

| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|-------------------------------------|--|-------------|--------------|
| Redditch Gateway Infrastructure Ltd | <p>Variation of conditions 2 and 8 to amend the parameters of development for the northern development parcel, and Phase 1 Ground Engineering works (and changes to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the relevant condition, and conditions 28 and 29 to relate to updated flood risk assessment) in respect of hybrid planning permissions 17/01847/OUT (Stratford reference number), 17/00700/OUT (Redditch reference number), and 17/00701/OUT (Bromsgrove reference number) dated 11 June 2018.</p> <p>Original description of development (for 17/01847/OUT, 17/00700/OUT, 17/00701/OUT): 'Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; And Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023'</p> <p>Redditch Gateway, Land Adjacent to the A4023, Coventry Highway, Redditch, Worcestershire</p> | 10.04.2019 | 18/01596/S73 |

RECOMMENDATION:

- a) Minded to **GRANT** permission
- b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions.

1.0 Consideration and Determination of Cross Boundary Application

- 1.1 Three identical applications have been submitted which include land within three LPA boundaries (Stratford, Bromsgrove and Redditch).

- 1.2 The consideration of the impacts of a development proposal are not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Bromsgrove District. For reference this relates to land North of the Coventry Highway and Blacksoils Brook / east of Ravensbank Business Park.

2.0 Consultations

2.1 Beoley Parish Council (Bromsgrove)

Beoley Parish Council object to this latest flurry of applications which are leading to the development of a massive series of empty sheds within the Greenbelt. We have been consistent in our opposition to this development, and will continue to do so. Absolutely scandalous!

2.2 Mappleborough Green Parish Council (Stratford)

Object to the application for the following planning reasons:

- Change in size of the proposed building does not follow the outline permission
- Potential increase in HGV volumes will negatively impact on the health and wellbeing of Mappleborough Green and Redditch residents through:
 - Increased particulate air pollution leading to poorer health
 - Increased vehicle noise, leading to increased stress
 - Increased through-night activity will result in residents suffering poor sleep
- Developer argues that this site is the only one suitable to their client in the West Midlands Region, and that the development is necessary to meet economic forecasts. PC argue that there are many brownfield sites in Redditch and the PC understands that unemployment is not a major problem (see report from the ONS re-benefit payments). PC worries that this project is more about making money for a few rather than to meet a real need
- Original 'north side' showed many more parking spaces, 80 as opposed to 450 in revised application. Part of the original reason was to meet employment needs. It seems the developer's client's needs outweigh the original needs of the area
- Developer argues that the site has walkways, cycle lanes and is on a public bus service route. However the PC understands that the public bus service is already overcapacity and will require additional buses to meet an increased demand
- With the proposed increase in HGVs (assuming all of the loading bays will be in use) it is even more important that hauliers follow the proposed routing plan. However, the PC do not believe a voluntary system will work and feel that the only certain way is a ban on HGVs over 7.5 tonnes through Studley and Mappleborough Green. This ban could be temporarily lifted in the event of problems on the M42
- Loss of trees, hedgerows and the re-routing of streams will have an effect on rare and protected wildlife that will not really be known until after the changes are made
- When comparing drawings 5372-203K with BMT/22116/100-01, drainage features do not correlate

- Lighting of 24-hour operations will further pollute the night sky. PC insists that all baffles and shields are fitted as a matter of course, rather than “if needed”. The PC’s preference is that lighting units be fitted no higher than 10m
- Questions to developer:
 - Explain what is meant by “comprehensive management plans” and “effective management regime” in reference to all planted areas and existing features that they have worked to retain
 - How much of the materials to be used in the construction of the buildings will be recycled or reclaimed?
 - What is the estimated percentage of locally sourced construction materials?
 - Define the steps they will take to avoid using materials and surface treatments that give off harmful emissions and how they will manage the process? How the waste will be managed and if the materials will have any potential to harm the surrounding neighbourhood?
 - How will the developer control noise emanating from the site both during the construction phase and the operational phase? Since the operational service yard will be well lit it seems that there will be 24-hour operations
 - PC fails to see how, with such a potential increase in HGVs, the transport assessment remains unchanged? Expect developer to explain the reasoning for this (18.02.2019)

2.2 **Studley Parish Council (Stratford)**

Object to the application for the following planning reasons:

- Visual impact – development of the exposed hill which is prominent from anywhere in the area. Ruin the current pleasant view of trees and fields to a factory estate/associated infrastructure
- Lighting would be visible from all over the District, detracting from what is open countryside
- Detrimental visual impact on Gorcott Hall. Proposal will ruin the vista across open countryside
- No identified users, no identified employment opportunities and no need for the development in this location. No shortage of employment opportunities in Redditch and the surrounding area. Speculative development that seeks to remove Green Belt, purely as a way of making money
- Development isolated from residential areas in Redditch with no viable pedestrian or cycle access routes and there are no public transport links to it
- Redditch has ample brownfield sites within its boundaries. Identified several that could easily accommodate the proposed building, which already has the infrastructure available to facilities their construction
- Infrastructure is not in place to support the traffic from proposed development. Existing road junctions are unsuitable for an increase in what could potentially be 2000 vehicle trips in and the same out everyday
- No public transport provision
- No measures in place to reduce inevitable deterioration in air pollution that will impact on the Air Quality Management Area in Studley
- No proposal to alleviate HGV traffic from the A46, M40, M42 and M5 which will use the A435 through Studley as a route of access to the development

- PC would like to see additional traffic coming off the M5 at Junction 9 to be redirected on to the A46/M40/M42 and not through Studley with weight restrictions and road realignments to deter HGV traffic
- With additional housing being constructed in Alcester, Bidford on Avon, Stratford upon Avon and Long Marston, it is inevitable that there will be a reliance on the S435 to carry the workforce and HGVs to and from these settlements to the development, adding to the density of traffic flowing through Studley and Mappleborough Green
- PC seek assurances that plant vehicles accessing the site would not be using the A435 through Mappleborough Green and Studley (06.02.2019)

2.4 Tanworth in Arden Parish Council (Stratford)

No comments:

- Should any further technical consultation responses identify any objections to this application, the PC reserves the right to revisit this application (08.02.2019)

2.5 Sperrall Parish Council (Stratford)

None received

2.6 Morton Bagot Parish Council (Stratford)

None received

2.7 Ullenhall Parish Council (Stratford)

None received

2.8 Beaudesert Parish Council (Stratford)

None received

2.9 Henley in Arden Parish Council (Stratford)

None received

2.10 Oldberrow Parish Meeting (Stratford)

None received

2.11 Sambourne Parish Council

None received

2.12 Coughton Parish Council

No objection but makes the following comments:

- No objection in principle provided that due attention is paid to the NPPF and the environmental regulations as laid down in the Wildlife Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006 (31.01.2019)

Highway Consultations

2.13 Worcestershire County Council Highways

No objection:

- Application does not seek to alter the principle of development or the overall scale of development
- Therefore there is no impact on the highway network beyond that already given permission for
- The alterations result in future built form consolidated in a more central location
- Diversion of public right of way required which will need to be completed to confirmation stage before any development affecting the public rights of way commences
- Applicant needs to be aware of its obligations toward the public right of way
- Having undertaken a robust assessment, concludes that there would not be a severe impact and therefore no justifiable grounds on which an objection could be maintained (15.02.2019)

Worcestershire County Council Rights of Way

Make the following comments:

- Development appears to affect Beoley parish footpaths BE-585 and BE-588
- Proposal requires diversion of the public right of way – permission for diversion of the route required before any development affecting the public right of way is commenced
- Recommend notes relating to obligations toward the public right of way (30.01.2019)

2.14 Warwickshire County Council Highways

No objection:

- The Highway Authority has undertaken a full assessment of the application detailed and compared the variations of conditions to the original planning application
- The assessment also includes consideration of the S73 Statement prepared by Savills and the Transport Assessment Addendum prepared by BWB Consulting
- Impact of the alterations would be negligible on the safe and efficient operation of the highway network
- Highways conditions on the previous application (17/01847OUT) would remain unchanged and there are therefore no grounds on which an objection on highway grounds can be maintained (13.02.2019)

Heritage Consultations

2.15 Historic England

Do not wish to offer comments – recommend that views are sought from specialise conservation and archaeological advisors where relevant (22.01.2019)

2.16 National Trust

Comments awaited

2.17 Stratford on Avon District Council Conservation Officer

This Section 73 application seeks to amend the approved outline site layout of the northern development parcel, changing from multiple employment zones to one principal employment zone with associated infrastructure to accommodate the operational needs of an undisclosed potential occupier.

The amendments to the scheme present both positives and negatives in terms of the impact on the setting of nearby heritage assets compared to that already approved by the original outline application. Importantly the 'buffer' area immediately adjacent to the Grade II* Gorcott Hall has been preserved (albeit with some slight reduction in size) alongside creation of naturalistic bunds behind which the development would be hidden. As a result of the amendments, this would be bolstered by the added benefit of the land SW of the hall kept free of built form but for a decked car park and the SE corner of the site retained as open green space. Overall building heights across this northern parcel have also been reduced by a notable amount.

This would however be partially offset by the increased visual impact of the extensive roof area of the single larger building now proposed, noted in the conservation comments under the original outline application to perhaps constitute the main visual harm over absolute height when looking out from Gorcott Hall, although attempts to mitigate this have been made by keeping this building as far west as possible as shown on the Illustrative Masterplan and thus out of direct view from the hall. The reduced number of employment zones is also likely to impact on the amount of soft landscaping able to be achieved across the site, with less opportunity to 'break up' the areas of development with planting, which visually will reduce the site's aesthetic appeal and cause further erosion to the existing rural character. Key to this in the original application was retention of Blacksoils Brook on its existing course which provided a green corridor around which the site was designed.

Whilst the Parameters Plan indicates the retention of existing soft landscaping around the site's perimeter, the proposed new landscape features and planting that would have improved the surroundings are no longer illustrated. It is expected that the effects of these changes will be mitigated by additional landscaping, details of which will be finalised at reserved matters stage. Similarly there may be the potential for increased light spills and noise from the scheme as proposed which will also need to be addressed.

As in the original outline application, the listed building which would be impacted most by the development would be Gorcott Hall. Having reviewed the addendum heritage chapter submitted with this vary application, the assessment of harm in the middle of the less than substantial threshold equating to moderate harm is unchanged, although from the limited additional discussion of the effects of the amendments it is not altogether clear how this conclusion has been reached.

In terms of my own assessment, having considered and balanced the positives and negative impacts identified, I believe the level of harm has not materially altered from the original outline application which concluded that the harm was 'just in the upper part of the less than substantial spectrum', but would be dependent on further mitigation measures that need to be addressed at reserved matters stage. In regards to other identified listed buildings in the vicinity of the site, it is not considered that there would be any change to the assessment of harm of low levels of less than substantial.

2.18 Bromsgrove District Council Conservation
Comments Awaited

2.19 Worcestershire County Council Archive and Archaeology Service
Makes the following comments:

- Query the need to amend condition 12 (submission and approval of a written scheme of investigation)
- The Holloway
 - It has been confirmed that the “loss of sections of the Holloway” only refers to the addition of a pedestrian access through the Holloway to the adjacent development.
 - There would be no other loss of the Holloway, its hedges or banks/ditches.
 - No concerns with the impact of the development on the Holloway, as sections would not be removed save the small intervention for the pedestrian access.
 -
- The County Boundary (Blacksoils Brook and associated bank and hedge)
 - Variation proposes the loss of the County Boundary
 - Date of boundary is unknown but potentially has significant antiquity
 - Request evidence from the applicant that the boundary has been realigned at a later date and is not of medieval or an earlier date
 - Disagree with para 8.6.2 of the ES which defines the bank as being of low sensitivity, the hedgerow as very low sensitivity, and the impact of loss as moderate adverse and minor adverse – boundary is clearly of significant antiquity, and it is marked here by the brook, a bank and associated hedgerow. The total loss of this section of the boundary constitutes substantial harm to the monument – object to its loss
 - The hedgerow along the brook is ‘important’ (and so protected) when assessed against the Hedgerows Regulations (1997)

- Should the variation be approved, then the recording and interpretation of the bank/boundary would need to be included in the mitigation strategy for the site. This would include assessment of environmental deposits along the line of Blacksoils Brook, should they be present (13.02.2019)

Ecology Consultations

2.10 Natural England
Comments awaited

2.11 Worcestershire County Council Ecology

I recommend some adjustments and additions to the conditions imposed under previous permission.

The applicant has demonstrated that there are no other sites in the West Midlands region that meet the requirements of the intended occupier of the northern part of the Redditch Eastern Gateway site. Under NPPF 2019 paragraph 175c a 'wholly exceptional' reason is required for development resulting in the loss or deterioration of ancient woodland and ancient or veteran trees.

