

**Redditch Borough Council  
Planning Committee**

**Committee Updates  
15th January 2020**

**19/01060/OUT Former Clive Works , Edward Street/Bromsgrove Road**

Following the submission of additional information requested by Worcester Regulatory Services, condition 15 is to be amended as follows:-

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 conditions 1 to 5 have been complied with:

1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. 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".
2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
3. Where the site investigation identified remediation is required, 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.
4. 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.
5. 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.
6. 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.

## Consultations

### **Worcestershire Regulatory Services**

Further comments received summarised as follows:

While WRS are aware of the health issues surrounding petrol vapour, we are satisfied that the application has all the legally required processes and procedures in place to keep vapour issues to a minimum. The application complies with all the permitted vapour recovery conditions that must be met by all Petrol Station Forecourts in the United Kingdom.

Petrol stations in the United Kingdom are regulated by Environmental Health and Trading Standards.

The application submission states that the applicant will be applying for a Vapour recovery permit. A permit is required to ensure that the highest standards are maintained. The equipment to be installed as part of this application would ensure that all vapour from the underground tanks are recycled to the tanker during refuelling and must be done by a trained "Competent Person". Procedures include the connection of the vapour collection pipe from tank to tanker before any filling commences. A similar system collects vapour from the vehicle tank that is expelled during filling, and fed back to the main storage tank via the nozzle. This is done at a minimum of 85% efficiency.

The vents installed to the tanks are designed to let air in (to replace the volume of petrol that is pumped), not to let air or vapour out.

The role of the permit is to ensure the presence of this vapour recovery system and that the vapour recovery valves on the vents and the leak detector are all maintained to the manufacturer's standards on a regular basis and that maintenance records and evidence of staff training are kept on site.

WRS permit 95 petrol stations across Worcestershire and Gloucester City, many of which are in urban areas, and in the last two years WRS has investigated just one non proven odour issue.

The most likely source of odour and petrol vapour would be, from our experience, idling traffic. The site is already part of a busy car park and we do not believe that the three self-service pumps would invite significant traffic above the already existing Asda patronage.

### Public Consultation Response

Two further neighbour representations have been received in objection. Comments received are summarised as follows:

- o Development proposed is too close to neighbouring properties
- o Operational concerns regarding ages of persons who might use the PFS facility
- o General health and safety concerns
- o Potential for anti-social behaviour outside of operating hours

Other objections received are as summarised on Page 19 (Appendix A) within the agenda.

## Assessment of Proposal

The distance which would exist between the proposed PFS and the nearest dwelling was raised during the applications discussion at the November 2019. To clarify, the distance which would exist between the nearest part of the proposed canopy and the flank wall serving number 56 and 67 Millsbro Road would be 22.9 metres. A distance in excess of 25 metres would exist between the same property and the fuel tanks. Images showing these distances will be available for members to view during the meeting.

Representations have been received from members of the public who object to the perceived close proximity of the proposed development to residential uses and references to academic papers examining existing PFS in other Countries such as Spain have been forwarded to your officers which recommend that greater separation distances should exist. It is important for your officers to stress that such studies do not represent guidance issued by the UK Government and has little credibility to the acceptability of the current proposal. None of the studies referred to relate to PFS facilities in England which are governed by Government legislation, monitored by the Petroleum Officer who has raised no objection to the application.

WRS have already commented that there are no minimum distances from any vent release areas to houses. WRS consider that the submitted plans are acceptable in that respect.

Your officers would draw member's attention to the presence of a number of existing PFS facilities which are located within close proximity to existing residential uses, including a PFS facility at Alcester Rd Studley, Birmingham Road Bromsgrove and the recently refurbished facility along Evesham Rd Astwood Bank where a planning application for an extension to the existing shop was determined by the Planning Committee in January 2019.

In terms of Fire safety matters, the Fire Services response of 'no objection' was reported verbally during the officers' presentation to the Planning Committee in November 2019. Their comments of no objection are reported in writing on Page 10 of the main agenda and are available to view via the Councils website.

As stated within the main report, it is essential to focus on the particular issues associated with the current application for the proposed PFS and not be revisit matters pertaining to the original consent for the approval of the main store. Essentially therefore it is necessary to ask whether the proposed PFS facilities would lead to a rise in ASB at the site. Your Officers advice to members is that it would not and the Police have confirmed that the presence of a PFS on the site is actually more likely to deter ASB for the reasons stated in the main report. By means of an example, a representation received from a nearby neighbour refers to fireworks being lit at the site on New Year's Day. Clearly this occurred recently as incidents of this nature may have occurred historically at the site. The approval of a PFS at the site would not lead to a rise in such incidents occurring in the future. As stated within the main report, matters relating to ASB allegedly occurring within the wider car park will be addressed through the submission of a Car Park Management Plan to discharge the relevant conditions attached to application 2014/036/FUL.

It is important to separate general planning considerations from day to day operational issues. For example, matters which were raised at the last meeting included how to prevent under age individuals from using the facility and how smoking at the facility could be prevented. These are operational rather than planning issues.

As stated in earlier reports, hours of operation for the PFS would be as per the main stores operating hours as set out on Condition 4) - page 13 of the main agenda. Deliveries of fuel could not take place outside these hours.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions 1 to 6 and informatives 1 to 3 as stated in the main report - Pages 11 to 14**

**19/01307/LBC Palace Theatre, Alcester Street**

**No Updates**

**19/01326/ADV Palace Theatre, Alcester Street**

**No Updates**