

**PLANNING
COMMITTEE**

5th December 2024

Planning Application 23/01388/FUL

Demolition and construction of a convenience store and associated car parking

131 - 135 Birchfield Road, Redditch, Worcestershire, B97 4LE, ,

**Applicant: Bengeworth Property Investment Ltd
Ward: Headless Cross And Oakenshaw Ward**

(see additional papers for site plan)

The case officer of this application is Jo Chambers, Planning Officer (DM), who can be contacted on Tel: 01527 881408 Email: jo.chambers@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is located at the corner of Birchfield Road and Feckenham Road and measures approximately 0.3 acres. The surrounding properties are predominantly residential, with some shop units occupying the ground floor of the buildings on the opposite side of Birchfield Road. There are two areas of primary open space also located on the opposite side of Birchfield Road. A Scout hut and Army cadets occupy a site to the rear of properties along Feckenham Road to the south of the application site. Part of the boundaries of the adjoining residential properties are screened by vegetation within the gardens of those dwellings. This includes a conifer hedge approximately 5m tall within the garden of 1 Archer Terrace, Feckenham Road.

The application site is currently occupied by a 2-storey detached building operating as the Massalla Club restaurant (formerly The Archers PH) this being a Class E (Commercial, Business and Service) use. The remainder of the site is entirely hard surfaced with car parking laid out around the site frontages and alongside the boundary with 129 Birchfield Road. The servicing area is located to the rear of the building. There are 2 existing vehicular access points: one from Feckenham Road, one from Birchfield Road. There are no internal barriers within the site such that drivers can choose which entrance to enter/exit.

The existing building is set back from the road junction and roughly aligned with the adjacent 3-storey terraced dwellings on Feckenham Road (Archer Terrace). It is set back further from the junction than development on the opposite side of Feckenham Road and set back further from Birchfield Road than the neighbouring dwelling at 129 Birchfield Road. The design of the existing property is such that the building 'turns the corner' with windows facing both roads and incorporates a pitched roof. There is a variety of architectural styles and materials in the streetscene, though red brick is most prevalent. Built form in the vicinity of the site is 2- 3-storey.

PLANNING COMMITTEE

5th December 2024

Proposal Description

Full planning permission is sought for the demolition of the existing building and the construction of a purpose-built convenience store and associated car parking.

The new store building would be set towards the eastern boundary with 129 Birchfield Road and set behind a proposed 15 space car park accessed from Feckenham Road only. The car park would include 2 disabled car spaces, 2 electric charging points, motor bike parking and separate cycle parking. The existing vehicular access off Birchfield Road would be closed and access from that road would be pedestrian only. The vehicular entrance from Feckenham Road would be flanked by a bricked paved pathway either side.

Soft landscaping would be introduced along the site frontage and would include trees along Feckenham Road. The loading bay would be positioned alongside the boundary with Archer Terrace. A new acoustic fence ranging in height between 1.8m – 4m is proposed along that boundary.

The proposed building would be single storey with raised sections and elevations incorporating false windows with brick detailing. A cash machine is proposed adjacent to the building entrance.

A Unilateral Undertaking is proposed to provide a £30,000 contribution to Worcestershire County Council Highway Authority towards the provision of a signalised toucan crossing located on Birchfield Road in the vicinity of the proposed development.

Relevant Policies :

Borough of Redditch Local Plan No. 4 (BoRLP4)

Policy 1: Presumption in Favour of Sustainable Development

Policy 5: Effective and Efficient use of Land

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 22: Road Hierarchy

Policy 30: Town Centre and Retail Hierarchy

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 41: Shopfronts and Shopfront Security

Others

Redditch High Quality Design SPD

National Planning Policy Framework (2023)

National Planning Practice Guidance

**PLANNING
COMMITTEE**

5th December 2024

Relevant Planning History

1999/361/FUL	Proposed Alterations And Extensions	Granted 22.11.1999
--------------	-------------------------------------	-----------------------

Current application under consideration at 129 Birchfield Road:

24/01047/FUL	Single storey rear extension (Retrospective)
--------------	--

Consultations

Arboricultural Officer

Views awaited on amended plans.

Previous comments requested amendments to the proposed plant species.

Worcestershire Highways - Redditch

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below.

I have no highway objections to the proposed demolition and construction of a convenience store and associated car parking due to issues with the layout.

Site observations:

The site is located in a residential and sustainable location off a classified Road. The site is a corner property which has 2 vehicular accesses located off Birchfield Rd and Feckenham Rd. The site at present is an Indian Restaurant with on-site car parking available to customers. The roads surrounding the site have footpaths and street lighting and "No Parking" restrictions are in force in the vicinity. The site is located within walking distance of bus route and bus stops.

Objections Raised by the Public:

It is noted there have been 19 objections to date, the highway concerns have been addressed below:

- Deliveries to the store will not be carried during the AM & PM peaks or during the beginning and end of school hours.

