

**PLANNING
COMMITTEE**

19th March 2026

Planning Application 25/00475/FUL

Development comprising Units for Class B2, B8 and E(g) (iii) purposes and a Unit for Class B8 purposes, associated parking, landscaping and infrastructure.

Land Adjacent, Ravens Bank Drive, North Moons Moat, Redditch, Worcestershire

**Applicant: H3GC Redditch Limited
Ward: North**

(see additional papers for site plan)

The case officer of this application is David Kelly, Planning Officer (DM), who can be contacted on Tel: 01527 881666 Email: david.kelly@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is situated within the North Moons Moat Industrial Estate, within an established employment area. It lies immediately adjacent to the administrative boundaries of Bromsgrove District (north and east) and Stratford-on-Avon District (south-east) and falls within North Ward. The site benefits from strategic connectivity, positioned north of the A4023 Coventry Highway and west of the A435 dual carriageway, with direct access from Ravensbank Drive, the District distributor road for the estate.

The site extends to 2.56 hectares and amounts to previously developed land; the former Evoque Data Centre site, vacated in 2023 and now cleared following demolition works. The site previously comprised a large, part single, part two-storey data centre building with ancillary structures, internal circulation roads, hardstanding for parking and landscaped areas. The topography of the site is generally flat with a slight rise to the north-east and a gentle slope towards the south-east. The boundaries of the site are mostly characterised by mature and semi mature trees with paladin fencing. The site is subject to an area wide Tree Preservation Order (TPO) (Redditch New Town No. 13 TPO) 1965 and which covers a group of trees within the site boundaries and beyond. A portion of the land to the NE corner of the site is designated as a Special Wildlife Site (SWS).

In respect of access and connectivity, the primary access is a single vehicular and pedestrian access from Ravensbank Drive (Left In/Left Out only due to central reservation). Ravensbank Drive comprises a 10m wide carriageway, with a 40mph speed limit, street lighting, footway on west side and kerbed central reservation. Ravensbank Drive connects directly to the A4023 roundabout on the southern frontage, providing access to wider highway network. The land to the north and west comprises existing industrial and commercial units within North Moons Moat Industrial Estate, the Amazon distribution facility lies to the east and the site is bordered by the A4023 Coventry Highway and further industrial uses beyond.

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Proposal Description

The proposal relates to the provision of employment units within the B2, B8 and E(g) (iii) use classes (Units 1 - 8) and a single Unit for Class B8 purposes (Unit 9) and associated parking, landscaping and infrastructure. The scale of the proposal is set out as:12,396 sqm (Gross External Area - GEA) across 9 units, ranging in size from 714 sqm to 2,059 sqm.

All units include mezzanine levels for operational offices except Unit 9, which is dedicated to storage with only a small reception area. The demolished buildings (comprising the data centre) previously had a GEA of approximately 5,110sqm (or 55,000 sq ft) Thereby, the proposal represents a significant increase in floorspace, and the matter is addressed in the technical assessments accompanying the application. Unit 9 will comprise a standalone self-storage facility (Use Class B8) and has been designed to accommodate future mezzanine floors for additional storage. In terms of layout, all of the proposed units would be arranged in a linear manner with respect to a central access road which terminates at the proposed service area for unit 5. There would be strong frontage provided to the north side of the Coventry Highway by virtue of the positions of Units 5 - 9 inclusive where the site is currently open and previously comprised the low rise data centre building. In terms of appearance, the buildings would be clad in different shades of grey (*Agate Grey, Merlin Grey, Prisma Metallic Silver*) and green (*Olive Green*) with window and door flashings in *Wedgewood Blue*.

The scheme will utilise the existing single point of vehicular access on Ravensbank Drive located in the middle of the site. There would be 118 car parking spaces provided, of which 9 are dedicated for disabled users. In addition, there would be 32 No. EV charging spaces, 60 cycle parking spaces and 9 No. motorcycle spaces. The application is accompanied by a Planning Statement, Design and Access Statement, Landscape and Ecological Management Plan (LEMP), Arboricultural Impact Assessment, Arboricultural Method Statement, Preliminary Ecological Appraisal, Badger Monitoring Report, Confirmation of Badger Licensable Works Being Completed, Habitat Management and Monitoring Plan (HMMP), Biodiversity Net Gain Design Stage Assessment, Statutory Metric Calculation, Flood Risk Assessment, Transport Assessment, Framework Travel Plan, Parking Management Plan, Air Quality Assessment, Noise Impact Assessment, Tier I (Phase I) Desk Based Geoenvironmental and Geotechnical Site Assessment, Construction Management Plan Energy and Sustainability Statement and BREEAM Pre-Assessment Report.

The Screening of the proposal under the provisions of the Town and Country Planning Environmental Impact Assessment Regulations 2017 (as amended) has been considered. The site area extends to 2.56 hectares and is thereby not classified as Schedule 2 development by virtue since it would comprise less than 5 hectares of urban (industrial estate) and the Special Wildlife Site (SWS) is not considered a sensitive area under the provisions of Article 2 of the above regulations.

