

**PLANNING
COMMITTEE**

12th March 2014

Planning Application 2013/179/OUT

Outline residential development (29 no. dwellings) with associated garaging and parking; access; roads and drainage and other accommodation works.

Land Opposite The Foxlydiate, Birchfield Road, Webheath, Redditch, Worcestershire

District:

Applicant: Mr Jonathan Tomlinson

Expiry Date: 11th November 2013

Ward: WEST

(see additional papers for Site Plan)

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

Site Description

The site is approximately 0.78 hectares and is an area of enclosed grassland that has been used as a paddock. The site is bounded by the Bromsgrove Highway (dual carriageway) to the north east and north west of the site, and Birchfield Road to the south west. The site is generally enclosed with young tree planting and hedge planting. A small area within the paddock to the south east is within separate ownership and does not form part of the application site.

The site is relatively level but fluctuates in relation to the dual carriageway whereby the site is approximately 2 metres higher towards the west of the site and approximately 2 metres lower towards the east of the site with a bank of earth and tree planting providing a physical buffer between this part of the site and the dual carriageway.

Proposal Description

The outline application is for 29 dwellings with means of access, layout and scale to be considered at this stage. The proposed layout shows two means of access off Birchfield Road. The original plans submitted showed 30 dwellings, but amendments have been made to the layout reducing the scheme to 29 dwellings.

Relevant Policies:

Borough of Redditch Local Plan No.3:

CS07	The Sustainable Location of Development
S01	Designing Out Crime
BHSG05	Affordable Housing
BBE13	Qualities of Good Design
BBE14	Alterations and Extensions
BRA01	Detailed Extent of Control of Development in the Green Belt
L02	Education provision

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CT02	Road Hierarchy
CT12	Parking Standards
R03	Provision of Informal Unrestricted Open Spaces
R04	Provision and Location of Children's Play Areas
R05	Playing Pitch Provision

Emerging Borough of Redditch Local Plan No. 4

Policy 2:	Settlement Hierarchy
Policy 4:	Housing Provision
Policy 5:	Effective and Efficient use of Land
Policy 6:	Affordable Housing
Policy 12:	Open Space Provision
Policy 20:	Transport Requirements for New Development
Policy 22:	Road Hierarchy
Policy 28:	Supporting Education, Training and Skills
Policy: 39	Built Environment
Policy: 40	High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
SPD Affordable Housing Provision
SPD Open Space Provision
SPD Planning Obligations for Education Contributions SPD
SPG Encouraging Good Design
Worcestershire Local Transport Plan (WLTP)
Worcestershire Waste Core Strategy (WWCS)
Redditch Strategic Housing Land Availability Assessment (SHLAA)

Relevant Planning History

None

Consultations

Waste Management

No comments submitted.

Arboricultural Officer

The current plan incorporates as much of the perimeter hedgerow and trees as possible, as well as proposals to gap up several small sections of missing hedgerow on the western boundary opposite the pub. Furthermore, the internal layout avoids any significant incursions into the Root Protection Areas (RPAs) of boundary trees. Therefore overall the latest proposed layout is very positive in terms of screening and retention of existing vegetation.

Planning Services- Bromsgrove District Council

Comments awaited.

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Commission For Architecture & The Built Environment

No comments submitted.

Development Plans

Principle of development is compliant with NPPF and accords with emerging Local Plan No. 4 and the limited weight it can be given at this stage of its process, therefore from a planning perspective, this application can be supported.

Education Authority

If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with your Supplementary Planning Document on planning obligations for education facilities.

Area Environmental Health Officer

Having reviewed the noise climate assessment report submitted would confirm that it is technically acceptable. The use of acoustic glazing and venting are acceptable for achieving suitable noise levels in the interiors. Agree that the use of appropriate barriers along the boundaries that overlook the roads is a suitable way forward for achieving acceptable noise levels in the garden areas. Having received additional information, satisfied that suitable sound levels should be achieved in the garden areas of the proposed development.

