

# **PLANNING**

## **COMMITTEE**

14th January 2015

---

**2014/036/FUL Reconfiguration of the existing store to create a Class A1 (bulky goods) unit and a Class A1 foodstore, together with associated external alterations and selected car park reconfiguration at B And Q Diy Supercentre, Jinnah Road, Redditch**

### **1. Background**

Further to the consideration of this application at the Planning Committee meeting on 10 September 2014, Members resolved that planning permission should be granted for this proposal subject to these three matters:

1. A planning obligation; and
2. A satisfactory alternative proposal to the proposed 24hr opening times being negotiated and agreed with officers to reduce noise levels and impact on local residents; and
3. Conditions & informatives which were specified in the agenda papers.

In trying to work with the applicants on these points, the matter of the opening hours remains outstanding and so the matter is now reported back for review and resolution:

### **2. Alternative to 24hr opening**

The application sought an unrestricted 24/7 opening hours permission, but members resolved that this was not acceptable, as minuted. Officers have attempted to negotiate with the applicants and have been unable to reach an agreement on alternative opening hours.

The applicants now propose the following condition:

With the exception of seasonal openings (the details of which shall be submitted to and approved by the Local Planning Authority), the foodstore shall not open for business outside of 07.00 to 23.00 hours on Monday to Saturday and for no more than six hours between 09.00 and 18.00 hours on Sundays and Bank Holidays.

The applicants claim that the noise assessment and associated mitigation would be sufficient not to result in any negative impacts on surrounding residents, and therefore that there are no technical reasons for the prevention of 24/7 operation. However, officers perceive from the discussion at the Planning Committee that other disturbance from the use of cars on the site all night and the associated conversations etc. in the open could be disturbing to residents, as well as any noise from vehicles - the resolution mentions other impacts as well as noise on the residents which need to be reduced.

The suggested seasonal 24hr opening raises concerns with officers, partly because it does not comply with the earlier resolution of members and partly due to the potential harm from

## **PLANNING**

## **COMMITTEE**

14th January 2015

---

noise and other disturbance at times of the year when local residents are most likely to be at home.

Officers therefore need to seek clarity on a 'satisfactory alternative' to 24hr opening in this case. Members are reminded that conditions should be used in order to make acceptable an otherwise unacceptable development. Having considered the opening times of other supermarkets in the town and their relative positions to residential properties, it is recommended that opening hours be restricted to 0800-2200 Monday-Saturday, 1000-1700 Sundays and 0900-1800 on Bank and Public Holidays. It is noted that other legislation may limit further opening hours within these restrictions, and therefore that these would be maximums.

Members will note that the proposed condition would not allow for any 24/7 opening, even at 'seasonal' times to be agreed, and that it would curtail movement by an hour at the beginning and end of the day during the week, relative to the hours proposed by the applicant. This therefore should be the focus of the consideration.

### **3. Recommendation**

Having considered the officer recommendation above regarding the hours of opening of the store which have been captured in condition 7, the full decision would be as follows:

**For all the above reasons, it is recommended that it be RESOLVED that having regard to the Development Plan and all other material considerations authority be delegated to the Head of Planning and Regeneration Services to GRANT planning permission, subject to:**

#### **1) a planning obligation ensuring:**

- **the restriction on the sale of goods to DIY warehouse at the western end of the site; and**
- **a contribution to cover a ten year period, index linked, towards the subsidy of a bus route that accesses the site; and**
- **a contribution towards subway enhancements as detailed in the main report; and**
- **a contribution towards or the provision of a scheme of signage to lead pedestrians from the site to the town centre; and**
- **the retention of the existing parking restrictions that ensure that the car park can be utilised for trips to the town centre; and**
- **a contribution towards town centre enhancements;**

**and**

## **PLANNING**

## **COMMITTEE**

14th January 2015

---

### **2) the following conditions and informatives:**

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 the commencement of development, details of the roof plant to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

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

3. The retail unit hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator or other relevant person via the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access in accordance with Policy CS7 of the Borough of Redditch Local Plan No.3. and the NPPF.

4. Prior to the commencement of development, details of the cycle parking to be provided as shown on plan 12.096.A(00)00\_06 Rev E shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of trading to the public of the retail unit and thereafter be maintained available for use.

Reason: In the interests of sustainable travel and in accordance with Policy CT12 of the Borough of Redditch Local Plan No.3. and the NPPF.

5. Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the retail unit.

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

## **PLANNING**

## **COMMITTEE**

**14th January 2015**

---

6. The development shall be constructed and occupied in accordance with the details contained in the noise and air quality reports submitted in support of the application.

Reason: In the interests of noise and air quality and the surrounding residential amenity, and in accordance with the NPPF.

7. The retail unit hereby permitted shall not trade to the public outside the following hours:

0800-2200 Mondays to Saturdays

1000-1700 on Sundays

0900-1800 on bank and public holidays

Reason: In the interests of residential and community amenities and in accordance with Policies CS2 and B(BE)13 of the Borough of Redditch Local Plan No.3.