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Relevant Policies

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 3: Development Strategy

Policy 5: Effective and Efficient use of Land

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 23: Employment Land Provision

Policy 24: Development within Primarily Employment Areas

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

Redditch High Quality Design SPD

National Planning Policy Framework (2024)

National Planning Practice Guidance

Relevant Planning History

1980/369/FUL	Extension of microwave tower	Granted	11.09.1980
1981/241/FUL	New Switchroom & Battery Room Building	Granted	04.06.1981
1982/129/FUL	Extension to Existing Computer Hall	Granted	17.06.1982
1984/314/FUL	Stores Building	Granted	15.08.1984
1991/044/FUL	Proposed H.V Switchroom	Granted	28.03.1991
2007/217/FUL	New External Generators Plant and Equipment	Granted	15.06.2007
24/00782/DEM	Demolition of two units and telecoms mast	Prior app not required	02.09.2024

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Consultations

Worcestershire Highways - Redditch

Based on the analysis of the information submitted, the Highway Authority concludes that the development would not result in any severe detrimental impact on the local highway network. The Highway Authority has no objection subject to conditions and financial obligations.

As part of the Assessment, the Highway Authority has examined the access proposals, tracking, highway safety, internal road layout, active travel, bus provision and infrastructure, parking, lighting, trip generation, trip distribution highway impact, highway improvements, public rights of way, travel plan. Conditions have been recommended in relation to the following matters:

Access Arrangements
External Highway Works
Employment Travel Plan
Employment Travel Welcome Pack
Construction Traffic Management Plan

The full text of the above conditions are set out at the end of this report.

Planning Obligations

The following planning obligations are requested through a suitable legal mechanism (S106):

Walking and Cycling Route Signage

Specific Purpose - The proposals will generate new walking and cycling trips to and from the site that are linked to external routes. In order to help direct pedestrians and cyclists, it is desirable to erect appropriate directional walking and cycle signage within the surrounding area to encourage such trips.

Contribution - A contribution of £5,000 is requested.

Public Transport Infrastructure Improvements

Specific Purpose - The proposals will generate additional bus trips in this locality and the inclusion of a Travel Plan providing staff welcome packs to new staff can encourage further mode shift. The Highway Authority seeks a contribution towards improving the bus stop infrastructure at the nearest bus stop to the site, which is located on Ravensbank Drive opposite the site, by enlarging the existing hardstanding waiting area to improve conditions for waiting passengers, together with installation of a new bus shelter.

Contribution - A contribution of £10,000 is requested.

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North Worcestershire Water Management

The proposed development site is situated in the catchment of Blacksoils Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping does however indicate that there is significant risk to the site from surface water flooding across the whole site.

An FRA and Drainage Plan have been provided with this application and many of the considerations we would usually expect to see have been provided. These include a proposed drainage layout, with attenuation and calculations. There are also mitigation measures for the indicated surface water flood risk. Additionally, there are also details on communal assets and their maintenance, which will sit with the landowner or their appointed management company.

Whilst the proposed drainage strategy is generally considered acceptable, the in-principle approval from Severn Trent Water for surface water discharge has not been provided. There is also a second surface water discharge point to an ordinary watercourse. This appears to be crossing third party land and if this is the case third-party landowner permission will be required. These details can be provided through a pre commencement condition requiring a surface water drainage strategy to be approved including an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS).

Economic Development and Regeneration Service

No Comments received.

Bromsgrove District Council

No objection.

Stratford On Avon District Council

No Comments received.

Arboricultural Officer

Having read the Arboricultural Impact Assessment (AIA) and Method Statement submitted, there are no objections raised to the development subject to the conditions set out in the reports.

The following trees T10 (Oak) and T15 (Atlas Cedar) outlined in the AIA are the only trees on site where excavation will be needed within the Root Protection Areas, the Arboricultural Method Statement/Impact Assessment provides details on how these works should be carried out. This should be required by condition. The landscape scheme submitted is acceptable with a good species selection in appropriate locations. It is requested that the care of these newly planted trees is controlled by condition.

Further comments from Tree Officer 01.10.25. The trees adjoining the highway fall under the control of Redditch Borough Council. The Willow trees would most likely be coppiced

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close to ground level which would obviously impact on the screening value they provide for a fairly short term, and they will rapidly reshoot and therefore would not require replanting. In general, the Council will consider replanting wherever trees are removed and there is a clear sustainability benefit to doing so, which there would be in this case.

It would be advised to gain as much boundary tree planting within the curtilage of the site as possible.

WRS - Contaminated Land

Pre-commencement conditions for contaminated land risk assessment are considered necessary for the following reasons:

- There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing).
- Where remediation is necessary, this remediation may involve work/techniques that need to be completed before development is commenced, for example the removal from site of contaminated soils/underground structures, the design and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retrofitting and in some cases the demolition of construction work already completed.

WRS has reviewed available documents and records in respect of potential contaminated land (PCL) issues. WRS agree with the Phase 1 and Phase 2 reports provided and with the recommendations made. However, as further work is recommended, and the remedial strategy is to be updated, WRS recommend that a pre commencement condition wording is applied to ensure PCL issues on site are appropriately addressed.

The condition requires a Preliminary Risk Assessment (a Phase I desk study) to be submitted and approved by the Local Authority and a detailed remediation scheme provided where required.

WRS - Noise

The noise report indicates that levels produced by the assessment shall be below background levels and proposes that no further mitigation is needed in line with BS4142 guidance. Upon review, the methodology and conclusions appear appropriate.

Additionally, in respect of construction, the proposed measures appear acceptable to avoid nuisance, the proposed measures within the Construction Management Plan should be followed for the entirety of the construction/demolition phase.

