means of vehicular access would be off the existing hammerhead that would be extended as a result of the scheme. Links onto existing footpaths that abut the application site would be provided as part of the development.

As part of the access improvements, 6 additional car parking facilities would be provided in the form of parking bays that could be used by existing occupiers of Loxley Close. Two existing car parking spaces would be relocated as a result of the overall development. Off

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street car parking for the proposed dwellings would be located either to the front or side of the dwellings concerned.

The dwellings are of similar scale to the existing properties and would be finished in brickwork with a contemporary protruding brickwork feature on the front elevations. Solar panels are also proposed to be provided on the eastern roof planes of the plots to provide solar energy. To enable the development, 7 trees will be required to be removed.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Settlement Hierarchy
Policy 3: Development Strategy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 6: Affordable Housing
Policy 16: Natural Environment
Policy 17: Flood Risk Management
Policy 18: Sustainable water Management
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

National Planning Policy Framework (2024)
National Planning Practice Guidance
Redditch High Quality Design SPD

Relevant Planning History

21/01178/FUL	Construction of 8 no. 1 bed 2 person apartments with associated parking and landscaping.	Withdrawn	03.02.2022
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Consultations

Worcestershire Highways – Redditch

No objections but recommend conditions.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the Church Hill Brook. The site falls within flood zone 1, 2, and 3 meaning there is some fluvial flood risk to the site. While this flood mapping is just indicative there is a history of flooding adjacent to the site

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and the properties on the eastern side of Loxley Close have previously had their rear and front garden areas flooded by the brook. This also includes an incident of internal property flooding. Based on the EA's flood mapping there is also some large areas of surface water flood risk indicated on the site.

A 'Flood Risk Assessment and Proposed Drainage Strategy' has been provided and a lot of the considerations expected have been included. However, additional information is still required and as such a condition is recommended.

Environment Agency

Whilst it is noted that the site falls within Flood Zone 3 of an ordinary watercourse on our Flood Map for Planning, we have no bespoke comments to make on this proposal due to the development being considered is less than 10 dwellings, and that the position of the proposed dwellings themselves are located outside of Flood Zone 3.

WRS - Noise

Due to the potential to disturb existing residents a Construction and Noise Management Plan for the development should be submitted to and approved by the local planning authority to minimise noise and dust during construction.

WRS - Contaminated Land

A Phase 2 Geo-Environmental Ground Investigation Works Report has been submitted to support the application. The findings from the intrusive investigations are acceptable and would recommend a condition to address any potential risk posed by importing materials for use as a top/sub soil in the garden & soft landscaped areas.

Cadent Gas Ltd

No objection - informative required.

Arboricultural Officer

No objections and recommend conditions.

Worcestershire Archive and Archaeological Service

Recommend that a programme of archaeological works should be secured and implemented by means of a suitably worded condition

Worcestershire Minerals & Waste Planning Policy

Worcestershire County Council has no minerals safeguarding objection.

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Public Consultation Response

Site Notice erected 26.06.2025 expired 20.07.25

Neighbour consultation letters have been sent to occupiers at properties located at Loxley Close and Exhall Close on 13.06.2025 expired 07.07.2025.

6 objections received raising concerns summarised as follows:-

- Traffic congestion and road safety issues.
- Accessibility concerns/ inadequate pedestrian infrastructure.
- Lack of safe play areas in the area.
- Increase traffic volumes – increase in noise levels.
- No mitigation for loss of greenspace.
- Construction traffic issues.
- Loss of trees.
- Density of housing.
- Loss of wildlife.
- Loss of light to existing properties.
- Car parking issues.

Assessment of Proposal

Principle

The majority of the site is within an allocated housing site (No. 209) as designated in the Borough of Redditch Local Plan No. 4 (LP4) with an allocation of 10 potential dwellings. Therefore, the principle of some form of residential development would be in accordance with Policies 4, 5 and 6 of the LP4, and would be acceptable in this location.

