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9th January 2019

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**Planning Application 18/01336/FUL**

**Proposed infill extension to forecourt shop; demolish existing storage area to front, removal of car wash and the stationing of a detached storage container to the rear**

**Astwood Bank Service Station, 1124 Evesham Road, Astwood Bank, B96 6EA**

**Applicant: MPK Garages Limited**

**Ward: Astwood Bank and Feckenham Ward**

**(see additional papers for site plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

**Members will be aware that this application was considered at Planning Committee on 12<sup>th</sup> December 2018. The application was deferred to allow further information to be provided to members in terms of operational and vehicular access matters and to allow further consideration of the storage container to the rear. Local Authority Building Control, the Police Crime Manager and Fire Officer have been consulted on the application**

**Site Description**

The premises comprise an existing 'Gulf' Petrol / Diesel filling station together with associated Londis convenience store. The site is situated within the settlement of Astwood Bank, to the west of and with existing access from the A441 Evesham Road. The Astwood Bank Service Station is located roughly mid-way between Yeomans Close and Eastern Hill (opposite), both of which lie to the Eastern side of Evesham Road. A detached dwelling to the rear of the site, No.1122 has a vehicular right of access over a strip of land which falls within the application site and is under the ownership of the applicant. This area of land is located immediately beyond the northern side of the existing shop and the shared boundary with No.1118 Evesham Road.

**Proposal Description**

Full planning permission is sought to remove the existing (automated) car wash and in this area, to extend the existing service station shop by approximately 20 square metres. It is proposed to remove part of an existing storage building which presently protrudes forward of the existing shop and to create 3 car parking spaces in its place.

In order to provide storage for the business which would be lost by the removal of the existing storage building to the front of the shop, it is proposed to locate a new detached storage unit on vacant land, immediately to the rear of the shop. The proposed detached unit would measure just over 6m in length by just over 2.4m in width. To the rear of the site a further 4 car parking spaces would be created. The spaces to the rear would be

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used by staff and those to the front of the site would be available solely for customers rather than staff.

**Relevant Policies:**

**Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 20: Transport Requirements for New Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

**Others**

SPG Encouraging Good Design

NPPF National Planning Policy Framework (2018)

**Relevant Planning History**

1992/274/FUL	Retention Of Jet Wash	Granted	13.08.1992
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**Consultations**

**WCC Highways**

No objection since highway safety would not be compromised.

The site is located off the A441 classified road and benefits from existing vehicular access (no changes to vehicular access). Any increase in traffic from the proposals would be minimal; the applicant has reconfigured the forecourt parking arrangement and is providing a total of 7 car parking spaces on site. These car parking spaces do not obstruct the hatched right of way. The applicant has now included within the parking element 1 disabled parking space and 1 motorcycle parking space.

The Highway Authority concludes that there are no justifiable grounds on which an objection could be maintained on highway grounds.

**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.

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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.

## **Local Authority Building Control**

No implications in terms of the building regulations

## **Police Crime Risk Manager**

I do not consider that Crime would rise by granting permission for this application.

The shipping container store would be the most likely target although this would depend on what is kept in it. I would advise against using it to store alcohol and cigarettes.

Where containers are broken into it is generally because they have not been secured properly. I would advise the applicant to secure it using a container lock which is fit for purpose although I appreciate that enforcing this would be outside the remit of the planning system.

## **Fire Service**

Current access arrangements would not be altered and as such the Fire Service raise no objections to the application

## **Public Consultation Response**

6 letters have been received in objection to the application.  
Comments received are summarised below:

- Access and egress of delivery vehicles to and from the site raised as a concern
- Over development of a constrained site
- Concerns that a future application for extended working hours beyond 9pm could be submitted which would be inappropriate and harmful to the amenities enjoyed by nearby occupiers
- Increased traffic may lead to road traffic accidents on the A441
- Intensification of use may lead to more on-street parking and may block shared access to side of the service station
- Further retailing activity at the site cited as a concern leading to additional advertising clutter to the detriment 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
- Storage container to rear inappropriate
- Concerns regarding lighting to serve the development

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- Contamination should be fully considered

Other matters which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application. This includes any obstructions to rights of way which are civil issues and are not material planning considerations in the determination of this application.

## **Assessment of Proposal**

The National Planning Policy Framework (NPPF) advises in Paragraph 11, that planning applications for development should be considered in the context of the presumption in favour of sustainable development. This is reinforced under Policy 1 of LP4.

