



Planning Committee

Various Wards

9th September 2008

APPLICATIONS FOR PLANNING PERMISSION

(Report of the Acting Director of Environment and Planning)

1. Purpose of Report

To determine the attached applications for planning consent.

2. Recommendation

The Committee is asked to RESOLVE that

having regard to the development plan and to other material considerations, the attached applications be determined, the Committee having considered the recommendations indicated in each individual report, or subsequent update report.

3. Financial, Legal, Policy and Risk Implications

- 3.1 Financial : None.
- 3.2 Policy : As detailed under each individual application.
- 3.3 Legal : Set out in the following Acts:-
Town and Country Planning Act 1990
Planning and Compensation Act 1991
- 3.4 Others : Human Rights Act
Crime and Disorder Act.
- 3.5 None identified.

Report

4. Background Papers

Planning application files (including letters of representation).
Worcestershire County Structure Plan 1996 - 2011.
Borough of Redditch Local Plan No. 3.

5. Consultation

Consultees are indicated for each individual proposal.

6. **Other Implications**

Community Safety:	See specific reports.
Human Resources:	None.
Social Exclusion:	None: all applications are considered on strict planning merits regardless of status of applicant.
Sustainability:	See specific reports.

7. **Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning and Building Control), who can be contacted on extension 3219 (e-mail: ruth.bamford@redditchbc.gov.uk) for more information.

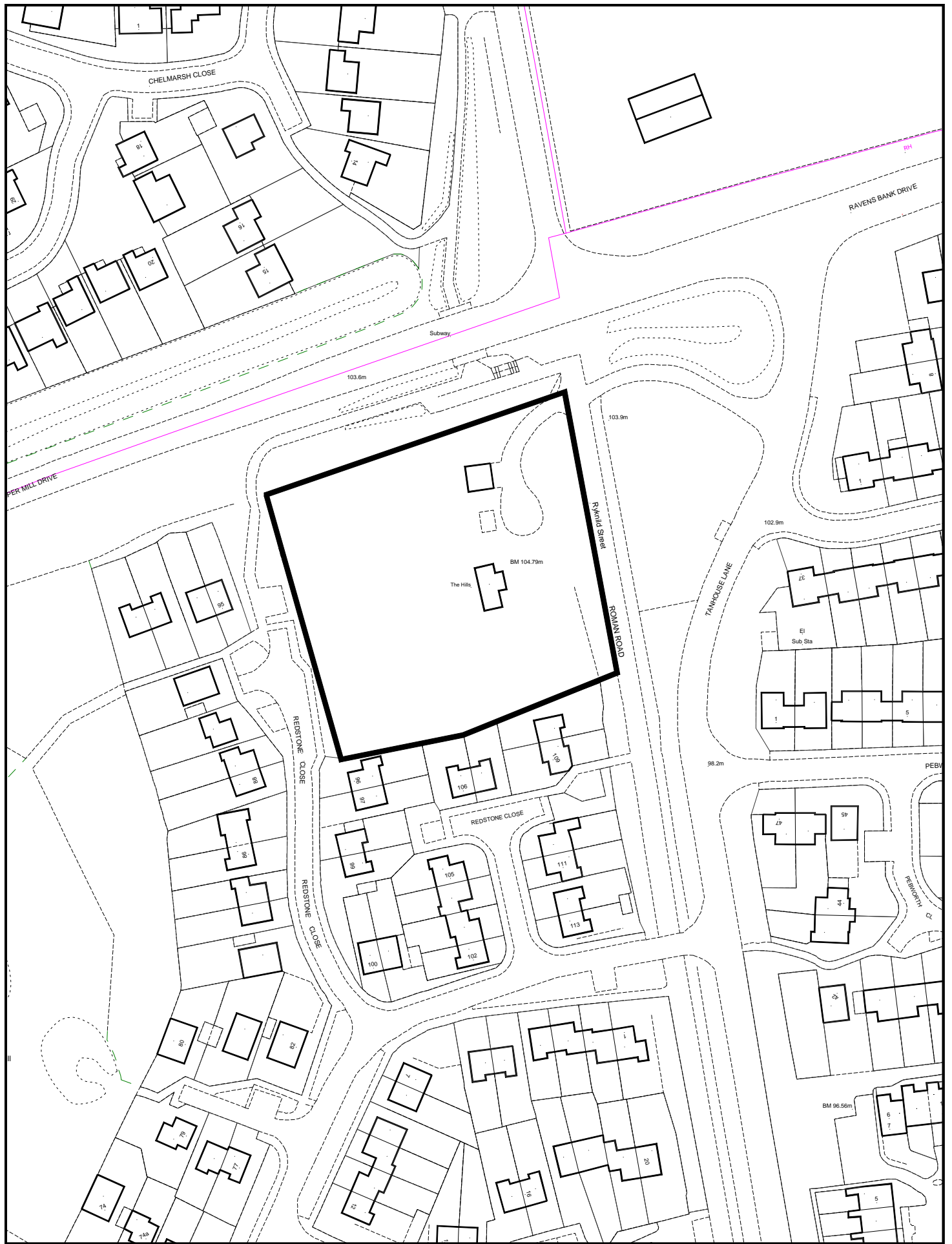
8. **Appendices**

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Appendix 2 - Applications.