WRS - Air Quality

WRS have reviewed the proposal and submitted Air Quality Assessment and have no adverse comments in respect to air quality. Conditions have been recommended in respect of electric vehicle charging for commercial Development and the provision of secure cycle parking.

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WRS - Light Pollution

In respect of lighting, the proposed layout and scheme appears to be acceptable.

Worcestershire County Council Countryside Service

The proposed development affects the public rights of way, footpath RD-799 in Redditch Parish (the PROW) and is adjacent to UUCR RD-32150, the definitive lines of which are shown on the illustrative plan. The definitive line of a public right of way constitutes its legal route and may only be amended through a formal legal order, it cannot be amended informally or for convenience.

In the Planning Statement, the PROW is described as lying "outside the subject site boundaries" which is not the case. Other references to footpaths in this document are likely to be footways but this is unclear. There is no consideration to the PROW in the design, that I can see, and no consideration to the safety of users of the PROW during construction. Furthermore, the post construction reinstatement of PROW is not considered.

Worcestershire Archive and Archaeological Service

The County Historic Environment Record (HER) records place name evidence for Gallow Ground (ref. WSM33850) and Gallow Meadow (WSM33849), within the red line boundary of the proposed development. The eastern boundary of the proposed development area (PDA) follows the route of a substantial cobbled holloway, which runs along the modern parish boundary of Redditch and Beoley and then along the County boundary to the south (HER ref. WSM37252). Archaeological evidence indicates that the holloway was an important routeway, for a considerable period of time and that it is of significant antiquity (possibly Anglo-Saxon).

A demolition application on the site (24/00782/DEM), determined on 2nd September 2024, proposed demolition of two units, bespoke to the previous data centre use, and all other ancillary buildings, crushing of external hardstanding and the removal of a telecoms mast. Taking into consideration the previous use of the site and the approved demolition, which includes the crushing of hardcore, the survival of archaeological deposits that may have previously been present on the site, is considered very low. As such, no intrusive archaeological investigation is recommended.

However, although outside of the red line boundary, the cobbled holloway, adjacent to the PDA along its eastern boundary, should be protected from accidental damage, infill or destruction during demolition and development. This could be achieved by fencing along the eastern boundary of the site should be in full consultation with ecological advisors to ensure the best mitigation strategy for ecology as well as for archaeology.

In order to comply with policy, a condition is recommended for appropriate fencing to be provided along the eastern boundary.

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Hereford & Worcester Fire and Rescue

No comments received to date.

Public Consultation Response

13 Letters sent 12.05.2025, expired 05.06.2025

Site Notices posted 04.06.2025, expired 28.06.2025

Press Notice published Redditch Standard 16.05.2025, expired 02.06.2025.

No comments received.

Assessment of Proposal

Principle

Planning decisions must be made in accordance with the Development Plan currently the Borough of Redditch Local Plan No.4 (BoRLP4), unless material considerations indicate otherwise. (Section 38(6) Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) Town and Country Planning Act 1990 (TCPA 1990). The National Planning Policy Framework (NPPF) (2024) is a material consideration.

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No. 4 (BoRLP4) (2017) and policy 24 is applicable which seeks to safeguard employment sites. The application seeks the redevelopment of the site for employment purposes and as such, in principle, the proposal would comply with the policies of the Local Plan.

Design and Layout

Policy 39 of the BoRLP4 states that all development in the Borough should contribute positively to the local character of the area, responding to and integrating with the distinctive features of the surrounding environment, particularly if located within a historic setting. The policy also requires the incorporation of green infrastructure and climate resilience. Policy 40 requires new development be of a high quality design that reflects or complements the local surroundings and materials. The Redditch High Quality Design SPD (Section 6.2) provides detailed advice in relation to the scale, massing, lighting, parking, landscaping and boundary treatments for new commercial buildings. Para 6.2.3 states that development should be in scale with surrounding developments and not be visually intrusive due to its scale, massing and use of materials.

In terms of landscaping, a balance of both hard and soft landscaping should be included to ensure that attractive amenity spaces are enhanced and their use, both night and day, encouraged. Landscaping can also include appropriate screening to help reduce noise, light and air pollution. Landscaping proposals should enhance the existing built and natural environmental features already present in the location, for example, careful retention of healthy trees can give a sense of maturity to a new development and can be a significant asset to any development.

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Members should note that the scale of the development is substantial compared to the preceding use and the character of the immediate area would be substantially changed. There would be a developed frontage along the Coventry Highway (Units 5 - 7) which would have a maximum height of 11.7m to the ridge. There is no explicit restriction within policy 24 of the (BoRLP4) in terms of the scale of development provided that it integrates with the character of the area and would not be visually intrusive. In respect of Coventry Highway, the area is dominated by the large Amazon Warehouse to the east and whilst the frontage of the application site would be substantially developed, the landscaping area along the frontage partly falls within the control of Redditch Borough Council and further to the advice received from your Tree Officers these trees would be retained, managed and appropriate replacement trees planted as necessary.

The industrial estate is characterised by large buildings which have the benefit of existing mature landscaping to assist integration, and the retention of the existing landscaping enables compliance with policy 40 of the BoRLP No.4 and with the Redditch High Quality Design SPD.

The active frontage of the site would be internal, facing the central access road and there would be inactive frontages for Ravensbank Drive and Coventry Highway. This is considered reasonable given the distributor nature of these roads and unsuitability for the provision of additional accesses.

