

**PLANNING
COMMITTEE**

1st February 2012

PLANNING APPLICATION 2011/258/FUL

ERECTION OF A PETROL FILLING STATION INCLUDING FORECOURT SHOP, CANOPY AND 8 PUMPS, CAR WASH, CAR CARE FACILITIES, CAR PARKING, OFFSET FILLS AND ASSOCIATED PLANT AND LANDSCAPING

TEARDROP SITE, BORDESLEY LANE, REDDITCH

**APPLICANT: SAINSBURY'S SUPERMARKETS LTD
EXPIRY DATE: 8TH NOVEMBER 2011**

WARD: ABBEY

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(See additional papers for Site Plan)

Site Description

Existing area of undeveloped land adjacent roads and roundabout at northern end of town, on main road network. The site is grassed with some tree and shrub growth. It is bounded to the west by the Alvechurch Highway, to the east by Bordesley Lane (leading to the Abbey Stadium), to the south by Millrace Road as it leaves the roundabout and to the north by the remainder of the undeveloped parcel of land known as the tear drop site.

Proposal Description

The application has been amended since its original submission and the amended proposal for consideration proposes the development of a Petrol Filling Station (PFS) on this site, accessed from the south end of Bordesley Lane via a slip road or a proposed new right turn lane if approaching from the north. Egress from the proposed PFS would be onto Bordesley Lane north of the crematorium exit. This would allow for a flow of traffic into, through and out of the site in a one way direction. The application proposes 8 petrol filling pumps, with a canopy above. A kiosk building for payment with a small retail sales (A1) area would be provided, with a jet wash area adjacent. Customer parking spaces served by facilities such as air and water would be located to the north west end of the site. Landscaping is proposed to the boundaries of the site, retaining as much of possible of the existing and planting where appropriate. The forecourt design would allow for 16 cars to fill with fuel at a time, with space available for a further 32 to queue within the site and off the highway.

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The application is supported by a Design & Access Statement, a planning statement, a transport assessment, a statement of community involvement, a contaminated land assessment, a revised Arboricultural impact assessment and method statement, a tree survey schedule, a flood risk assessment and a phase 1 ecological assessment.

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

PPS4 Planning for sustainable economic growth

PPS9 Biodiversity & geological conservation

PPG13 Transport

PPS23 Planning and pollution control

Regional Spatial Strategy

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

Worcestershire County Structure Plan

T1	Location of development
T3	Managing car use
D31	Retail hierarchy
D33	Retailing in out of centre locations
SD1	Prudent use of natural resources
SD2	Care for the environment

Borough of Redditch Local Plan No.3

CS1	Prudent use of natural resources
CS2	Care of the environment
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

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B(NE)3	Wildlife corridors
E(TCR)11a	Retail sales at petrol filling stations
C(T)12	Parking standards (& appendix H)
R7	North West Redditch Master Plan

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Designing for community safety

Emerging Policies

The government has recently published its draft National Planning Policy Framework document (NPPF). Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

It is not considered in this case that this policy direction is significantly different from that in the other Development Plan documents that are relevant to this decision, and therefore is not referenced further due to it having only little weight at this stage.

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy' (January 2011).

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies.

The designation of the tear drop site in the local plan has been carried forward into the core strategy largely as it was, and therefore there is no change to the approach to this proposal as a result of the core strategy.

Relevant Site Planning History

None on this site, however it should be noted that permission for a hotel and restaurant has recently been granted on the adjacent site to the north under reference 2011/296/FUL.

