The Planning Inspectorate

Appeal Decision

Hearing Held on 8 August 2017

Site visit made on 8 August 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th October 2017

Appeal Ref: APP/Q1825/W/17/3172778
Astwood Business Park, Astwood Lane, Astwood Bank, Redditch B96 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J G Ranson against the decision of Redditch Borough Council.
- The application Ref 2016/225/FUL, dated 8 July 2016, was refused by notice dated 11 November 2016.
- The development proposed is for the construction of two new buildings: building G to be used for children's play in association with building F (class D2) and building H to have a flexible use for employment purposes in classes B1, B2 and B8. Retrospective application for the removal of earth bunding, the formation of a hardstanding area for parking, and the formation of a new surface water attenuation pond.

Decision

1. The appeal is dismissed in so far as it relates to the construction of building H to have a flexible use for employment purposes in classes B1 and B2. The appeal is allowed insofar as it relates to the construction of building G to be used for children's play in association with building F (class D2), the removal of earth bunding, the formation of a hardstanding area for parking, and the formation of a new surface water attenuation pond. Planning permission is therefore granted for development comprising the construction of building G to be used for children's play in association with building F (class D2), the removal of earth bunding, the formation of a hardstanding area for parking, and the formation of a new surface water attenuation pond in accordance with the terms of the application Reference 2016/225/FUL, dated 8 July 2016 and subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. Since the application was determined, the Council has adopted the Borough of Redditch Local Plan No.4. Consequently references within the Council's decision notice to policies of the previous Redditch Borough Local Plan No.3 have been superseded by policies of the new Local Plan. The appellant was fully aware of these changes when preparing his statement of case.

3. A signed Statement of Common Ground dated 7 August 2017 was submitted immediately prior to the start of the Hearing. This explained that the description of the proposed development had been amended prior to determination of the application by the Council to omit reference to Use Class B8. Furthermore, agreement had been reached between the parties in relation to the precise nature of the B1 use that was proposed. Accordingly, the

description of the appeal proposal can be described as the construction of two new buildings: building G to be used for children's play in association with building F (class D2) and building H to have a flexible use for employment purposes in classes B1 and B2, the removal of earth bunding, the formation of a hardstanding area for parking and the formation of a new surface water attenuation pond. I have determined the appeal on this basis.

4. During the Hearing, the appellant confirmed that he would be willing to accept a split decision were I to find any part of the appeal scheme acceptable. I am satisfied that the elements of the appeal scheme are capable of being both physically and functionally severable and I have determined the appeal on this basis.

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. I agree with the parties that the setting of the Astwood Farmhouse, a Grade II listed building would not be affected by the proposed development and that the significance of that building would be preserved.

Main Issues

6. The main issues are:

   (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);

   (b) the effect on the character and appearance of the area;

   (c) whether the appeal development would satisfy the requirements of the sequential test set out in the development plan and national policy;

   (d) the accessibility of the site location for the development as proposed;

   (e) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and the effect on openness

7. The Astwood Business Park is located entirely within the West Midlands Green Belt and within a rural location some 1.2km west of Astwood Bank village. Policy 8 of the Borough of Redditch Local Plan No.4 (Local Plan) is consistent with the Framework as it relies upon relevant paragraphs of the Framework.

8. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, these being openness and permanence. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 89. Paragraph 87 confirms that

inappropriateness is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9. It is agreed between the parties that the part of the site comprising existing buildings and extensive hardstanding areas where it is intended that proposed buildings G and H would be built would constitute previously developed land (PDL) for the purposes of the Framework. Paragraph 89 allows for the redevelopment of such land, whether redundant or in continuing use (excluding temporary buildings). In addition, limited infilling, which is not defined in the Framework, would also classify as an exception. However, these are subject to the caveat that development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

10. Furthermore, paragraph 90 identifies other forms of development that are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include engineering operations.

11. The present business park is now a large established commercial and employment site surrounded by agricultural land of undulating topography that provides a degree of containment to the site. The business park includes six buildings together with extensive areas of hard standings and car parking. Whilst the existing buildings are predominantly Class B1, B2 and B8 uses, building F comprises a highly popular and busy children's indoor play centre operated by 'Imagination Street'. In order to cater for the demand created principally by the Class D2 use, a former bund has been removed with part of the extended hardstanding and parking area together with a replacement attenuation pond provided, which has encroached into a previously undeveloped area of greenfield land.

12. Proposed building G (proposed trampoline park/D2) comprising an external floor area of 980sq.m would be sited immediately north of the existing 'Imagination Street' building F and take an 'L'-shaped form and at 8.5m to the ridge would be slightly lower than the ridgeline of building F.