The layout of the development seeks to maximise the use of the land and has been designed to ensure that all units can be adequately serviced and the scheme has evolved to incorporate; tree planting, areas of soft landscaping where possible within the parking/servicing areas minor reductions in the height of some units and an increase in setback of unit 9 from Ravensbank Drive.. The layout does follow the linear position of the Coventry Highway and not that of Ravensbank Drive but has sought to optimise the use of the triangular site. There are commercial units located off Ravensbank Road in a variety of positions and, on balance, the proposed layout is not considered detrimental to the wider character of South Moons Moat.

In terms of the use of materials, the steel structural frames would be clad in various shades of grey (Agate Grey, Merlin Grey, Prisma Metallic Silver) and green (Olive Green) with window and door flashings in Wedgewood Blue. In the context of the recently constructed commercial unit at Alto House (Ref: 22/00070/FUL) opposite the site, the materials outlined in the images within the Design and Access Statement are considered appropriate.

The scale of the development is significant and would occupy a greater proportion of the site than some of the adjoining employment units on Ravensbank Drive and would alter the character of the area which currently has relatively open, sylvan character. This change must be balanced against the significant weight given within paragraph 85 of the NPPF on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The Framework advises

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that the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

There is support for driving innovation, capitalising on the performance and potential of areas of high productivity. The proposal would make beneficial use of previously development land in a sustainable, urban location, allocated for employment purposes. It is noteworthy that the presumption in favour of sustainable development outlined in paragraph 11 of the NPPF refers to approving development which complies with the development plan without delay and in cases where no plan exists or the policies are out of date, development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, and making effective use of land.¹

Landscaping

Policy 16 of the BoRLP4 seeks to ensure that a high quality natural environment and landscape is retained in the Borough. Paragraph 6.2.12 of the Redditch High Quality SPD states that landscaping proposals should enhance the existing built and natural environmental features already present in the location through the careful retention of healthy trees can give a sense of maturity to a new development. It encourages the use of native species having regard to soil conditions, drainage, shelter and space.

The site falls within an area wide Redditch New Town No. 13 TPO (1965). There are mature (largely oak) trees towards the eastern boundary which are scheduled for retention.

There are significant boundary trees along Coventry Highway and Ravensbank Drive which have significant screening benefits in relation to this proposal and their retention and protection during construction is a priority.

The gable ends of plots 1 and 9 would closely adjoin Ravensbank Drive; and the latter building would have a ridge height of 15m. It has been agreed with the applicant that existing boundary treatments along these frontages (similar to those opposite on Ravensbank Drive) which screen Alto House, will be retained and amended plans have been received on 04th March to address the impact on Ravensbank Drive by setting the buildings further away from the boundary of the curtilage of the site by a further 2m. The set back from the red line boundary is now 4.7m (up from approx 2.7m) and the set back from the carriageway has been increased to 11.7m (up from approx 9.1m). These amendments enable further tree planting and screening of the proposed development. The area for landscaping outside of Plot 9 has also been increased through the relocation of a cycle store further east within the site. The trees immediately adjoining the site which form frontages along Ravensbank Drive and Coventry Highway fall within the ownership of Redditch Borough Council. A planning obligation has been agreed to provide a contribution towards the appropriate management and supplementary planting of these areas within the ownership of the Council. These measures to enhance the landscaping

¹ Extract from the National Planning Policy Framework paragraph 11(d)(ii), page 6

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along the boundaries would appropriately mitigate the impact of the development, notably from the perspective of Ravensbank Drive.

In terms of the overall landscaping of the site, a detailed landscaping plan has been provided which provides for tree planting and landscaping of the parking and servicing areas which includes a native species and standards of a sufficient size. The application is accompanied by a Landscape Environmental Management Plan (LEMP) and the views of the Tree Officer are noted in respect of the proposed landscaping scheme.

Lighting

The proposal is accompanied by an External Lighting Assessment, and all external lighting is proposed to be controlled by photocell and time clock. The external lighting adjacent to the ecological area shall also be incorporated with Passive Infrared (PIR)/Dimming control to lower lighting levels when absence is detected. The illumination that would normally be free flowing from site boundaries has been restricted and has been further designed to mitigate any potential impact to properties adjacent to the proposed site.

The application is accompanied by an Energy and Sustainability Strategy to demonstrate that a BREEAM score of excellent is achievable through passive design, energy efficient measures incorporating design features such as energy efficient lighting, submetering of relevant areas, dedicated high efficiency Mechanical Ventilation Heat Recovery (MVHR) systems to serve office areas, as well as the incorporation of PV panels and Air Source Heat Pumps (ASHP).

Trees

As outlined above, the site is subject to an area wide TPO (Redditch New Town No.13) (1965) and the application is accompanied by an Arboricultural Impact Assessment and Method Statement. The surveys cover the trees which fall within the red line boundary and there are substantial boundary trees located along the frontages of the site along Coventry Highway and Ravensbank Drive within the control of Redditch Borough Council and Worcestershire County Council. There are no plans to remove the trees on the land within the Councils ownership, and these shall remain with the proposed buildings set sufficiently back to ensure retention. In terms of trees internal to the site, there are only two trees T10 (Oak) and T15 (Atlas Cedar at the entrance) where excavation will be needed within the Root Protection Areas, the Arboricultural Method Statement/Impact Assessment provides details in relation to how these works should be carried out.

