

# APPENDIX A

## PLANNING COMMITTEE

13th November 2019

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Planning Application 19/01121/FUL

**Erection of a new three pump (six filling position) Petrol Filling Station (PFS) and associated works**

**Asda, Jinnah Road, Smallwood, Redditch, B98 7ER**

**Applicant: Mr Steve Roberts – ASDA Stores Ltd**  
**Ward: Central 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.

### **Site Description**

The site comprises part of the existing surface car parking area serving the ASDA store. The site is located to the north of the store and to the south of the Union Street / Millsbro Road junction. To the east lies the residential development of Britannia Close.

### **Proposal Description**

The application seeks planning permission to develop a portion of the existing ASDA surface car park, accessed off Jinnah Road to provide a new three pump (six filling position) Petrol Filling Station (PFS).

The PFS facility would also include fuel storage tanks, associated pipework, overhead canopy measuring 5.25m to its highest point, forecourt surfacing and an Air & Water unit.

The facility would be fully-automated, allowing customers to pay at the pump (by card). As such, no payment kiosk / staffed shop is proposed under the application. No alterations are proposed to the Asda Superstore itself. The existing stairs and side walls leading from the pathway along Union Street which offer access to the store for pedestrians would need to be removed as the continued use of the stairs would interfere with the safe operation of the PFS. This area would be landscaped as per the areas to the immediate west and east of the stairway.

### **Relevant Policies:**

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient Use of Land

Policy 16: Natural Environment

Policy 17: Flood Risk Management

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Policy 18: Sustainable Water Management  
Policy 19: Sustainable Travel and Accessibility  
Policy 20: Transport Requirements for New Development  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

### Others

NPPF National Planning Policy Framework (2019)  
Redditch High Quality Design SPD

### Relevant Planning History

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	Approved	02.04.2015
2015/368/S73	Revision of condition 7 of planning permission 2014/036/FUL to allow 0700 - 2300 Monday to Saturday with Sundays, Bank and Public Holiday hours of opening to remain the same.	Withdrawn	02.11.2017

### Consultations

#### **North Worcestershire Water Management (NWWM)**

Comments summarised as follows:

No objection

The site is at low flood risk (within flood zone 1: low risk of modelled river and tidal flooding), it has low surface water flood risk according to the Environment Agency's surface water flood risk maps and we have no flooding records at the location.

I have reviewed the microdrainage report and drainage plan as part of the submission and this is considered to be acceptable. I have noted that a petrol/ oil interceptor is to be installed and is shown in the correct location such that it will collect the oils from all pipes.

#### **Petroleum & Safety Officer**

No objection

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### Worcestershire Regulatory Services

#### Noise

This application is for three pumps (six service points), which is smaller than most of the independent Petrol Filling Stations (PFS) in the area. There are also three substantial petrol stations in Redditch (Tesco, Morrisons, Sainsburys) and a number of nearby independents. WRS do not consider that this facility will lead to a material increase in traffic over traffic flows currently entering the ASDA car park. Being unmanned, with no additional shop, potential customers are likely to be mainly existing visitors to the ASDA store. With respect to noise from vehicular or pedestrian traffic, Worcestershire Regulatory Services (WRS) do not anticipate problems with noise provided that sales and deliveries are constrained to the store's current trading hours.

#### Light Pollution

Given that the site is raised 2 to 3 metres above the immediately neighbouring dwellings' ground level, WRS are mindful of the potential for light pollution being visible at bedroom level. We are aware that the north east corner of the carpark is currently not well lit, much less than the planned forecourt will be, adding to the potential impact. WRS recommend that, so long as the current plans are adhered to, the lighting is limited to 5 metres, and level with the base of the proposed canopy, and angled away from neighbouring dwellings, residential amenities would not be harmed. At this height, there would be some mitigation of light by the surrounding trees.

WRS recommend that a solid fence or fitting is placed on the railings around the north and east corner, to mitigate headlights from turning cars at the dwellings' bedroom level.

#### Contaminated Land

The historic use of the site is well documented and its previous use as a battery manufactory was assessed during the development of the current store. The site was remediated in relation to the current and intended retail use. Recent investigation has confirmed the status quo and further established that there are no gas risks from outlying sites in the near vicinity.

However, given the depth of the works required to place the tanks (below the 'made ground') WRS are mindful of the potential for distribution of potentially contaminated soil during the construction. Consequently, WRS recommend that appropriate conditions are attached to any permission granted in addition to our Contractor Guidelines to ensure that contaminated land issues on site are appropriately addressed during construction.