LP4 Policy 2 (Settlement Hierarchy) categorises the Borough's settlements based upon their role and function which has been determined through an accessibility study and Settlement Hierarchy. The Policy sets out how all of Redditch Borough's settlements are likely to be developed sustainably and how they will serve their communities.

The site falls within the Astwood Bank settlement which falls below the Redditch Urban area but above Feckenham in the Hierarchy. The plan defines Astwood Bank as a Sustainable Rural Settlement, excluded from the Green Belt, which offers an appropriate range of services and facilities. Development within the settlement boundary (as is the application site) should be the focus for identified development needs and supporting local services and infrastructure. The reasoned justification for the policy comments that *'Ignoring the needs of these settlements may lead to their decline, and in some cases, a loss of their sustainability'*.

This site, which is within a largely residential area, would clearly see the loss of the existing car wash facility, but in its place, an increased retail offer. No doubt much of the retail trade derives from persons purchasing fuel at the service station, but trade will also come from persons living within walking distance of the premises wishing to purchase everyday items such as bread, milk, newspapers etc. Your officers have concluded that the proposals would not conflict with Policy 2 of the Local Plan nor would constitute unsustainable development.

## **Impact upon nearby residential and business uses**

It is understood that the operation of the car wash facility (which would be removed to accommodate the increase in retail floorspace) has been problematic in the past in terms of its impact upon nearby occupiers. If this application were to be granted permission, hours of operation at the premises would not increase beyond the permitted hours of use which are: Monday to Friday 0630 till 2100 hrs and 0700 till 2100 hrs Saturdays, Sundays and Public Holidays. As such, there are no reasons to consider that the proposal would impact detrimentally upon nearby occupiers.

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

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development. It is not considered 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.

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

Impact of the proposals on highway safety

Policy requires all developments to incorporate safe means of access and egress appropriate to the nature of the local highway network.

Representations have been received questioning the acceptability of the proposals in terms of possible intensification of use and possible blocking of the shared access to the side of the premises which number 1122 Evesham Road enjoys right of access over. However, the latter is a civil rather than a planning matter and would need to be pursued separately with the owner of the Service Station and or the Police. County Highways have concluded that there are no highway implications which might result in the proposed development giving rise to harm to highway safety. In arriving at these conclusions, it is noted that the car wash facility would no longer exist and that a demarked car parking area would be provided to both the front and rear of the premises, accommodating a maximum of seven cars.

There are no objections to this application having regard to highway safety considerations.

Contamination matters

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.

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Other matters

The design of the infill retail store extension would match that of the existing; that is, a flat roofed single storey building with glazing to elevations. The store is well set back from the A441 behind the existing filling station pumps / canopy and the design of the extension is considered to be appropriate in its context. The new storage unit to be erected to the rear would be a single storey flat roofed structure in painted metal for security reasons and would be largely hidden behind existing and proposed close boarded timber fencing. Due to its location within the site, officers consider the structure suitable for use on a permanent basis in connection with the existing commercial use of the site.

Local Authority Building Control, the Fire Service and The Police Crime Risk Manager have been consulted on the application following the applications presentation at the December Planning Committee. No objections are raised to the proposals. The Crime Risk Managers written comments have been passed to the applicant and applicant's agent including details of the type of lock to secure the container which the PCRM has suggested for use. The applicant has agreed to use the kind of lock recommended.

The applicant states that 4 full time together with 6 part time persons are employed at present. By granting permission, the number of employees would rise to 4 full time and 8 part time, effectively a change in the full time equivalent posts from 7 to 8.

Conclusion

It is considered that the proposals comply with the planning policy framework and would be unlikely to cause any harm to amenity or safety. Subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

**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) 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) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drg no. 17882-PA01a Location and Block Plan dated 22nd November 2018

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Drg no. 17882-PA02a Proposed and Existing Site Plans dated 22nd Nov 2018

Drg no. 17882-PA04 Proposed Elevations dated 22nd October 2018

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) The use hereby permitted shall not be open to the public outside the existing permitted hours of operation which are: Monday to Friday 0630 till 2100 hrs and 0700 till 2100 hrs Saturdays, Sundays and Public Holidays.

Reason: To define the permission and in the interests of amenity.

- 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.

- 5) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;  
0800 to 1800 hours Monday to Friday  
0900 to 1200 hours Saturdays  
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

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Reason: In the interests of neighbours amenity

**Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received. As such the application falls outside the scheme of delegation to Officers.