The landscape scheme submitted is acceptable, a good species selection with appropriate locations. It has been requested that the care of these newly planted trees is controlled by condition.

Drainage

The proposed development site lies in Flood Zone 1 with no significant fluvial flood risk, but the Environment Agency maps show a high risk of surface water flooding. A Flood Risk Assessment (FRA) and Drainage Plan have been submitted, covering key elements

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like drainage layout, attenuation, mitigation measures, and maintenance responsibilities. However, there has been no in-principle approval from Severn Trent Water for discharging surface water to the main sewer and a second discharge point crosses third-party land, requiring landowner consent.

A planning condition is required to ensure both approvals are secured before development commences.

Archaeology

The County Historic Environment Record (HER) identifies Gallow Ground and Gallow Meadow within the proposed development area (PDA), and a cobbled holloway of possible Anglo-Saxon origin along the eastern boundary, marking parish and county lines.

A demolition application (24/00782/DEM) approved in September 2024 included the removal of buildings and hardstanding. Due to prior site use and demolition plans, the likelihood of surviving archaeological deposits is considered very low and therefore no intrusive investigation is recommended. Although the holloway lies outside the PDA, it is historically significant and must be protected from damage during development. A condition should be attached to any planning permission requiring fencing to be erected before development begins, to preserve the historic routeway. The requirement aligns with paragraph 202 of the NPPF and Policies 36 and 37 of the Borough of Redditch Local Plan No. 4 (2011-2030).

Public Right(s) of Way

The proposed development impacts Footpath RD-799 in Redditch and lies adjacent to UUCR RD-32150 which is a hollow way (sunken road) and identified as a highway.

The definitive lines of these Public Rights of Way (PROW), represent their legal routes and may only be altered through a formal diversion order. Informal or convenience based amendments are not permitted. The Planning Statement incorrectly describes the PROW as lying "outside the subject site boundaries." WCC (PROW) initially commented that the design fails to consider the presence and legal status of the PROW, the safety of users during construction or post-construction reinstatement of the PROW. The applicant has agreed to a pre commencement condition to ensure the appropriate diversion of the PROW under Section 257 of the Town and Country Planning Act

WCC have set out various options for the rerouting of the PROW including the use of the UUCR RD-32150 was a hollow way (sunken road), a diversion to the west within the boundary of the development site, a diversion further to the east within their own boundary or further east with the landowner's agreement. The extinguishment of PROW RD-799 may be possible provided the remaining footpath connects with an existing highway.

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The revised proposed site plan shows the position of the existing PROW and the proposed diversion route. The applicant has engaged with colleagues at RBC and WCC to informally agree the proposed diversion in advance of making a formal application.

Highways

Worcestershire Highways have reviewed the transport and access arrangements to ensure they are safe and suitable for all road users.

In terms of vehicular access, the site will use the existing entrance on Ravensbank Drive, which allows vehicles to enter and exit left only. This access is considered safe and appropriate, including for large vehicles such as HGVs. Traffic surveys show that visibility for drivers leaving the site meets national safety standards. In terms of pedestrian access, pedestrians will be able to use the existing footpath on the southern side of the entrance. A new footpath is also proposed to improve accessibility along Ravensbank Drive. The applicant has agreed to the provision of a new pedestrian crossing just south of the site entrance to assist access to the bus stop on the opposite side of the road.

This crossing is seen as essential for safe pedestrian movement and will be secured through a planning condition and detailed design secured through a S278 Agreement.

Vehicle tracking analysis has been carried out to confirm that large cars, refuse vehicles, and HGVs can safely enter and move around the site. The results are considered acceptable. The internal road layout is considered suitable and will remain privately managed.

In respect of highway safety, a review of local road safety data (2019-2024) shows seven minor collisions, all at the A4023 roundabout. No incidents were recorded at the site entrance or nearby junctions. There are no existing safety concerns in relation to the proposed access.

In respect of active travel for staff and visitors, the new pedestrian crossing would improve safety and access to the bus stop and west-side footpath. The site is within cycling distance of several local areas, including: Winyates (5 mins), Ipsley (10 mins) Lakeside (10 mins), Matchborough (11 mins). There are cycle routes including Local Route 17 (Church Hill Way), NCN Route 5 (to Bromsgrove and Stratford-upon-Avon) and NCN Route 55 (via Ravensbank Drive). There are residential areas, convenience stores and a supermarket within 2km of the application site.

The nearest bus stop is located opposite the site on Ravensbank Drive, served by the 62 bus to Redditch town centre and nearby residential areas. There are additional bus stops on the A4023 Coventry Highway near the Amazon warehouse which are served by the 62 and 50A buses to Redditch and Birmingham. Whilst the latter stops are some distance away the site is adequately served by the No. 62 bus with no need for service improvement contributions. However, in order to improve usability a financial contribution is requested to expand the hardstanding at the Ravensbank Drive stop. And to install a bus shelter to improve visibility and comfort.

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Parking Provision

In terms of parking, there would be 118 car spaces, 9 disabled bays, 32 ULEV spaces, 60 cycle spaces, lorry parking for each unit. The proposed level of parking has been justified using proxy data from similar Chancerygate sites. The approach is considered evidence based and there are no objections from WCC to the level of proposed parking. WCC have requested that the cycle parking should be better distributed closer to the entrances of the buildings to limit the walking distance for cyclists (an amended plan has been sought to fulfil this requirement).