As a result of the revised layout, understand that the side of the coach houses facing the Bromsgrove Highway will be solid brickwork with no glazing or openings. Based on this information and the previous noise report, considered that this new proposal should achieve acceptable interior sound levels.

North Worcestershire Water Management

No objections to this outline proposal in terms of drainage and flood risk providing all of the details given in this application are undertaken and considered throughout. Any changes to the proposals outlined in this application regarding surface water drainage will need to be considered and proof of the necessary percolation tests for any infiltration techniques utilised on the site will need to be provided, along with accompanying calculations, in order to ensure they will be of adequate capacity.

Housing Strategy Housing Strategy

As this scheme is to be determined through local plan 4 policies request the following affordable housing provision to be provided on site:-

8 no. dwellings (27%) comprising 5 x 2 bed 4 person houses (social rented) and 3 x 2 bed houses (Intermediate affordable housing). All social rented property will be required to meet the lifetime home standard also.

It should also be advised that any affordable housing provision is pepper potted in the development in at least 2 areas. Would also require that the affordable housing is of a design that it is not distinguishable from the open market housing on the development.

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Highway Network Control

Amendments required to ensure adequate visibility and turning heads need to be amended to ensure refuse vehicles can use them safely.

The proposed development will generate travel demand that will place demands on Redditch and Bromsgrove's local and strategic transport network (across all modes of transport). As such it is appropriate to seek financial contributions towards the strategic transport schemes identified in this area.

Leisure Services Manager

Require financial contributions towards open space provision, play space provision, and playing fields provision. Unlikely to adopt the small open space area proposed as part of the layout, so need to agree an alternative management plan.

Crime Risk Manager

Pleased to see that the revised scheme shows one parking courtyard has been removed and that the additional footpath has not been included.

Ideally the other parking courtyard would also be removed but maybe recommend a gate for the courtyard, street lighting and enhanced rear garden boundaries.

Severn Trent Water Ltd

Recommend conditions.

Urban Design Officer

The proposal is for a development at a density of 38 dwellings per hectare, which is a reasonable figure,

The layout divides the 30 dwellings into two groups, each with its own vehicular access from Birchfield Road. This is a reasonable strategy, although the two groups are very different in size, at 6 and 24 dwellings.

Within the two groups, dwellings are placed sensibly; mostly in short terraces either parallel to or perpendicular to Birchfield Road, with the exception of one terrace which is placed parallel to the sewer. The nonconformity of this terrace is successfully exploited, to reflect the external space as it is perceived from the entrance to the site from Birchfield Road.

The outline scheme proposes what could become a very satisfying rhythm of side walls to houses, facing Birchfield Road, behind the substantial existing hedgerow. The aerial perspective sketch submitted shows that these five walls (which could presumably become six with the development of the paddock) are quite diverse in form. Suggest that thought could be given to giving them some unifying common elements, to emphasise this rhythm. Part of this could be more fenestration; the drawing indicates very few windows in these side walls, but the walls face southwest, and more/bigger windows

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could admit more sunlight into the houses. Privacy would not be an issue, because of the presence of the hedgerow.

Worcestershire Wildlife Trust

So long as the landscaping allows for planting beside the noise attenuation fencing I don't see the change in height being a massive issue. More concerning is the fact that the density of development will be increased. Given that drainage is such an important issue here (in light of the downstream LWS and wider Bow Brook Project) it is imperative that there is enough space for a robust SUDS approach.

Worcestershire Archive And Archaeological Service

No comments submitted.

Public Consultation Response

2 objections received, raising the following concerns:-

The proposed site is not mentioned in the Borough of Redditch Local Plan No.3.

This proposed development opposite the Foxlydiate Hotel will add to the already congested section of Birchfield Road with the access junction onto/off the A448 Bromsgrove Highway and the B4184 Brockhill Drive and the B4096 Hewell Road.