13. Proposed building H (proposed flexible Use B1/B2) comprising an external floor area of 1,622sq.m would be sited within an existing hard surfaced compound area located immediately south of building A and to the west of building B. This area is presently enclosed by metal palisade fencing and used as a parking compound with outside storage.

14. In assessing the effects of the appeal scheme, whilst I have been mindful of the judgments of Timmins[1] and Turner[2] referred to me by the appellant, I am conscious that in terms of the Green Belt, the concept of openness encompasses not only its visual aspects, but also its spatial implications. In effect openness in Green Belt terms means that land within it should remain, on the whole, free from development.

Additional buildings G and H

15. The appellant advanced a case for the additional buildings on the basis that they would represent limited infilling and partial redevelopment of PDL which

[1] Timmins & Anor v Gedling Borough Council [2014] EWHC 654 (Admin)
[2] John Turner v Secretary of State and East Dorset Council [2016] EWHC Civ 466

because of their similar scale, height and design and their 'fit' within the context of the business park should therefore be treated as falling within the exceptions bullet point 6 of paragraph 89 of the Framework.

16. However, from what I saw there are significant gaps between the buildings and whilst limited infilling is not defined in the Framework, the scale, massing and solidity of the proposed buildings in this instance would fail to constitute *limited* infilling in the ordinary meaning of the word and therefore bullet point 6 of paragraph 89 in this regard is not engaged.

17. In terms of the partial redevelopment of PDL, the land on which the proposed buildings would sit currently has no buildings on it and the introduction of two large structures would have a greater impact on the openness of the Green Belt. Both proposed buildings would therefore be inappropriate development in the Green Belt.

18. However, in relation to proposed building G, the positioning of existing building F and the extensive landscaped mounding along the northern boundary would mean that the proposed new building would be unlikely to be discernible from public vantage points from the lower land immediately to the west, including from public rights of way. Even from the longer and sloping landscape to the south and south-west, proposed building G would be screened by both the building mass and height and positioning of existing buildings E and F.

19. Although an existing bridleway runs in an east-west direction immediately to the north of the business park, due to the positioning of buildings at a higher level together with existing extensive tree planting, only a very short glimpse of building G would be visible from a position immediately to the east of the access road where the bridleway passes to the north of building D. At this point, proposed building G would be set against the mass of existing building F and, at a lower overall height, would not extend into the view comprising the gap between the western corner of building F and the landscaped bund forming the boundary with Astwood Farmhouse.

20. Proposed building G would be visible only from a single vantage point and would be seen within the context of a larger building with extensive hardstanding around it. The building would be within a developed area and therefore in visual terms the erosion of the openness of the Green Belt would be limited.

21. Whilst there are buildings immediately to the east (buildings B and C) and to the north (building A), the site for the proposed building H in contrast is far more open and visible in the context of the wider landscape and its harmful impact on the openness of the Green Belt would be correspondingly greater.

Hardstanding and attenuation pond

22. These aspects of the development have been carried out and replaced a man-made bund structure which has been levelled and the spoil used as part of the consolidated hardcored surfacing. Part of the hardstanding together with the attenuation pond lies on greenfield land; the Council contends that this represents an incursion into the countryside.

23. With respect to the removal of the bund, the creation of additional hardstanding and the attenuation pond, I am satisfied that the works carried

out constitute engineering operations for the purposes of paragraph 90 of the Framework.

24. The appellant drew my attention to an appeal decision[3] involving the use of land for the parking of cars within the Green Belt. The Inspector found that the surfacing of part of the land in question would comprise an engineering operation falling as one of the exceptions of paragraph 90 of the Framework and not to be considered inappropriate as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. Although the details of this appeal are not before me, I do not disagree with the Inspector's approach as a matter of principle.

25. However, the hardstanding would accommodate a considerable number of parked cars. The use for this purpose would amount to a significant intrusion into the openness of the Green Belt and erosion of the countryside. It follows that I find the use of the extended area of land for vehicle parking to be inappropriate development within the Green Belt.

26. There are no planning objections to the extended hardstanding or the attenuation pond. These elements would not constitute inappropriate development and no adverse consequences would arise from these aspects of the proposal.

Character and appearance

27. Astwood Lane lying some 350m to the north-west contains a scattering of residential properties that front the Lane itself and provides access to several farms and former farmsteads. Despite the business park's location set within generally undulating topography containing small groups of woodland and field hedgerows, the height and massing of the existing buildings represent an incongruous and abrupt urban form in an otherwise rural landscape.