The National Planning Policy Framework (NPPF) requires local planning authorities to give substantial weight to the value of using suitable brownfield land within settlements for homes and to promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

As mentioned above the site was formerly used as a playarea facility but the equipment has since been removed from site leaving just a hard surface area of tarmac. Whilst it is imperative to make the most efficient use of this site for housing, to be in accordance with Policy 5 of the LP4; there are constraints within the site such as established trees and flood zones that hinder the potential provision and location of the proposed housing. Members will note that an application was submitted previously for the provision of 8 dwellings on this site. However, the application was later withdrawn due to the site constraints, and the scheme has now been revised accordingly to provide only 6 dwellings. Therefore, although it is noted that 10 dwellings are allocated to housing site No. 209 in the LP4, the provision of 6 dwellings as shown on the layout plan is acceptable given the restricted site constraints.

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Density of Development

Policy 5 of the LP4 also requires a general density of 30-50 dwellings per hectare (dph). The total site measures approximately 0.22 hectare in area, 6 units of accommodation are proposed representing an approximate density of 28 dph. The proposed density would be slightly below the density requirement set out in policy 5. However, it is important to note that para.5.3 of the Policy allows for some lower density developments on smaller sites, or when there is a site specific limitation that negates the required density to be met. Taking into consideration the site constraints, as mentioned above; the density of the scheme would be acceptable in this location and would be comparable to that of the surrounding area. As such the scheme is in accordance with Policy 5 of LP4.

Design and layout

Policy 39 of LP4 states that development in the Borough should contribute positively to the local character of the area, responding to and integrating with distinctive features in the surrounding environment. All development proposals should:

- Seek to optimise the potential of the site to accommodate sustainable development through making the most efficient use of the space available;
- Be resilient to the effects of climate change, whilst also protecting and enhancing local distinctive and historic features to improve the character and quality of the local environment;
- Incorporate features of the natural environment including infrastructure.

Policy 40 of LP4 refers to good design and states that good design should contribute positively to making the Borough a better place to live, work and visit. All development should be of a high-quality design that reflects or compliments the local surroundings and materials.

The proposed materials for the dwellings would be red brickwork with a contemporary brick detail feature on the frontage, finished with brown roof tiles. The materials would be similar to existing dwellings in the locality. Parking provision for each of the units has been allocated as close to the dwellings concerned. Solar panels are also shown to be provided on the roof of each dwelling. The design and appearance of the dwellings are of a good quality in accordance with Policies 39 and 40 of LP4, Borough of Redditch High Quality Design SPD, and the NPPF.

The layout of the scheme accords with the Council's spacing requirements as specified in the Council's High Quality Design SPD. Only 1 garden falls slightly below the garden area of 70 sqm, however, all gardens have a depth of more than 10.5m. The dwellings are also in general accordance with the minimum space standards as outlined in the Department for Communities and Local Government's Technical Housing Standards.

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Tenure

Members should note that the site is intended to be developed as an affordable housing development, meaning that all the units on the site will be affordable housing provision in the form of social rent and shared ownership. To ensure that the units remain affordable housing in perpetuity, an Affordable Strategy Plan will be included in the S106 Agreement.

Highway and Access Consideration

As part of the consideration of the application, some revisions have been made to the scheme to address initial County Highway concerns. The submission of the latest layout plan is considered acceptable. Following amendments to the scheme, a revised Road Safety Audit (RSA) Designers Response has been provided for the scheme and has been considered by County Highways.

County Highways have noted that the site is in a residential and sustainable location off an unclassified road with a new site access to be located off Loxley Close adjacent to No. 96 Loxley Close which is currently a cul-de-sac. The site is located within walking distance of amenities, bus routes and bus stops.

County Highways have negotiated with the applicant and their consultants to overcome initial concerns they had with the scheme and the Road Safety Audit. Main concerns related to pedestrians having to utilise the carriageway and pass behind existing parking bays to reach existing footways on Loxley Close which would be to the detriment of highway safety, and not in accordance with paragraph 115 (b), and paragraph 117 (b) and (c) of the NPPF, as well as not according with the Worcestershire Streetscape Design Guide. Following discussions, the applicant has sought to resolve these matters through a revised site layout plan. In addition, the applicants have submitted a revised Road Safety Audit Designers Response.