The reasoning given in the current application focuses on the intended occupier's need for a large building and their critical timeframe. Examples of 'wholly exceptional' given in NPPF 2019 are 'nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat'. The wholly exceptional reasoning given within the current application must be evaluated by the planning committee.

The December 2019 Arboricultural Report (Crown Ref. 09343) identifies 22 individual trees and 19 groups of trees to be removed from the north site (not including the four veteran trees or T18) – it is not clear how this tallies with section 8 in the response document (ref. S73 response 180219docx.docx from Paul Rouse of Savills) or the green infrastructure comparison document (by Potterton Associates 15.02.19) which state that only nine trees will be removed. Clarification should be sought before determination, unless this is to be dealt with as a reserved matter.

The response document states that the diverted brook may need to be partially culverted if T18 is retained. However on comparison of the 'Watercourse Diversion Concept Plan' (RGNP-BWB-ZZ-XX-DR-YE-0001, reviewed 04.11.18) and the Tree Constraints Plan (in the Dec. 2018 Arboricultural Report, there appears to be sufficient space for both T18 and the diverted brook – I anticipate further reasoning within a reserved matters application on the need for culverting the brook in the vicinity of this retained tree.

I note that the lighting plan (drawing number 0182341-HL-XX-ZZ-DR-U-900-9000) submitted in the EIA Chapter 10 Landscape and Visual Impact Assessment Appendices Part 1 (December 2018) is not acceptable for discharge of the existing

condition 39, although that condition should also be imposed on the new application. The plan shows light spill of up to 2 lux into the woodland edge and 10 lux onto the diverted brook. Professional guidelines (Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18) recommend that true darkness is no greater than 0.2 lux (on the horizontal plane), which would be suitable to permit the light-sensitive bat species recorded on site to continue using the corridors on both the northern and southern site boundaries. It is important that lighting is reduced on boundaries of the site, for example by means of cowls and screening.

If you are minded to grant planning permission for the current application I recommend that the site's biodiversity is safeguarded via the imposition of the conditions in addition to the conditions on the 2018 permissions (17/01847/OUT Stratford, 17/00700/OUT Redditch, and 17/00701/OUT Bromsgrove).

2.12 Warwickshire County Council Ecology

Comments awaited

2.13 Forestry Commission

Comments awaited

2.14 Woodland Trust

Object to the application for the following planning reasons:

- Translocation of veteran trees should be considered as a last resort solution in an attempt to save trees which are otherwise approved to be felled
- Translocation should not be considered as a viable alternative to the protection, management and retention of these trees in their original location
- In relation to veteran oaks T73 and T74, the proposals to translocate these specimens provide the opportunity for their survival which was not previously an option. However, translocation of veteran trees is a highly risky method that has a very low chance of ensuring the continued survival of such trees – it is a process much more suited to young trees
- Revised arboricultural report now states that all four veteran trees are unsuitable for retention on the grounds of health and safety concerns outside of the application process. However, with appropriate management the trees could be allowed to decline in a way which does not compromise the safety of the public but also continue to provide a home for wildlife
- Deadwood provided by veteran trees is very important to a range of biodiversity. Whilst deadwood will be translocated to the ecological enhancement area, this does not compare to maintaining the veteran trees in situ
- Veteran trees are afforded stronger protection under the revised NPPF – development contravenes
- If translocation of veteran trees is permitted

2.15 Warwickshire Wildlife Trust

This variation leads to the loss of two additional veteran trees, the loss of a species rich 'important' hedgerow and diversion of Blacksoils brook, loss of connectivity across the site for wildlife and unclear impacts on the adjacent woodland in addition to the ecological harm already acknowledge to be caused by the proposals under 17/01847/OUT.

We object to this planning application due to the loss of 4 veteran trees; irreplaceable habitats that are of high ecological value and protected by both the NPPF and local policy.

Considering a scenario where the LPA concludes that 'wholly exceptional reasons' exists for the loss of veteran trees (as per paragraph 175 of the NPPF which guides that wholly exceptional reasons may include "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat") have been demonstrated to warrant the loss of these trees, then we have the following comments on the proposed mitigation and compensation for the ecological losses at the site.

Net Gains to Biodiversity

Following discussions at the meeting on 4/2/19 a copy of the Biodiversity Impact Assessment for both the northern and southern sections of the site has been provided to consultees.

I note an error in the calculation as the grassland within the northern site has been incorrectly entered as 'improved' grassland when the ecological report and phase 1 habitat plan describe it as 'poor semi-improved' grassland. This has the effect of undervaluing the current biodiversity value of the site. Correcting this error leads to the BIA evidencing a loss of biodiversity within both the southern and northern sections of the site.

Whilst I have not seen the section 106 provisions for Biodiversity Offsetting it is therefore likely that the sum to offset the biodiversity loss for the northern site would need increasing.

It remains unclear how much biodiversity value will be offset by the applicant on nearby land and how much will be offset by payment into a tariff to be offset further afield.

Impact on Northern Woodland

Concerns were raised by Worcestershire Wildlife Trust at the meeting on 4/2/19 regarding the change in levels required so close to the woodland adjacent to the northern boundary and the risk of leaving the woodland perched and disconnected.

The response from Savills dated 18/2/19 states that ecological connectivity is illustrated within the Parameter Plan. However the Parameter Plan (ref: 5372 – 205T) I have located does not show an ecological link between the woodland and the site. I recommend that this plan is updated to show how the link will be retained along the northern site boundary between the diverted brook and the woodland. At the meeting it was mentioned that further land was to be acquired so as to plant another hedgerow along the northern boundary; creating a double hedgerow which would better connect the woodland. However, I can't find this on any plan?

Whilst the Savills letter also states that as there is already a trench around the woodland which hasn't cause detrimental effect on the trees the S73 application plan works won't either. However it is unclear who has made this assessment and whether they are suitably qualified to do so? I recommend that an addendum to the arboricultural report is provided by a suitably qualified person to confirm that the earthworks won't impact the woodland trees.

It remains unclear how the created slope will be supported and planted with vegetation.

Increased Light Spill onto Neighbouring Habitats

The lighting plan shows that there will be light spill onto the edge of the adjacent woodland, the north eastern hedgerow stated to retain connectivity for bats and a large portion of the realigned brook corridor.

I recommend that the lighting plans are revisited so as to retain the dark corridors and woodland edge used by bats and other light sensitive species.

2.16 Worcestershire Wildlife Trust

1. We note that the proposed development leads to the loss of additional veteran trees, substantial diversion of the Blacksoils Brook and loss of 'important' stretches of hedgerow. These are all significant matters but the most difficult to reconcile is the loss of veteran trees.

Paragraph 175 (part c) of the NPPF makes clear that such losses may only be permitted where there are 'wholly exceptional reasons' and whilst the applicant has submitted helpful information in this regard we are not persuaded that the implicitly very high threshold of 'wholly exceptional' has been demonstrated.

To be clear, we accept that there may be no alternative sites available that match the needs of the prospective occupier but we do not believe that this necessarily means that wholly exceptional circumstances pertain here.

LEP (and other) economic support for delivery of this site do not necessarily rely on this particular end user. Indeed the allocation of the site and the extant planning permission were presumably supported on economic grounds and so alternatives to the current proposal clearly exist.

Accordingly, we object to this application on the grounds that it will lead to a loss of veteran, and therefore irreplaceable, trees without appropriate justification. Accepting that economic justification of the development falls outside our area of expertise we look to the council to weigh this matter carefully in the planning balance.

However, we draw your attention to the fact that the NPPF uses examples of *'infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'* to demonstrate wholly exceptional reasons for loss. It seems to us that these represent quite different circumstances to the ones that pertain in this case.

2. Notwithstanding these concerns, should the council be minded to accept that wholly exceptional reasons exist we do consider that the submitted veteran tree strategy sets out an appropriate approach to mitigation for the 'lost' trees. This strategy will need to be refined on a tree by tree basis and so further consideration and consultation may be helpful. In any event careful control of this strategy by condition will be required.

3. We note the helpful figures given in the submitted green infrastructure comparison table. Apart from the above-mentioned issues we otherwise welcome the potential for increases in habitat provision and the possible additional benefits that may be secured through the changes in layout. However, we note that there are uncertainties around the provision of connecting habitats around the north of the site and the buffering of the northern woodland parcel (as a result of land level changes). These matters should be clarified on plan and appropriate buffers and links secured by condition.

4. In this regard we note that changes to the existing conditions are proposed so as to allow for vegetation clearance in advance of other conditions being discharged. This may have implications for the timing of mitigation and compensation for loss and so is a matter of some concern. However, noting the proposed mitigation strategy we do not wish to object to this part of the application. We would however recommend that you append a new condition requiring a pre-commencement CEMP to cover the vegetation removal and protection of retained features during this process. In addition we echo other consultees recommendations that the existing landscaping condition be slightly amended to reflect the importance of future management.

5. We welcome the additional detail submitted in relation to the watercourse diversion but reiterate our concerns about the rather narrow corridor along the southern edge of the northern parcel of the site through which the brook will run. Moreover, we do not support the idea of culverting the brook past T18 (or the removal of T18). Alternative solutions to avoid further tree loss or additional culverting should be sought. We look to the council to control the detail of the brook diversion by condition with further consultation on this important element to follow in due course.

6. We note the commentary on lighting control but in common with other consultees we still have concerns about the light levels affecting the northern woodland, the proposed northern ecological corridor and the diverted brook corridor. In places the submitted plans suggest light levels as high as 10 lux, well above acceptable levels. We recommend that these matters are resolved as soon as possible and that control of lighting is covered by an appropriate condition.

Drainage and Flood Risk Consultations

2.17 Environment Agency

No objection subject to conditions:

- Although the site is in Flood Zone 1, detailed modelling demonstrates that significant parts of the site presently lie within Flood Zones 3a and 3b – by rerouting and redesigning the channels and removing structures, the vast majority of the site will be in Flood Zone 1 post-development with no increase in flood downstream. Final details of the channels for the diverted watercourses should be submitted and approved in order to demonstrate that they are designed to manage flows effectively
- Application is lacking information on biodiversity mitigation proposals – however through conditions, risks can be managed, with no overall serious loss of habitat and species diversity
- Water quality of the SSSI will be protected by a Construction Environment Management Plan and post-construction by a Sustainable Drainage Scheme which will protect surface waters from pollution
- Groundwater/spring fed marsh will not be affected, as the application area and SSSI are not in hydraulic continuity, therefore there will be no impact from the development in terms of groundwater pollution or levels
- Developer may want to explore the possibility of providing some storage on the western edge of the site to reduce the extent of flooding in case of blockage of the existing culverts under the highway
- If possible, during detailed design, the piped connection discussed in section 5.11 of the Water Framework Directive Assessment should be designed as an open channel – this would provide greater benefits for connected ecology and reduces the maintenance liability of culverts

2.18 Warwickshire County Council Flood Risk Management (LLFA)

No objection subject to the following conditions:

- Development in accordance with Flood Risk Assessment
- Submission and approval of hydraulic modelling of the proposed watercourse diversion
- Submission and approval of detailed surface water scheme
- Submission and approval of detailed maintenance plan detailing maintenance and management of surface water systems (31.01.2019)

2.19 North Worcestershire Water Management (LLFA)

Make the following comments:

- In principle, a diversion of the main stream is not unacceptable subject to a suitable newly designed channel
- Strong reservations about the inclusion of section of culvert to the north eastern part of the site – introduction of new culverted water course would not be in accordance with Section 8.212 of the Bromsgrove Local Plan or Section 17.9 of the Redditch Local Plan
- Viable alternatives are available which should be considered
- When the design of the Blacksoils diversion has been finalised, modelling will need to be re-run
- Details provided on Illustrative Drainage Strategy (RGNP-BWB-HDG-XX-DR-D-540 P5) are broadly welcomed – subject to review at detailed design stage
- Encourage use of permeable paving in car parks where vehicle loading is not an issue
- Highlights importance of retention of existing diversions
- Recommends the following conditions:
 - Development in accordance with Flood Risk Assessment
 - Submission and approval of hydraulic modelling of the proposed watercourse diversion
 - Submission and approval of detailed surface water scheme
 - Submission and approval of detailed maintenance plan detailing maintenance and management of surface water systems (01.02.2019)

Environmental Health Consultations

2.20 SDC Environmental Health
No objections (25.01.2019)

2.21 SDC Waste and Recycling
No comment (11.02.2019)

2.22 Worcestershire Regulatory Services – Air Quality and Contamination

Worcestershire Regulatory Services (WRS) has considered the revised information, as detailed in the attached consultation request, and have no additional comments to make to those made previously. (11.02.2019)

- Contaminated land – assessment, which has been carried out in accordance with current guidance and best practice, considers site to be low risk in terms of risk from contaminated land. Agree with recommendation within submitted report that further investigation is required and this could be secured by condition
- Air quality – The AQA concludes a “negligible” impact on air quality within Worcestershire which is considered to be reasonable. Conditions recommended (31.08.2017)

Other Consultees

2.23 BT Openreach

Makes the following comments:

- Guidance notes provided which state requirements for protecting the network (12.02.2019)

2.24 Coal Authority

No observations (22.01.2019)

2.25 Warwickshire Police

No further observations to make (01.02.2019)

2.26 NWEDR (North Worcestershire Economic Development

The application has been submitted with an end user in mind, this means that there is further certainty that the site will be developed and that the outputs (jobs, investment etc) will be delivered, which is encouraging.

