

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>LE GALLAIS COMPANY 'B'</b>	Erection of B1/B2/B8 unit with ancillary car-parking and servicing areas - Plot 10a, Acanthus Road, Ravensbank Business Park, Redditch - (as augmented by extended phase 1 habitat survey received 08.11.2007)	EMP TPO	<b>B/2007/1108</b> 03.10.2007

**RECOMMENDATION:** that subject to -

- (a) the satisfactory views of the Tree Officer; and
  - (b) the satisfactory views of the Worcestershire Wildlife Trust,
- permission be **GRANTED**.

#### Consultations

WCC (HP)	Consulted - views received 05.11.2007: <ul style="list-style-type: none"> <li>• No objection.</li> </ul>
ENG	Consulted - views received 26.10.2007: <ul style="list-style-type: none"> <li>• No objection.</li> </ul>
Tree Officer	Consulted 04.10.2007: views awaited.
NEO	Consulted - views received 16.11.2007: <ul style="list-style-type: none"> <li>• The survey states that there is potential for bats to be roosting on the site. Bats and their roosts are protected in European Law under the Conservation Regulations 1994. To protect the bat populations, all trees and hedgerows should be retained. As well as offering potential roosting sites, these act as important flight lines for the bats leading them out in to the wider countryside. These are therefore an important wildlife corridor, and, as such, subject to policy C12 of the Local Plan which states that development proposals should minimise the damage to such corridors by careful layout and design retaining the existing overall structural framework of the landscape as far as possible. All trees and hedgerows should be protected during the construction phase by fencing them off in accordance with BS5837:2005, as recommended by the survey.</li> <li>• PPS9 requires all developments to maintain and enhance biodiversity, and that appropriate weight is attached to protected species. For this reason, the development should include measures to enhance the environment for bats. This could include bat boxes to increase the roosting potential. Any additional planting should be of native provenance and of benefit to the bat populations, possibly including night scented plants. This would also be in compliance with policy C12 of the Local Plan, which requires adequate new landscaping to maintain existing wildlife corridors. In addition, the existing ponds on-site should be retained and, if possible, improved for the benefit of biodiversity.</li> </ul>

- If works need to be carried out on any of the trees which may have bat roosts then a full roost survey must be carried out and a licence may need to be obtained from Natural England to permit an activity which would otherwise be illegal.
- Badgers were also found to be using the site. Badgers are legally protected under the Badgers Act 1992. A licence from Natural England may be required if heavy machinery is to be used within 30 metres of a badgers sett, light machinery within 20 metres, or digging or clearance by hand within 10 metres. Although there is no evidence of a sett on the site, the surrounding agricultural land has not been surveyed and a sett may be present, especially given the identified latrines and tracks on site. Therefore, the surrounding land, for at least 30 metres from the site boundary, needs to be surveyed in order to establish the presence or absence of a badger sett and avoid contravening the Badgers Act 1992.
- At present, the development does not include any measures to protect the badgers or to mitigate against the effects of the development. The existing trees, hedgerows and ponds should be retained as the loss of these would adversely affect badgers using the site, resulting in a loss of their foraging habitat and of an important corridor for their movement into the wider countryside. Wildlife corridors are protected under policy C12 of the Local Plan. In addition, as large a portion of the existing grassland as possible should be retained, as this provides foraging for the badgers. Additional planting could include fruit and nut bearing species to benefit badgers, providing positive enhancement in line with the requirements of PPS9. Steps should also be taken to protect any badgers using the site during the construction phase.
- The survey noted that the grassland on site was wet and pooling in places. For this reason, the use of SUDs and of permeable paving type solutions for car parking would be welcomed, as a means of reducing runoff from the site. The use of SUDs may also be a way of providing biodiversity enhancements on the site, in line with PPS9.
- Provided that these measures are implemented through appropriate planning conditions / obligations, the development will meet with the requirements of PPS9, the Local Plan, and with relevant wildlife legislation.

EDO

Consulted - views received 05.10.2007:

- Economic Development supports this proposal.

Ramblers  
Association

Consulted 04.10.2007: views awaited.

Worcestershire  
County Council  
Rights of Way

Consulted 04.10.2007: views awaited.