Near the corner of this very busy junction there is a petrol garage, an MOT test centre, a tyre garage and 2 used car sales lots. All of which are used constantly as is the Foxydiate Hotel with its 2 entrances as both a pub, restaurant, Hotel and events venue. The road site entrance to the development is proposed in this congested section. The road is busy any time of the day and the traffic is always fast with little car owners adhering to the speed limit this road has become a dangerous race track, resulting in some car accidents.

The section of road for the proposed site is subject to considerable flooding. The field on the proposed site becomes waterlogged. Not only does this stretch of road encounter flooding but during snow falls this area of Birchfield Road has been impassable with cars unable to get up the hill, people abandon their vehicles and this creates mayhem.

The noise levels 7 days per week are so high because of the traffic on the Birchfield Road and from the Highway and the Foxlydiate Hotel/Pub it has become unpleasant and dangerous to work in the garden, walk along the roads around the area, more houses, with more traffic will add to the situation. The Council should consider strongly the location for the proposed build not only for the reasons mentioned above but for the people who would be resident and the noise levels they will encounter living so close to the busy highway with the busy Birchfield road sandwiched between the two locations.

Assessment of Proposal

The key issues for consideration in this case are as follows:-

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Principle

The site was designated as Green Belt in the Borough of Redditch Local Plan No.3. Policy B(RA).1 of Local Plan No.3 stated a presumption against inappropriate development in the Green Belt. Inappropriate development would have included general residential development. However, the review of the Local Plan No.3 has resulted in some Green Belt land being re-designated to meet the current housing requirement up to 2030. The draft Borough of Redditch Local Plan No.4 now shows this site designated for housing to meet the Strategic Housing Requirement up to 2030, and as such is considered to be an important material consideration.

Policy CS.7 of Local Plan No.3 also provided a sequential approach to the location of development and referred to Green Belt land as the last option for development under exceptional circumstances:-

- When all the options for locating development in sustainable locations have been exhausted.
- Where there is a clear development need.
- Where consideration of locations adjacent to the Redditch urban area on land currently designated as Green Belt, would not compromise the purposes of designating the land as Green Belt.

This policy deals with the longer term development needs for Redditch and as the end date of Local Plan No.3 has now passed, this policy is now quite relevant to determining where sustainable development should be located and is further supported by Policy 2 Settlement Hierarchy, in the draft Borough of Redditch Local Plan No.4.

The location of the application site appears to be at odds with the surrounding designated Green Belt land. However, the site potentially relates well to the Redditch urban area with its good links to nearby facilities such as local schools, shops, local road network / public transport etc. Therefore, it is considered that developing this site is unlikely to hinder the openness or the purpose of the remaining Green Belt land, and as such would potentially comply with the principles of locating development within or on the edge of the urban area on land currently designated as Green Belt. As such the proposal would comply with policy CS.7 of the Borough of Redditch Local Plan No.3. The proposal would also comply with para. 197 of the National Planning Policy Framework which encourages local planning authorities to apply the presumption in favour of sustainable development.

Whilst policies contained in the draft Local Plan No.4 hold limited weight at present (NPPF paragraph 216) the following are relevant policy considerations for this planning application:-

Policy 2 Settlement Hierarchy indicates Redditch urban area as the Main Settlement for development as it provides the highest level of services and facilities provision and offers the most sustainable location for development. As part of the Plan review process the application site has been re-designated from Green Belt land in Local Plan No.3 to land

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suitable for housing development. As such, this site falls within Redditch's urban area and development of this site would comply with this emerging policy.

Policy 4 Housing Provision requires 3,000 dwellings to be accommodated within Redditch Borough. The proposal site is identified in the Redditch SHLAA and Appendix 2 of the draft Local Plan No.4 as having potential for development albeit at a slightly lower capacity (based on 30dph) of 22 dwellings compared to the proposed scheme. For this reason the proposal would comply with this policy for delivering housing.