The applicants have submitted a narrative explaining why the configuration of the building is required and why the Gateway Site is the preferred option. We have reviewed the information provided by the applicant and would agree with the comments provided. The issues considered to be most pertinent to this application are as follows:

- The size of the unit is dictated by the occupiers requirements, which is reliant on a bespoke unit being delivered. The occupier also requires a build to suit opportunity and so this means that existing stock has to be ruled out;
- The lack of available commercial sites at the size required by the occupier. There is an issue regionally, and nationally, about available commercial space to meet the needs of businesses. As the applicant has identified that there are not any alternative sites to meet this requirement in Redditch or Bromsgrove, which is something we concur with. Even within a wider search area there are limited sites that are available or are at a sufficient size in which to meet this particular requirement. Therefore, there a few alternatives for the occupier to consider in order to meet its operational requirements and locational preference.
- Given the above, it is apparent that the Redditch gateway site offers the most realistic opportunity for the occupier to be able to invest and deliver new jobs and growth.

In conclusion, we remain supportive of the development of this economic Gamechanger site and the current application would allow for a specific user to operate from this site and this would allow the output and benefits expected from this site to be realised sooner, which is considered to be of real benefit.

2.27 Publicity

letters were sent on 17th January 2019 to those who were previously consulted and responded on the hybrid application (expiring 18th February 2019)

8 site notices were posted on the 18th January 2019 (expired 18th February 2019)

Press adverts in the Bromsgrove and Redditch Standard newspapers on 18th January 2019

2.28 Neighbour Representations

24 representations were received from local residents in Objection.
The following issues have been raised:

Employment

- The amended proposal would generate less local employment than the approved scheme evidenced by the reduction in parking spaces on the illustrative plans.

Ecology/Biodiversity

- Loss of hedgerows
- Loss of trees
- Loss of Veteran trees
- Loss of "holloway – an ancient route from Holt End, Beoley to Mappleborough Green
- Loss of habitat and associated wildlife including protected species
- The proposal threatens wildlife mobility to and from Ipsley Alders Reserve
- Whether wildlife surveys are up to date
- Loss of Blacksoils Brook and its restoration as a watercourse

Amenity/Pollution

- Noise
- Disturbance caused by additional commercial traffic and by employees returning to vehicles.
- Dust and disturbance during construction phase
- Light pollution and consequent loss of amenity

Transport/Highways

- Notwithstanding an HGV routing strategy, traffic other than HGVs will still be able to use the A435 to the detriment of Mappleborough Green and Studley.
Visual Impact
- Inadequate parking provision and parking pressure on neighbouring streets such as Far Moor Lane compromising road safety
Increased traffic will compromise highway safety
- The proposed routing strategy does not consider the A435 south of Spernal Ash towards Evesham and Stratford upon Avon which would make the volume of traffic in the Coughton and Kings coughton higher than anywhere else on the A435.
- Introduction of signalised junction to the employment zones will increase traffic on congested A4023 and lead to accidents

- Increased traffic will prejudice pedestrian safety including
- There is no presented alternative for either the current or anticipated increase in the number of HGVs
- Increased traffic will result in an increase in air pollution and reduction in air quality to the detriment of residents living in the vicinity
- No mitigation measures have been proposed to restrict parking on Far Moor Lane

Visual Amenity

- Height of buildings shown in yellow has increased from 15 to 16.5 metres between revision 'L' and revision 'T'
- Building heights in the southern employment zone should be reduced as they will destroy the character of Far Moor Lane and pathway which abuts the western boundary.
- The wooded belt which bounds the western edge of the southern parcel will become a litter trap
- Dominant, Overbearing and intrusive buildings – loss of visual amenity

Principle/Need

- There are a range of empty employment units in Redditch which mean the site is not required to meet employment requirements and is unviable.

Other Issues

- Lack of clarity and conciseness on drawings.

3.0 Relevant Policies

- 3.1 The adopted Development Plan setting out the planning policy provisions relevant to development on the site as a whole comprise the following:

Stratford-on-Avon Core Strategy (2016)
Bromsgrove District Plan (2017)
Redditch Local Plan No.4 (2017)

3.2 Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP5B Other Development Sites
- BDP6 Infrastructure Contributions
- BDP13 New Employment Development
- BDP14 Designated Employment
- BDP16 Sustainable Transport
- BDP19 High Quality Design
- BDP20 Managing the Historic Environment
- BDP21 Natural Environment
- BDP22 Climate Change
- BDP23 Water Management
- BDP24 Green Infrastructure
- BDP25 Health and Well Being

3.3 Stratford-on-Avon Core Strategy (2016)

Relevant Policies in the Development Plan for this application are

- CS.1 Sustainable Development
- CS.2 Climate Change and Sustainable Construction
- CS.3 Sustainable Energy
- CS.4 Water Environment and Flood Risk
- CS.5 Landscape
- CS.6 Natural Environment
- CS.7 Green Infrastructure
- CS.8 Historic Environment
- CS.9 Design and Distinctiveness
- CS.10 Green Belt
- CS.15 Distribution of Development
- CS.22 Economic Development
- REDD.1 Redditch
- REDD.2 Redditch
- CS.25 Healthy Communities
- CS.26 Transport and Communications
- CS.27 Development Contributions

3.4 Redditch Local Plan No.4 (2017)

Policy 16 Natural Environment

Policy 22 Road Hierarchy

Policy 24 Development within Primarily Employment Areas

3.5 Others

- NPPF National Planning Policy Framework (February 2019)
- NPPG National Planning Practice Guidance

- Worcestershire County Council Local Transport Plan 3 (LTP3)
- Stratford on Avon District Design Guide (information guidance)
- Historic England Good Practice Notes 2105:
 - GPA 1 – The Historic Environment in Local Plans
 - GPA 2 – Managing Significance in Decision-Taking in the Historic Environment
 - GPA 3 – The Setting of Heritage Assets
- Air Quality Action Plan for Alcester Road, Studley
- Warwickshire Local Transport Plan (2011-2026)
- Warwickshire Landscape Guidelines 1993
- Planning and Community Safety – Design and Crime Reduction 2006: Planning Advice Note (informal guidance)
- Green Infrastructure Study for Stratford on Avon District Council (2011)
- Stratford on Avon Employment Land Assessment 2011
- Corporate Strategy 2015-2019

- Stratford on Avon Business and Enterprise Strategy 2012-2015
- Stratford District Partnership 2026 Vision – Sustainable Community Strategy
- Guidelines for Landscape and Visual Impact Assessment (GLVIA3)
- National Character Areas 17.07.2012
- Guidance on Transport Assessment published jointly by Department for Transport and Department for Communities and Local Government 2007

3.6 Redditch Borough Plan

- 3.6.1 The Redditch Borough Local Plan 4 was adopted on 30 January 2017 for the period 2011-2031
- 3.6.2 Only a small part of the site providing pedestrian access into the main area of development lies within Redditch borough. However, the justification for the allocation of Redditch Gateway with Bromsgrove and Stratford-on-Avon is derived from the objectively assessed needs of Redditch. Redditch Gateway is therefore identified on the plan's key diagram.
- 3.6.3 BoRLPNo.4 Policy 23 identifies the employment land requirements for Redditch and notes that Redditch Gateway is *"a key initiative for employment provision to meet Redditch related employment needs."* Around 10ha is therefore allocated with Bromsgrove District adjacent to the existing Ravensbank development and further land in Stratford-on-Avon at Gorcott (c 7ha) and Winyates Green (c 12ha).
- 3.6.4 The policy continues that the development will provide a significant enhancement to the employment land supply through the creation of a "high profile and highly accessible" employment scheme that will benefit from links to the M42/M40 corridor, able to help support existing business in Redditch and provide opportunity to diversify the employment base.
- 3.6.5 Development requirements include the need for a comprehensive development on the basis of a phased Masterplan that provides for high quality employment in a landscaped setting and have a co-ordinated, Masterplan approach to delivering a new primary access.

4.0 Relevant Planning History

This application has also been submitted to Redditch Borough Council and Stratford District Council

- 4.1 17/00700/OUT (Redditch) , 17/00701/OUT (Bromsgrove), 17/01847 (Stratford)

'Hybrid application comprising: Outline planning application (with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved) for the development on a phased basis of 32ha of employment land for business/industrial uses (Use Classes B1, B2, B8). The development shall include: landscaping, parking, associated infrastructure, utilities, drainage (including SUDS) and ground engineering works; And Full planning application for Phase 1 Ground Engineering works, and details of means of access to the site from the A4023'

GRANTED 11 June 2018

ASSESSMENT OF PROPOSAL

5.0 Site Description

- 5.1 The site extends to approximately 31.5 ha (78 acres) and is within two main land parcels to the north and south of the A4023 Coventry Highway, a main dual carriageway arterial road linking from the A435 which forms the eastern boundary of both parcels.
- 5.2 The site lies on the edge of the built-up area of Redditch, approximately 2.5 miles from the town centre. The land is presently in agricultural use.
- 5.3 To the north of the A4023, the northern parcel (10.28ha) increases in level in a north/easterly direction and is formed from a series of fields, currently grazed and defined by semi/mature hedgerows. Trees are generally confined to the hedgerows except for a few isolated specimens. The Blacksoils Brook bisects the northern parcel along an approximately north-east / south-west alignment. A former chalk pit is evident within one of the fields.
- 5.4 To the south of the A4023, the southern parcel (21.24 ha) is relatively flat and in a broadly triangular shape. As with the northern parcel, it is formed by a series of fields defined by hedges.
- 5.5 Land both immediately north and south of the A4023 is set lower than the level of the road. The A435, part of the strategic highway network, linking Birmingham and Evesham (via the A46 and crossing the M42) forms the eastern boundary. It changes from a dual carriageway to single carriageway towards the southern boundary of the site as it approaches Mappleborough Green.
- 5.6 Two public rights of way, namely 585(C) and 588(D) cross the northern part of the application site, (within Bromsgrove's jurisdiction), and emerge on the northern side of the A4023 Coventry Highway, where they intersect with rights of way 799(C) [running north west towards Ravensbank Drive] , 800(C) [running south east along the western edge of the site], and 641(C) [which links to Far Moor Lane just south of the Blue Inn].
- 5.7 The site is neither within nor adjacent to a Conservation Area and does not include any statutorily or locally listed buildings. The site is not subject to any Tree Preservation Orders.
- 5.8 The majority of the land to the north of the northern land parcel is formed by agricultural land and mature woodland. The exception to this is Gorcott Hall, a Grade II* listed building and associated grounds (containing related listed structures) whose boundary with the site is formed by a mature hedge. The northern parcel is bounded to the west by existing employment developments including the Ravensbank Business Park. The southern boundary to the northern development land is formed by the A4023.

5.9 The A4023 and A435 also form the respective northern and eastern boundaries to the southern, development land parcel. To the west lies existing commercial development (hotel and car showrooms) and established residential development off Far Moor Lane. A pedestrian footpath 800(C) runs along the western and southern site boundaries, south of which is Longhope Close, including Lower House, a Grade II listed building. A screen of mature trees and hedgerow also runs along the eastern boundary. To the southeast of the site and on the other (eastern) side of the A435 are the School and Yew Tree and Church Cottages and the School House (formerly 1 and 2 School Cottages), which are Grade II Listed.

6.0 Proposal

6.1 The application site falls within the jurisdictions of Stratford on Avon District Council, Redditch Borough Council and Bromsgrove District Council, the composition of which is as follows:

- 20.5 hectares of the site falling within Stratford on Avon District Council
- 10.28 hectares of the site falling within Bromsgrove District Council
- 0.74 hectares of the site falling within Redditch Borough Council

6.2 Identical hybrid planning applications were submitted to Stratford-on-Avon District Council (17/01847/OUT), Redditch Borough Council (17/00700/OUT) and Bromsgrove District Council (17/00701/OUT) in June 2017. All three applications were granted by the respective Local Planning Authorities on 11 June 2018.