WWT

Consulted 09.11.2007: views awaited.

Redditch BC      Consulted 04.10.2007: views awaited.  
Beoley PC        Consulted 04.10.2007: views awaited.  
Publicity        1 letter sent 04.10.2007; no response received (expires 25.10.2007).  
                      2 site notices posted 19.10.2007; no response received (expire  
                      09.11.2007).  
                      2 press notices published 12.10.2007; no response received (expire  
                      02.11.2007).

### The site and its surroundings

The application relates to a plot of land some 1.52 hectares located to the north of the existing Heller site on the northern side of Acanthus Road. The site is currently roughly vegetated and has mature vegetation and mature and semi-mature tree screening to the boundaries. The trees set to the linear southern boundary of the site are protected by a confirmed Woodland Tree Preservation Order (09/2006: 13th November 2006). The site is located in a designated employment zone.

### Proposal

The full application is seeking permission for the erection of one no. B1/B2/B8 unit.

The building has dimensions 60.2 metres by 60.1 metres with a height to ridge of 10.7 metres. The schedule of accommodation relates to 1,320 square metres of production space, 2,020 square metres of warehousing and 376 square metres of office accommodation (equating to a total of 3,716 square metres of floor space). The building would be externally finished with a mix of horizontal and vertical profiled cladding and contains a double roof span configuration. Industrial access doors are located to the side elevation facing the service yard. Ancillary office accommodation with glazing is contained within a two-storey aspect to the south-west corner.

The proposal also comprises the provision of a service yard, 50 no. car-parking spaces, 5 no. lorry spaces and 5 cycle spaces. The site is proposed to be accessed via a new vehicular access leading off Acanthus Road that is also proposed to serve Plot 10 approved under planning reference B/2007/0265 in April 2007.

Additional tree planting and landscaping is proposed within the site, together with features to enhance biodiversity. A retaining wall runs to part of the north and eastern boundary.

An extended phase 1 habitat survey, ecological mitigation strategy and biodiversity enhancement scheme, pre-development tree survey and tree survey plan, soft landscaping concept plan and a design and access statement have accompanied the application.

### Relevant policies

WMSS    UR3, PA1, PA3, PA6, QE1, QE2, QE3, QE6, QE8, QE9, T1, T2, T7  
WCSP    SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, CTC.10, CTC.12, CTC.14,  
          CTC.15, T.1

BDLP C4, C10a, C12, C17, DS13, E2, E3, E4, E5, E7, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12  
Others PPS1, PPS9, Circular 06/05, PPG13, PPS23

### Relevant planning history

B/2007/1386 Erection of speculative commercial unit for uses within B1, B2 and B8 with associated parking and service provision: refused 08.03.2007.  
B/2001/0781 Engineering operations comprising earthworks: approved 03.09.2001.  
B/1998/0700 Variation of Condition 01(b) of planning application B/1995/0890 to extend the time period for approval of Reserved Matters to 31st October 2003: approved 19.10.1998.  
B/1997/0989 Extension of class B2 use building with ancillary offices and associated car parking, access roads, landscaping and ancillary works: approved 09.02.1998.  
B/1996/0730 Erection of a class B2 use building with ancillary offices and associates car parking, access roads, landscaping and ancillary works. (Resubmission of B96/0140): approved 11.11.1996.  
B/1995/0890 Class B1, B2 and B8 uses. Section 73 application to vary outline permission B/1991/0233 Condition 01(b) in respect of the timer period for submission of approval of Reserved Matters approval: approved 15.01.1996.  
B/1994/0898 Variation of Condition 05 on planning permission B/1991/0233 (structural landscaping): approved 29.11.1994.  
B/1992/0874 Access road to site and associated landscaping to business park: approved 14.12.1992.  
B/1991/0855 Erection of a class B2 use building with ancillary offices and associated car parking, access roads, landscaping and ancillary works: refused 09.12.1991.  
B/1991/0223 Development of site as Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping: refused. Appeal: allowed.

### Notes

The main issues to consider in the determination of this application are:

- (i) The appropriateness of the development in this location.
- (ii) Highway safety and egress and amenity issues.
- (iii) Environmental and ecological effects, including impact on protected tree cover.