Furthermore, at 1 April 2013, Redditch Borough Council had a 5.99 years supply of land for housing. The application site forms part of that five year supply therefore the proposal would be delivering housing in line with the draft Local Plan.

Policy 5 Effective and Efficient Use of Land requires residential development to achieve densities of between 30 and 50 dwellings per hectare for the general urban area of Redditch Borough. This proposal potentially equates to 43.9dph, based on a net developable area of 0.66ha, as advocated in the Redditch SHLAA for the purposes of estimating site density and therefore complies with the desired density range identified in Policy 5.

The principle of residential development proposed in this application would be compliant with the NPPF and accords with draft Local Plan No.4 and the limited weight that can be given at this stage in its process. Therefore, the principle of residential development on this land is considered to be acceptable.

Layout and Scale

Whilst the proposal is an outline application, the means of access, layout and scale of development are to be considered at this stage. The layout shows two access points with a mixture of terraced, semi and detached dwellings as well as two FOGs (flats over garages). However, the number of storeys for the dwellings proposed would not exceed 2 storeys. The proposed layout also shows a small informal area of open space land in front of plot 1.

The layout has been derived as a result of several constraints on site such as a main sewer diagonally crossing the middle of the application site that has resulted in the layout being set out parallel with the line of the sewer. Also, the Bromsgrove Highway dual carriageway located to the north-east of the site generates noise and has determined the positioning of the houses to ensure that noise from the dual carriageway is minimised as much as possible to protect the amenities of the potential occupiers. Sound attenuation fencing is also proposed for the garden boundaries to reduce the impact of road noise.

The layout appears to comply with the spacing requirements set out in the Borough of Redditch SPG on Encouraging Good Design. The layout has been amended to ensure adequate garden areas particularly where existing trees overhang the garden areas. The design of the units does not form part of this application, however, an indicative streetscene has been provided in the Design and Access Statement to give a feel for

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what is hoped to be built on the site. Overall positive comments have been submitted by the Urban Designer in respect to the layout.

Landscaping and trees

The site is surrounded with tree and hedge planting except for the adjoining area of land within the paddock that does not form part of the application site. Tree planting exists around the perimeter of the site that bounds the dual carriageway, and a dense quality hedgerow bounds Birchfield Road. Some of this hedgerow would be removed in order to provide the access points.

Every effort has been made to retain the tree planting that bounds the dual carriageway as the trees concerned provide an important screen / noise barrier between the potential dwellings and dual carriageway. The layout plan has been amended to ensure adequate garden space for the plots whilst retaining these trees. However, full landscaping details would be considered at the reserved matters stage.

Highways and access

The proposal shows two means of access off Birchfield Road. The one access would serve 23 units located opposite the car park entrance to The Foxlydiate public house whilst the other access that would serve 6 units would be close to where the gate access is located to the paddock. The two access points would require the removal of established hedgerow planting.

The access has been amended to ensure acceptable visibility for the development and to ensure that refuse vehicles can adequately use the turning head. County Highway Network Control has requested a financial contribution that would go towards general highway improvements in the Borough. This would form part of a Section 106 Agreement. Negotiations are still being held between colleagues and the applicant / agent in respect to this matter and that the contribution is reflected in respect to the works relevant for the development concerned. further details will be provided at the meeting.

Noise Issues

Considering the good links the site has to the urban area, it is surprising that the site has not been earmarked for development before now. However, it is probably likely that the close proximity of the site to the dual carriageway has made it an unfavourable site for development. However, the review of the Local Plan has resulted in this site being considered for development. Officers initial concerns to the proposal related to the close proximity of housing to the dual carriageway. Worcestershire Regulatory Services (WRS) has been included in pre application discussions through to the submission of this application. Due to the location of the proposed housing, and careful positioning of potential windows and vents etc. as well as acoustic barrier fencing, the positioning of the proposed housing to the dual carriageway is considered to be acceptable from a noise level viewpoint for the potential occupiers. In addition, WRS has no objections to the proposal.