The hybrid applications approved:

- Outline planning application, with matters of appearance, landscaping, layout, scale and details of internal circulation routes reserved, for the development on a phased basis of 32 hectares of employment land for business/industrial uses (use classes B1, B2 and B8);
- Full planning application for Phase 1 Ground Engineering works (to create the first development plateau) and means of access to the site from the A4023

6.3 Identical S73 applications have been submitted to Stratford-on-Avon District Council (18/03746/VARY), Redditch Borough Council (18/01626/S73) and Bromsgrove District Council (18/01596/S73).

6.4 The applications seek to amend the approved scheme through changes to conditions attached to the original hybrid consent. Specifically, this application proposes the following changes:

- Variation of condition 2 (approved 'full' plans) to reflect an amended Phase 1 Ground Engineering works which would facilitate the first development plateau. The amended plans provide for the earthworks necessary to create the approved access into both the northern and southern development parcels, and to create the first development plateau in accordance with the amended employment zones.

The amended condition wording would refer to updated plans (5372-210 Rev A, 5372-211 Rev B, FUTHER PLANS);

- Variation to condition 8 (approved 'outline' plans) to reflect amended parameters for the outline element of the development approved to the northern development parcel. The amended condition wording would refer to the updated parameters plan (5372-205 Rev T). The approved parameters for the southern development parcel would remain unchanged;
- Variations to conditions 12, 16, 18, 21, 29, 31, 32, 36 and 37 to allow hedgerow and tree removal prior to the coming into effect of the condition; and
- Variation to conditions 28 and 29 to refer to the updated Floor Risk Assessment which has been undertaken to take into account the changes proposed to the Parameters Plan and Phase 1 Ground Engineering works to facilitate the first development plateau.

6.5 The Planning Statement submitted with the application outlines the reasons for the submission of this application.

6.6 A potential corporate occupier (whose identity is confidential for commercial reasons) has a requirement for a large floorplate warehouse building of approximately 31,000sqm GIA together with approximately 3,100 GIA of ancillary office accommodation.

6.7 In order to accommodate a building of the floorspace and aspect ratio required, a larger single development platform is required than can be accommodated within the employment zones approved through the original hybrid consent (Parameters Plan 5372-205 Rev L). In order to achieve the specific requirements of the occupier, the development zones in the northern development parcel need to be amended.

6.8 The approved parameters for the southern development parcel would remain unchanged.

Northern development parcel as APPROVED

Five employment zones to the following parameters:

- Area 1 to the northwest of the Blacksoils Brook (pink on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed above ordnance datum (AOD) 121.0
- Area 2 to the northwest of the Blacksoils Brook (pink on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 128.0
- Area 3 to the northwest of the Blacksoils Brook (grey on approved parameters plan) – parking only
- Area 4 to the southeast of the Blacksoils Brook (yellow on approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 124.0
- Area 5 to the southeast of the Blacksoils Brook (orange on the approved parameters plan) – area to include car parking and servicing, maximum building height not to exceed AOD 122.0-123.0

A Landscape Buffer Zone to the southeast of the Blacksoils Brook, and perimeter landscaping adjacent to the brook and to the edges of the northern development parcel (all green on the approved parameters plan).

Northern development parcel as AMENDED

Four employment zones to the following parameters:

- Area 1 which would cross the Blacksoils Brook (requiring its diversion) (yellow on amended parameters plan) – area to include parking and servicing, maximum building height not to exceed AOD 123.0, maximum plant height not to exceed AOD 125.0 (this would be in place of Areas 1 and 2 as described above)
- Areas 2-4 to the east of the Blacksoils Brook (grey on approved parameters plan) – infrastructure
- Minor incursion into the approved Landscape Buffer Zone would be required, though the previous employment zone to the easterly corner of the site (Area 5 as described above) would be retained as landscaping, accommodating the rerouted Blacksoils Brook and public right of way.

7.0 Main Issues

- 7.1 In the determination of a planning application the Council is required to make the determination in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.
- 7.2 However, the planning application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) that relates to determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted (in this case application 17/01847/OUT), subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.
- 7.3 In deciding an application under Section 73, the local planning authority must only question condition(s) subject to which planning permission should be granted, and –
- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 7.4 While S73 applications are commonly referred to as applications to "amend" the conditions attached to a planning permission, it should be noted that a decision under S73(2) leaves the original permission intact and un-amended. The scope of a local planning authority's jurisdiction when considering an application under S73

is, in principle, more limited than when considering an application for full planning permission. Nonetheless, this Local Planning Authority is unrestrained in its consideration of the full planning impacts of the application, bearing in mind that the result of a successful application under S73 is a wholly new planning permission. However, the section does not empower the local planning authority to rewrite the permission altogether.

- 7.5 In particular when deleting/varying any of the conditions, consideration has to be given as to whether any changes go to the heart of the planning permission and fundamentally change the planning permission as originally granted. If it is considered that the changes go to the heart of the planning permission, then a new planning application is required rather than one for the deletion/variation of conditions.
- 7.6 I have given this careful consideration and have concluded that the proposed amendments to the conditions would not go to the heart of the permission.

The main issues for consideration in this case relate to the following:

- Principle of Development
- Economic Impact
- Design Principles
- Landscape Character
- Residential Amenity
- Noise
- Air Quality
- Traffic
- Parking
- Surface Water Drainage
- Heritage
- Biodiversity
- Public Rights of Way / Accessibility
- Loss of Agricultural Land

Each matter will be given consideration under a separate heading below along with any other material considerations.

8.0 Principle of Development

- 8.1 The principle of development was fully assessed and considered to be acceptable under application 17/00701/OUT (hereafter referred to as the “hybrid permission”).
- 8.2 The application site is allocated for development under the Stratford-on-Avon District Core Strategy Policies REDD.1 and REDD.2, as well as Policies BDP3 and BDP5B of the Bromsgrove District Plan, and Policy 23 of the Redditch Borough Local Plan. The principle of the development proposed under the hybrid permission was considered to comply with these policies. I am satisfied that the changes proposed do not alter the principle of development. I will now turn to discuss other material considerations and whether the proposal accords with the relevant policies of the development plan and NPPF.

9.0 Economic Impact

9.1 It is important to note the wider economic context in which this site is viewed. The site is identified within the Worcestershire Local Enterprise Partnerships' (LEP) Strategic Economic Plan, highlighted as one of four 'Game Changer' sites within Worcestershire. The focus for this site is to:

“Create a high quality business park to attract and safeguard investment and employment, with a target being advanced engineering businesses.”

9.2 The site is also referenced as a key economic growth and regeneration project in the Greater Birmingham and Solihull Strategic Economic Plan, as follows:

“Redditch Eastern Gateway is an identified employment site situated on the outskirts of Redditch. The Gateway’s strategic location takes full advantage of the M40/M42 motorways and just a 20 minute drive time to Birmingham International Airport and railway station, with the potential for 100,000 square metres of high-profile employment development, 2,000 jobs and an additional £90 million of GVA. GBSLEP is working closely with Worcestershire LEP on this opportunity.”

9.3 The site is, therefore, a key development opportunity for both Worcestershire and Greater Birmingham and Solihull LEP’s that will help to attract and safeguard investment within the Redditch area. There is strong support for these proposals from both Local Enterprise Partnerships recognising that the site will provide important space for new commercial development, which is in short supply within the area.

Economic Development Priorities for Redditch

9.4 Whilst the proposal lies substantially within Stratford upon Avon and Bromsgrove administrative areas, the site was primarily identified to meet the employment needs of Redditch. In this regard the proposal will contribute to the key aims and objectives identified in the adopted *‘Economic Priorities for Redditch’*. Some of the key priorities identified within the Strategy that are pertinent to this proposal, include:

- Ensuring that sufficient land for employment is allocated;
- Provide support for growing businesses
- Keep employment land provision under review to ensure that we have an adequate supply to meet business growth requirements.

9.5 The current application would enable Redditch to meet some of its key economic aspirations for the Borough and this should be taken into account in the determination of this application.

10.0 Design Principles and Amended Parameter Plans

- 10.1 Policy BDP19 (High Quality Design) provides a set of principles to safeguard the local distinctiveness of the District and ensure a high quality, safe and distinctive design throughout the development.
- 10.2 The parameters plan provides land uses, building heights, indicative internal circulation routes, pedestrian/cycle access points and green infrastructure (to include perimeter planting, landscaping buffer zone adjacent to Gorcott Hall and retained grassland to the southern tip).
- 10.3 The application has been submitted in hybrid form, with the majority of the site being in outline with all matters reserved. The full element of the scheme proposes detailed consideration for Phase 1 Ground Engineering works and means of access to the site from the A4023.
- 10.4 Consistent with the Parameters Plan submitted with the original hybrid application, the amended Parameters Plan provides details of land use, building heights, indicative internal circulation routes, pedestrian/cycle access points and green infrastructure (to include perimeter planting, landscaping buffer zone adjacent to Gorcott Hall and retained grassland to the southern tip). The applicant is seeking approval as part of the outline process for this plan.
- 10.5 An Illustrative Masterplan (plan no. 5372-203 K) has also been submitted which shows ways in which the site could be developed following the submission of reserved matters submissions. This masterplan is illustrative only, and if permission is granted would not form part of the approved permission.
- 10.6 Detailed matters of the layout, scale, appearance and landscaping would need to adhere to the submitted Parameters Plan. I am satisfied that compliance with this plan, which would be secured by way of condition, would adequately safeguard the future development of the site via reserved matters approvals to achieve a high quality scheme, in accordance with Policy BDP19.

11.0 Impact on Landscape and Character of the Area

- 11.1 The landscape impacts of the development, both in terms of character and visual impact, or the development proposed under the hybrid consent were considered to be acceptable. Harm was identified due to the loss of mature hedgerows and trees within the site, and this harm was weighed up in the planning balance.
- 11.2 The amendments to the parameters of the northern development parcel would lead to further loss of hedgerows within the site (along the Blacksoils Brook), as well as the loss of a further two veteran trees (two were consented for removal under the original hybrid consent). By means of compensatory works, a larger Landscape Buffer Zone would be created to the easterly part of the northern development parcel. The maximum building heights provided on the amended Parameters Plan for the northern parcel are generally lower than those previously approved. The only exception to this is the employment zone located to the southwest corner of the northern development parcel where the approved maximum height above AOD was 121.0, whilst as now proposed, this has been increased to a maximum height above AOD of 125.0.

- 11.3 An ES Addendum to Chapter 10: Landscape and Visual Impact has been submitted which responds to the changes proposed through this S73 amendment. The same viewpoint locations have been used for the assessment which I consider to be appropriate.
- 11.4 It observes that the proposed development would retain the broad-leaved trees and hedgerows around the site's eastern and western boundaries, whilst retaining approximately 3.0ha of grassland habitat across the site as a whole. The proposed development necessitates the removal of the vegetation associated with the main length of the Blacksoils Brook which would be rerouted.
- 11.5 The ES Addendum states that there is an overall balance in that whilst Blacksoils Brook is to be rerouted and its associated vegetation removed, there would be a greater area of native woodland planting, increased areas of meadow and a significant increase in tree planting. There would also be fewer buildings on site.
- 11.6 The Landscape and Visual Impact Appraisal (LVIA) submitted with the original hybrid application concluded that the effects of the development on the landscape character would be 'moderate adverse' with respect to the northern development parcel and 'minor adverse' with respect to the southern development parcel. The LVIA concluded that the development would have adverse effects in terms of visual effects on those located close to it, and in particular the properties on Far Moor Lane in the south. In respect of Gorcott Hall in the north, the scheme would be visible and would result in a moderate adverse effect.
- 11.7 The ES Addendum, when assessing the impact of the proposed amendment, identifies the same level of landscape harm.
- 11.8 It is considered that the proposed development would inevitably and permanently change the existing character and appearance of the site, which is presently a series of fields interspersed with trees and hedgerows. The form and scale of development proposed means that buildings will be visible from some public vantage points.
- 11.9 On balance, I consider the landscape impacts of the development, both in terms of character and visual impact, to be acceptable in line with Policy BDP21. I identify significant harm in the loss of mature hedgerows, trees (including four veteran trees), and the diversion of the Blacksoils Brook which forms a historic landscape feature. This harm will be weighed up in the planning balance discussed within the 'Conclusion' section of this report.

12.0 Residential Amenity

- 12.1 Policy BDP1 (1.4e) states that *"In considering all proposals for development in Bromsgrove District regard will be had to the following : Compatibility with adjoining uses and the impact on residential amenity"*

- 12.2 A number of existing residential properties are located within close proximity to the southern part of application site, the closest being those on Longhope Close adjacent to the southwestern tip. The Winyates Green estate lies to the western side of Far Moor Lane with properties backing onto that road. There are a small number of residential properties dispersed along the opposite edge of the A435 which forms the eastern boundary.
- 12.3 Officers and members previously considered and had regard to the height details on the submitted parameters plan in conjunction with the separation distances which would remain between residential properties and employment zones. These have not changed in respect of the southern parcel.
- 12.7 Subject to consideration of the detailed design of any forthcoming reserved matters submissions, I am satisfied that the proposed development would not have an unduly adverse impact on neighbouring residential amenity.
- 12.8 The previous hybrid permission did not limit or prohibit 24 hour operation of the subsequent occupiers. Mitigation measures are suggested in order to reduce noise disturbance arising from the service yards including orientation of buildings and appropriate yard boundary treatment.
- 12.10 It is still envisaged that noise arising during the construction phase would be mitigated through a Construction Environment Management Plan, alongside an hours of working condition.