Update reports (to follow - under separate cover)

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**2008/225/FUL ERECTION OF FOURTEEN DWELLINGS
THE HILLS, TANHOUSE LANE, CHURCH HILL NORTH
J VARNEY BUILDERS
EXPIRY DATE: 7TH OF OCTOBER 2008**

Site description

The site lies to the west of Tanhouse Lane and is accessed from an access road off Tanhouse Lane just south of the junction of Tanhouse Lane with Paper Mill Drive. The access road crosses a wide, grassed highway verge.

The site is currently vacant, having previously contained a single large dwelling until recently when the site was cleared. It is now fenced off with typical construction site fencing. The site is bounded on all sides by substantial mature trees and shrubs and adjacent to the eastern boundary is the course of the Roman Road, which currently has hard surfacing and is maintained as a footpath and cycleway. The road is bounded on either side by an avenue of mature protected trees.

To the south, east and west of the site are residential areas typical of the new town of Redditch in suburban style and mainly of brick and tile construction, some with half timber style detailing, and mostly with front driveways and gardens to front and rear. To the north of the site is a highway verge and bank sloping down to Paper Mill Drive, a district distributor road.

Proposal description

The proposal shows that the existing access to the site would be retained and used, and a cul-de-sac development of 14 dwellings - a mix of detached and semi-detached - would be formed, with dwellings facing north, south and east. These would all have back gardens towards the boundaries of the site and face inwards towards each other.

The dwellings would have 2 storeys and be of brick and tile with some projecting gable elements treated in half timber style detailing. All plots would have off -street parking to the front; some dwellings would have garages either attached or detached. Most would have bay windows to the front and canopy style porches.

The application is supported by a Design & Access Statement, a completed West Midlands Sustainability Checklist, agreement to enter into a planning obligation (but no solicitors details), a Secured by Design Statement and an Energy Statement. Other information has also been requested, including a tree survey, however this has not been forthcoming.

Relevant key policies :

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development
PPS3 Housing
PPG13 Transport

Regional Spatial Strategy

UR4 Social infrastructure
CF4 The reuse of land and buildings for housing
CF5 Delivering affordable housing and mixed communities
QE3 Creating a high quality built environment for all
T7 Car parking standards and management

Worcestershire Country Structure Plan

SD3 Use of previously developed land
CTC5 Trees, woodlands and hedgerows
D5 Contribution of previously developed land to meeting the housing provision
IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS3 Use of previously developed land
CS6 Implementation of development
CS7 Sustainable location of development
S1 Designing out crime
B(HSG).1 Housing provision
B(HSG).4 Density of development
B(HSG).5 Affordable housing
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling
B(BE)2 Archaeological and historic sites and structures
B(BE).13 Qualities of good design
B(NE).1a Trees, woodland and hedgerows
B(NE).4 Noise
B(NE).6 Contaminated land
B(NE).9 Flood risk and surface water drainage

CT1	Access to and within development
CT4	Travel plans
CT5	Walking routes
CT6	Cycle routes
CT12	Parking standards

SPDs

Encouraging good design.

Designing for community safety.

Planning obligations for education contributions.

Open space provision.

Affordable housing.

The site is covered by a blanket New Town TPO although all of the protected trees remain around the perimeter of the site rather than within it where they may become constraints.

The site is undesignated within the Local Plan, however the adjacent Roman Road and large grassed highway verge are designated as Primarily Open Space.

Relevant site planning history

None.

Public Consultation responses

Responses in favour

One response in support of the proposal has been received from the CPRE, seeking confirmation of the requirement for a full tree survey and the potential for contributions towards the surrounding bridleway network.

Consultee responses

County Highway Network Control

No objection subject to provision of off-site highway (S278) works prior to occupation and contributions towards improvement of highway subway to north of site and provision of bus shelter on Tanhouse Lane to serve the site.

Environmental Health

No objection subject to conditions regarding potential contaminated land, hours of construction and lighting.

Arboricultural Officer

None received.

Drainage Officer

None received.

Crime Risk Manager

No objection subject to conditions regarding boundary treatments, landscaping and its maintenance, hard surfacing and lighting.

Severn Trent Water

No objection subject to a condition regarding drainage details.

Bromsgrove District Council

None received.

County Footpath Officer

No objection.

County Education

Confirmation of need in this location for contributions to be sought as per SPD.

Ramblers Association

No objection providing that footpath 821 is not obstructed during construction.

Procedural matters

Technically, a demolition determination application should have been submitted prior to the demolition of the previous dwelling on the site, however there is no mechanism for a retrospective application and therefore no action can be taken to rectify this situation. (This is not a material consideration when determining this application)

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development, its density, design and layout, landscaping, highway and access safety, impacts on the historic environment and archaeology, its sustainability, any contaminated land issues, the requirement or otherwise for a planning obligation and any other material considerations.

Principle

The principle of locating residential development within the urban area of Redditch on previously developed land such as this is considered to be acceptable and in compliance with local and national planning guidance. However, this is not sufficient of itself to result in a favourable outcome, as this remains subject to the details being considered acceptable.

Density

The proposal would result in development at a density of 25dph, which is significantly below the guide range of 30-50dph contained in both Local Plan Policy B(HSG)4 and in PPS3. Further, the policy framework suggests that developments should both make efficient use of land and be sympathetic with the character of the surrounding development. Areas of development adjacent to the site to the west, south and east are in the region of 36-45dph, and as such present a more efficient use of land. Thus there appears to be no justification for the proposed development having such a low density and this is of concern.