28. At the hearing the Council raised no particular concern regarding the design of the proposals and taken in isolation I find no reason to reach a different conclusion. However, the Council considers that the removal of the bund has rendered the business park visually conspicuous and prominent when viewed from the west.

29. Despite expressing concern in relation to the removal of the bund, the Council acknowledged the accuracy of the effects on the landscape as demonstrated in the appellant's visual analysis and did not contest the veracity of the methodology employed in the Landscape and Visual Impact Assessment. No counter evidence was presented by the Council with regards to landscape and visual effects or to back up claims that the development would have an adverse harm on the landscape.

30. Given the mass, bulk and height of the existing buildings behind, I am not convinced that the former bund would have offered any significant screening or softening of appearance from longer distances. I am satisfied that the extensive tree and woodland planting that is presently proposed would offer a significant enhancement in line with the requirements of Local Plan Policy 16, particularly over time as demonstrated by the appellant's assessment. On balance I consider that this aspect of the proposal would result in a considerable benefit in terms of the character and appearance of the area.

[3] APP/L3625/C/16/3157470

31. Accordingly, I do not find conflict with Policy 16 which sets out to achieve a high quality natural environment and landscape through, amongst other things, ensuring that developments protect, enhance and restore the Borough's distinctive landscape by being sympathetic to the surrounding landscape character.

Sequential test

32. The parties accepted that the sequential test should only apply to building G as constituting a town centre use. I agree that Use Class B1 and B2 uses as a matter of principle would not be required to be located within town centres.

33. Policy 2 of the Local Plan explains that Redditch urban centre should be the focus for development as it provides the highest level of services and facilities provision and offers the most sustainable location for development. Policy 43 moreover lends support to leisure proposals, including both new build and extensions or additions to existing facilities where they are located in sustainable locations, principally Redditch town centre. Policy 31 sets out the Council's vision for the regeneration of the town centre, including the Church Road/North West Quadrant area, a cleared site that was being promoted at the time of the Council's consideration of the application as a mixed use development opportunity. The Council envisages that leisure uses in support of a convenience retail store would be appropriate at this location.

34. The Framework and the Planning Policy Guidance (PPG) set out a requirement for a sequential test to be applied to planning applications for town centre uses that are not in an existing centre and explain that it is necessary for flexibility to be demonstrated in respect of matters such as format and scale when applying such a test. Local Plan Policy 27 confirms that a sequential test should not apply to small scale rural development. I consider that the development would not comprise small scale development for the purposes of this policy. A sequential test was undertaken by the appellant.

35. The Council accepts that all but one site considered would not be appropriate on the basis that they are designated employment sites and where development plan policy would normally seek their retention for employment purposes. The Council accepted that these out-of-centre sites would have the same status as the appeal site in planning terms yet would not provide the necessary parking facilities.

36. With regards to the Church Road/North West Quadrant, the appellant confirmed at the Hearing that enquiries made to the selling agents proved fruitless as the site is being marketed on the basis of seeking a national investor. Given its strategic town centre location, the appellant explained that rental levels would be in excess of what 'Imagination Street' could afford whilst what the appellant requires is essentially an extension to the present indoor play facility at Astwood Park. The site adjoins both the conservation area and a listed building. It is questionable whether a tall and utilitarian designed building that would be suitable as a trampoline park would be acceptable at this sensitive location.

37. I am mindful of the need to support town centres but from the evidence before me I am not persuaded that any suitable sites or premises are available to the appellant within the town centre.

38. Furthermore, from what I heard at the Hearing and saw of the existing temporary trampoline facility within building F, the appellant's arguments that the proposal is of a size that would only be feasible as an extension to the existing business at 'Imagination Street' was convincing. A building of the size proposed would not provide an efficient format for a standalone trampoline park. I am thus satisfied that the proposed building G could not be disaggregated and provided at an alternative site in the Borough.

39. No detailed evidence has been submitted by the Council to show how the proposed location of this particular facility would undermine or harm the vitality or viability of the Redditch town centre.

40. Consequently, on the evidence before me I am not persuaded the proposal would undermine either the vitality or viability of the Redditch town centre. Therefore, having had regard to all the matters raised I conclude that the proposed development comprising building G and its use as Use Class D2 satisfies the requirements of the sequential test set out in the development plan and national policy and would not undermine the Council's efforts to promote the town centre as a focus for development as outlined in Local Plan Policy 2 or thwart the Council's wider regeneration objectives for the town centre as set out in Local Plan Policy 31.