13.0 Light pollution

- 13.1 As the majority of this application is in outline form, specific lighting detail has not been provided at this stage. The Design and Access Statement confirms that lighting would be the subject of subsequent reserved matters submissions, the specific detail of which would be assessed and subject to LPA control at that stage.
- 13.2 Conditions could be imposed in order to reduce the impacts of lighting both during the construction phase and operational stage. Subject to this, and in conjunction with appropriate lighting design to be submitted at the reserved matters stage, I consider that an acceptable lighting solution would be secured.
- 13.3 I consider that appropriate conditions could control lighting design to mitigate the risk of harm to neighbouring residential amenity.

14.0 Noise and Vibration

- 14.1 Policy BDP19 (19 .1t) *“The Council will deliver high quality people focused space through: t. Development proposals should maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential), whilst also taking into account the implications of the existing night time use of the locality”*

- 14.2 A Noise and Vibration assessment forms part of the ES (chapter 12) and refers to the results of noise and vibration assessments carried out on the basis of both the construction and occupation phases of development.
- 14.3 Baseline noise measurements have been taken at four receptor locations that represent the nearest noise sensitive properties to the development site.
- 14.4 The construction noise and vibration activities at the nearest noise sensitive properties vary from a negligible effect to a minor adverse effect during normal daytime operations. Construction works should be undertaken in accordance with 'best practicable means' to minimise the construction noise effects.
- 14.5 The vibration arising from the construction works would not be perceptible and no further noise mitigation measures are required to reduce the construction vibration effects.
- 14.6 The change in the daytime road traffic noise levels due to the development is negligible at all receptors with the exception of Gorcott Hall where there is predicted to be a minor adverse effect. The change in night-time level due to the development is less than 1 dB and provides a negligible effect.
- 14.7 The traffic on internal circulation routes within the site is predicted to provide a negligible increase in the ambient noise levels at the nearest receptors. The existing night-time noise level at the nearest receptor indicates that with partially open windows the sleep disturbance criteria is already exceeded and windows would need to be closed to meet the internal target noise level. With open windows the development traffic noise would be below the sleep disturbance criteria within the nearest receptors.
- 14.8 To reduce the noise impact of site activity in the yard areas in the night-time period, a scheme of 3m high noise barriers is proposed around the perimeter of the yards. The barriers provide a small noise reduction such that there are only two receptor sites where the BS4142 assessment exceeds the WRS criteria in the night-time period. However, the highest absolute noise levels at night from site activities, with the scheme of barriers, is well below the threshold for sleep disturbance even with partially open windows. Taking both the BS4142 and sleep disturbance assessments into account the site activity noise level is considered to be a minor adverse effect with the scheme of noise barriers. I consider that this noise attenuation could be secured through conditions and consideration of detailed specifications at the reserved matters stage.
- 14.9 No objection has been raised by either SDC's Environmental Health Officer or Worcestershire Regulatory Services with respect to noise or vibration and on this basis, I am satisfied that the proposal would not have an unacceptable adverse impact upon neighbouring residential amenity in respect of these issues.

15.0 Air Quality

- 15.1 Air quality in Bromsgrove District is predominantly good and the air is mainly clean and unpolluted. There are however a few locations where the combination of

traffic, road layout, geography, emissions from plant and machinery such as boilers has resulted in exceedences of the annual average for nitrogen dioxide (NO₂) and fine particulates (PM₁₀). Several areas in the District are closely monitored for their air quality level, and a few are designated as Air Quality Management Areas (AQMA).

- 15.2 Whilst the application site itself does not lie within an Air Quality Management Area (AQMA), there is one in place in Studley along the Alcester Road A435 (within Stratford-upon-Avon). This AQMA was declared on the 23rd February 2006 for exceedences of the nitrogen dioxide annual mean objective.
- 15.3 The Warwickshire Local Transport Plan (2011-2026) seeks to, amongst other things, improve air quality by improving congestion/reduce traffic and encourage people to use more sustainable modes of transport. This Plan identifies the impact of traffic on the A435 corridor as the most significant environmental problem in Western Warwickshire. It states that the A435 between Alcester was de-trunked in January 2008 between Gorcott Hill near the junction with the A4023 and the A46 near Alcester and that in those settlements lying along the section of the A435 to the north of Alcester, (i.e. Coughton, King's Coughton, Studley and Mappleborough Green), there are serious adverse effects on quality of life due to high traffic volumes containing a large number of HGVs. One of the key objectives of the strategy is to deliver improvements that reduce the environmental impact of traffic within the District and improve local air quality in existing AQMAs.
- 15.4 Chapter 13 of the ES relates to air quality and considers, amongst other things, the impact of the development on the Studley AQMA. It states that the AQMA is located approximately 4km south of the site and it is anticipated that traffic generated by the development would have largely dispersed across the network over this distance. It concludes that the development would not have a significant impact on the Studley AQMA as it is unlikely that the development would significantly affect pollutant concentrations within the AQMA.
- 15.5 The ES goes onto state that operational mitigation measures would be developed, with the aim of reducing traffic to and from the development through encouraging more sustainable transport options. These measures are:
- new signal controlled junction onto the Coventry Highway which would include pedestrian and cycle crossing facilities, located at the existing intersection of the existing public rights of way;
 - new footways and shared footways/cycleways throughout the development that would tie into the existing and new facilities surrounding the site;
 - improved bus service infrastructure comprising of bus stops and laybys on the Coventry Highway to allow the existing 150 bus service to serve the site;
 - the introduction of a HGV routing plan to manage the number of HGVs routing through sensitive areas, including the Studley AQMA
- 15.6 The above would be implemented in addition to a Travel Plan. The report concludes that the significance of air quality impacts would be negligible, and therefore there is no need for any specific and detailed air quality mitigation measures.

- 15.7 A condition requiring the submission and approval of a full HGV Routing Strategy as well as the submission of the first HGV routing surveys within 12 months of occupation has been recommended by both Warwickshire and Worcestershire Highways Authorities. In conjunction with a financial contribution of £200,000.00 which would be paid and held for a period of 15 years to allow for HGV mitigation to be carried out where it is deemed necessary, I am satisfied that the impact on the Studley AQMA would be limited.
- 15.8 Impacts from the development would arise as dust during the construction phase and traffic during operation. For dust, this would primarily result from the earthworks and construction activity. Impacts would generally decline with increased distance from the site with highest risk of impact being within 20m of the site declining to negligible risk at a distance of 350m. The Environmental Statement (Table 13.8) identifies sensitive receptors within these distances. The location of the site, to the north of the majority of existing development means that prevailing wind directions will help minimise risks to existing development and the SSSI from impact from dust.

16.0 Traffic Impact

- 16.1 Policy BDP1 (1.4a) states that *“In considering all proposals for development in Bromsgrove District regard will be had to the following: Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic”*
- 16.2 Policies REDD.1 and 2 requires the allocated site to have primary access off the A4023 Coventry Highway as well as pedestrian and cycle links across the A4023 and to adjacent residential areas.
- 16.3 In respect of the Environmental Statement (ES), an ES Addendum has been submitted in the form of a Traffic and Transport Statement of Conformity from the applicant’s Transport Consultant (BWB). This states that for the construction phase, the impacts resulting from construction traffic were calculated for the ES based on the quantum of floorspace proposed for the site. It states that this S73 amendment does not alter the quantum of development and hence the conclusions of the construction phase remain valid. With regards to the operational phase, the Statement of Conformity states that the quantum of development and the assumptions with regards to the B1, B2 and B8 use classes are not altered for this S73 amendment. Therefore it states that the number of vehicle trips assessed would not change. It therefore concludes that the aspects of the proposed development that will vary as a result of the S73 application will not have an effect on transport, and that the conclusions of the ES Chapter 11 (Traffic and Transport) remain valid.
- 16.4 The hybrid permission approved (in full) the principle vehicular access point serving the development, as well as the initial length of carriageway into the northern and southern development parcels. This comprises a new signal controlled crossroads junction on the A4023 Coventry Highway and remains unchanged in the scheme now submitted.

- 16.5 The internal circulation routes, consistent with the hybrid permission, would be determined at reserved matters stage, although indicative access routes through the site are provided on the submitted Parameters Plan (plan no. 5372-205T).
- 16.6 The site straddles both County Authorities of Warwickshire and Worcestershire and each highway authority has therefore been consulted on the application.
- 16.7 Both highway authorities have raised no objection subject to the attachment of the highways conditions which were attached to the original hybrid permission (conditions 18-27 of 17/0701/OUT).
- 16.8 Highways England has been consulted on the application and no objection has been raised.
- 16.9 Taking into account all of the above, I consider that the proposed development would not have an unacceptable adverse impact on highway capacity or safety in relation to the strategic highway network, the local highway network, proposed access arrangements, pedestrian and cycle movements, or traffic generation. This is subject to the attachment of the same planning conditions which were attached to the original hybrid consent, as well as the same financial contribution (£200,000 bond to support the HGV Routing Strategy and Annual HGV Surveys to be secured by way of condition) secured by way of legal agreement.
- 16.10 The proposed development is therefore considered to be in accordance with Policies BDP1 and Stratford Core Strategy policies REDD.1, REDD.2, as well as paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Parking

- 16.11 Parking provision is a detailed design matter. However, the illustrative layout provides an indication to potential parking locations and has been designed with reference to the amount of potential car parking that could be achieved to accord with the Councils' parking guidance.
- 16.12 Parking provision is governed by adopted standards. The illustrative master plan demonstrates that adequate off road parking could be accommodated to serve the quantum of development proposed.
- 16.13 Providing appropriate levels of parking will mean that all parking should take place within the site. During the consultation exercise, questions were raised about on-street parking and how off-site would be prevented. This is a matter of civil enforcement however, at present there are only limited restrictions on parking on adjoining roads. The applicant can do no more than provide the amount of parking that is permitted by the Council's adopted guidance. I consider that there is still sufficient space within the site to accommodate the level of parking which would reasonably be required to service the development proposed.

Opportunities for Sustainable Travel

- 16.14 A Framework Travel Plan has also been prepared to encourage sustainable travel choices. This will include promoting alternatives to the car (pedestrian and cycling) and use of public transport by improving access via the 150 bus route by providing new bus stops on the Coventry Highway. Two pedestrian / cycleway linkages onto Far Moor Lane would encourage and facilitate ease of access by those modes.

17.0 Surface Water Drainage and Flood Risk

- 17.1 Policy BDP23 (23.1c) states that *“The Council will deliver safe developments with low environmental impact through: Ensuring development addresses flood risk from all sources, follow the flood risk management hierarchy when planning and designing development, and do not increase the risk of flooding elsewhere. Where inappropriate developments in areas at risk of flooding are necessary after the sequential test is applied, appropriate designs, materials and escape routes that minimise the risk(s) and loss should be incorporated”*
- 17.2 The application site is located within Flood Zone 1 (lowest risk of flooding). Table 2 of the Planning Practice Guidance (PPG) classifies buildings used for financial, professional and other services, general industry and storage and distribution as 'less vulnerable'. Table 3 of the PPG identifies that a 'less vulnerable' development within Flood Zone 1 is 'appropriate'.
- 17.3 The applicant has also provided site specific modelling of the minor watercourses within the site. From this model, a series of site specific inundation maps have been produced showing the extent of the various flood zones across the site at the typical return periods. The model indicates that the channels on site typically become overwhelmed readily, some at even low return periods, resulting in large amounts of shallow sheet flows across the site, particularly across the northern development parcel. The Environment Agency confirm that on the basis of this modelling, part of the development site falls within Flood Zone 3.
- 17.4 Policy REDD.1 seeks the de-culverting and enhancement of the existing watercourse feature, and Policy REDD.2 seeks the protection and enhancement of the Pool and Blacksoils Brook.
- 17.5 An ES Addendum to Chapter 7: Hydrology has been submitted which responds to the changes proposed through this S73 amendment. In addition, an updated Flood Risk Assessment, Water Framework Directive Compliance Assessment and Water Management Statement have been submitted with the application.
- 17.6 With regards to drainage and flood risk, the most relevant amendment proposed relates to the diversion of the Blacksoils Brook which is identified as being one of three minor watercourses in the northern development parcel.