#### **WCC Highways**

No objection. Comments summarised as follows:

The large surface car park is shared with the adjoining B&Q store.

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It appears that accidents that have occurred (3 accidents highlighted over a 5 year period) are as a result of driver error. I would agree that there are no significant clusters or trends that could be considered to be cause for concern as a result of the development proposals.

The car park currently provides a total of 282 spaces including 41 accessible spaces and 23 parent and child spaces. I have noted that following a hourly survey which took place between 12noon to 4pm from Thursday 28th September to Sunday 1st October 2017 the number of spaces occupied ranged from 62 (22%) to 172 (61%), which at the busiest time of 1pm on Saturday equates to 110 spaces being unoccupied.

I have noted that the proposed petrol filling station would be serviced 3 times a week by an ASDA fuel tanker which is approximately 2.50m in width and 15.25m in length.

In terms of the applications impact on parking, the proposed PFS would result in a loss of 50 parking spaces from the car park reducing the total capacity of car park to 232. Data obtained during the parking survey shows that 172 vehicles were parked at the busiest time. I am therefore satisfied that this level of demand can be accommodated within the reduced number of spaces. WCC Highways have also conducted site visits to check the car park usage and the car parking spaces available during the peak periods.

The Highway Authority do not consider that the additional vehicular traffic that could be generated by the development proposals would have an adverse impact that would affect the operation of the highway network and as such the Highway Authority submits a response of no objection.

### **Police Crime Risk Manager**

No objection. Comments summarised as follows:

#### Anti-Social behaviour

The public are been encouraged to report matters of ASB to the police. We have very few reports of anti-social behaviour on this site. The increased use of the area will improve natural surveillance, the chances of people being reported for misbehaviour will rise and as such, it is considered more likely that ASB will be deterred if the PFS goes ahead.

#### Crime

Petrol stations are a constant source or reported crime, mainly for people driving off without offering payment. On this site, fuel has to be pre-paid and there is no shop which stops any other form of crime.

I have spoken to colleagues from West Midlands Police who have an ASDA petrol station of the type being considered here who confirm the above. The petrol station in question is open 24/7 and is in a fairly isolated area and is not the target of crime.

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### Public Consultation Response

1 representation has been received in support of the proposal for the following reasons:

- It may result in extra jobs by attracting more customers to shop in the main store.

1 representation has been received raising comments which are neutral in nature:

- Between our boundary and Asda's boundary there is a walk way down to Lodge Park which is flanked by trees and bushes. So long as the building would be no higher than the trees, and assuming that the line of trees and bushes would be retained and that the opening and closing times are not ant social, there would be no objection

20 representations have been received in objection for the following reasons:

- ASDA have not complied with conditions attached to the original consent 2014/036/FUL
- Proposals would increase traffic and would lead to associated accidents
- Litter on site is likely to increase
- Contaminated land concerns. The site is the former Acad battery works. Concerns that contaminants would be dug up and cause airborne pollution and increased risk to human health
- There are already adequate filling stations within the local area. No need for more
- Noise associated with car engines / people and associated machinery in connection with the proposed facility will harm amenity
- This would be an incompatible use given close proximity to housing
- Would result in degradation of the area
- No new employment opportunities arising from any approval
- General air quality concerns
- Harm to wildlife in area
- Light pollution from proposed lighting and from car headlights
- Overdevelopment of the site
- The scale and design of the structure would alter the skyline and would be detrimental to the streetscene
- Concerns regarding pollution of watercourses
- Anti-social behaviour would increase to the detriment of amenity
- A reduction in on-site parking would lead to parking in adjoining residential streets
- Limited publicity / consultation with the local community
- Concern over safe entry and exit by fuel tankers
- Fire safety concerns in the event of an emergency

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

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### Assessment of Proposal

#### Principle of development

The site is not designated for a specific use within the adopted Borough of Redditch Local Plan No.4, and therefore this proposal should be considered in terms of its impact on the site and surroundings.

The site is located within the Redditch urban area, which is the preferred location for development in accordance with Policy 2 of the Local Plan. The application proposes development within the existing Asda Superstore site, which constitutes previously developed land as defined by the Glossary to the National Planning Policy Framework. Policy 5 encourages the effective and efficient use of previously developed land and Policy 39 comments that all development should seek to optimise the potential of a given site to accommodate sustainable development by making efficient use of available space.