Accessibility

41. The Council states that the site is not in a sustainable location for the use, due to its relatively remote countryside location. Accordingly, the Council considers that the proposal conflicts with Local Plan Policies 2, 27, 19 and 20 and with the provisions of the Framework. These policies generally seek to ensure that all new development is sustainable; is accessible by different modes of travel; and is directed towards urban areas, unless a countryside location is required. In my opinion, the policies are consistent with the provisions of the Framework.

42. The Council contends that there is discord between the proposal and the Development Plan and also the Framework. In particular, there is alleged conflict with the requirement to minimise car travel and as explained above, to adopt a sequential approach to town centre uses.

43. In relation to Building G, the appellant explained that for the first two years of *Imagination Street's* existence, the business subsidised the costs of an extended local bus service. However, this service was withdrawn by the operator as it was not sufficiently patronised and uneconomic. I accept that the use is likely to attract customers from further afield than the Redditch area. Consequently, I consider it unlikely that they would use public transport to access the appeal site, even if was to be located in the town.

44. In relation to building G, the appellant explains that the present play facility depends to a large degree on family customers who arrive by car and that there are already significant linked trips associated with the existing children's indoor play facility. I agree that the additional trampoline park facility would be attractive to families with children of different age groups who might no longer have to travel to other leisure facilities to meet their family needs. Consequently, these factors would be likely to reduce the demand for car journeys.

45. Turning to building H, in the context of an existing business park containing substantial buildings, I am in agreement with the appellant that Policy 27 would be relevant. This requires, amongst other things, that proposals should not undermine the sustainability objectives of the Local Plan. The Transport Assessment confirms that traffic generation from this aspect of the proposals would be modest whilst evidence suggests that a high proportion of car sharing amongst staff occurs at this location.

46. For these reasons, I concur with the conclusions of the appellant's Transport Assessment. No substantive alternative evidence of a significant adverse impact has been supplied by the Council. I therefore find that the proposals would not give rise to unacceptable intensification of commercial uses leading to the generation of unacceptable levels of vehicle movements over and above what is presently experienced at this location and certainly not at a level that would justify this appeal being dismissed on accessibility grounds alone. Consequently, there would be no material conflict with relevant Local Plan policies or with the Framework.

Other considerations

47. The appellant has put forward a range of other considerations in support of proposed buildings G and H. Behind all of them lies the desire to ensure the long term future of Astwood Park as a highly successful enterprise where occupancy rates are currently maximised and where unmet demand exists for incoming individual businesses.

48. Moreover, the appellant suggests that the development accords with the Council's vision to create the right climate where businesses can thrive as evidenced by the ongoing support to the proposals in particular from the Council's Economic Development advisors.

49. I found the appellant's arguments in favour of Building G to be compelling. The proposal would lead to linked trips and by combining the two children's play elements, there would be a sharing of staff and management resources as well as on site facilities such as cafe facilities. I give economic factors significant weight.

50. The appellant points to the overall enhancement to the site that would emerge from the extensive landscaping proposals proposed as part of the appeal development. The woodland planting proposals would over time render the business park less prominent from vantage points to the south and provide a relatively early and effective screening of the vehicle parking in particular. I attach moderate weight to this aspect of the scheme.

51. The appellant explains that proposed building G would not be a speculative development or a new development that is unrelated to any established business at the Astwood Park. It is also maintained that the proposal would lead to linked trips and therefore reduce car journeys. I attach moderate weight to these aspects of the scheme.

Whether very special circumstances exist to justify the development within the Green Belt

52. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances.

Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

53. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposals would have limited harmful impact on the openness, permanence and purposes of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

54. In relation to Building H, there is no overriding need in economic development policy terms for a speculative proposal of the type proposed to be located at this business park and given the site's location outside designated employment areas and the evidence submitted to the Hearing of vacant business premises that presently exists I am not convinced by the appellant's arguments that the Borough is in dire need to find additional sites for such uses within the Green Belt.

55. In terms of Building H, I conclude that the harm to the Green Belt by reason of inappropriateness and the other harm identified to its openness is clearly not outweighed by the other considerations, and no very special circumstances therefore exist to justify inappropriate development in the Green Belt. In this respect this aspect would also conflict with Policy 8 of the Local Plan and with the Framework.

56. With regards to Building G however, I found that the proposal would lead to a reduction in car journeys on the one hand and make for a more efficient use of land and buildings on the other.

57. On a similar note, the parking requirements at the site is largely a product of a highly successful recreation facility that would be unlikely to succeed without the additional car parking area proposed in this appeal.