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Planning Obligations

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters as well as Highways:-

Affordable Housing Provision - Due to the number of dwellings proposed, a provision of affordable housing is required. Given that the site has been allocated as a potential development site under the emerging Local Plan No.4, policies from the emerging Local Plan would apply including policy 6 Affordable Housing which requires a 30% affordable housing provision instead of 40%. The applicant is agreeable to providing a total of 8 dwellings on site for this provision. 5 x 2 bed 4 person houses (social rented) and 3 x 2 bed houses (intermediate affordable housing).

Education - Due to the type and number of dwellings proposed, there will be a need for a contribution towards local education facilities in accordance with the SPD on planning obligations for education facilities. The applicant is agreeable to providing a financial contribution to cover this matter.

Waste Core Strategy - The applicant is agreeable to paying a financial contribution to cover the cost of wheelie bins that will be required for the development.

Open Space Provision - Under the Open Space Provision SPD the provision of unrestricted open spaces, provision of children's play areas, and provision of playing pitch facilities need to be provided for the scale of this housing development. A small area of unrestricted open space would be provided on site and maintained by the developers. A landscape management plan will need to be submitted and agreed to ensure the adequate maintenance of the open space provided on site. The outstanding shortfall of open space provision will need to form part of a financial contribution to provide a new facility or enhance existing facilities. The applicant is agreeable to providing a financial contribution for the shortfall to cover unrestricted open space. In addition, the applicant is agreeable to providing a financial contribution to cover playing pitch provision and equipped play area provision.

Conclusion

The principle of residential development proposed in this application would be compliant with the NPPF and accords with draft Local Plan No.4 and the limited weight that can be given at this stage in its process. The layout of the proposal appears to comply with the Council's SPG on Encouraging Good Design. In addition, the proposed layout addresses any potential noise issues that could arise due to the close proximity of the dual carriageway to the site.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to:-

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

- The on-site provision of affordable housing,
- A financial contribution for the provision of highways.
- A financial contribution for the provision of education.
- A financial contribution for the provision of waste management.
- A financial contribution for open space provision.
- A financial contribution for playing pitch provision.
- A financial contribution for children's play provision.
- A landscape management plan for the open space provided on site;

and

2) Conditions and informatives as summarised below.

Conditions:/Reasons for Refusal

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
- (i) the expiration of three years from the date of the grant of outline planning permission; or
 - (ii) the expiration of two years from 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.
- (c) The matters reserved for subsequent approval include the following:-
- Appearance and landscaping.

Reason: In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

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

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Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) The development hereby approved shall be implemented in accordance with the plans to be defined.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 4) Prior to development commencing, full details of proposed noise mitigation measures as well as a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first beneficial occupation of the development.

Reason: In the interests of residential amenity and in accordance with National Planning Policy Framework.

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

Reason: To ensure the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the street scene and in accordance with Policies B(BE).13 and S.1 of the Borough of Redditch Local Plan No.3.

- 6) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be 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 the development.

Reason: To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 7) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 m above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway, (measured perpendicularly), for a distance of 70 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be

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planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and in accordance with National Planning Policy Framework.

- 8) The Development hereby permitted shall not be brought into use until the access, turning area (if applicable) and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

- 9) Development shall not commence until the engineering details and specification of the proposed roads and highway drains have 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: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and in accordance with the National Planning Policy Framework.

- 10) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to, and approved by, the Local Planning Authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and in accordance with the National Planning Policy Framework.

- 11) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005: Guide for Trees in relation to Construction, and such protection measures shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

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

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12) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between:

- 0800 to 1800 hours Monday to Friday
- 0900 to 1200 hours Saturdays

and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

Informatives

- 1) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 2) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 3) If it is the Developer's intention to request the County Council, as a Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to Worcestershire County Council. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 4) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues

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throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181

- 5) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement and is a major application with a positive recommendation. As such the application falls outside the scheme of delegation to Officers.