Paragraph 118 of the NPPF echoes this approach and advocates that planning decisions should give 'substantial weight' to the value of utilising previously developed land to accommodate development needs.

The use of the site for the purposes of providing a new Petrol Filling Station (PFS) facility is considered to be acceptable in principle, subject to compliance with all relevant development management considerations.

#### Highway considerations

The submitted Transport Statement has been scrutinised by Worcestershire County Highways engineers who have concluded that the proposed development would not have any adverse impact upon either the safe operation of the highway network or the ability for retail customers to find appropriate car parking.

The NPPF states, at Paragraph 109:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

The Transport Statement contains accurate consumer data taken from similar facilities, and has concluded that the traffic generated by the proposed development during peak times will not result in any impact upon the operation of the highway network.

The application would result in the loss of 50 vehicle parking spaces within the wider Asda Superstore site. As set out within Section 3 of the Transport Statement, a car parking survey has demonstrated that there remains sufficient capacity to accommodate the loss of parking spaces at all times of the day.

County Highways and the Petroleum and Safety Officer are satisfied that tankers would be able to access and egress the site safely without obstruction.

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Your officers have concluded that there is no basis for refusal of the application on grounds of loss of car parking or highway safety and that the application accords with Policies 19 & 20 of the Local Plan.

### Drainage Considerations

The proposed development is located within an area identified by the Environment Agency as being within Flood Zone 1. As such, a Flood Risk Assessment (FRA) is not required to accompany the application.

Drainage Officers within NWWM and the Petroleum & Safety Officer have carefully considered the drainage strategy which accompanies the application and revisions to the strategy have taken place to the satisfaction of both NWWM and the Petroleum & Safety Officer. In particular the revisions concern the type and location of the proposed oil interceptor. Both parties agree that surface water drainage can be appropriately drained into the existing drainage facilities without harming watercourses.

Accordingly, the proposed drainage strategy for the site is considered to be acceptable and accords with Policies 17 & 18 of the Local Plan.

### Residential Amenity Considerations

A Noise Impact Assessment (NIA) submitted as part of the application assesses the development's impact upon surrounding land uses in noise terms and demonstrates that the operation of the PFS would not impact on the amenities enjoyed by occupiers of surrounding residential dwellings. WRS are satisfied with the findings of the noise survey.

The proposals are considered to be appropriate for this location in accordance with Paragraph 180 of the NPPF when accounting for the likely noise impacts of the development.

It is important to ensure that the impact arising from the development, particularly in terms of light pollution does not materially impact upon the residential amenities currently enjoyed by occupiers of nearby dwellings.

The Borough Councils adopted High Quality Design SPD under 4.2.54 states that:

'Artificial light sources may cause significant harm to residential developments and wildlife. New street lights and security lighting within developments should be positioned in locations where they do not shine directly in dwelling windows, but provide sufficient lighting for safety and security on the street'.

Under 4.2.55, it comments that 'the type of lighting selected should be relevant to the local context, character and use of the area and minimise the impact of light pollution as well as being as energy efficient as possible'.

Lighting to the canopy would point directly below onto the forecourt. There are no objections in this respect.

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As stated by WRS, the current site is not particularly well lit. One existing Lighting Column would need to be removed to accommodate the proposed development and four new lighting columns are proposed. These have been reduced in height in accordance with the advice of WRS. Provided that the light fittings are angled away from neighbouring dwellings, your officers are satisfied that residential amenities would not be harmed. A planning condition to this effect is recommended below.

WRS have recommend that a solid fence or fitting is placed on the existing galvanised vehicle barrier to the north and east corner, to mitigate light intrusion from turning car headlights. The applicant has agreed to the fitting of a solid black panel to the barrier to act as a shield against light intrusion. Details of the material to be used would be conditioned.

In terms of Para 4.2.55 of the SPD, your officers are satisfied that the lighting would be relevant to its local context and use of the area, and has minimised the impact of light pollution.

Hours of operation for the proposed PFS would match those which are restricted via means of planning condition 7 attached to consent 2014/036/FUL where trading is not permitted outside the following hours: 0800 till 2200 Mondays to Saturdays; 1000 till 1700 on Sundays and 0900 till 1800 on Bank and Public Holidays.

Members may be aware that before the site was developed for commercial / retail use, the site operated as a battery manufactory (Alcad). The site was remediated to the satisfaction of WRS as the regulatory body for Environmental Health matters who confirm that more recent investigations establish that there are no outstanding issues.