To create a development that achieved the standard 30-50dph on this site, 16.5- 27.5 (17-27) dwellings would be required. It is considered possible that a proposal, both meeting the required amount of development and yet remaining sympathetic to the site and its surroundings, could be sustained on this site.

Design and layout

Policy requires that the appearance of the proposal, its layout and separation distances be considered, in terms of within the site and in context with surrounding built form. The design of the proposed dwellings is not dissimilar to those of surrounding dwellings, particularly in Redstone Close, and therefore these are considered to be sympathetic to the character of the area and compliant with Local Plan Policy.

However, as a result of the inefficient use of the site, the layout of the proposal is considered to be out of character, as it comprises large plots and dwellings with large footprints relative to those in the surrounding area. The proposal is therefore considered to be contrary to policy requirements in this regard and would be likely to cause harm to the area by creating an alien and bulky form of development unlike any other nearby built form.

Landscaping and trees

The boundaries of the site are well planted with mature trees and shrubs, and beyond the site are some significant protected trees. No details of how these would be retained and/or maintained/replaced have been provided and therefore it is not possible to consider the impacts of the proposal on these in order to ensure that the development would be secure, safe and visually acceptable.

A full tree survey has been requested but not received, and its absence therefore prevents full consideration of the proposal against policy requirements with regard to impacts on protected trees.

Highway and access

Policy requires that safety, parking spaces (their quantity and size), and the use by non-car travellers be considered. There are no concerns regarding the parking provision and access arrangements proposed within the site as

these all appear to comply with the relevant adopted standards. Whilst there are some issues which need to be resolved in relation to the access to the site, these can be dealt with by the highways authority using other legislation separate from the planning process. These relate to the width of the adjoining carriageway and the access arrangements where the road crosses the Roman Road footpath. This latter element needs to be carefully designed and clearly marked to ensure pedestrian and cyclist safety at all times, especially when crossing the path of vehicles.

No travel plan has been submitted with this application, or other indication of how the sustainability potential of the site would be maximised. This therefore does not allow full consideration of these matters, and is considered to be a missed opportunity when sustainability is central to the planning system.

The highway officer has noted that a contribution towards the upkeep of the nearby pedestrian subway and towards the provision of a new bus shelter would also be required in this instance in order that the network is provided to a suitable standard and does not suffer as a result of any potential increased usage resulting from the proposed development. These improvements would also help to encourage their use, and therefore increase sustainability in the area.

Historic environment and archaeology

Comments from expert consultees are awaited in this regard and therefore any additional information will be reported on the Update paper. However, it is not considered likely that the proposed development would compromise the integrity of the historic environment due to the separation and boundary treatments between this and the application site.

Sustainability

The site lies within the urban area of Redditch and is well served by public transport and footpath/cycle networks such that it is considered to be sustainable and in compliance with one of the central aims of the planning system - to reduce the use of the private car. Given these considerations, the site is an appropriate location for residential development.

Contaminated land

Despite it previously having been used for residential purposes, the Environmental Health Officers have noted nearby land uses and previous uses that may have had an impact on the quality of the soil at this site and, as such, conditions would be required to ensure that the development occurred in accordance with any necessary mitigation etc. in order for the proposal to comply with policy.

Planning obligation

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation:

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools - Abbeywood First, Church Hill Middle and Arrowvale High;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD;
- If the proposal were for any more units than are proposed, this Council would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy. Therefore in this case, it is considered that the inefficient use of the land has resulted in a lost opportunity to provide additional affordable housing in line with policy requirements. Had the threshold been reached in the proposed development, this would have also been included in the agreement to ensure the retention of the units for this purpose in perpetuity.

Other issues

It is not considered that there is sufficient policy basis to request contributions towards the provision and maintenance of the bridleway network in this area, or that the proposed development would generate sufficient use to justify this, and therefore such contributions are not sought.

Conclusion

Despite the legislative presumption in favour of development, it is considered that significant elements of the proposal are not compliant with policy and therefore that the proposed development would be likely to cause harm to amenities and interests to such an extent as to warrant recommending the refusal of the application.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

1. The proposal would result in a density of development of 25dph and thus would result in an inefficient use of land contrary to Policy B(HSG)4 of the Borough of Redditch Local Plan No.3. and PPS3 Housing.

2. The inefficient use of the land would also result in the lack of provision of affordable housing, contrary to the Borough housing needs assessment and resulting in an undersupply contrary to Policies B(HSG)5 and B(HSG)1 of the Borough of Redditch Local Plan No.3 and the SPD Affordable Housing.
3. The lack of an undertaking to make a contribution towards public open space, pitch and play provision, public transport infrastructure, education provision and to ensure the provision of affordable housing on the site is contrary to the requirements of Policies CS6, C(T)1, C(T)5, B(HSG)1 and B(HSG)5 of the Borough of Redditch Local Plan No.3 and SPDs Open space provision and affordable housing. Therefore the proposed development would result in an increase in the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site, and a lack of a range of sizes and types of housing to meet the needs of the whole community.
4. The layout of the proposed development, due to the size of the proposed dwellings and plots and the enclosed and separate nature of the site, would be out of character with the established pattern of higher density development within the area and as such the proposal is contrary to Policies B(HSG)6 and B(BE)13 of the Borough of Redditch Local Plan No.3.
5. Insufficient information regarding trees, archaeology, transport and travel has been provided to allow the full assessment of the proposal relative to Policies B(NE)1a, B(BE)2, CS4