The trip generation would be increased compared with the previous use, with 82 AM and 47 PM peak hour trips; 6 AM peak HGVs, none in PM. Unit 9 (Storage King) assessed using higher trip rates for robustness. The net increase would be 76 AM and 43 PM peak hour trips; 6 additional HGVs in the AM period. Based on the net trips, the Coventry Highway/Ravensbank Drive Roundabout is forecast to experience an increase of 67 and 41 two-way total vehicle trips in the AM and PM Peak Hours, respectively. The Ravensbank Drive/Lovage Road Roundabout would experience an increase of 48 and 10 two-way total vehicle trips in the AM and PM Peak hours, respectively. All assessed junctions expected to operate within capacity and no mitigation measures required.

In term of highway improvements, minor external improvements are needed including the provision of a new footway on Ravensbank Drive. These works can be secured via a S278 agreement. A Draft Framework Travel Plan (DFTP) has been submitted and conditions have been applied to ensure that the requirements of WCC are fulfilled in terms of sustainable travel and mode shift.

Planning Obligations

WCC have requested the following planning obligations through a suitable legal mechanism (S106):

The proposals will generate new walking and cycling trips to and from the site that are linked to external routes. In order to help direct pedestrians and cyclists, it is recommended to erect appropriate directional walking and cycle signage within the surrounding area to encourage such trips. A contribution of £5,000 is requested.

The proposals will generate additional bus trips in this locality and the inclusion of a Travel Plan providing staff welcome packs to new staff can encourage further mode shift. WCC is seeking a contribution towards improving the bus stop infrastructure at the nearest bus stop to the site, which is located on Ravensbank Drive opposite the site, by enlarging the existing hardstanding waiting area to improve conditions for waiting passengers, together with installation of a new bus shelter. A contribution of £10,000 has been requested.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain (BNG) Design Stage Assessment which set out the baseline ecological conditions, considers the Special Wildlife Site (SWS) and other statutory

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designated ecological areas in the locality Alders Marsh Nature Reserve Site of Special Scientific Interest (SSSI) which is located further south. The views of the Councils External Ecologist, Thompson Environmental Consultants are noted. The PEA Report is considered satisfactory and summarises the ecological features on site and the potential for notable or protected species, together with recommendations for mitigation and enhancement. Further information was requested in respect of the recommendations for bats and hazel dormouse and some additional technical details within the submitted BNG Metric.

In respect of bats, the further tree survey work indicated negligible potential and the habitat on site was given a low suitability for dormouse. Works to clear the scrub/woodland will be carried out under a Precautionary Method of Works (PMoW), under the supervision of an Ecological Clerk of Works (ECoW). These measures appear proportionate for the likelihood of hazel dormouse being on site. A condition has been imposed to ensure this approach and provide for habitat enhancement for the dormouse. There are no objections from the Ecological Consultant subject to conditions in relation to the provision of a Construction Environmental Management Plan (CEMP), Sensitive Lighting Plan, Biodiversity Gain Plan and Habitat Management and Monitoring Plan. In terms of significant on site habitat creation, the Planning Practice Guidance refers to the provision of woodland, hedgerow and grassland of 'moderate' quality. The PPG advises that decision takers will want to consider whether S106 Obligations are required to secure significant on site habitat enhancements

On-site developments can be subject to planning conditions or legal agreements. Off-site gains are only subject to legal agreements, not planning conditions and therefore the proposed significant enhancements will need to form part of a S106 Obligation.

Other matters

Pre-commencement conditions for contaminated land risk assessment are deemed necessary due to the unknown extent of potential contamination on the site. Further investigation is required to determine whether remediation is needed before construction begins, as such remediation may involve complex procedures like removing contaminated materials or installing gas protection measures, which would be costly and disruptive if done post-construction. Worcestershire Regulatory Services (WRS) reviewed the site's Phase 1 and Phase 2 reports and agreed with the findings and recommendations but advised that additional work and an updated remedial strategy are necessary. A tiered investigation approach is recommended, requiring a detailed site investigation, risk assessment, and remediation plan to be approved and completed before development proceeds. Validation of remediation and contingency plans for unexpected contamination are also mandated to ensure safety for future users and the surrounding environment.

In respect of noise, WRS considered that the noise assessment results are below background levels and concluded that no further mitigation is needed, provided the construction management plan is followed. In relation to air quality, WRS had no

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objections but recommended mitigation measures aligned with national planning policy, including installing electric vehicle charging points in at least 10% of parking spaces. Secure cycle parking should also be incorporated into the development, with full details submitted for approval prior to occupation. These measures aim to support sustainable transport, reduce emissions, and improve public health. In respect of lighting, the proposed lighting scheme was reviewed and found to be acceptable. EV points are a matter for Building Regulation approval and there is no requirement to impose a separate planning condition.

Conclusion

The proposal relates to the redevelopment of an existing employment site. The site is allocated for employment purposes under policy 24 of the Borough of Redditch Local Plan No. 4. The increase in the scale of floorspace compared with the previous use of the land is supported within the NPPF which seeks to direct development to sustainable locations and ensuring the effective use of land. The increased scale of the development has not resulted in technical objections from consultees subject to detailed, necessary and specific conditions outlined below.