8. Prior to the commencement of development, details of the safety and security of the premises and the surrounding area shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: In the interests of minimising crime and disorder and in accordance with Policy S1 and the SPG Community Safety.

9. Deliveries of goods to the store and collections of waste/recycling materials shall not be carried out at the site:

before 0700 or after 2300 Mondays to Saturdays

before 0900 or after 1800 on Sundays

before 0800 or after 2000 on bank and public holidays

Reason: In the interests of residential and community amenities and in accordance with Policies CS2 and B(BE)13 of the Borough of Redditch Local Plan No.3.

10. Prior to the commencement of trade to the public, the car parking provision shall be laid out and marked out in accordance with the approved plan and thereafter maintained available for use in accordance with the car parking strategy agreed under condition 9 above.

## **PLANNING**

## **COMMITTEE**

14th January 2015

---

Reason: In the interests of highway safety and residential amenity and in accordance with Policy C(T)12 of the Borough of Redditch Local Plan No.3.

11. The development hereby approved shall be implemented in accordance with the following plans:

12.096.A(00)00\_01 Rev C

12.096.A(00)00\_02 Rev B

12.096.A(00)00\_03 Rev B

12.096.A(00)00\_04 Rev C

12.096.A(00)00\_05 Rev B

12.096.A(00)00\_06 Rev E

12.096.A(00)00\_07 Rev B

12.096.A(00)00\_08 Rev B

12.096.A(00)00\_09 Rev E

12.096.A(00)00\_10 Rev B

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

12. Deliveries of goods from the store and the return of home delivery vans shall not be carried out at the site:

before 0700 or after 2300 Mondays to Saturdays

before 0900 or after 1800 on Sundays

before 0800 or after 2000 on bank and public holidays

Reason: In the interests of residential and community amenities and in accordance with Policies CS2 and B(BE)13 of the Borough of Redditch Local Plan No.3.

13. Prior to the commencement of development, details of a litter management strategy for the site, including the location and emptying regime of litter bins within the site, shall be submitted to and approved in writing by the Local Planning Authority (LPA).

## **PLANNING**

## **COMMITTEE**

14th January 2015

---

The scheme shall be implemented throughout the life of the development, and variations to it shall be submitted to and agreed in writing by the LPA where the need arises and the LPA considers them acceptable.

Reason: In the interests of the visual amenities and health and wellbeing of the area and of biodiversity in accordance with Policies CS02 and B(BE)13 of the Borough of Redditch Local Plan No.3 and the NPPF.

14. A method of ensuring that trolleys associated with the development hereby permitted shall be implemented throughout the lifetime of the development to ensure that it is not physically possible for trolleys to leave the site other than as intended by the store for the purpose of repair/replacement/removal.

Reason: In the interests of the biodiversity and visual amenity of the surrounding area and in accordance with Policies S1 and B(BE)13 of the Borough of Redditch Local Plan No.3.

15. Prior to the commencement of development, details of the boundary treatment around the whole of the perimeter of the site, including any hard and soft landscaping, both existing and proposed, shall be submitted to and approved in writing by the Local Planning Authority (LPA). The agreed details shall be implemented either prior to the occupation of the retail unit or in accordance with a timetable to be agreed with the LPA. The agreed details shall thereafter remain in place and well maintained.

Reason: In the interests of security and amenity and in accordance with Policies CS2, S1 and B(BE)13 of the Borough of Redditch Local Plan No.3.

16. Prior to the commencement of the development hereby permitted, details of arrangements to be implemented at the vehicle accesses to the site to prevent out of hours access being gained shall be submitted to and approved in writing by the Local Planning Authority. The restrictions shall be in force in accordance with the hours restrictions conditions above and shall be maintained in a functioning state to continue this for the lifetime of the development.

Reason: In the interests of noise and disturbance reduction to local and residential amenity in accordance with Policies B(BE)13 and S1 of the Borough of Redditch Local Plan No.3 and the NPPF.

### **Informatives**

- 1) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the

## **PLANNING**

## **COMMITTEE**

**14th January 2015**

---

requirements of that and the conditions listed above must be complied with at all times.

- 2) The applicant's attention is drawn to the comments of the consultee in relation to contaminated land and is encouraged to follow the advice provided
- 3) The applicant's attention is drawn to the comments of the consultee in relation to public rights of way and is encouraged to follow the advice provided
- 4) Proactive engagement by the local planning authority has continued throughout the consideration of this application, and was as per the PPA agreed until the applicant chose to depart therefrom.

Members noted in their consideration of the proposal that the applicant intended to enter into full and on-going engagement with the local community and were keen to support and encourage this.

- 5) The applicant is advised that a separate application for advertisement consent will be required in relation to new advertisements on the premises.
- 6) The car park management scheme as required by the S106 agreement shall include details of lighting, both its location and type and also its hours of operation and management methods to ensure that this is controlled.