

PLANNING COMMITTEE

4th March 2020

Planning Application 19/01616/FUL

Creation of 4no. apartments above existing stores; new A5 Unit together with associated internal works

R Z Stores, Costers Lane, Winyates East, Redditch, B98 0NH

Applicant: Mr Sarwar
Ward: Winyates Ward

(see additional papers for site plan)

Case Officer: Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The site consists of a detached brick built single storey supermarket building (RZ Stores). Vehicular access to the site is via Costers Lane to the north. A grassed play space area is situated immediately to the west. The playing area is designated as 'Primarily Open Space' within the Borough of Redditch Local Plan No.4.

Proposal Description

Permission is sought to build an extension above the existing shop / supermarket in order to accommodate 4 no. two bedroomed flats. The extension would provide accommodation over two storeys. Materials to be used in the construction of the extension would be brick (walls) under a tiled pitched roof. Amenity space is proposed to be provided to the rear (south) of the building which would be enclosed by means of a 2 metre high brick wall with railings. The existing shop / supermarket has a gross floorspace of 204m². A hot food takeaway is proposed to be formed by creating a small single storey extension (15m²) and then changing 20m² of the existing shop floor to A5 use. As such, the proposed A5 (hot food takeaway) would have a gross floor space of 35m².

An extended car park (12no. new spaces) is also proposed to provide improved car parking for the shop and parking for occupiers of the proposed flats.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 5: Effective and Efficient use of Land
Policy 13: Primarily Open Space
Policy 16: Natural Environment
Policy 19: Sustainable Travel and Accessibility
Policy 40: High Quality Design and Safer Communities

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Others

NPPF National Planning Policy Framework (2019)
Redditch High Quality Design SPD

Relevant Planning History

2006/041/FUL	Construction of four one bed flats above the existing supermarket and new car park	Approved	02.05.2006
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Consultations

Arboricultural Officer

Comments summarised as follows:

No objections raised, providing retained trees and their root protection areas (RPA) are protected during the construction phase in accordance with BS5837:2012 using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials should take place within the within the RPAs of any retained trees and any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.

No objections to the proposed removal of the hedge on the boundary of the proposed new Car Park Area and Goodrich Close, subject to the planting of the (heavy standard) 7no. European Hornbeam trees at 3 metre centres.

Police Crime Risk Manager

No objection

WCC Highways

No objections subject to the imposition of conditions pertaining to the provision of cycle parking; an electric vehicle charging point; a Construction Management Plan. Relevant highway informatives are recommended for inclusion.

The justification for this decision is provided as follows:

The site is located in a sustainable location off an unclassified road. Costers Lane benefits from street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops.

The existing store benefits from approx. 4 car parking spaces and a loading area on the frontage. A similar arrangement is being provided for the retail and proposed A5 element which is acceptable.

The applicant has provided 12 car parking spaces for the proposed residential element. In accordance with WCC car parking standards a minimum of 2 car parking spaces per apartment would be the requirement. Therefore this provision is acceptable.

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Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be an unacceptable impact on the highway network and therefore there are no justifiable grounds on which an objection could be maintained

Worcestershire Regulatory Services

No objection. The proposed commercial kitchen air supply and extraction systems, including odour and fume mitigation measures would need to be in line with Defra / EMAQ+ guidance

Public Consultation Response

2 representations have been received in support of the proposal for the following reasons:

- The proposal should be viewed positively and would benefit the area. The creation of flats is welcomed since there is a lack of good apartments in the Borough
- The flats would overlook areas of public open space which would increase natural surveillance of the area and would deter anti-social behaviour

10 representations have been received in objection for the following reasons:

- Concerns regarding loss of light to existing dwellings
- The development would be imposing in appearance
- Loss of outlook and privacy
- Noise, litter and antisocial behaviour would increase
- Lack of notification / communication with the local community
- Increase in traffic
- Increase in air pollution
- There are enough hot food takeaways already in the vicinity
- Parking proposals would result in a loss of green space
- Loss of habitat for Wildlife