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 matters are delivered:**
- A contribution of £5,000 to erect appropriate directional walking and cycle signage within the surrounding area to encourage such trips.
 - A contribution of £10,000 towards improving the bus stop infrastructure at the nearest bus stop to the site, which is located on Ravensbank Drive opposite the site, by enlarging the existing hardstanding waiting area to improve conditions for waiting passengers, with the installation of a new bus shelter.
 - A reasonable contribution (not exceeding £7000) towards the cost of appropriate supplementary planting and long term management of the roadside woodland adjoining the site to the south of Ravensbank Drive and north of Coventry Highway
 - The management and maintenance of the significant on and off site BNG enhancements and a financial contribution for the monitoring of significant on-site and off-site BNG

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and

b) Conditions and informatives 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.

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 and drawings:

Drawing Ref 23025-TP- 001 Location Plan
Drawing Ref 23025-TP- 002 Existing Site Plan
Drawing Ref 23025 -TP-003_Rev C Proposed Site Plan
Drawing Ref 23025-TP-033 Proposed PROW Plan
Drawing Ref 23025 -TP- 004 Unit 1 Ground Floor Plan
Drawing Ref 23025 -TP-005 Unit 1 First Floor Plan
Drawing Ref 23025 -TP-006_Rev A Unit 1 Roof Plan
Drawing Ref 23025 -TP-007 Rev B Unit 1 Elevations
Drawing Ref 23025 -TP-008 Rev A Unit 1 Sections
Drawing Ref 23025 -TP-009 Rev A Units 2 - 4 Ground Floor Plan
Drawing Ref 23025 -TP-010 Rev A Units 2 - 4 First Floor Plan
Drawing Ref 23025 -TP-011 Rev A Units 2 - 4 Roof Plan
Drawing Ref 23025 -TP-012 Rev C Units 2 - 4 Elevations
Drawing Ref 23025- TP 013 Rev A Units 2 - 4 Sections
Drawing Ref 23025 -TP - 014 Rev A Units 5 - 7 Ground Floor Plan
Drawing Ref 23025 - TP- 015 Rev A Units 5 - 7 First Floor Plan
Drawing Ref 23025 - TP - 016_Rev A Units 5 - 7 Roof Plan
Drawing Ref 23025 - TP - 017 Rev B Units 5 - 7 Elevations
Drawing Ref 23025 - TP - 018 Rev A Units 5 - 7 Sections
Drawing Ref 23025 - TP - 019 Rev A Unit 8 Ground Floor Plan
Drawing Ref 23025 - TP - 020 Rev A Unit 8 First Floor Plan
Drawing Ref 23025 - TP - 021 Rev A Unit 8 Roof Plan
Drawing Ref 23025 - TP - 022 Rev C Unit 8 Elevations
Drawing Ref 23025 - TP - 023 Rev A Unit 8 Sections
Drawing Ref 23025 - TP - 024 Rev A Unit 9 Ground Floor Plan
Drawing Ref 23025 - TP - 025 Rev A Unit 9 Roof Plan

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Drawing Ref 23025 - TP - 026 Rev C Unit 9 Elevations
Drawing Ref 23025 - TP - 027 Rev A Unit 9 Sections
Drawing Ref 23025/TP/028 Rev A Proposed External Finishes Building Unit 1 - 8
Drawing Ref 23025/TP/029_Rev C Proposed External Finishes Building Unit 9
Drawing Ref 23025/TP/030_Rev A Proposed External Finishes Site Wide
Drawing Ref 23025/TP/031_Rev B Proposed External Works
Drawing Ref 23025/TP/032_Rev A Proposed Cycle Shelter
Drawing Ref UG_2355_LAN_GA_DRW_01_P08 Proposed Landscaping General Arrangement
Drawing Ref UG_2355_LAN_HL_DRW_02_P08 Proposed Hard Landscape Plan
Drawing Ref UG_2355_LAN_SL_DRW_03_P07 Proposed Soft Landscape Plan
Drawing Ref UG_2355_LAN_LSN_DRW_04_P02 Landscape Supporting Notes
Drawing Ref: 24150-MBA-EX-SP-DR-E-0001_Rev T3 External Lighting (Full Output) Plan
Drawing Ref 24150-MBA-EX-SP-DR-E-0002_Rev T3 External Lighting (Dimmed) Plan
Drawing Ref 13614-102_Rev T5 Indicative Drainage Plan
Drawing Ref 13614-101_Rev T3 Indicative Levels Plan 13614-101_Rev T3

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

- 3) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site or any within influence of any ground or development work on any adjoining land shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: To protect the trees which form an important part of the amenity of the site.

- 4) The development hereby approved shall be undertaken in accordance with the Arboricultural Method Statement Ref: UG2355 dated April 2025.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policy 16 of the Borough of Redditch Local Plan No. 4 and the NPPF.

- 5) Prior to the commencement of the development (excluding remediation of the site) hereby approved, the diversion of Footpath Ref: RD-799 shall be approved under the provisions of Section 257 of the Town and Country Planning Act 1990. The diversion shall be implemented as approved.

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Reason: In order to ensure that the public footpath running through the site on the Definitive Footpaths Map is formally diverted to enable the implementation of development and maintenance of the utility of the Public Right of Way.