County Highways are satisfied that the outstanding matters have been suitably addressed to enable the development to be acceptable in accordance with the NPPF, and the Worcestershire Streetscape Design Guide. Therefore, to conclude County Highways have no objection to the scheme and recommend conditions.

Sustainability

The application site is located within walking distance of amenities, bus routes and bus stops. The proposed development therefore benefits from the NPPF's "presumption in favour of sustainable development" and complies with the NPPF's objective of significantly boosting the supply of housing. In addition, the scheme meets the NPPF's requirement to make "effective use" of under-utilised land in a relatively sustainable location.

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Policy 2 of LP4 requires Redditch urban area to be the main settlement and focus for development providing the highest level of services and facilities in the most sustainable location for development. Given the site is a brownfield site and is close to facilities, the proposal would comply with this policy and the NPPF.

Drainage

The proposed development site is situated in the catchment of the Church Hill Brook. The site and surroundings fall within flood zone 1, 2, and 3 meaning there is some fluvial flood risk to the site. Although the flood mapping is indicative there is a history of local flooding adjacent to the site. Based on the Environment Agency's flood mapping there is also some large areas of surface water flood risk indicated on the site.

A 'Flood Risk Assessment and Proposed Drainage Strategy' has been provided with this application. The Flood Risk Assessment clearly defines the flood zone and has defined the precise location for the dwellings. North Worcestershire Water Management have reviewed the documents noting that a proposed drainage layout with attenuation and communal drainage assets has been provided. Additional information such as calculations/volumes for these features, and maintenance details are still outstanding. As such a drainage condition is required for these details.

The Environment Agency (EA) have also been consulted. Whilst the EA note the reason for our consultation given the site falls within Flood Zone 3 of an ordinary watercourse on our Flood Map for Planning, the EA have confirmed that they have no bespoke comments to make on the proposal, due to the development being considered non-major (less than 10 dwellings), and the dwellings are located in an area of Flood Zone 1 on site.

Trees

The Tree Report submitted to support the application indicates that seven trees are highlighted for removal, 5 trees will be required to be removed to enable the development. The Tree Report highlights two Poplar trees T20 and T21 will be removed due to their situation with the house and garden areas of plots 4, 5, and 6. T20 is Multi-stemmed Poplar that is a self-set specimen with no long-term potential and T21 has major deadwood in the crown and a broken branch in the crown. The Tree Officer has confirmed that all 7 trees to be removed are poor quality with low amenity value. The remaining trees on site are mainly situated to the eastern boundary and are predominantly Poplar trees, However, the remaining trees will be unaffected by the new development.

The Tree Officer also states that the only tree on site which is covered by the established Area Tree Preservation Order is T7 (Oak). There will be potential incursion into the RPA of this tree however it is likely to be minimal. A Tree Protection Plan will be required to mitigate for this during construction.

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The Tree Report indicates that the scheme is to include 6 new trees, however this could be increased to mitigate against the removal of the 7 trees. The Tree Officer holds no objections to the proposed development but recommends mitigation measures should be provided for the replacement of tree planting, as well as general root protection measures during construction.

Ecology

A Preliminary Ecological Appraisal and a Preliminary Roost Assessment have been submitted as part of the supporting planning documents.