- 17.7 The ES Addendum states that the Masterplan makes provision for green space for new watercourse corridors to be created around the proposed development areas which would provide flood risk and biodiversity benefits. This would include the realignment of a stretch of the Blacksoils Brook. It continues to state that the diversion of the Blacksoils Brook would allow its current linear, shaded and incised form to be realigned to follow a more preferential, naturalised form, thereby facilitating the improvement of aquatic and riparian habitats. Furthermore, it states that the Blacksoils Brook would be diverted to intercept another minor tributary channel allowing a greater catchment to be applied to the diverted Blacksoils Brook which would help to improve the low flow conditions in the watercourse. The new channels are designed to intercept and accommodate the design flood event (1 in 100-year) for the lifetime of the development (+35% allowance for climate change), therefore mitigating flood risk to the proposed development.
- 17.8 Both Warwickshire and Worcestershire's LLFAs have been consulted on the application.
- 17.9 Subject to appropriate conditions, both Warwickshire and Worcestershire LLFA has raised no objection to the proposal. In addition, the EA has raised no objection subject to conditions.
- 17.10 This is in respect of flood risk, groundwater and connectivity with the Ipsley Alders Marsh SSSI (located approximately 250m away at the south-western end of the site) and sustainable drainage considerations.
- 17.11 Previously, a number of representations were received on the grounds that the proposal would potentially exacerbate flooding in the area as well as impact on the Ipsley Alders Marsh SSSI which is located outside the application site. These concerns were given careful consideration in the assessment of the planning hybrid application, but the responses from the statutory undertakers did not support these concerns.
- 17.12 The drainage and water efficiency proposals would be the subject of further approval at reserved matters stage. However, based on the consultation responses from the Environment Agency and the LLFAs (both Warwickshire and Worcestershire), I am satisfied that the final drainage scheme would be in accordance with Policy BDP23 and Stratford Core Strategy Policies REDD.1 and REDD.2.

18.0 Heritage

Designated Heritage Assets

- 18.1 Policy BDP20 (20.3) states that "*Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage*

Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets.”

- 18.2 Furthermore (20.6) states *“Any proposal which will result in substantial harm or loss of a designated Heritage Asset will be resisted unless a clear and convincing justification or a substantial public benefit can be identified in accordance with current legislation and national policy.”*
- 18.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 18.4 An ES Addendum to Chapter 8: Heritage and Archaeology has been submitted which responds to the changes proposed through this S73 amendment. As considered under the hybrid consent, whilst there are no listed buildings within the site itself, the development has the potential to affect the settings of the following listed buildings:
- Gorcott Hall itself – Grade II* listed
 - Stable, Granary, Barn and attached Animal House (at Gorcott Hall) – Grade II listed
 - Right Gate pier and attached Garden Wall approximately 10m southeast of Gorcott Hall – Grade II listed
 - Left Gate pier and attached Garden Wall approximately 10m southwest of Gorcott Hall – Grade II listed
 - Right Gate pier and attached Garden Wall approximately 30m southwest of Gorcott Hall – Grade II listed
 - Left Gate pier and attached Garden Wall approximately 30m southwest of Gorcott Hall – Grade II listed
 - Lower House, Longhope Close – Grade II listed
 - School House and Yew Tree and Church Cottages, Mappleborough Green – Grade II
 - Church of the Holy Ascension – Grade II listed
- 18.5 Historic England and the Conservation Officers for both SDC and BDC were consulted on the original hybrid application and they concluded that the development would cause less than substantial harm (to varying degrees) to designated heritage assets.
- 18.6 Historic England and the Conservation Officers for both SDC and BDC have been consulted on this S73 amendment.
- 18.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be justified and weighed against the public benefits of the proposal. This is in accordance with Policy BDP20, paragraph 196 of the NPPF and Section 66 of the Planning (Listed

Buildings and Conservation Areas) Act 1990. This will be weighed up in the planning balance discussed within the 'Conclusion' section of this report.

Conservation Areas

- 18.8 At its nearest point, the southwestern fringe of the Tanworth in Arden Conservation Area is located approximately 2.7km to the northeast of the site. Given this separation distance, the original hybrid application was not considered to cause any harm to this designated heritage asset. Having regard to the amendment proposed, I remain satisfied that the development would not cause any harm to the Tanworth in Arden Conservation Area.
- 18.9 The proposals are considered to have considerable public benefit through the extent of job creation and employment opportunity for Redditch Borough that will help meet the identified requirements of Redditch and contribute to the wider needs of Worcestershire. For this reason, the public benefits are considered to outweigh the less than substantial harm identified.

Archaeology

- 18.10 In terms of archaeology, the ES noted that the site has minimal archaeological importance with any potential likely to be limited to the Blacksoils Brook.
- 18.11 The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, para 189:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

- 18.12 The ES Addendum states that very few records of note lie within the study area of a 1km radius from the development site boundary and none lie within the development site itself. It therefore concludes that the site for development represents low archaeological potential.
- 18.13 An updated assessment is made within the ES Addendum (Chapter 8: Heritage and Archaeology) on the effects of the proposed development on potential archaeological deposits both through the construction and operational phases of development.

- 18.14 The ES Chapter 8 to the original hybrid consent identified, with respect to archaeology, there to be moderate to minor adverse long-term effect through the construction phase. This increases to moderate adverse long-term effect in the ES Addendum as a result of the loss of the Blacksoils Brook boundary bank and the adjacent hedgerows. The impact during the operational stage remains the same for the proposed amended scheme, at minor adverse to neutral.
- 18.15 The ES Addendum, consistent with the original ES chapter, confirms that prior to detailed design, the site would be subject to archaeological evaluation. This is likely to consist of geophysical survey and targeted trial trenching. This fieldwork would clarify the sub-surface archaeological interest of the site and if significant remains are identified, a suitable mitigation strategy would be formulated.
- 18.16 Subject to a suitably worded condition, I am satisfied that any unknown archaeological features that may be present on site would be adequately protected.

Non Designated Heritage Assets

- 18.17 Paragraph 197 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 18.18 The Blacksoils Brook forms part of the Country Boundary which would be lost through the proposed application. The date of the boundary is unknown, but is potentially of significant antiquity. Nash (1781:63) refers to the boundary between Beoley and Studley parishes (to which the Blacksoils Brook forms a part) as medieval, and Hooke (1990) interprets the 10th century charter for land in Beoley as following what later became the parish boundary of Beoley.

Conclusion on Impact on Heritage Matters

- 18.19 The concerns expressed through the representations received in respect of the impact on heritage assets is noted. However, there is no evidence or confirmation from the expert heritage consultees that the issues raised are sufficient to warrant outright refusal of the application on these grounds or on the basis that they cause substantial harm.
- 18.20 Overall, some impact on the significance of heritage assets in the vicinity of the site has been identified as a result of changes to their settings caused by this proposed development.
- 18.21 I concur with the views of the expert heritage consultees in that the development would cause less than substantial harm, to varying degrees, to a number of designated heritage assets. The amended proposal seeks to mitigate the impact upon the setting of Gorcott Hall as a designated heritage asset. Nevertheless, the harm identified needs to be weighed in the planning balance of the Core Strategy, paragraphs 196 and 197 of the Framework and, in the wake of the Barnwell Manor

case, considerable weight should be given to the harm identified in the final balancing exercise.

19.0 Ecology

- 19.1 Policy BDP21 seeks to achieve better management of Bromsgrove's natural environment by, in addition to other criteria :
- f) Deliver enhancement and compensation, commensurate with their scale, which contributes towards the achievement of a coherent and resilient ecological network;*
 - i) Adopt good environmental site practices as appropriate, including in the form of a Construction Environmental Management Plan (CEMP) where appropriate.*
- 19.2 Policy REDD.1 (southern parcel) seeks the retention of important natural features on the site, retention of mature hedgerow along the western boundary and protection of priority habitats within the site. Policy REDD.2 (northern parcel) seeks the retention of mature hedgerows and trees within the site, protection and enhancement of the Pool and Blacksoils Brook and protection of priority habitats within the site.
- 19.3 An ES Addendum to Chapter 9: Ecology has been submitted which responds to the changes proposed through this S73 amendment.
- 19.4 Where appropriate, updated ecological surveys have been undertaken, and these are described within the ES Addendum.
- 19.5 As noted in the Committee report associated with the hybrid consent, Blacksoils Brook is a Local Wildlife Site. This was considered to be adequately protected through planning conditions to secure a buffer to make acceptable the impacts from the development.
- 19.6 Paragraph 175 (c) of the NPPF states that *“development resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* The phrase *“wholly exceptional reasons”* is qualified in footnote 58 by the phrase *“where the public benefit would clearly outweigh the loss or deterioration of habitat.”*
- 19.7 In the latest iteration of the NPPF, Para 177 relating to habitats and biodiversity has been amended.
- 19.8 Para 177 in 2018 version said.... *“177. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”*
- 19.9 Para 177 in 2019 version says.... *“177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or*

projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- 19.10 So, the presumption in favour of sustainable development now applies even with habitats development, provided that impacts can be mitigated successfully.
- 19.11 For the southern site, a hedgerow assessment identifies hedges along the western boundary as the most important. The amended proposal does not affect those hedgerows. In respect of the northern site, the hedgerow assessment identifies the hedge along the Blacksoils Brook as being the key hedge. The Blacksoils Brook and another stream are identified in the northern site along with two small streams in the southern site. One pond is identified in the northern site; a disused pit, it is mostly dry. In the southern site, there are two small ponds within or adjacent to the southernmost hedge. A small amount of woodland habit is present around the northern pond. Common species of wetland flies and butterflies were identified as present. The identified ponds vary in value and suitability for amphibians.
- 19.12 Newts have been identified in several of the ponds on site (There are no ponds on site within Bromsgrove). Mitigation works to manage the capture and translocation of newts is underway following the earlier permission. No records of reptiles have been found. There are no records of bats on site but the site does offer foraging and commuting value. Subsequent surveys noted foraging and commuting activity particularly along the hedgerow along the Blacksoils Brook and the site boundaries but no particular evidence of roosts except for the potential of one in a tree in the county boundary hedgerow. There was no evidence of dormouse in recent surveys. There is badger activity on site.
- 19.13 The approved application will result in some loss of trees and hedgerows both within the site and in order to create the new access from the A4023. This will impact on species at a site level but there remains suitable habitat adjacent to the site. Similarly, loss of hedgerows may impact on foraging routes for bats but the retention boundary hedges and proposed additional planting is considered to offset the negative impacts. The loss of the habitat and ponds will impact on amphibians. Badgers would be affected by the development.
- 19.14 The Environment Agency expressed concern regarding the lack of information on biodiversity mitigation proposals but acknowledged that through conditions, risks can be managed, with no overall serious loss of habitat and species diversity
- 19.15 At the time of preparing this report, comments from Warwickshire County Council Ecology Team were awaited. They previously raised no objection to the scheme subject to suitable conditions and the provision of biodiversity offsetting secured through a S106 legal agreement. I am therefore satisfied that the biodiversity impacts of the development are acceptable in accordance with Policy BDP21 and SDC Policy CS.6 and the NERC Act.

Veteran Trees

- 19.16 As a result of concerns raised to the loss of four veteran oak trees (T46, T73, T74 and T92) through the assessment of the original hybrid application, the applicant

amended the previous scheme to retain T46 and T92 which are situated in Bromsgrove District. The original hybrid application approved the loss of two veteran trees – T73 and T74 also in Bromsgrove District.

- 19.17 T46 lies on the north side of Blacksoils Brook within the hedge line flanking the brook. T92 is situated approximately 50 metres from the brook on the northern parcel. These veteran oak trees fall within the revised development area on the northern parcel, and consequently their retention would not be possible because the likely layout of the plot and the proposed ground remodelling to create the development plateaus make this impractical. Accordingly the current application proposes to remove all four veteran trees.
- 19.18 Paragraph 175 of the NPPF provides principles that local planning authorities should apply in determining planning applications. One such principle is that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 19.19 This differs from the 2012 NPPF (which the original hybrid application was assessed against) which did not require *wholly exceptional reasons* or a suitable compensation strategy.
- 19.20 Natural England and Forestry Commission have updated their standing advice to align with the revised NPPF.
- 19.21 The ES Addendum to Chapter 8: Ecology states that the boughs of the veteran trees that are to be lost would be moved into the retained habitat in the Landscaping Buffer Zone in the northeast of the site. They would be replanted upright in the ground to provide habitat for birds, bats and invertebrates. A Veteran Tree Strategy has been submitted with the application.
- 19.22 The applicant has completed the Forestry Commission and Natural England decision matrix for loss of veteran trees and has demonstrated that they have complied with all pre-conditions. There is no alternative site or building that can meet the occupier requirements. The site has been removed from the green belt and allocated for development and identified for public funding to deliver necessary infrastructure to bring about much needed economic development. These are the wholly exceptional circumstances.