2008/254/FUL

**ERECTION OF A CLASS A1 STORE EXTENSION, ADDITION OF MEZZANINE FLOOR AT FIRST FLOOR, NEW ENTRANCE, SINGLE STOREY DECKED CAR PARK, REPLACEMENT PETROL FILLING STATION KIOSK, REMOVAL OF CAR WASH, ALTERATIONS TO CAR PARK & INTERNAL LAYOUT (RELOCATION OF BUS PICK-UP/DROP-OFF POINT). REPLACEMENT ATM'S & OTHER ASSOCIATED WORKS. J SAINSBURY'S SUPERMARKET LTD, ALVECHURCH HIGHWAY, REDDITCH
EXPIRY DATE: 27TH OF OCTOBER 2008**

Site description

Existing large site forming part of retail park adjacent to Alvechurch Highway, and accessed from roundabout where the Highway meets Middlehouse Lane. The application site includes the existing Sainsbury's petrol filling station (PFS) and also the existing store and car parking area. However, it does not include the other retail units on the retail park. The small roundabout does lie within the site, where all traffic entering the site arrives, and turns left for Sainsbury's/fuel or right for the other retail units (Homebase/Allied Carpets).

The Sainsbury's store is of brick and tile construction, with large, sparsely landscaped surface parking area. It is a typical retail outlet, with large pedestrian area to frontage, including trolley storage areas. The parking area rises gently to the southern end of the site, where it joins Fishing Line Road, and where there is currently an emergency/bus access.

The boundary of the site with the large roundabout and Alvechurch Highway is planted and thus the site is well screened from passing traffic. To the west of the site are residential properties which front onto Birmingham Road. Their rear gardens back onto the rear of the existing store.

Proposal description

The proposed development has several elements to it which would form a general refurbishment and improvement to the existing provision of services on the site:

- The extension of the existing store forwards and to the southern side, to provide:
 - a) Mezzanine to provide additional WC facilities, with new café provision at first floor. (Limited first floor level accommodation is proposed, not a whole additional storey).
 - b) Extension of existing sales area into current café area.

- c) Front extension to provide covered ATMs, travelators between floors, and general ancillary atrium facilities including lifts and stairs.
- d) Level access into store from both car park deck levels.

The total new floor area would be 2498m², of which 1309m² would be for additional trading area. The front elevation would be altered to remove the existing dummy gables and provide useable space instead. The overall design of the proposal is similar to that of the remainder of the existing store, and simply eliminates the gables.

- The addition of a decked car park above the existing to the front of the store, and the re-arranging of the existing parking areas to accommodate an additional 36 spaces to give a total of 474 spaces. Lighting to both car park levels is also proposed and lockable barriers to the parking areas and stair accesses for use out of hours.
- The alteration of the layout of the site and particularly vehicle circulation within it to improve access and safety. Vehicles would leave the roundabout on the Alvechurch Highway and flow round to their left around the perimeter of the site, with the option of a right turn lane into the PFS or to continue south into the store car park. An additional loop between the two would be provided to accommodate the recycling facility, with spaces for those using it, and with a small quantity of staff parking. Vehicles would all exit driving past the back of this facility and then turning right at the existing mini roundabout on the site. Cars seeking to access the other elements of the retail park would proceed as now, unaffected. Deliveries to Sainsbury's would also remain as currently operational.
- The bus service would access off the main roundabout, flow round the PFS and then turn right to a dedicated bus stop lay-by with shelter, and then leave the site turning right at the mini roundabout to gain access to the main roundabout on the Highway.
- The PFS would be reorganised 90° round, so that vehicles would turn into the PFS and face Allied/Homebase when at the pumps, with the kiosk between the pumps and the main access road in. A filter lane would assist their exit out to the left of the kiosk and into the access road toward the mini roundabout, which they would go right round and then leave the retail park site. This arrangement also accommodates an additional two filling pumps, as well as separating the PFS traffic from the store traffic. The PFS would have a new canopy roof and kiosk, of brick construction. Two screened jet wash bays would also be provided.

- The proposal is likely to result in around 50 new jobs being created at the store

The application is accompanied and supported by a Planning & Retail statement, Design & Access statement, Transport statement and Travel Plan Framework document.

Relevant key policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk
www.wmra.gov.uk
www.worcestershire.gov.uk
www.redditchbc.gov.uk

National planning policy

PPS1 Delivering sustainable development.
PPS6 Planning for town centres.
PPG13 Transport.

Regional Spatial Strategy

PA13 Out of centre retail development.
QE3 Creating a high quality built environment for all.
T1 Developing accessibility and mobility within the region to support the spatial strategy.
T4 Promoting travel awareness.
T7 Car parking standards and management.

Worcestershire Country Structure Plan

T1 Location of development.
T3 Managing car use.
D31 Retail hierarchy.
D32 Preferred locations of large scale retail development.
D33 Retailing in out of centre locations.
SD1 Prudent use of natural resources.
SD2 Care for the environment.
SD4 Minimising the need to travel.

Borough of Redditch Local Plan No.3

CS1 Prudent use of natural resources.
CS2 Care of the environment.
CS3 Use of previously developed land.
CS4 Minimising the need to travel.
CS7 The sustainable location of development.