The results from the above documents confirm the following:

- The site is within 2 km of the Ipsley Alders Marsh, Dagnell Meadow SSSI, and Proctors Barn Meadows SSSI. The established tree belt that exists to the east of the site is considered likely to meet the environmental criteria as a habitat of principal importance for the purpose of conserving biodiversity.
- There are no built structures on the site, however, several mature trees are present on the site with Potential Roost Features that could be exploited by roosting bats. Further surveys will be required to be carried out to fully assess this potential.
- Third party data search identifies 53 records of bats within a 2km search area of the site, with the closest record showing a common pipstrelle bat 200m south of the site. The woodland, mature trees and waterbody of the search area provide suitable foraging and commuting habitat for bats. However, the site is located within a sub urban wider landscape. As such the habitats on site are of moderate potential suitability for foraging and commuting bats.
- A pond located within the established wooded area to the east of the application site and the stream that runs 20 metres away from the eastern site boundary has poor suitability for great crested newts. However, the application site with its hardstanding and mown, modified grassland offers sub-optimal habitat for great crested newts during their terrestrial phases.
- There is no record of hazel dormice within the search area, and no evidence of badger activity observed within the site boundaries.
- Additional protected species surveys were recommended in respect to bat roosting.

A Bat Emergence Survey Report has been compiled and submitted following on from three Emergence Surveys undertaken in August and September 2025. The duration of each survey was a minimum of 2 hours. The summary of the Bat Emergence Report

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concludes that whilst no evidence of a roost was confirmed, some foraging and commuting bat activity was detected during the surveys.

The Council's Ecology Advisor has considered and acknowledged the findings of the reports submitted, and agrees with the conclusions of the reports and recommends suitable conditions to include an Ecological Construction Environmental Management Plan to ensure adequate measures are in place to protect wildlife during construction, such as protection against potential pollutants during the construction phase, measures be in place in respect to bird nesting habitats. In addition, an Ecological Mitigation and Enhancement Strategy is also required in respect to the provision of bat and bird boxes, and a general night lighting strategy for light sensitive animals.

Biodiversity Net Gain

In England, subject to some limited exceptions, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' (BNG) in Planning Practice Guidance to distinguish it from other or more general biodiversity gains or protections.

This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat and this applies in the case of this application. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The habitat lost because of the development is modified grassland and the removal of established trees. Onsite BNG uplift is not feasible due to the extent of the red line application site. The applicant has therefore stated that they wish to achieve the 10% uplift via an 'offsite' biodiversity gain. BNG credits will be made within the Redditch Borough on council owned land. This will need to be controlled through a legal agreement, and the recommendation is drafted accordingly. Overall, the development is therefore acceptable regarding BNG.

Archaeology

The proposed development area (PDA) is set within the mapped boundary of Beoley Medieval Deer Park. Documented from the 13th century the prospective boundary of the Medieval deer park is located c.15m south of the PDA. Its route can be traced on historic mapping running from the Roman Road Icknield Street, in the west, through Moons Moat industrial estate, in the east, and north to Beoley, where it joins the main road. A site survey in 2007 observed a substantial boundary ditch, perhaps also a holloway, along part of its length. A network of substantial medieval fishponds – part of a medieval fishery - is recorded within the area of the former Deer Park, north of the PDA.

Although the exact extent and location of archaeological investigation in 1969, south of Beoley Castle, is uncertain, one trench placed across the leat (WSM37253) and possible

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house platform (WSM37322), c. 95m north of the PDA, revealed an undated laid stone surface, while another trench at the 17th century Ravensmere Farm, c.100m south east of the PDA, revealed an undated cobbled surface, 19th century house bricks, a cow skeleton and pottery (WSM37323). The stream, to the east of the PDA, connects the fish ponds with the Scheduled Monument Moons Moat, to the south.

The Heritage Statement submitted with the application considers the potential impact to known archaeology as low. However, there is potential for unrecorded below ground archaeology of significance. Given the sites position, within an area of known multi-period archaeological interest and potential unknown archaeological features, further archaeological mitigation is appropriate in this instance. Suitable conditions are recommended.

Residential amenity considerations

It is acknowledged that six objections have been received in relation to the proposed development. The highway related concerns have been noted, however, the proposal complies with the car parking provision set out in Worcestershire County Council (WCC) Streetscape Design Guide. The proposed development is not anticipated to generate a significant volume of vehicular traffic that would result in a severe impact on the local highway network. Construction-related traffic is expected to be temporary in nature. However, to mitigate disruption to local residents, a Construction Management Plan will be conditioned.