Policy E4 of the Bromsgrove District Local Plan sets out a number of criteria that proposals for the expansion, consolidation or expansion to existing commercial uses in non-Green Belt locations should meet. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences. Paragraph 11.5 of policy E4 states that such schemes can offer an increased source of employment and thus contribute to a more sustainable pattern of land use. Such schemes, however, must not conflict with other land use objectives.

Policy E9 of the Bromsgrove District Local Plan reflects the guidance contained in policy E4 for new employment development. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences.

### **Appropriateness of the development**

The site is located in a designated employment zone, with the south-west corner of the site boundary abutting the established Heller Machine Tool site. The Ravensbank Business Park development comprises commercial B1, B2 and B8 premises. As such it is my view that in principle the erection of commercial units for B1, B2 or B8 uses would not be so demonstrably harmful in this location.

The functional design of the building would be reflective of other commercial buildings located on the Park. I note that the modern style of the proposed unit is generally utilitarian with a mix of glazing and profile cladding sheeting. This unit would complement the design approach taken to that of Unit One and Two located on the adjacent Plot 10. I consider it pertinent, however, to impose a suitable Condition relating to the submission and approval of external facing materials.

### **Highway and Amenity Issues**

Policy E9 resists development that would overload the capacity of the highway network and seeks to ensure adequate loading, off-loading, manoeuvring and parking space for cars is made available.

The WCC(HP) has raised no objection to this scheme.

Given that the site is located some distance away from the nearest residential property, I find the application would not raise any issue of adverse residential amenity.

### **Landscaping**

Apart from a small proportion of the site boundary abutting the Heller Machine Tool site to the south-west, the remainder of the application site is currently surrounded by agricultural fields. Mature hedgerow interspersed with tree specimens is located to all boundaries of the site and form the original field boundaries. The trees to the southern boundary are protected by Woodland Tree Preservation Order 09/2006.

It is noted that the majority of the existing field boundaries have been incorporated into the scheme, with additional tree planting proposed to the boundaries and adjacent the north-east aspect of the site. The scheme will lead to the loss of some tree specimens, including those within the path of the proposed access road from Acanthus Road leading into the site from the east.

Members will note the trees are protected by a Woodland Tree Preservation Order. The Order affords protection to the trees, coppice and under storey of all those species in the identified zone. The trees have been deemed to contribute significantly to the amenity of the locality. The views of the Tree Officer on the scheme are awaited. I will update Members at the Committee on this issue.

## Ecological Issues

A Phase 1 Habitat Survey, Ecological Mitigation Strategy and Biodiversity Enhancement have accompanied the application. The site is dominated by semi-improved grassland and surrounded by outgrown defunct hedgerows with trees and two ponds.

The NEO has commented that provided the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to this issue. The views of the WWT are awaited. Members will be aware that if permission is granted this does not negate the requirement for the applicant to comply with the requirements of the Protection of Badgers Act 1992 or to obtain a licence to carry out works on or near a badgers sett where the purpose of the works fall within the scope of the Act.

## Conclusions

Members will note this site is designated within an employment zone as detailed in the Bromsgrove District Local Plan. However, since the 1991 outline consent gained under the appeal process, planning policy has altered to deal with planning issues arising from such sites. This is with direct reference to ecological issues advocated by PPS9 and policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan and the Bromsgrove District Local Plan.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The development would appear to be acceptable in this employment zoned location. However, given the identified presence of protected species, it is imperative that the applicant is able to achieve adequate and suitable mitigation measures to ensure the scheme would not cause undue harm to identified protected species and their habitats in compliance with policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan, policy C10a of the Bromsgrove District Local Plan and the provisions of PPS9 and Circular 06/05.

Subject to the satisfactory views of the Tree Officer and the WWT, and the imposition of suitable Conditions relating to wildlife mitigation measures, I find the scheme to be acceptable.

**RECOMMENDATION:** that subject to -

- (a) the satisfactory views of the Tree Officer; and
  - (b) the satisfactory views of the Worcestershire Wildlife Trust,
- permission be **GRANTED**.