- 6) The Development hereby approved (excluding remediation) shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
- o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - o Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc.).
 - o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - o Details of traffic management arrangements; and
 - o A highway condition survey, timescale for re-inspections, and details of any 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 by in writing by the Local Planning Authority.

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

- 7) The Development hereby approved shall not be first occupied until a new pedestrian crossing facility has been installed on Ravensbank Drive, in the vicinity of the site access. The exact location, type of crossing and its design shall be approved, in writing, with the Local Planning Authority, in consultation with the Local Highway Authority. The works shall not commence until the Applicant has agreed a separate S278 Agreement.

Reason: To ensure the safe and free flow of traffic onto the highway.

- 8) The Development hereby approved shall not be first occupied until an Employment Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

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

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- 9) The Development hereby approved shall not be first occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority an employment Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each member of staff at their work induction.

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

- 10) The Development hereby approved shall not be first occupied until the site access arrangements for vehicles and pedestrians have been implemented, as shown on Drawing No.23025-TP-003A, to the satisfaction of the Local Highway Authority.

Reason: To ensure the safe and free flow of traffic onto the highway.

- 11) The development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Worcestershire County Council's adopted Highway Design Guide has been provided on the application site 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.

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

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- 13) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the LPA prior to the commencement of the development hereby approved. The CEMP shall be designed to mitigate potential construction phase impacts on ecological features, including but not limited to: designated sites, priority/notable habitats, common amphibians, bats, birds, badgers, hedgehogs, and reptiles.

Reason: In order to minimise negative impacts on potential ecological receptors during construction.

- 14) A sensitive lighting plan covering both the construction and operation phases of the development shall be produced and be approved by the Local Planning Authority prior to commencement of the development hereby approved.

Reason: In order to avoid light spill onto retained trees, hedgerows and watercourses, during both the construction and operation of the site, thereby minimising potential negative impacts of lighting on bats, birds, badgers, otters and other species that are active at night.

- 15) A Biodiversity Gain Plan shall be provided to the Local Planning Authority. Development may not commence unless the Planning Authority has approved the plan.

Reason: To ensure the delivery of the statutory 10% Biodiversity Net Gain over the first 30 year period.

- 16) The development hereby approved shall not commence until a Habitat Management and Monitoring Plan (the HMMP), has been prepared in accordance the revised/latest BNG metric and approved by the Local Planning Authority. The HMMP must include:
- o a non-technical summary;
 - o the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - o the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
 - o the management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - o the monitoring methodology and frequency of reporting in respect of the created or enhanced habitat to be submitted to the Local Planning Authority has been submitted to and approved in writing by the Local Planning Authority.

Once approved, the created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP for a period of 30 years from completion of development.

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Reason: To secure the delivery of ecological enhancement.

- 17) Notice of the following elements, set out in the HMMP, shall be given in writing to the LPA within 14 days of such completion:
- o Completion of habitat creation and enhancement works;
 - o Monitoring reports, in accordance with the methodology and frequency specified in the approved HMMP; and
 - o Verification of achieving targeted habitat condition of each habitat type, once target condition is achieved.

Reason: To secure the delivery of ecological enhancement.

- 18) Prior to the commencement of development, a Dormouse Precautionary Method of Works (PMoW) setting out procedures during the clearance of scrub and woodland and appropriate enhancement measures shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: to minimise negative impacts on potential ecological receptors during and post construction.

- 19) No development shall take place until fencing has been erected along the eastern boundary of the proposed development area, in a manner to be agreed with the Local Planning Authority, in order to protect a substantial routeway of significant antiquity, from accidental damage, infill or destruction during demolition and development.

Reason: In accordance with NPPF paragraph 202 and Policies 36 and 37 of the Borough of Redditch Local Plan No 4.

- 20) The existing trees adjoining the boundary of the application site shall be retained and shall not be pruned or removed outside of the agreed management measures set out in the S106 Agreement.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 21) Within 6 months of occupation of any of the building hereby approved, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment Qualified Assessor) to demonstrate full compliance with the BREEAM UK NC V6.1 Pre Assessment version 3, dated 10.04.2025.

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Reason: In order to ensure that climate resilience measures are in place in accordance with the requirements of Policy 15 of the Borough of Redditch Local Plan No. 4.

Informatives

- 1) In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:

- o the ecological impact of the proposal
- o the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check, the design would be suitable to allow conditions imposed under this permission to be discharged but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the Applicant has complied with the requirements of the Traffic Management Act 2004. The Applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions. The Applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.
- 3) Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority.
- 4) 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:-
 - o Informing, respecting and showing courtesy to those affected by the work.

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- o Minimising the impact of deliveries, parking and work on the public highway.
- o Contributing to and supporting the local community and economy.
- o Working to create a positive and enduring impression and promoting the Code.

The CTMP should clearly identify how the principal contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties. The above does not offer any relief to obligations under existing legislation.

- 5) If a connection to the adjacent watercourse is proposed, then the applicant is advised to contact North Worcestershire Water Management via enquiries@nwwm.org.uk or 01562 732191 to discuss the need for a Land Drainage Consent. A Land Drainage Consent is required for all works that have the potential to alter the flow in an ordinary watercourse, as set out in Land Drainage Act 1991 section 23.
- 6) A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the order is made, the Order cannot proceed until the obstruction is removed.
- 7) **Biodiversity Net Gain**
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:
 - (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.

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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).
 - 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).

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- 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

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.

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Procedural matters

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