Other matters have been addressed in the body of this report.

Housing Supply

The Council cannot currently demonstrate a five-year housing land supply (5YHLS) and therefore, regard should be had to paragraph 11(d) and footnote 8 of the NPPF which together state that for applications providing housing, where the Council cannot demonstrate a 5YHLS, the policies which are most important for determining the application are considered out-of-date and planning permission should be granted.

The proposal would create six affordable residential units which would make a valuable contribution towards Redditch's housing stock and would make efficient use of land, as supported by Policy 5 of the Local Plan No. 4.

Planning Obligations

In accordance with paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought for this development, if the application were to be approved. The potential S106 agreement would cover the following obligations:

- An Affordable Housing Strategy Plan
- A suitable Biodiversity Net Gain Plan is submitted and implemented

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- Suitable management and monitoring of the Biodiversity Net Gain Plan
- A Section 106 (Planning Obligation) monitoring fee/s

The applicant is agreeable to addressing the above matters with a potential S106 Agreement.

Planning Conditions

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

Conclusion

The scheme would provide a much needed provision of housing in this area of the Borough, making efficient use of the land. As such the scheme is acceptable and in accordance with policies in Local Plan No. 4. The location of the site close to public transport links and a wide range of facilities means the site is ideally located for residential development, and benefits from the NPPF's presumption in favour of sustainable development.

RECOMMENDATION:

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

a) The satisfactory completion of a S106 planning obligation ensuring the following:

- **An Affordable Housing Strategy Plan**
 - **A suitable Biodiversity Net Gain Plan is submitted and implemented**
 - **Suitable management and monitoring of the Biodiversity Net Gain Plan**
 - **S106 monitoring fee/s are paid to the Borough Council**
- and**

b) The conditions as listed below:

Conditions:

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

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

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

appropriate references to be inserted here

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls, roofs, retaining walls, and railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway / edge of carriageway shall be provided on the ends of the proposed parking bays. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 6) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide 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 comply with the Council's parking standards.

- 7) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing No. 25-153-T-004 Rev B.

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Reason: To ensure conformity with submitted details.

- 8) The Development hereby approved shall not be occupied until a residential Travel Welcome Pack promoting sustainable forms of access to the development has been submitted to and approved by the Local Planning Authority. The pack shall be provided to each dwelling prior to first occupation.

Reason: To ensure residents of the development site are offered a genuine choice of sustainable travel modes and to promote sustainable access to the development site.

- 9) 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 minimise dust and noise disruption during construction of the development (in accordance with Worcestershire Regulatory Guidance);
- Hours of work during construction;
- 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 operative's facilities as required;
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Details of any traffic management measures to be provided for construction vehicles on Loxley Close and if necessary, avoiding peak pedestrian times.
- Any temporary traffic management measures such as signage and / or cones in the highway will require a permit. Applications can be made via www.worcestershire.gov.uk
- Measures to demonstrate that those immediately affected by the construction works will be kept informed and due consideration and courtesy will be shown to the local community.

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.

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

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- 10) No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If possible infiltration techniques are to be used, then the plan shall include the details and results of field percolation tests. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure satisfactory drainage for the lifetime of the development which does not increase flood risk off site.

- 11) Prior to their first installation, details of the Finished Floor Levels for each dwelling and Finished Ground Levels for all other areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The sections shall show the development relative to the ground levels adjoining the site. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, and to safeguard the properties from flood risk.

- 12) Full details of any soil or soil forming materials proposed for importation to the site for use in garden areas, soft landscaping, filling, and level raising must be submitted to the Local Planning Authority and approved in writing prior to import and implementation of the scheme. The material must be assessed for contamination and suitability for use on site.

Full donor site details, proposals for contamination testing; including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment), must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

Following implementation of the approved scheme suitable validatory evidence (including but not exclusive to laboratory certificates, photographs, consignment notes, and relevant risk assessment) should be submitted to and approved in writing by the Local Planning Authority.