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Public Consultation Responses

Responses against

Four comments received raising the following points:

- Contrary to policy – not a leisure use
- Inappropriate use of site
- PFS is unsightly
- Traffic flows on Bordesley Lane are not consistent due to cemetery/crematorium uses
- Bordesley Lane should be widened and opened up at northern end
- Will worsen the difficulty entering the roundabout from Millrace Road
- Increase in traffic
- Existing on-street parking would disrupt traffic flows
- Needs to be good screening/planting
- Loss of trees to boundary of site disappointing
- Loss of mature landscaping
- Loss of existing habitats
- Would affect setting of Bordesley Abbey
- Noise impact on cemetery/crematorium
- Would affect archaeology on site

Consultee Responses

County Highway Network Control

Amended proposals are considered to be acceptable and unlikely to cause significant harm to highway safety subject to conditions and informatives

Development Plans

The proposal would encourage economic growth in the town, and could be considered to be ancillary to the other leisure uses within the teardrop site. Ancillary retail uses are identified in the site designation policy as acceptable on this site, however the criteria in the PFS policy have not been met in full. (Other disciplines should also be consulted as usual)

Land Drainage Officer

No objection subject to conditions and informatives

Arboricultural Officer

The site includes two mature oak trees worthy of retention, and the proposals include their retention and maintenance to an acceptable standard. Other matters of ecological and biodiversity interest have also been catered for adequately in the supporting documentation, therefore no objection subject to conditions.

WRS Environmental Health

No objection

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County Archaeologist

No current evidence of likelihood of significant remains on site, so no objection subject to condition regarding methodology for excavation of site and recording any items found that are of archaeological interest

Crime Risk Manager

No comments received

Severn Trent Water

No objection subject to a condition regarding drainage details

Environment Agency

Standing advice addressed by Land Drainage Officer

Assessment of Proposal

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

Principle

The site is designated in the local plan for leisure and recreational uses including uses such as hotel, restaurant and sports provision and the policy is carried forward into the draft core strategy. The policy also allows for ancillary uses to these main uses, including retail.

The use as a petrol filling station is a sui generis use, which does not fall within a defined use class and must therefore be considered on a case by case basis. Similarly, land has not been designated specifically for such a use in Redditch.

The use of this part of the tear drop site for a PFS would still allow the uses specified in the policy to be provided to the north, which already benefit from planning consent and it is also considered that a PFS would be ancillary to such recreational uses. On balance, it is therefore considered that this use is acceptable in this location.

The retail use on site is a small shop of 117m² which would operate in conjunction with the PFS and ancillary to it. The applicants have indicated that they would accept a restriction that it could only be used when the PFS is in operation in order to prevent it becoming a retail destination in its own right. It is considered that the small size of the retail offer, combined with the minimal quantity of on street parking and location away from significant customer bases is such that the retail unit on the site would on balance be acceptable. Its main function is clearly to deal with the payments made for the fuel to be purchased on the site. The uses specified in policy R7 as acceptable on this site include ancillary retail provision, and therefore it is considered unnecessary to address further the detailed criteria of policy E(TCR)11a which relates specifically to the provision of new PFSs.

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It is therefore considered that the principle of this use on this site is acceptable, subject to the details as considered below.

Design and Layout

The design of the built form on the site is considered to be acceptable, as it would be of aluminium and glazing in a modern style. It is relatively small and thus not dominant in views of the site, and would be appropriate relative to other built form which is visible in the area. As such, it is considered to be acceptable.

Highways and Access

The revised layout allows for a one-way through flow of traffic, without cars being boxed in when parked at pumps. It has a significant queuing capacity which is retained off the highway, and as such it is considered to represent a safe and appropriate form of development. It has only four parking spaces on site, one of which is marked as for disabled, and it would be likely to discourage use of the shop as a destination due to the minimal provision. Staff might also park in these spaces, as they are the only ones provided. The spaces for air/vacuum and the jet wash are considered to be in acceptable locations, which are accessible and of suitable size.

The access and egress arrangements are such that any disturbance to other road users has been kept to a minimum – the access and queue capacity would prevent queues tailing back onto the highway and the egress would not take priority over vehicles leaving the cemetery/crematorium site. These arrangements are all considered to be designed appropriately to allow for the safe use of the site and the surrounding road network, and therefore are compliant with policy.