Conclusions on Ecological Impacts

- 19.23 Warwickshire Ecology have raised no objection to the scheme subject to suitable conditions and the provision of biodiversity offsetting secured through a S106 legal agreement. I am therefore satisfied that the biodiversity impacts of the development are acceptable in accordance with Policy BDP21 and the NERC Act.
- 19.24 SDC Core Strategy Policies REDD.1 and REDD.2 set a number of ecology based requirements which are detailed above. I am satisfied that, so far as is possible, these are secured through the development as proposed. I am therefore satisfied that these policies are complied with in this regard.

20.0 Public Rights of Way / Connectivity

- 20.1 Policy BDP19 (19.1) states that :
*“The Council will deliver high quality people focused space through: j. Ensuring developments are accessible to all users;
k. Ensuring permeable, safe and easy to navigate street layouts”*
- 20.2 Two public rights of way, namely 585(C) and 588(D) cross the northern part of the application site, (within Bromsgrove’s jurisdiction) Previously, in the hybrid permission 588(D) which runs alongside Blacksoils Brook would have been be preserved on its current route alongside that feature within a proposed landscaped buffer. The current proposal seeks the diversion of public rights of way number 588(D) and 585(C). The submitted plans show how both 585(C) and 588(D) could be diverted to facilitate development which still providing a viable route and amenity for users of the right of way network.
- 20.3 Proposed connections to the site from existing public footpath number 800(C) running along the western boundary of the southern parcel would facilitate cycle and pedestrian access into the site and improve its connectivity with the surrounding area.
- 20.4 In light of the above, I consider that the proposal is considered to accord with the criterion j and k of Policy BDP19.

21.0 Crime Prevention

- 21.1 Policy BDP19 (19 .1t) *“The Council will deliver high quality people focused space through: o. Designing out crime and the fear of crime by incorporating measures and principles consistent with those recommended by ‘Secured by Design’”*
- 21.2 Similarly, SDC Policy CS.9 also seeks to ensure high quality design, an element of which includes measures to help to reduce crime and the fear crime.
- 21.3 I am satisfied that at reserved matters stage crime prevention measures can be appropriately incorporated into the detailed design of the scheme.

22.0 Loss of Agricultural Land

- 22.1 Footnote 53 to paragraph 171 of the NPPF states that *“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

22.2 In the assessment of the original hybrid application, it was concluded that some harm would arise through the loss of approximately 9.65 hectares of Grade 3a land. This remains the case for this amended application and this harm needs to be weighed in the planning balance.

23.0 Developer Contributions / Infrastructure Provision

23.1 Policy BDP6 (6.1) states that *“Financial contributions towards development and infrastructure provision will be coordinated to ensure that growth in the District is supported by the provision of infrastructure, (including Green Infrastructure) services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy. This will be documented in the Infrastructure Delivery Plan.*

(6.2) Irrespective of size, development will provide, or contribute towards the provision of: Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations”

23.2 Policy CS.27 states that the Council will introduce a Community Infrastructure Level (CIL) to fund infrastructure and community facilities necessary to accommodate growth and to mitigate cumulative impacts. There is not an equivalent generic policy for Redditch Borough within the BoRLP.

23.3 The original hybrid consent was granted subject to a S106 legal agreement which secures the following:

- Highways: £200,000 to be paid on first occupation and held for a period of 15 years from its receipt or until 12 months after the last premises is occupied, whichever is the sooner, in the form of a bond and management arrangement to support the HGV Routing Strategy and Annual HGV Surveys to be secured by way of condition;
- Ecology: biodiversity offset scheme for each phase of development and biodiversity monitoring contribution.

23.5 The legal agreement was worded such that, in the event that a S73 consent is granted, the obligations in the S106 legal agreement (the highways bond and biodiversity offsetting) shall relate to the S73 consent (Section 21 Future Permissions of the legal agreement). A supplemental deed/new legal agreement is therefore not required in this case.

24.0 Summary of identified Benefits and Harm

24.1 The proposal would result in the following benefits:

- Job Creation
- New landscaping and ecology enhancements
- Improved access to footpaths, cycleways, connectivity and access.

24.2 The proposal would cause the following harm:

- Loss of previously undeveloped land
- Traffic
- Loss of habitat and biodiversity
- Impact upon setting of Heritage Assets
- Loss of Agricultural land
- Loss of Blacksoils Brook
- Loss of 4 veteran trees

24.3 It is considered that the harm identified could be mitigated through the imposition of planning conditions and any remnant harm would not outweigh the benefits which the development would bring.

25.0 **Conclusion**

25.1 The NPPF defines sustainable development as having three mutually dependent components. The Framework is clear that there is a presumption in favour of sustainable development and that proposals, where they accord with the development plan, should be approved without delay.

25.2 The proposals are considered to contribute to the aims of sustainable development through the following:

- **Economic Role** – the proposals have a significant economic role through job creation and helping to meet the identified needs of Redditch. In doing so it would contribute to the wider need of Worcestershire as recognised by Worcestershire County Council and the Worcestershire LEP through their designation of the site as one of the four “*game changer*” sites for the county. As an allocated site within up-to-date local plans it would provide land for sustainable economic development.
- **Social role** – the proposals would contribute to the social well being of the area through providing jobs for the local community. This would in turn create additional disposable income that has potential to support other local business and retail expenditure helping to contribute to a thriving local community.
- **Environmental Role** – the proposals would create a business development within a landscaped setting that would enhance the local environments through the creation of new improved habitats, increased tree and hedgerow planting, ecological mitigation to protect species and respects the built heritage of the locality. The proposals will be designed to meet the requirements for the efficient use of resources and energy and water conservation.

25.3 The site presents a potential ‘Game Changer’ for the Redditch economy. The site will offer new employment opportunities and will help to facilitate growth of existing companies within Redditch that require expansion space, thus freeing up existing units for re-occupation. The site will also be attractive for inward investment bringing new companies and employment opportunities to Redditch. The adopted Bromsgrove District Plan acknowledges that the site (referred to as the

Ravensbank expansion site” is intended to cater for Redditch Borough’s future employment needs.

- 25.4 The site is allocated for employment use within the three adopted Local Plans and there is in principle support for the proposed development.
- 25.5 The site will meet the aspirations set out in the local economic priorities adopted by Redditch, as well as ensuring that both Local Enterprise Partnerships meet their aspirations for new jobs and growth within the area.
- 25.6 I consider that the current application should be determined in accordance with the adopted Bromsgrove District Plan. The site is allocated under REDD.1 (southern development parcel) and REDD.2 (northern development parcel) in the Stratford on Avon Core Strategy, and the principle of development was accepted through the approval of the hybrid permissions granted by the three Local Planning Authorities.
- 25.7 Whilst harm was identified in the assessment of the original hybrid permission, in assessing the planning balance against the dimensions of sustainable development and the relevant Core Strategy policies, the significant public benefits of the proposal were considered to outweigh the harm which was identified.
- 25.8 The application now proposed seeks to amend the approved scheme through changes to conditions attached to the original hybrid permission. Specifically, the changes involve amending the design of the Phase 1 Ground Engineering works to facilitate the first development plateau and amend the proposed parameters of development for the northern development parcel. Other incremental changes to conditions are also proposed.
- 25.9 Reassessing the planning balance against the dimensions of sustainable development and the relevant development plan policies, I consider that the potential harm arising from the development scheme would be the less than substantial harm caused to designated heritage assets (the setting of the Grade II* listed Gorcott Hall, its associated Grade II listed buildings/structures and to the Grade II listed Lower House, School House, Yew Tree and Church Cottages); long term change to the wider landscape character and harmful localised visual impacts to include loss of hedgerows and four veteran trees; environmental effects of noise, disturbance, dust, etc. during construction phases; loss of Grade 3a and 3b agricultural land; and biodiversity loss to be mitigated through on-site measures or offsetting.
- 25.10 With regards to the harm identified, this could, to some extent, be mitigated by the measures identified above, but I consider that the implementation of a large employment allocation will inevitably have some irreversible impacts on what is currently an undeveloped site.
- 25.11 Notwithstanding the harm identified, the proposals would not result in significant environmental impacts on air quality, noise and vibration, risk of contamination, residential amenity, water resources and flood risk that could not be mitigated by the imposition of conditions and/or legal agreement obligations.

- 25.12 The identified harm to designated and non-designated heritage assets, although capable of some mitigation, has been afforded considerable weight in the balancing exercise. When having regard to the significant public benefits of the proposal, I am satisfied that this harm is outweighed.
- 25.13 I consider that technical issues raised by statutory consultees can be dealt with by way of planning conditions, and the development would not place unacceptable pressure on the local infrastructure, subject to appropriate mitigation measures being implemented.
- 25.14 I am also mindful that the final form of the proposals would be the subject of consultation with the local community, stakeholders and key technical consultees at the reserved matters stage to ensure the delivery of high quality and appropriate form of development.
- 25.15 Overall, I find the proposed development to be in accordance with the relevant policies of the Bromsgrove District Plan and can properly be characterised as sustainable development for the purposes of the NPPF. Furthermore, the development is in general accordance with allocations within the Stratford on Avon Core Strategy and Redditch Local Plan.

26.0 RECOMMENDATION:

a) Minded to **GRANT** permission

b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions.

Conditions:

Please Note: On this occasion the conditions are not presented in their final form, as it may be necessary to adjust the final wording to ensure compatibility across the three Local Authorities and to take into account phasing requirements of the scheme.

Conditions containing strikethroughs show the wording of previous conditions on the approved decision and emboldened text indicates variations.

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

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

2. The full element of the development to which this permission relates shall be carried out in accordance with the following plans and drawings -

RGNP-BWB-DGN-xx-M3-D-636_S1_P1 (Phase 1 Enabling Works)

BMT/2116/100-01 Rev P9 (Signal Controlled Access Option)

BMT/2116/100-02 Rev P3 (Redditch Access Option)

5372-210 A (Site Location Plan Enabling Earthworks Phase 1),

5372-211 B (Site Plan Enabling Earthworks Phase 1),

~~5372-210 (Site Location Plan Enabling Earthworks Phase 1),~~

~~5372-211 (Site Plan Enabling Earthworks Phase 1),~~

~~BWB-HGT-01-DR-D-637-S1 Rev P1 (Enabling Earthworks Sections (Phase 1),~~

~~BWB-HGT-01-DR-D-612-S1 Rev P1 (Enabling Earthworks Layout (Phase 1),~~

~~BMT/2116/100-01 Rev P9 (Signal Controlled Access Option),~~

~~BMT/2116/100-02 Rev P3 (Redditch Access Option).~~

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

Biodiversity Condition

3. A wildlife tunnel shall be provided as part of the design of the junction for the site to connect the development areas to the north and south of the A4023 Coventry Highway. Prior to its installation, details of the design and location of the tunnel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and installed no later than the completion of the access junction for the development.

Reason: To allow connectivity for wildlife in order to enhance biodiversity .

Outline Planning Permission

Permission Definition Conditions

4. Details of the appearance, landscaping, layout, scale and details of internal circulation routes (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase commences, and the development shall thereafter be undertaken in accordance with the approved details.

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

5. Application for all reserved matters relating to the first phase of development shall be made no later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

6. Application(s) for all reserved matters relating to the second and subsequent phases of development shall be made no later than 10 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

7. The outline element of the development hereby permitted shall be commenced before the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

8. ~~The part of this development approved in outline~~ **reserved matters** shall be carried out in general accordance with the following plans and drawings: -

5372-200 (Site Location Plan)

5372-201 (Site Plan)

5372-205 T (Parameters Plan)

BMT/2116/100-01 Rev P9 (Signalled Controlled Access Option)

BMT/2116/100-02 Rev P3 (Redditch Access Option).

~~5372-205 L (Parameters Plan),~~

~~BMT/2116/100-01 Rev P9 (Signal Controlled Access Option), and~~

~~BMT/2116/100-02 Rev P3 (Redditch Access Option).~~

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan

9. The total development of all phases shall not exceed 90,000sqm (GIA) of floorspace within use classes B1, B2, B8 of which no less than 10% of the floorspace, including ancillary space within B2 and B8 units, shall be offices (use class B1(a)).

Reason: To define the permission and in order to ensure that the development parameters are complied with.

10. All details relating to the development (required through both reserved matters and discharge of condition applications) shall be submitted to and approved in writing by the Local Planning Authority. Where details relate to development in more than one administrative area, the details shall be submitted to and approved in writing by each relevant Local Planning Authority to which the condition matter relates. The development shall be carried out in accordance with the approved details.

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

11. As part of the submission of the first reserved matters application, a Phasing Plan indicating the separate phases of development for the northern and southern areas shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan will address:-

a) development phases of land the subject of separate reserved matters applications;

b) the type and amount of floorspace for each phase;

c) the type and general alignment/route/linking of carriageways, footpaths, cyclepaths for each phase and measures to ensure appropriate network connectivity between each phase.