Other matters which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application

Assessment of Proposal

Principle of development

As detailed in the planning history above, consent was granted in 2006: (2006/041/FUL) for the erection of four one bedroomed flats above the existing store. That scheme was never implemented and was allowed to expire. Amenity space to serve the proposed flats was to be formed in a location similar to that proposed under the current application, and as is the case with the current application, an extended car parking area was to be created beyond the south west corner of the existing supermarket. The current

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application differs from application 2006/041/FUL in that the four flats to be erected would all be two bedroomed (not one bedroomed) and a hot food takeaway is proposed to be created.

The majority of the site is not designated for a specific use ('white land') where application proposals are considered on their individual merits. In this respect there are no in principle objections to the proposed development. A small part of the proposed car parking area falls within an area designated as Primarily Open Space (POS) within the adopted Borough of Redditch Local Plan. Policy 13 discourages the loss or partial loss of open space land unless it can be demonstrated that the need for the development outweighs the value of the land. In this case, a bay of 6 car parking spaces measuring approximately 75 m² would be lost from the POS. It is considered that given the relative small loss when compared to the quantum of POS which would be retained, this is not significant considering the merits of the application holistically.

Housing Land Supply

As referred to with respect to recent reports presented to the Planning Committee for new residential development, currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. At 1st April 2019 the 5 year housing land supply was only 3.29 years.

Paragraph 11 of the National Planning Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the framework is engaged and the presumption in favour of sustainable development, as set out in the Framework applies. Where relevant policies are out of date, Paragraph 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Significant weight should be afforded to the fact that the scheme would contribute to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

Design and density considerations

Section 12 of the NPPF relates to the achievement of a high standard of design in new development, and states that design quality should be considered throughout the evolution and assessment of individual development proposals. Policy 40 of the Local Plan comments that good quality design should contribute towards making the Borough a better place to live, work and visit.

Representations have been received commenting that the proposed increase in the height of the building would appear incongruous. The height of the existing single storey RZ stores building measures 5.4 metres to the highest part of its pitched roof. By creating an additional floor of accommodation above the building, the scheme approved under the 2006 consent measured 8 metres to the highest part of its pitched roof. The proposed

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scheme would increase the height of the building further, to a maximum height of 10 metres by creating additional rooms in the roof space including the introduction of dormer windows. Surrounding development comprises predominately 2 storey dwellings and therefore it is considered that increasing the height of the existing building is acceptable in principle.

The Council's spacing standards require that a minimum distance of 21 metres be achieved where existing rear windows face towards proposed rear windows. The nearest dwellings are numbers 1 to 4 Kilpeck Close. Front elevations of those properties face due west with rear windows and gardens facing due east. As reported to members in the 2006 Planning Committee report, the shortest distance between proposed habitable windows and existing is 18 metres. However, the 21 metre distance as referenced in the Council's High Quality Design SPD only applies in a rear to rear scenario rather than a front to rear situation.

A separation distance in excess of 32 metres would exist between rear windows serving numbers 3 to 5 Cardington Close (to the north) and the north face of the proposed building (facing Costers Lane) with a distance of 27 metres existing between the proposed development and the front elevation serving No.27 Goodrich Close (to the south).

Your officers are satisfied that the height of the proposed development and also its design would be appropriate having regard to the context of the site and therefore the proposed residential element to this application would accord with the requirements of the NPPF and also Policy 40 of the Local Plan in terms of design quality. The small single storey A5 use extension would match the form and appearance of the existing building and is similarly considered to be acceptable.

The NPPF requires local planning authorities and developers to make effective use of previously-developed land, especially if this would help to meet identified needs for housing where land supply is constrained.