Landscaping, Trees and Ecology

A survey has been provided of the current natural environment on the site, demonstrating what is worthy of retention and could be retained whilst still achieving an acceptable design solution for the PFS. There are two mature oak trees worthy of protection, which would be retained as part of the buffer along the northern boundary with the adjacent site. This would provide a wildlife corridor and a natural buffer, as well as retain important mature landscaping. Some new tree and shrub planting, as well as grass, is proposed to the perimeter of the site adjacent to Millrace Road and the roundabout, to soften the appearance and improve the biodiversity of the site. These measures and the associated details in the reports and surveys that have been submitted are all considered to be satisfactory, and therefore these elements of the proposal are in accordance with the policy framework.

Sustainability

The site is within the urban area on a main road junction such that it would minimise additional trips to seek fuel, or unsustainable trips to less accessible locations, and as such is considered to be acceptable in this regard.

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Other issues

The Environmental Health Officers have raised no concerns regarding noise from the proposed development, and it is therefore not possible to substantiate any concerns that have raised in this matter.

The Archaeology Officer has requested that a condition be attached to any consent granted to cover the method of recording any archaeological items of interest that might be found during construction. This is considered to be appropriate and is included below.

Whilst Bordesley Abbey is in close proximity to the site, the intervening vegetation is such that views across to it from this site are minimal, even in winter, and therefore it is not considered that the proposed development would cause any harm to its character or setting.

The applicant has stated that the site would operate between 0600-2300 Monday-Friday, 0600-2200 Saturdays and 0800-2200 Sundays. However, due to the location of the site, it is not considered necessary to restrict these hours, as there are no amenities in close proximity to the site that would be prejudiced by its operation. However, for the policy reasons above, it is recommended that a condition be imposed that the shop not trade when the PFS is not open to the public.

It is acknowledged that the granting of consent for this proposal could result in the provision of two PFSs in close proximity, off different arms of the same roundabout. However, in practical terms it is recognised that this proposal is seen as a replacement for the current PFS within the Sainsbury's store site, and that the two would not operate in tandem. However, given the policy framework, as this proposal is considered to comply with policy then this would be an unavoidable situation as it would be unreasonable to withhold this consent. As the existing PFS is outside the site boundary of this application, it is not possible to impose any restrictions on it as part of this consent.

Conclusion

The proposed use is not specifically identified in the policies relating to developments on the wider development site of which the application site is part, however it is considered to be an appropriate ancillary use that meets the relevant policy objectives and there are no material considerations identified that would outweigh this. It is therefore considered that the proposed development is acceptable in policy terms and it would be unlikely to cause substantial harm to amenity or safety, subject to the imposition of appropriate conditions.

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Recommendation

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

1. Time limit for commencement of development (3 years)
2. Shop not to be open to the public if PFS is not open to the public
3. Materials/finishes to be agreed
4. Hard landscaping materials to be agreed
5. Soft landscaping to be implemented and maintained as per submission
6. Tree protection as requested by Arboricultural officer
7. Archaeology recording condition
8. As requested by highways
9. As requested by STW
10. As requested by Drainage Officer
11. Approved plans specified
12. Development to occur in accordance with ecological mitigation strategy
13. Updated tree protection and assessment details to be provided and agreed

Informatives

1. Reason for approval
2. As requested by highways
3. As requested by STW
4. As requested by Drainage Officer
5. Other consents from other government agencies such as Natural England may also be required in relation to this development. It is the responsibility of the developer to ensure that all legislation is complied with in the course of the development.

Procedural Matters

The matter is reported to the Planning Committee for determination as it is recommended for approval and has more than one objection to it. The report is largely as reported on 1st February 2012, when it was deferred to seek the attendance of highway Officers to clarify the proposals and their impact on the surrounding highway network.

It should be noted that application 2011/219/FUL for a store extension and re-arranged car park layout without a PFS was granted in autumn 2011. Whilst it is likely that the two applications are related in practical terms, in considering this planning application the existing consent at the store site is not relevant, as noted above.