58. Accordingly, in terms of Building G and the use of the hardstanding for vehicle parking, I have concluded that these aspects of the proposal would be of considerable benefit to the rural and tourism economy and this, along with other benefits of the scheme, which I have afforded moderate to significant weight, would clearly outweigh the totality of the harm to the Green Belt. I consider this amounts to the very special circumstances necessary to justify these aspects of the proposal. These aspects of the appeal scheme would therefore comply with Policy 8 of the Local Plan and with the Framework.

Overall Conclusions

59. In the light of the above assessment, the proposed building H is unacceptable. Conversely, for the reasons stated above, I have found that proposed building G would be acceptable as well as the vehicular parking use of the extended hardstanding area.

Conditions

60. The Council has suggested a number of conditions that have been assessed against the advice contained within the PPG. I have amended some to aid clarity and omitted others in recognition that certain parts of the development have already been implemented.

61. Given that development has in part been carried out, I have deleted the suggested condition specifying the standard time limit for commencement. However, I have imposed a condition relating to the approved plans to provide certainty. As building H is not permitted by virtue of this decision, a condition is attached that specifies the scope and extent of what has been approved in this appeal to provide certainty.

62. Conditions are attached requiring the submission for approval of a landscaping scheme and details of external materials together with a requirement for their subsequent implementation in the interests of protecting the character and appearance of the area.

63. A condition requiring prior approval of foul and surface water drainage and subsequent implementation is included in the interests of protecting water quality and to safeguard the amenity of nearby residential properties. For similar reasons, a condition is imposed concerning land contamination matters. A condition is included requiring access, parking and turning movements to be carried out in accordance with the approved plans to protect highway safety.

64. A condition is included that restricts the hours when building G should be open for customers, having regard to the living conditions of neighbouring residential properties.

Final Conclusion

65. For the reasons given my final conclusion is that the appeal should be allowed in respect of building G, the removal of earth bunding, the formation of a hardstanding area for parking, and the formation of a new surface water attenuation pond. However, for the above reasons and having regard to all other matters raised, the appeal is dismissed in respect of building H.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

1) For the avoidance of doubt, this permission shall relate to the construction of building G, removal of earth bund, the formation of a hardstanding area for parking, and the formation of a new surface water attenuation pond, only.

2) The development hereby permitted so far as relevant to the permission granted shall be carried out in accordance with the following approved plans:

   Drawing number AL-01-05 Proposed Site Plan – Rev P03

   Drawing number 10507_P09B_Landscape Strategy Plan

   Drawing number 10507/P06a Site Landscape Character Areas

   Drawing number 10507/P07 1885 OS Survey Map Extract

   Drawing number 7149_A_100 Location Plan

   Drawing number AL-01-01 Existing Site Plan

   Drawing number AL-02-05 RevP01 Proposed Plan Building G

   Drawing number AL-04-10 Contextual elevations

   Drawing number AL-04-15 Proposed elevations Building G

3) No part of building G above foundations level shall be permitted to be constructed until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) The development comprising building G shall not commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority which shall be in general accordance with the Landscape Strategy Drawing No.10507/P09b . The scheme shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of building G or in accordance with a programme that has been agreed in writing by the local planning authority; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6) The development comprising building G hereby permitted shall not commence until full details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The details thus approved shall be fully implemented prior to first use or occupation of building G.

7) Unless otherwise agreed in writing by the local planning authority as part of an approved scheme of remediation development comprising building

G shall not commence until the requirements set out (i) to (vi) as follows have been complied with:

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

ii. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the local planning authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

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

iv. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must 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.

v. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority.

vi. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the local planning authority prior to the occupation of any buildings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject

to the approval of the local planning authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the local planning authority.

8) Building G hereby permitted shall not be occupied until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the local planning authority and these areas shall thereafter be retained and kept available for those users at all times.

9) Building G (Use Class D2) shall only be open for customers between the following hours:

Mondays to Thursdays: 10:00 to 18:00 hrs

Fridays and Saturdays: 10:00 to 21:00 hrs

Sundays and Public Holidays: 10:00 to 20:00 hrs

APPEARANCES

FOR THE APPELLANT:

Mrs Liz Nicholson	Associate Director, Stansgate Planning
Mr Robert Hughes	Partner Tyler Grange
Mr John Ranson	Appellant and owner of Astwood Business Park
Mr Matthew Jinks	Co-owner of Imagination Street

FOR THE COUNCIL

Mr Steven Edden	Principal Planning Officer
Ms Emma Baker	Development Plans Manager

DOCUMENTS SUBMITTED AT THE HEARING

1. Statement of Common Ground dated 7 August 2017
2. Copy of Appeal Decision APP/L3625/C/16/3157470
3. Borough of Redditch Local Plan No.4 Town Centre Inset Map
4. Copy of revised draft conditions.