

**Redditch Borough Council
Planning Committee**

**Committee Updates
12th December 2018**

18/01160/FUL 302A Evesham Road, Redditch

The following comments have been received from Severn Trent Water in respect of this application;

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied. Suggest this informative is attached to any decision;

4. Severn Trent Water advises that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Due to the these comments the officers recommendation is amended to approve planning permission subject to the conditions within the officers report and the additional informative requested by Severn Trent.

18/01216/FUL Morrisons Superstore, Clearwell Road

No Updates

18/01336/FUL Astwood Bank Service Station, 1124 Evesham Road, Redditch

Consultations

Worcestershire Regulatory Services: Contaminated Land

Worcestershire Regulatory Services (WRS) have reviewed the application in relation to contaminated land. Records indicate that historically a fuel leak occurred at the petrol station. No information has been submitted to address potential contamination and as such, a Phase 1 desk study and site reconnaissance report should be submitted.

In accordance with recommendations set out within the National Planning Policy Framework (Paragraph 178), full contaminated land conditions are being recommended due to the fact that little information relating to potential contamination has been submitted to date. In this case, once a Phase 1 study has been completed satisfactorily and in the event that no contamination issues remain outstanding, discharge of all remaining conditions will be recommended. Subject to the imposition of such (pre-commencement) conditions, WRS raises no objection.

Public Consultation Response

Three further letters in addition to the three received already raise objections to the application. Comments received are as summarised in the main report.

Additional comments to those listed in the main report are summarised below:

- Further retailing activity at the site cited as a concern and may lead to additional advertising clutter to the detriment of the visual amenity of the area and pedestrian / vehicular safety
- * Proposal will adversely impact upon existing shops within Astwood Bank
- * Increased opening hours would have the potential to escalate crime and anti-social behaviour in the area

Officer Comments

Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Having regard to Paragraph 178 of the NPPF which requires development to be suitable for its proposed use taking account of ground conditions, any risks arising from contamination, and any proposals for mitigation, including land remediation, your officers have concluded that it would be reasonable to impose the conditions recommended by WRS which are required to be discharged prior to first commencement of development.

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 the conditions has been sought and agreed by the applicant.

In terms of the additional objections received, as referred to in the main report, your officers have concluded that the intensification of the site in terms of the retail offer would not conflict with Policy 2 of the Local Plan and would constitute sustainable development. Your Officers do not consider that a 20 square metre increase in retail floorspace at the site is likely to adversely impact upon existing businesses in the area.

An application for new signage is not being considered here. Any future proposal would be assessed against the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, although your officers would inform members that under Class 6 of the above regulations, advertisements proposed on forecourts of business premises such as this often benefit from 'deemed consent', that is, the Councils consent is not needed to display such signs subject the rules set out under Class 6.

Your officers would re-iterate that by granting permission for this application, hours of operation at the premises would not increase beyond the permitted hours of use (referred to on Page 21 of the agenda papers). Condition 3 (Page 23) sets out the existing hours of opening.

A resident objecting to the scheme whose original comments have been summarised within the main report sent an email to all members of the Planning Committee on 8th December 2018 setting out further objections. Your officers received a copy of these further objections this morning (12th December 2018) and would comment as follows with respect to the points raised:

Obstruction to the right of way and hedge adjoining right of way

This is a civil matter and not a material planning consideration in the determination of this application.

Storage container to rear

Officers have referred to this under 'other matters', Page 22 of the agenda. This is intended to be a permanent structure and would be largely hidden from view. It is intended to be a secure means of accommodating food stock. Vermin matters fall under the control of Environmental Health (WRS) rather than planning.

Lighting

A new or revised lighting scheme is not being considered under this application.

Contamination of Land

The objecting resident refers to a fuel leak which took place in 2002. WRS have referred to this matter above and for these reasons are recommending that conditions be imposed on any consent (Condition 4 below).

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, 2 and 3 as stated on page 23 of the main agendas papers, with additional condition 4 as stated below:

4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the following Parts have been complied with:

Part 1.

A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

Part 2.

Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

Part 3.

Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

Part 4.

Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 5.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

Part 6.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

Part 7.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.