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All works are to be carried out by competent persons and in accordance with the Environment Agencies 'Land Contamination Risk Management' guidance (LCRM).

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.

- 13) The Development hereby approved shall not commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- i. Site construction access
- ii. Contractor's car parking.
- iii. Phasing of on-site operations.
- iv. Welfare facilities (requirement and siting)
- v. Storage and mixing areas.
- vi. Tree Protection (barriers and ground protection specification)
- vii. Tree Protection Plan (final version – if amendment is required)
- viii. Installation of foundations within the RPAs
- ix. Installation of hard surfaces within RPAs
- x. Installation of services within the RPA of trees to be retained
- xi. Removal of materials, facilities, and protective measures for the final phase
- xii. Post construction tree works and landscaping
- xiii. Monitoring

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

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 14) No development above foundation level of the scheme hereby approved shall take place until all hard and soft landscaping details have been submitted to and agreed by the Local Planning Authority. The proposed landscaping scheme shall include the provision of additional tree and shrub planting as mitigation measures to restore foraging and commuting habitat for bats and to provide nesting habitat for birds. Use of native species of local origin with a known benefit to wildlife should also be incorporated into the planting scheme. The approved works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a

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programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area.

- 15) Notwithstanding the submitted details, no works shall take place (including ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include, but not limited to the following:
- i Production of a finalised ecological protection, compensation, and enhancement scheme, to include relevant precautionary method of working, mitigation / compensation (where applicable) and enhancements.
 - ii To be informed by all relevant surveys and mitigation and enhancement measures listed within the EcIA report, and these must be enacted on the site.
 - iii A pre-works survey to be undertaken in advance of construction commencing to identify any changes in the baseline conditions and confirm the activity status of any protected features likely to be impacted.
 - iv Risk assessment of potentially damaging construction activities
 - v. Identification of "biodiversity protection zones"
 - vi. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - vii. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
 - viii. The times during construction when ecological or environmental specialists need to be present on site to oversee works
 - ix. Responsible persons and lines of communication
 - x. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
 - xi. Use of protective fences, exclusion barriers and warning signs
 - xii. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In accordance with the principles of good design and the incorporation of biodiversity in and around developments as required in the NPPF.

- 16) The Development hereby approved shall not commence until an Ecological Mitigation and Enhancement Strategy has been submitted to and approved in

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writing by the Local Planning Authority. The approved Strategy shall be carried out and complied with in full prior to first occupation of the dwellings.

Reason: In accordance with the principles of good design and the incorporation of biodiversity in and around developments as required in the NPPF.

- 17) Notwithstanding the submitted details, prior to above ground works details of external lighting shall be submitted to and approved in writing by the Local Planning Authority.

The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason: To safeguard and maintain the existing value of biodiversity on and adjacent to the site to protect foraging/commuting bats.

- 18) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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- 19) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (18) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 218 of the National Planning Policy Framework.

- 20) Prior to the occupation of the development, details of the boundary treatments to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the street scene.

- 21) Details of the proposed bin storage areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the first occupation of the dwellings.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 3) **Biodiversity Net Gain**
The application is subject to statutory biodiversity net gain legislation under the Environment Act 2021, and the Biodiversity Gain Condition will be applied.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

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(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Redditch Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

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4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

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If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
 - ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
- 4) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk The applicant is solely responsible for all costs associated with construction of the access.
- 5) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public

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highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- 6) This permission does not authorise the re-siting of any street lighting columns or illuminated road traffic sign(s) affected by the proposed development. The applicant should contact the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester WR5 2NP for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.
- 7) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

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

Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 8) The applicant should be aware that a public sewer runs through the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If a sewer is present within 3 meters of the works (including foundations) contact must be made with Severn Trent Water Ltd to discuss the proposals. If a Severn Trent Water asset is affected by the works, then the developer will need to contact the Build Over team within Networks Solutions team at STW to discuss the proposals. The email address for the Build Over team is: building.over@severntrent.co.uk

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers. In addition, this application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.