The approved Phasing Plan shall be updated with each submission of reserved matters application(s). The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area and the coordinated delivery of the development and associated infrastructure.

Archaeological Conditions

12. No groundworks with the exception of pre-development ecological mitigation works **including hedgerow and tree removal** within each phase and formation of temporary construction access(es) shall take place until the implementation of a programme of archaeological works for that phase has been secured in accordance with a Written Scheme of Investigation(s) which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) the programme and methodology for site evaluation;
- b) the programme and methodology for appropriate subsequent investigation and recording and post investigation assessment;
- c) provision to be made for appropriate analysis of the site investigation and recording;
- d) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

13. No ecological mitigation works involving groundworks shall take place until a written method statement of Archaeological Observation to observe the initial ground strip of such works, and to document any archaeological remains uncovered, has been submitted to and approved in writing by the Local Planning Authority. The Archaeological Observation shall be undertaken in accordance with the approved method statement.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

14. The final phase of the development shall not be occupied until:
- a) provision has been made for publication and dissemination of the archaeological analysis and records of the archaeological site investigation;
 - b) provision has been made for archive deposition of the archaeological analysis and records of the archaeological site investigation.

Reason: In order to secure appropriate investigation of potential archaeological deposits.

General Conditions

15. No external finishes for buildings within each phase of the development shall be constructed until a palette (including samples) of all materials for the external surfaces of the building and a drawing identifying the location of each type of material has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order that the Local Planning Authority is satisfied with the external appearance of the proposed development in the interests of securing a high quality appearance of development that is appropriate to the character of the locality.

16. No groundworks, with the exception of ecological mitigation, archaeological investigation, formation of temporary construction access(es) and those groundworks detailed on plan no. BWB-HGT-01-DR-D-637 S1 Rev P1 (Enabling Earthworks Sections (Phase 1)) and BWB-HGT-01-DR-D-612 S1 Rev P1 (Enabling Earthworks Layout (Phase 1)), shall commence until details of existing ground levels, as well as proposed finished ground levels, building slab levels and building ridge heights for each phase (together with cross sectional details) have been submitted to and approved in writing by the Local Planning Authority. The development of the relevant phase shall thereafter be carried out in accordance with such approved levels and heights details.

Reason: In order that the Local Planning Authority is satisfied with the details of the proposed development.

17. As part of the submission of each reserved matters application relating to "layout" details for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented before the first use of the building(s) within that phase and retained thereafter.

Reason: In the interests of public safety from fire and the protection of emergency fire fighters.

Highways and Transport Conditions

18. Prior to commencement of development with the exception of ecological mitigation **including hedgerow and tree removal** and archaeological investigation works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include:-
- a) measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - b) details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - c) arrangements for unloading and manoeuvring of delivery vehicles;
 - d) details of any temporary construction accesses and details of the reinstatement of land following the closure of such temporary accesses;
 - e) details of construction traffic and HGV construction traffic, to prevent traffic utilising routes through Studley, Mappleborough Green, Tanworth in Arden and Henley in Arden;
 - f) a highway condition survey, timescale for re-inspections, and details of any reinstatement;

g) demolition/groundworks/construction work contained within the northern and southern development parcels shall not take place outside the following hours:

Monday to Friday 07:00 - 18:00 hrs

Saturdays 08:00 - 13:00 hrs

There shall be no work on Sundays and Public Holidays

The measures set out in the approved Construction Environmental Management Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure safe access to the site and to prevent harm being caused to the amenity of the area.

19. Prior to first use of the development hereby approved, a Heavy Goods Vehicle (HGV) Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a clear diagram identifying the routes, with measures and monitoring procedures demonstrated. The Strategy shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the requirements of the Strategy, a revised Strategy shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and identify mitigation for the impacted communities. The Strategy thereafter shall be implemented and may be updated in accordance with schemes to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safe and efficient operation of the highway network, particularly along the A435 through Studley and Mappleborough Green, and through Tanworth in Arden and Henley in Arden, and to protect the amenity of residential properties.

20. HGV Surveys shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the implementation and operation of the HGV Routing Strategy (Condition 19). The methodology for undertaking the HGV Surveys shall be submitted to and approved in writing by the Local Planning Authority prior to the undertaking of the HGV Surveys. The first HGV Surveys shall be undertaken and the results submitted to the Local Planning Authority within the first month of the first use of any part of any phase of the development hereby approved and thereafter on an annual basis for the lifetime of the development.

Reason: In the interests of the safe and efficient operation of the highway network, particularly along the A435 through Studley and Mappleborough Green, and through Tanworth in Arden and Henley in Arden, and to protect the amenity of residential properties.

21. No development hereby approved, including groundworks, remediation or built construction, with the exception of ecological mitigation, **including hedgerow and tree removal** archaeological investigation and formation of temporary construction access(es), shall commence until the detailed design of the Traffic Signalled Access Junction on the A4023 Coventry Highway (as indicatively shown on Drawings BMT/2116/100-01 Rev P9 and BMT/2116/100-02 Rev P3), has been submitted to and approved in writing by the Local Planning Authority. The detailed design shall address the following matters;
- a) provision of an engineering layout demonstrating the geometry of the junction layout and lane widths;
 - b) identification of the detection system and cabling routing through the junction;
 - c) identification of the method of control and back-up system for the operation of the junction;
 - d) identification of the location for a maintenance vehicle bay near the traffic signal controllers;
 - e) identification of the locations for two PTZ CCTV cameras for traffic management of the junction;
 - f) identification of the locations for street lighting in relation to the Traffic Signalled Access Junction;
 - g) provision of Stage 2 Road Safety Audits based on the detailed drawings;
 - h) provision of bus stops, shelters and their ancillary infrastructure;
 - i) provision of footways connecting bus stops and rights of ways to the estate roads;

Thereafter the approved highway access works shall be implemented in general accordance with the approved plans. No phase of the site shall be occupied until the approved highway access works have been completed.

Reason: To ensure safe access to the site.

22. No building within the phases of development to the north of the A4023 Coventry Highway shall be occupied until the detailed design of the pedestrian/cycleway connection to Far Moor Lane (as indicatively shown on Drawing BMT/2116/100-06 Rev P2) has been submitted to and approved in writing by the Local Planning Authority and the approved details implemented in general accordance with the approved plans. No phase of buildings within the northern development parcel shall be occupied until the approved pedestrian/cycleway connection has been completed.

Reason: To ensure safe pedestrian/cycle access to the site.

23. No buildings within the phases of development to the south of the A4023 Coventry Highway shall be occupied until the detailed design of the pedestrian/cycleway connections to Far Moor Lane (as indicatively shown on Drawing BMT/2116/100-06 Rev P2 or BMT/2116/100-07 Rev P2) has been submitted to and approved in writing by the Local Planning Authority and the approved details implemented in general accordance with the approved plans. No phase of buildings within the southern development parcel shall be occupied until the approved pedestrian/cycleway connection has been completed.

Reason: To ensure safe pedestrian/cycle access to the site.

24. Prior to first occupation of the development hereby approved, the detailed design of the A435 Slip Roads (as indicatively shown on Drawing BMT/2116/100-08 Rev P2) shall be submitted to and approved in writing by the Local Planning Authority and the development implemented in general accordance with the approved details. No phase of buildings within the development shall be occupied until the approved highway works to the A435 Slip Roads have been completed.

Reason: In the interests of highway safety.

25. Prior to the first occupation of any building approved through reserved matters a site-wide Employment Travel Plan based upon the principles of the Framework Travel Plan hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) identify measures to promote sustainable forms of access to the site;
- b) specify targets for mode share shifts to be achieved and a time period to achieve this.

The Employment Travel Plan shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the targets of the Employment Travel Plan, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and promote improved sustainable forms of access to the site. The revised Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ensuring the use of sustainable modes of transport to and from the site.

26. As part of the submission of each reserved matters application relating to "layout" details of vehicle and cycle parking (including arrangements for persons with mobility impairments/disabilities) serving all buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved parking facilities shall be available for use prior to the first occupation of any building within that phase and thereafter retained for such parking use.

Reason: To ensure adequate parking facilities to serve the development for vehicles including for persons with mobility impairments and cycles.

27. As part of the submission of each reserved matters application relating to "layout", details of the amount, location and specification of proposed electric vehicle charging points (EVCPs) and/or associated cabling to facilitate subsequent installation of those EVCPs to be installed. The EVCPs or associated cabling shall be implemented in accordance with the approved details before each building and associated parking area is first brought into use.

Reason: In the interest of supporting the transition to a low carbon economy.

Drainage and Water Conditions

28. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Redditch Eastern Gateway Flood Risk Assessment ref. REG-BWB-EWE-XX-RP-EN-0004_FRA - November 2016 to include the following mitigation measures detailed within the FRA:

- a) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 112 l/s for the site;
- b) Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to first use of any part of the development in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

29. With the exception of pre-development ecological mitigation, archaeological investigation, and formation of temporary construction access(es), the Phase 1 Groundworks hereby approved shall not be commenced until a detailed flood mitigation scheme based on Flood Risk Assessment (FRA) Redditch Eastern Gateway Flood Risk Assessment ref. REG-BWB-EWE-XX-RP-EN-0004_FRA - November 2016, has been submitted to and approved in writing by the Local Planning Authority. It shall include the following elements:

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

The scheme shall be fully implemented prior to first use of any buildings approved under reserved matters and subsequently maintained in accordance with the approved details in perpetuity.

Reason: To reduce the risk of flooding to the proposed development and future users.

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

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

31. With the exception of ecological mitigation, **including hedgerow and tree removal** archaeological investigation works and formation of temporary construction access(es), no development shall commence within each phase until a scheme to manage and prevent any construction materials from entering or silting up the ditch network within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to ensure that silt or chemicals are intercepted and details of how the ditch network shall be repaired if any detrimental impact arises as a result of the groundworks, remediation or built construction in the relevant phase.

Reason: To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended.

Land Contamination and Emissions Conditions

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

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

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

3. Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be submitted to and approved in writing by the Local Planning Authority in advance of undertaking. The remediation scheme shall ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation

4. With the exception of any works required to carry out remediation, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without acceptable risks to workers, neighbours and other off site receptors.

33. Following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without acceptable risks to workers, neighbours and other off site receptors.

34. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without acceptable risks to workers, neighbours and other off site receptors.

35. As part of the submission of each reserved matters application, if proposed to heat water by gas for use in any of the buildings within that phase, details for the installation of Ultra-Low NO_x boilers with maximum NO_x Emissions less than 40 mg/kWh shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first occupation of any building within that phase of the development and shall thereafter be retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

Landscape and Biodiversity Conditions

36. In respect of each phase no development shall commence, including groundworks, but excluding ecological mitigation, archaeological investigation and formation of temporary construction access(es), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a) description and evaluation of features to be managed, including bat commuting routes and Ipsley Alders Marsh;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, including pre-construction checks;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implantation of the plan;
 - h) ongoing monitoring and how any remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason: To enhance biodiversity in accordance.

37. Prior to commencement of groundworks for the first phase of buildings on the northern development parcel, ~~excluding~~ with the exception of ecological mitigation, **including hedgerow and tree removal**, archaeological investigation and formation of temporary construction access(es), a scheme for the diversion of watercourse channels necessary for the development proposed shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include long sections and cross sectional plans showing the following:
- a) meandering or curved channel;
 - b) a gradually sloping bank on at least one side of the channel (tick shaped);
 - c) transfer of existing bed material from the on-site watercourses.

Reason: To maximise ecological benefit of the new channel and maintain as close as possible the natural conditions in the existing watercourses.

38. No built development within each phase shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses within and to be retained by that phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The buffer zone scheme shall be kept free from built development including lighting and formal landscaping. The scheme details shall include:
- a) plans showing the extent and layout of the buffer zone including a minimum 2.0m wide unmown or unmanaged strip directly adjacent the water course;
 - b) details demonstrating how the buffer zone will be protected over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected .

39. Prior to the installation of any external lighting within each phase of the development hereby permitted, details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in strict accordance with the approved external lighting scheme for each phase. The details to be submitted for approval shall include:
- a. a layout plan detailing the position and type of any proposed external lighting;
 - b. mounting heights and beam orientation, description and type of luminaries/lamp and angle of lighting and predicted light spill/trespass beyond the site;
 - c. proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers;
 - d. purpose of the lighting - e.g. street lighting, parking areas lighting, segregated footpath/cyclepath lighting, general amenity/security, etc.

The lighting scheme for each phase shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure that there are sufficient protection and mitigation measures to address the potential harm to biodiversity and protected species on site and in the interests of visual and residential amenity.

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