

**PLANNING
COMMITTEE**

15th January 2020

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 for more information

Members will be aware that this application was considered at Planning Committee on 13th November 2019. The application was deferred to allow further information to be provided to members in terms of mitigating anti-social behaviour

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.

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Background

As stated above, this application was presented at the Planning Committee of 13th November 2019. Members determined to defer consideration of the application to allow further information to be provided to members in terms of mitigating anti-social behaviour.

The main report as it appeared on the 13th November 2019 is produced in full as an appendix to this report (Appendix A). The Update report as it appeared on the 13th November 2019 appears as Appendix B.

The Police Crime Risk Managers comments with respect to anti-social behaviour (ASB) are set out within the main report for the November 2019 Committee meeting. The Police maintain that there have been few reports of anti-social behaviour on this site. They comment that the increased use of the area will improve natural surveillance, the chances of people being reported for misbehaviour will rise and as such, they believe that it would be more likely that ASB will be deterred if the Petrol Filling Station were to be granted planning permission.

The Police have carried out a full analysis of Crime and ASB in the immediate area and a report / profile is included in full as a further appendix to this report (Appendix C).

The statistics produced cover a period of time between 1st December 2018 to 1st December 2019 and state that 5 incidents of Anti-social nuisance behaviour have occurred.

Consultations

Hereford and Worcester Fire Service

No objection

Public Consultation Response

One further representation has been received in objection. Objections received are as covered within the main report (November 2019 Planning Committee)

Assessment of Proposal

Your officers would re-iterate that it is important to focus on the particular issues associated with the current application for the proposed petrol filling station and not to revisit matters pertaining to the original consent for the approval of the main store in 2014.

The applicant will be addressing matters relating to anti-social behaviours allegedly occurring in the wider Asda car park through the submission of a Car Park Management Plan to discharge the relevant conditions on Planning Permission: 2014/036/FUL.

At the time of writing, that application has yet to be received by the Council.

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The relevant consideration in the determination of the current application for the PFS is whether the proposal for a PFS would directly contribute to an increase in ASB or would contravene any Health & Safety procedures. The applicant and the Police Crime Risk Manager state that the proposed PFS would not lead to an increase in ASB incidents and your officers recommend that permission be granted as per the earlier November 2019 recommendation to the Committee.

The Police have produced statistics for the Committee which are set out within Appendix C. However, whether or not there is considered to be an existing ASB issue is not a matter under consideration in this application, since it will be addressed through the Car Park Management Plan.

In terms of Health & Safety matters within the application boundary of the PFS, A further appendix to this report (Appendix D) which has been produced by the applicant, contains the methods by which this is controlled.

The applicants agent stresses that their client (Asda) operate unmanned PFSs (such as that proposed in this application) throughout the UK which would not be allowed if they failed to meet any legislative health and safety procedures. They comment that the proposed PFS would comply with those standards and that there would always be a staff member available at the wider site. Customers would report any issues with staff within the main store if they needed to as per the operation of Asda's other unmanned PFS facilities.

It should be noted that CCTV monitoring and lighting (both of which are a feature of this application) are strong deterrents to ASB. On that basis, your officers and the Police consider there to be a strong argument to suggest that the proposed PFS would indeed deter ASB from occurring in proximity of the site.

Conclusion

For the reasons as set out within the earlier main report and update reports (November 2019) and in the absence of any evidence to suggest that incidents of ASB would rise by granting permission of the proposed development and therefore in the absence of justifiable reasons to refuse the proposed development, the application is recommended for approval.

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.

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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-E - 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
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:

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

Deliveries of fuel shall not take place outside these hours

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.

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.

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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, 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.