S1	Designing out crime.
B(BE)13	Qualities of good design.
B(BE)14	Alterations and extensions.
B(BE)19	Green architecture.
B(NE)5	Pollution implications of development.
E(EMP)3	Primarily employment areas.
E(EMP)3a	Development affecting primarily employment areas.
E(TCR)1	Vitality and viability of the town centre.
E(TCR)4	Need and the sequential approach.
E(TCR)11a	Retail sales at petrol filling stations.
E(TCR)12	Class A3 uses.
C(T)1	Access to and within development.
C(T)7	Public transport infrastructure.
C(T)10	Traffic management.
C(T)12	Parking standards.

SPDs

Encouraging good design.
Designing for community safety.

The site is designated as part of a Primarily Employment Area within the Local Plan, which includes the whole retail park and some industrial and commercial units to the south of the site.

Relevant site planning history

2002/584	Extension of existing supermarket and erection of associated decked car park	Approved (inc.S106)	13/02/2007
2003/144	Totem and canopy signs	Withdrawn	1/10/2003
2003/145	PFS refurbishment	Withdrawn	15/07/2003
2003/491	Advert resubmission	Approved	26/11/2003
2004/040	Various advertisements	Approved	16/03/2004
2007/179	PFS refurbishment	Withdrawn	21/03/2007
2007/185	Advertisements at PFS	Approved	22/05/2007
2008/063	Replacement totem sign	Approved	14/03/2008

Application 2002/584 was for additional sales area and a three storey decked car park, but did not include any additional facilities or a mezzanine or any alterations to the PFS.

Public Consultation responses

No responses received.

Consultee responses

County Highway Network Control

No objection subject to conditions, informatives and a planning obligation for off site enhancements to the transport network

Environmental Health Team

No objection subject to conditions relating to the PFS.

Development Plans Team

No response received.

Retail consultant

Comments to be reported on Update.

Drainage Officer

No response received.

Tree Officer

No response received.

Crime Risk Manager

No objection subject to conditions regarding various details such as lockable areas, CCTV details, lighting of parking areas and PFS safety.

Severn Trent Water

No objection subject to conditions regarding drainage provision and sewer access.

Procedural matters

Whilst the previous approval could also be implemented currently and is therefore a material consideration in the determination of this application, if the current proposal is considered to be compliant with policy and unlikely to cause significant harm to amenities or safety, then the legislative presumption in favour of development should apply.

Assessment of proposal

The key issues in the consideration of this application are the principle of the development, the design and visual impact of it, the suitability of the parking and access details, sustainability and any items required through a planning obligation.

Principle

The site is designated for employment generating uses, most of which fall within Class B of the Use Classes Order. Therefore, other proposed uses, such as this for A1 retail use, needs to address the relevant criteria of Policy E(EMP)3. The site is already in use for retail purposes, and has been for approximately 20 years, and therefore the retail use of the site is accepted. The sustainability of the use is considered below, and the applicant has confirmed that approximately 50 additional jobs would result from the proposed extensions and alterations. It is therefore not considered appropriate to insist on new employment (B class) uses on this site.

The proposed development needs to be considered in terms of the policy tests set out in the national planning framework and then in more detail in the Borough Local Plan. Whilst new retail proposals not located within the town centre are required to demonstrate (using the sequential test) that there are no more suitable sites nearer the town centre, the tests relating to the extension of an existing store are less rigorous and dependent on the floor area of the proposal. In non town centre locations, sustainability and access to the site by a variety of modes of transport should also be available. However, in this case, due to the size of the proposal additional information regarding alternative locations and impact on existing retail facilities has been sought and received. The applicants have demonstrated that there are no alternative sites where new retail provision could be located adequately and that the floorspace sought is ancillary to the existing retail provision on this site.

Given the information provided, and the policy considerations, it is considered in this case that it is acceptable to extend the existing store in this location, and that it would not have any detrimental impacts on any other retail facilities within Redditch. Access and sustainability are considered further below.

Given all these factors, and the existing use of the site it is considered acceptable for the current site to be improved and extended.

Having considered the principle of the development, the remaining elements must now be considered:

Design and visual amenity

The proposed design of the store extension and the new PFS is considered to be appropriate to the existing store and the other retail units on the site. It is not considered that the proposals would have any greater impact on the visual amenity of any residential properties, as it would not be visible from any. The nearest residential properties are on Riverside, and they are at a sufficient distance, with existing good quality screening such that there would be minimal additional visual impact from the proposed development.

Parking, access and highway safety

The parking provision (type, quantity and quality), the safety of the access and the internal circulation within the site should all be considered in relation to the relevant policy documents.

The table below gives details of the numbers of spaces proposed relative to policy requirements:

Space type	Max standard	Proposed	Difference
Car spaces	530	474 customer 20 staff	-36
Disabled spaces	26	24	-2
Cycle spaces	53	TBC	-
Motorcycle spaces	26	TBC	-
Lorry spaces	3	2	-1

It is clear from this table that the proposal complies with the adopted parking standards, and it is therefore considered to be acceptable in this regard.

Whilst no cycle and motorcycle parking provision has been shown, it is considered that details of these could be required by condition attached to any consent granted. Therefore, these are not considered to be a significant matter of concern.

The re-arranged access from the Alvechurch Highway roundabout is considered to be a benefit, as it would improve access to the site and thus prevent congestion backing up onto the highway. It would also aid in separating vehicles accessing the superstore, those accessing the PFS and those accessing the other retail park units. The additional PFS capacity would also assist in this.