Additional conditions are recommended by WRS under this application to ensure that contaminated land issues on site are appropriately addressed during construction.

### Design Considerations

Section 12 of the NPPF relates to the achievement of a high standard of design in new development, and states that design quality should be considered throughout the evolution and assessment of individual development proposals. Policy 40 of the Local Plan comments that good quality design should contribute towards making the Borough a better place to live, work and visit.

The layout of the proposed PFS is functional in the context of the wider Asda Superstore site and would allow customers to the PFS to quickly access and pay for fuel, whilst also ensuring the ongoing operation of the car park for retail customers.

The scale, massing and height of the proposed development is considered to relate well to the existing Asda Superstore operation whilst respecting the height of existing residential built form. The maximum height of the PFS canopy would be 5.25 metres. Although the site itself is raised approximately 2.5 metres above the height of Union Street, the overall height of the structure would still be lower than the nearest three storey



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dwellings (No.56 and 57 Millsbro Road) which measure approximately 8.25 metres to ridge.

Your officers are satisfied that the proposed development accords with the requirement in the NPPF to ensure a high quality of design, and Policy 40 of the Local Plan.

Three small ornamental fruit trees within the existing car park would need to be removed to accommodate the development. However, these would be replaced by three new trees of the same species in comparable locations.

The submitted Landscaping Plan shows that the development can be accommodated without the removal or pruning of any trees which are situated immediately beyond the existing car parking spaces to the northern and eastern boundary. The existing landscaping in this location would partially screen the development from Union Street to the north.

### Other matters

Letters received in objection to this application suggest that anti-social behaviour would increase. The Police Crime Risk Manager has been consulted and raises no objection to the application for the reasons set out earlier in this report. No evidence has been advanced to substantiate these claims and your officers have been informed that very few reports of anti-social behaviour on this site have been reported to the Police.

Many surrounding residents have suggested that the application has been inadequately publicised. Your officers would comment that 91 letters were posted to nearby occupiers and a notice was displayed at the site. As such, appropriate publicity of the application in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has taken place.

### Conclusion

Having regard to the presumption in favour of sustainable development set out within the Borough of Redditch Local Plan No.4 and the National Planning Policy Framework and in the absence of justifiable reasons to refuse the proposed development, the application can be recommended for approval.

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### 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:

Drawing: 2009RD-110-01-C - Location Plan  
Drawing: 2009RD-210-01-C - Existing Site Plan  
Drawing: 2009RD-210-02-C - Proposed Site Plan  
Drawing: 2009RD-210-03-D - Proposed PFS Plan  
Drawing: 2009RD-210-04-D - Proposed Landscape Plan  
Drawing: 2009RD-210-05-C - Proposed Tracking Plan  
Drawing: 2009RD-310-01-D - Proposed Elevations  
Drawing: 2009RD-410-01-D - Proposed Sections  
Drawing: 2009RD-510-01-D - PFS Standard Details  
Drawing: 2009RD-510-02-C - Control Room Details  
MP Consulting Drainage Plan and Strategy Statement – Revision 4  
Sanderson Associates Transport Statement  
DTS Raeburn Phase 1 Preliminary Risk Assessment

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

- 3) 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

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1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. 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.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

Reason:

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

- 4) The development hereby permitted shall not trade to the public outside the following hours:

0800 till 2200 Mondays to Saturdays  
1000 till 1700 on Sundays  
0900 till 1800 on Bank and Public Holidays

Reason: In the interests of protecting residential amenities

- 5) Installation of the lighting to serve the development shall not take place until the Council has approved the detailed design / suitable cowling to be fitted to the lights to limit the leakage of light to residential properties in the vicinity. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

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Reason: in the interests of safeguarding the residential amenities enjoyed by the occupiers of neighbouring properties.

- 6) Details of the fitting to be applied to the existing galvanised vehicle barrier to the northern and eastern corner of the site including its means of attachment shall be submitted to the Local Planning Authority prior to the first operation of the development hereby approved. The fitting approved shall be implemented prior to first operation and shall remain in perpetuity.

Reason: To mitigate light intrusion from turning car headlights in the interests of safeguarding the residential amenities enjoyed by the occupiers of neighbouring properties.

#### **Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites should be followed at all times during the construction phase: <https://worcsregservices.gov.uk/pollution/planning-and-pollution.aspx>  
[enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk), 01905 822799
- 3) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant should contact the Local Planning Authority for further advice on this matter.

#### **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.