1. Three year time limit.
2. No mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.

3. Before the commencement on site of any works which are the subject of this permission, full details of the perimeter boundary treatment and associated gates to serve the development shall be submitted to and approved in writing by the Local Planning Authority.
4. Before the commencement on site of any works which are the subject of this permission, full details of any external lighting to serve the development, to include positioning and lux value of such lighting, shall be submitted to and approved in writing by the Local Planning Authority. No further lighting other than that detailed shall be erected on the site without the prior written consent of the Local Planning Authority.
5. The soft landscape concept detailed on drawing BCPlanning.dwg 01 Rev A from Barry Chinn Associates shall be implemented within 12 months from the date when the building hereby permitted is first occupied. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.
6. C11.
7. C12.
8. C13.
9. C14.
10. C15.
11. C16.
12. C17.
13. C18.
14. C19.
15. C21.
16. Prior to the commencement of development hereby permitted, the implementation of the ecological mitigation measures as set out in the Ecological Mitigation Strategy and Biodiversity Enhancement Scheme document (October 2007) shall be commenced. The mitigation measures set out in Section 7 of the Ecological Mitigation Strategy and Biodiversity Enhancement Scheme (October 2007) and those referenced and detailed on the Soft Landscape Concept Drawing reference BCPlanning.dwg 02 Rev C from Barry Chinn Associates shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
17. Prior to the commencement of development hereby permitted, an arboricultural method statement relating to the management of retained trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The recommendations contained within this approved document shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
18. Prior to the commencement of development hereby permitted, a scheme for arboricultural monitoring shall be submitted to and approved in writing by the Local Planning Authority. This should comprise a schedule for visiting the site in order to monitor tree protection measures to ensure the maintenance and compliance with

the tree protection scheme / root protection areas or other areas excluded from construction related activity.

19. Prior to the commencement of development hereby permitted, a scheme for the routing and positioning of construction traffic, machinery and plant shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out as approved with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
20. Prior to the commencement of development hereby permitted, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall relate directly to the construction method of the retaining walls to serve the development. The method statement approved in writing by the Local Planning Authority shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
21. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence.
22. The means of foul sewage disposal shall be by means approved by the Local Planning Authority.
23. Prior to the commencement of works, a desk top study shall be carried out and approved in writing by the Local Planning Authority. This study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The desk top study shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminant sources, pathways and receptors.
24. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
  - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
  - (b) refinement of the conceptual model, and
  - (c) the development of a Method Statement detailing the remediation requirements.

The site investigation shall be carried out in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.
25. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
26. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement

- must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.
27. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
  28. No development shall be commenced until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas.
    - (a) The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development.
    - (b) The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive.
    - (c) No development shall take place until the Local Planning Authority have approved the scheme for precautionary measures.
    - (d) The scheme once approved in writing by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.

## Reasons

2. To help limit the number of vehicles visiting the site and so reduce the harm to the amenity of the locality in accordance with policy T.1 of the WCSP and TR11 of the BDLP.
3. To ensure a well planned development in accordance with policy E4 and E9 of the Bromsgrove District Local Plan.
4. To ensure a well planned development in accordance with policy E4 and E9 of the Bromsgrove District Local Plan.
5. To ensure a well planned development in accordance with policy E4 and E9 of the Bromsgrove District Local Plan.
16. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan.
17. To reduce harm to protected tree cover in accordance with policy C17 of the Bromsgrove District Local Plan.
18. To reduce harm to protected tree cover in accordance with policy C17 of the Bromsgrove District Local Plan.
19. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan.
20. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan.

21. To ensure the provision of adequate storm water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
22. To ensure the provision of adequate foul water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
23. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
24. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
25. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
26. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
27. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
28. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.

## Notes

The applicant is reminded of the responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Protection of Badgers Act 1992.

This consent does not permit the erection of any additional form of advertisement on the site.

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	UR3, PA1, PA3, PA6, QE1, QE2, QE3, QE6, QE8, QE9, T1, T2, T7
WCSP	SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, CTC.10, CTC.12, CTC.14, CTC.15, T.1
BDLP	C4, C10a, C12, C17, DS13, E2, E3, E4, E5, E7, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPS9, Circular 06/05, PPG13, PPS23

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.