Section 11 of the Framework emphasises the importance of making effective use of land, and with respect to density, Para 123 comments that:

"Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site"

The proposals are considered to comply with Policy 5 of the Borough of Redditch Local Plan (Effective and efficient use of land).

Highway considerations

Members will note the comments received by Worcestershire County Highways who believe that the scheme is acceptable having regard to highway safety considerations.

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Costers Lane benefits from street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, a bus route and bus stops.

Parking for the proposed flats would meet the requirement for two bedroomed flats (2 spaces per flat) and car parking to serve the development as a whole would be increased.

Residential amenity considerations

A communal amenity space measuring 190 square metres would be provided for residents to the rear (south) of the building which would be secured by means of a brick wall and railing boundary treatment. Further, residents would have direct access to the existing area of POS directly to the west of the site.

Your officers are satisfied that no loss of residential amenity to existing residents would result from granting permission.

Worcestershire Regulatory Services have raised no objections and the proposed extraction systems would be conditioned and monitored by WRS.

Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission.

Letters received in objection to this application suggest that anti-social behaviour would increase. No evidence has been advanced to substantiate these claims however and the Police Crime Risk Manager has raised no objection to the application.

Your officers would concur with one of the representations received in support of the application which comments that the flats would overlook areas of public open space which would increase natural surveillance of the area and would deter anti-social behaviour.

Trees and hedgerows

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

The Councils Arboricultural Officer has raised no objections to the development subject to the imposition of relevant planning conditions and no objections are raised to the proposed removal of the hedge and scrub planting on the boundary of the proposed new car park area and Goodrich Close, subject to the planting of 7 (heavy standard) European Hornbeam trees at 3 metre centres. The proposed trees would both improve the quality of landscaping in this area and would also offer better natural surveillance of the car park area.

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Other matters

Many surrounding residents have suggested that the application has been inadequately publicised. Your officers would comment that 17 letters were posted to nearby occupiers and a notice was displayed in the shop window. As such, appropriate publicity of the application in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has taken place.

Sections 100ZA (4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant.

Conclusion

As referred to earlier in this report, the Council cannot currently demonstrate a five year supply of housing. Significant weight should be afforded to the contribution the scheme would make in this respect. Account should be taken of the opportunities the development would create for local businesses in the construction of the development and the fact that a small A5 use would help support the viability of the existing store as a sustainable community asset.

Having regard to the presumption in favour of sustainable development set out within the Borough of Redditch Local Plan No.4 and the National Planning Policy Framework and in the absence of justifiable reasons to refuse the proposed development, subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to their first installation, 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

- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drg No 0242_001
Drg No 0242_002
Drg No 0242_003
Drg No 0242_004
Drg No 0242_005
Drg No 0242_006
Drg No 0242_007

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

- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details 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.

Reason: In the interests of the visual amenity of the area

- 5) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. 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 sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area

- 6) All retained trees and their Root Protection Areas must be protected during the construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees and any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.

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

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- 7) The Development hereby permitted shall not be first occupied until the proposed car park has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 8) The Development hereby permitted shall not be first occupied until secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards and to promote sustainable travel

- 9) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of measures to prevent mud or other detritus being carried onto the highway, details of site operative parking areas, material storage areas and the location of site operatives facilities, adherence to construction working hours of 8am-6pm Monday to Friday and 8am-1pm on Saturdays with no construction working on Sundays. The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

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

- 10) Prior to installation a scheme for the installation of odour control equipment shall be submitted to and approved by the local planning authority in writing and the scheme implemented in accordance with the approved details. Such equipment shall be operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of neighbour's amenity and the visual amenity of the street scene.

- 11) Prior to occupation of the development, full details of refuse storage facilities 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.

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Reason: In the interests of providing adequate refuse storage capacity in a visually acceptable manner. To ensure refuse storage is reasonably accessible to facilitate the collection of refuse from the development.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) This 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 Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received. Further, the application proposes an A5 use. As such the application falls outside the scheme of delegation to Officers.