

**PLANNING  
COMMITTEE**

18th July 2012

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**PLANNING APPLICATION 2012/132/S73**

**REMOVAL OF CONDITIONS 19-24 OF PLANNING PERMISSION  
2011/258/FUL AND REPLACEMENT WITH TWO CONDITIONS  
SPECIFYING WORKS TO RIVERSIDE ROUNDABOUT**

**TEARDROP SITE, BORDESLEY LANE, REDDITCH**

**APPLICANT: SAINSBURY'S SUPERMARKETS LTD  
EXPIRY DATE: 17TH JULY 2012**

**WARD: ABBEY**

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

**(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**

Planning application 2011/258/FUL was for the 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. It was reported to the Planning Committee for determination, and following deferral for further information, was approved subject to additional conditions at member request.

This application seeks to remove conditions 19-24 of that planning permission and replace them with two alternatives. The conditions to be removed are:

- 19) Prior to the occupation/use of the development hereby permitted engineering details of the egress on to the main roundabout to be two lanes wide for a minimum of 30m shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

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- 20) Prior to the occupation/use of the development hereby permitted engineering details of the left hand lane to be protected by a continuous white line and have a minimum acceleration distance of 50m towards Redditch shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 21) Prior to the occupation/use of the development hereby permitted engineering details of the single lane for Birmingham-Redditch traffic shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 22) Prior to the occupation/use of the development hereby permitted engineering details of the reinstatement of the central lane of the traffic island shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 23) Prior to the occupation/use of the development hereby permitted engineering details of the means of separation of PFS and Birmingham traffic shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

- 24) Prior to the occupation/use of the development hereby permitted the Alvechurch Highway traffic island shall be resurfaced, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway and in accordance with PPG13.

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And the replacement conditions would be:

- a) The Riverside Roundabout and approaches shall be remarked in accordance with drawing number 9W7604-1200-02 RevA as approved by the highway authority. These works shall be completed prior to first use of the development.
- b) The Riverside Roundabout and approaches will be resurfaced as shown on drawing number 9W7604-700-02 RevA as approved by the highways scheme in order to accommodate the revised road marking scheme. Such works shall be completed prior to first use of the development.

The application is supported by a technical transport note and a covering letter suggesting that the conditions as they stand are difficult to implement and in some cases would not result in safe highway flows and use. The replacement conditions are proposed to secure safe and efficient traffic flows around the site.

**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](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

***National Planning Policy Framework***

***Regional Spatial Strategy & Worcestershire County Structure Plan***

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do 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 them.

***Borough of Redditch Local Plan No.3***

CS1 Prudent use of natural resources

CS2 Care of the environment

CS7 The sustainable location of development

B(BE)13 Qualities of good design

C(T)1 Access to and within development

C(T)10 Traffic management

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## ***Emerging policies***

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**

The only application is the one that this seeks to vary, and it is detailed above. The decision notice is appended to this report for information.

Permission for a hotel and restaurant has been granted on the adjacent site to the north under reference 2011/296/FUL.

## **Public Consultation Responses**

None received

## **Consultee Responses**

### ***County Highway Network Control***

No objection

## **Assessment of Proposal**

Conditions 19-24 which the applicant now seeks to remove were attached because of member concerns regarding the circulation of traffic entering and leaving the PFS site, in an attempt to make traffic travel at appropriate speeds, to build capacity on the roundabout and to prevent queuing back from Bordesley Lane onto the roundabout. However, the detail was so fine, and without evidence that it has now emerged following further investigation and design work, that these are not matters that should be controlled to this extent.

All of these off-site matters would normally be dealt with by the county highway authority as part of their works on the development, and this would be separate from the planning process.

When considering the imposition of conditions on planning permissions, one should be mindful of the guidance contained in Circular 11/95: The Use of Conditions in Planning Permissions, which gives six tests that all conditions should comply with. These are that the conditions should be:

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- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects

(By necessary, the guidance suggests that without the imposition of the condition, the application would be likely to be refused).

When looking at conditions 19-24 in the light of these tests, it is difficult to see how they would be enforceable, and therefore it is difficult to see what they might achieve in practice. However, consideration should also be given to the proposed replacement conditions.

Given that the conditions were originally attached in an attempt to control the circulation of traffic entering and leaving the PFS site, to make traffic travel at appropriate speeds, to build capacity on the roundabout and to prevent queuing back from Bordesley Lane onto the roundabout, then it is also considered that no alternative conditions are required as this would all be considered, agreed and implemented as a result of the S278 agreement that the applicants and the county highway authority would enter into as part of implementing the development.

It is acknowledged that the works shown on the two plans submitted do need to be implemented to meet these policy aims, and therefore rather than the two proposed conditions, it is suggested that a single condition requiring that all the offsite highway works associated with the development and required by the highway authority be completed prior to the PFS opening to the public.

Such a condition would be necessary to ensure that the PFS did not result in increasing queuing at the roundabout; it would be relevant to the planning application; enforceable, as trading could be prevented until such time as the off-site works were completed; it is clearly definable; and it is considered to be a reasonable replacement.

**Conclusion**

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 a replacement condition.

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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. Do off-site highway works to satisfaction of highway authority prior to commencement of trade to public from the site.

**Informatives**

1. Reason for approval
2. Conditions 1-18 of planning permission 2011/258/FUL remain in place and should be complied with in full.

**Procedural Matters**

The matter is reported to the Planning Committee for determination as it seeks to vary a decision recently made by members and thus the Director considers it appropriate to be reported.