The closure of the access onto Fishing Line Road is considered to be a benefit to residents in Birmingham Road as it will prevent unintentional use and access and thus remove traffic from this area, reducing noise and disturbance to neighbouring residential properties in the area. The retail park site as a whole does not exceed 5ha, and therefore there is no

requirement to retain an emergency vehicle access onto Fishing Line Road, and therefore it is considered acceptable that the existing access point be extinguished.

The pedestrian and vehicular circulation routes through and within the site are also considered to be safe and direct and thus are beneficial to all users of the site.

The delivery arrangements remain as existing for HGVs, with additional space to the rear for online shopping delivery vehicles and are therefore considered to be acceptable.

Sustainability

The site lies within the urban area of Redditch and is therefore considered to be in a sustainable location. The site is accessible to a variety of modes of transport including walking, cycling and public transport, and is therefore considered to comply with the sustainable objectives of the planning system.

Planning obligations

The previous approval was subject to a S106 planning obligation requiring various infrastructure improvements. These were improvements to the subway leading to Lydham Close, Riverside, improvements to the footpath from the retail park to the roundabout, the provision of a safe pedestrian crossing between Sainsbury's and the Allied Carpets site, a contribution towards a cycleway on Fishing Line Road and highway signage improvements.

Due to the scale and content of the current proposals, it is now considered that these infrastructure enhancements would still be required in relation to the current policy framework, and therefore these are still sought. The applicants have indicated their willingness to enter into an agreement to provide them and the necessary documents are being drawn up.

Other issues

The conditions requested to be attached by Severn Trent Water are not considered to meet the tests set out in Circular 11/95, as the drainage details are covered by Building Regulations and the Sewerage details would be dealt with by STW under the Water Industry Act. However, an informative is recommended to remind the applicant that they need to comply with all the relevant legislation in this regard.

Conclusion

The proposed development is considered to be compliant with current policy and unlikely to cause significant harm to amenities, safety or other retail interests within Redditch, and is therefore recommended favourably.

Recommendation

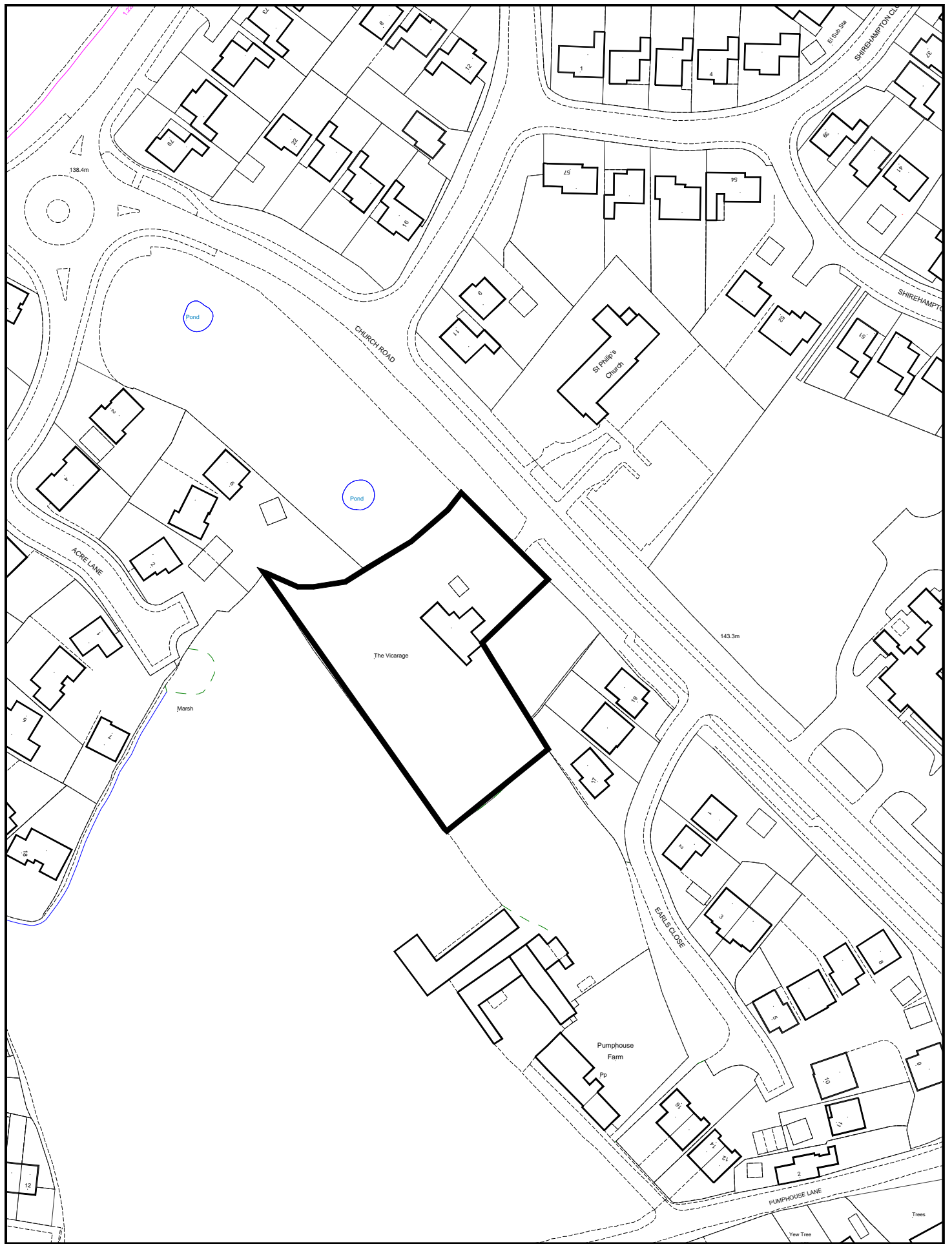
Officers are seeking an either/or resolution from Members in this case as follows, in that Officers would carry out whichever of the two recommendations below applied. Members should note that each of the two recommendations has two parts to it:

1. **That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to:**
 - a) **a planning obligation ensuring that contributions are received towards subway improvements, roundabout surfacing and highways improvements; and**
 - b) **the following conditions:**
 1. Commencement within three years
 2. Permission to be implemented in accordance with the plans and details submitted
 3. Opening hours of store and PFS restriction (0800-2200)
 4. Uses as specified and not for any other, even those within the same Use Class
 5. Parking and access to be completed prior to occupation of extended store
 6. Bus shelter to be provided prior to occupation of extended store
 7. Hard and soft landscaping details to be submitted and agreed
 8. Hard and soft landscaping implementation timing restriction
 9. Construction hours on site (to protect nearby residential amenity in Birmingham Road)
 10. Fishing Line Road vehicle access to be fully stopped up prior to occupation of extended store
 11. Materials to match existing on store and to be agreed for PFS
 12. Parking during construction to be agreed
 13. Details of phasing of development to be provided and agreed to ensure customer safety and vehicle accessibility during construction
 14. No external storage on the site at all at any time
 15. Cycle and motorcycle parking provision to be agreed prior to commencement of development, implemented prior to the

- occupation of the extended store and retained available for use for the lifetime of the development
16. Travel plan to be submitted prior to commencement of development and agreed and implemented in accordance with included programme
 17. Details of car park and stair well security gates/barriers and their locking to be submitted, agreed, and implemented once structures on site and thereafter for lifetime of development
 18. CCTV details to be submitted and agreed
 19. Parking lighting details to be submitted and agreed to ensure safety
 20. PFS security and safety details (secured by Design) to be submitted and agreed
 21. Environmental health conditions
 22. No external storage to occur in the delivery area
 23. This consent not to be implemented alongside elements of any previous consent
2. a) **In the event that the planning obligation cannot be completed by 27 October 2008, Members are asked to delegate authority to officers to REFUSE the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and**
- b) **In the event that the planning obligation cannot be completed In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Building Control to GRANT planning permission subject to the conditions stated above as amended in any relevant subsequent update paper or by Members at the meeting.**

Informatives

- i) Adverts may need separate consent, except where replacing existing
- ii) As requested by STW
- iii) For advice on Secured by Design contact Crime Risk Manager
- iv) S106 to be read in conjunction with consent
- v) No mud to be deposited on highway during construction



RESERVED MATTERS APPLICATION - DEMOLITION OF EXISTING VICARAGE AND ERECTION OF RESIDENTIAL DEVELOPMENT OF 6 HOUSES.

**THE VICARAGE, CHURCH ROAD, WEBHEATH
CHANCERY TWO LTD
EXPIRY DATE: 22ND SEPTEMBER 2008**

Site Description

The application site is the existing Vicarage and lies between Earls Close to the south and Acre Lane to the northwest. To the southwest there are open fields. It is a well screened site, bounded by mature hedgerows and also trees protected by Tree Preservation Order 71. The existing Vicarage sits in the centre of the application site and is accessed directly from Church Road.

Proposal Description

Outline approval was granted in 2006 for 6 new dwellings and a replacement Vicarage. All matters such as siting, design, external appearance, means of access and landscaping were not approved at the outline stage.

The dwellings consist of 4 different house types but all comprise of 5 bedrooms with some rooms having en-suite facilities, integral garages, living room, kitchen, and study facilities. Access to the site is the same as that shown on an indicative layout plan submitted under the outline application, although amendments have been made to the access arrangements to enable the scheme to be considered favourably by County Highway Network Control.

Relevant Key Policies:

National Planning Policy

PPS.3 Housing.
PPS.9 Biodiversity & geological conservation.

West Midlands Regional Spatial Strategy

CF2 Housing beyond Major Urban Areas.
CF3 Level and Distribution of New Housing Development.
CF5 The re-use of land and buildings for housing.

Worcestershire County Structure Plan

D.5 The contribution of previously developed land to meeting the Housing Provision.
D.43 Crime Prevention and Community Safety.

CTC.5 Trees, Woodlands and Hedgerows.
T.4 Car Parking.
IMP.1 Implementation of Development.

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good design.
B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling.
B(NE).1A Trees, Woodlands and Hedgerows.
B(NE).11 Protection of species.

Supplementary Planning Guidance on Encouraging Good Design (SPG)
Supplementary Planning Document Designing for Community Safety (SPD)

Relevant Planning History

2005/154	Outline application for 7 dwellings with all matters reserved	Approved subject to conditions and S106	25/05/2006
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Constraints

A Tree Preservation Order exists on the site.

Consultee's Comments

Neighbours/Site Notice/Press Notice

3 letters of objection have been received raising the following concerns:

Plot 3 looks like it will be overlooking properties on Acre Lane (top floors) and will be of a visible height with it being 2½ storey. There is wildlife in the trees on the land intended for development including owls, woodpeckers, bats etc. Concerns relate to the welfare of adjoining trees to Acre Lane, and the great crested newt habitat.

Worcestershire County Council, Schools Information and Planning Section - Children's Services.

Note that this is a reserved matter application and that a Section 106 Agreement was completed under the outline permission in May 2006. Therefore, additional contributions are not necessary under this application.

Worcestershire Wildlife Trust

No comment at the time of drafting report.

Severn Trent Water Ltd

No comment at the time of drafting report.

Crime Risk Manager

No comment at the time of drafting report.

Countryside and Biodiversity Section

No comment at the time of drafting report.

Arboricultural Officer

No comment at the time of drafting report.

County Highway Network Control

No formal comments at the time of drafting report.

Environmental Health

Having examined the proposal would suggest that the following issues be considered and recommend following conditions to any consent granted:-

Noise

- Construction times condition be imposed.

Light Nuisance

- External artificial security lighting should be compliant with current guidance.

Outdoor Nuisance

- No burning of materials on site.
- Measures be incorporated to prevent migration of dust beyond the site boundary.

Assessment of proposal

The application is a reserved matter application for a scheme that was granted outline approval (05/154) in 2006. This reserved matters application only seeks approval for 6 of the new dwellings approved under the outline application 05/154. Therefore, the principle of residential development has been considered and approved at the outline stage and only detailed matters are being considered under this application. The proposal raises the following issues:

Design of the dwellings

The dwellings are large and plot 3 in particular is a 2½ storey house type. Concerns have been raised in respect to this matter and potential overlooking. The spacing between the rear windows at second floor level of plot 3 and properties in Acre Lane is approximately 45 metres and exceeds the Council's minimum distance required under SPG on Encouraging Good Design. (Minimum distance is 22 metres). However, Officers have concerns about the design of this particular house type and particularly the dormer windows at the rear of this plot which look overly fussy. Negotiations are being held to resolve this matter and progress will be reported on the Update paper.

Also some of the plots show an outline of a possible conservatory but no elevational details are provided for this aspect of the development. Should the proposal be approved there could be confusion as to whether planning permission has been granted for the conservatories. Officers would be reluctant to create a grey area on this matter and negotiations are being held for this detail to be either removed from the plans or that all details of the possible conservatories be provided now on the elevations of the proposed house types.

Other than the above matters, the general designs of the house types are acceptable. In addition, the garden areas for the plots comply with the Council's SPG on Encouraging Good Design even if the conservatories remain as part of the proposal.

Trees

There are a substantial number of trees on this site, some of which are protected by a Tree Preservation Order. It is understood from the plans submitted that most of these trees will be retained and form part of the overall development. Some plots have been shifted further away from the trees to ensure that the scheme does not affect the health and stability of the trees concerned, although some light pruning of overhanging branches will be required for some of the plots.

However, the plans submitted do not accurately detail all of the trees within the site. For instance, some trees along the site boundary adjacent to the neighbouring newt habitat area could be retained as part of the development, but are not shown in anyway on the plans not even clarifying as to whether the trees are intended to be removed. Also, canopies of two large trees are shown on the layout plan, but these trees have been removed (legitimately) quite some time ago. However, showing the canopy spread of these trees provides a misleading impression of the overall scheme. Clarification is necessary to resolve these matters. Comments are also awaited from the Council's Arboricultural Officer and further details will be provided on the Update paper.

Comments have been submitted by neighbours regarding the trees with concern relating to removal of trees and impact on wildlife.

Newt Habitat Area

Members will be aware that a newt habitat area exists outside the application site to the north west. Under the outline application it was negotiated that a 2 metre wide wildlife corridor strip be provided within the application site on the north western boundary. The purpose of the wildlife corridor is to enable any straying newts that may enter the site from the habitat area to move down the corridor towards the adjoining fields to the west of the site and away from any potential dangers. A dotted line is shown on the plans but no other information has been submitted in terms of boundary treatment. This area does not form part of the rear garden space of the proposed plots. However, there is concern as to how this wildlife corridor will be maintained, and how it can be prevented from forming part of the rear gardens of the proposed plots in the future. Further clarification is sought on this matter and additional boundary treatment details will be necessary. Clarification on the long term maintenance of this corridor will be required to ensure it is used as intended in perpetuity. Comments are awaited from the Council's Countryside and Biodiversity Section and Worcestershire Wildlife Trust on this matter.

General Wildlife

Comments have been made by neighbours regarding the wildlife in the area. This matter has been resolved at the outline stage when the principle of residential development was sought. A bat survey was submitted under the outline application and as a result of the findings, an appropriate condition was imposed on the outline approval.

However, further guidance from the Council's Countryside and Biodiversity Section and Worcestershire Wildlife Trust are awaited on this matter.

To conclude, there are a number of matters that need to be resolved under this reserved matters application. However, so long as these details can be adequately resolved and appropriate amended plans be submitted, it is considered that the proposed development is acceptable.

Recommendation

Subject to the matters noted above being addressed to the satisfaction of officers, it is recommended:

That having regard to the development plan and to all other material considerations it is recommended that authority be delegated to the Acting Head of Planning and Building Control, to grant planning permission subject to an adequate conclusion to matters regarding

plot 3, trees, the newt habitat wildlife corridor, and subject to the following condition: -

- 1) Development to commence within time limit on outline consent.

Informative

- 1) The applicant is advised that the conditions imposed under outline planning approval reference 2005/154 need to be discharged as part of this development.