PLANNING COMMITTEE

5th December 2024

- The traffic to be generated by the proposed development will not have a severe impact on the highway, since as highlighted by the calculation 70% of the trips will be pass-by trips which are already located on the highway network.
- A Road Safety Audit has been carried by the applicant and verified by WCC which raised no highway concerns with the location of the proposed development, vehicular access or the T-junction.
- With regards to vehicles being displaced onto the road, the proposed development has provided car parking in accordance with WCC car parking standards. Parking restrictions are also in force along Birchfield Rd and Feckenham Rd which will deter parking on street. Should parking occur on the double yellow lines or on the pavement then this would be a police matter.
- There is a fall-back position for the applicant which enables the site to be converted into a convenience store with any changes.

Layout:

The proposed layout is deemed to be acceptable, the applicant has provided additional information, plans and justifications why this proposed development should be accepted by highway

- The proposed development has been subject to a Stage 1 Road Safety Audit which raised no concerns with the location of the proposed development or the junction.
- Applicant to note the site entrance is required to be reconstructed with a new bull nose kerb at the edge of carriageway and rear edging kerb across the site access in addition to the tactile paving either side of the access which has been indicated. It is also recommended for the existing footway around the boundary of the site to be resurfaced with new edging kerbs if the onsite works have an impact on the existing footway.
- Applicant has failed to include an Employment Travel Plan; however, the applicant has agreed to providing a Travel Plan Statement – accepted by highways and has been conditioned.
- In accordance with the Streetscape Design Guide, it was recommended the vehicular access be located a minimum 20m from the junction. However, a Road Safety Audit highlighted no highway safety problems for vehicles turning into and from the existing junction therefore the location of the vehicular access is acceptable.
- The layout plan provides a 17m visibility splay to the north with a 2.4 metre set back from the proposed site access. The recommended visibility splays have been provided in accordance with 85thtile speeds and have been accepted. Due to the

presence of double yellow line parking restrictions discriminate car parking blocking visibility would be highly unlikely.

- The applicant has provided tracking for the largest anticipated vehicle to access the site (10.35 metres long rigid delivery vehicle) and as shown in Drawing Number F23100/02 Revision B the vehicle could manoeuvre without conflict using the available carriageway space, therefore accepted by highways.
- The applicant has provided in accordance with WCC car parking standards a total of 15 car parking spaces which includes 2 disabled bays, 2 EV bays, 2 motorcycle bays and 4 cycle spaces in a sheltered cycle store. The parking for the staff is calculated within the WCC car parking standards.
- The development is located in a residential location with links to bus services in the vicinity. However: the refuge island referred to in the Transport Statement (section 6.9) located on Birchfield Rd no longer meets WCC requirements and those of LTN 1/20 and ATE guidance. Highways requirements are that a refuge must be 2 to 2.5m wide and as this is not achievable to replace the existing and given the overall available road width. Highways have recommended contributions towards a signalised toucan crossing since there will be a material change and the number of pedestrians visiting the site will be increased. The pedestrian desire line to cross the carriageway will be via this refuge crossing point located. No other crossing points are located in the immediate vicinity. The applicant has agreed a contribution of 30k towards the cost of providing a signalised crossing on Birchfield Road. The pedestrian profile highlighted within the Transport Statement confirms 24 arrivals and departures in the AM peak and 18 arrivals and 17 departures in the PM peak.
- The changing of two to one vehicular access removes the busier link located on Birchfield Rd in terms of vehicles and is deemed to be acceptable in this instance.
- The applicant has annotated the existing vehicular access located off Birchfield Road will be reinstated on the site plan - accepted.
- The applicant has carried out a Personal Injury Accident (PIA) review which confirmed in the 5-year study period there has been a single recorded incident in the immediate vicinity of the site. This was classed as 'severe' and occurred circa 20 metres east of the Birchfield Road/Feckenham Road junction. This incident involved a vehicle colliding with a pedestrian at 17:10 hours on 9 February 2021. According to the accident details, the pedestrian was attempting to cross the carriageway but was not using the pedestrian refuge island.

Trips generated:

- The trip generation and the TRICS data for the proposed development provided by the applicant within the transport statement has been checked by highways and is deemed to be acceptable. The development could generate up to 53 two-way vehicle movements in the busiest evening peak hour. However, it should be noted

PLANNING COMMITTEE

5th December 2024

70% of these trips (non-primary trips: 40% would be pass-by and 30% would be diverted) would already be on the highway network and would likely visit the site on the way home from work, the remaining 30% being new trips which travel to the site specifically.

- In the busiest evening peak hour, the overall impact of the development would result in up to approx. 27 vehicles arriving/departing to the north and up to approx. 27 vehicles arriving/departing to the south on Feckenham Road. This represents an average of 1 vehicle every circa 2 minutes in each direction across the peak hour.

It is agreed with the trips highlighted there would be no 'severe' cumulative impact on the surrounding highway network

Contributions:

Contributions of £30,000 agreed with the applicant towards the provision of a signalised toucan crossing located on Birchfield Road in the vicinity of the proposed development.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

WCC Highways Recommended Conditions:

Pedestrian visibility splays

Vehicular access

Cycle parking

Provision of access, parking, turning facilities

Vehicular visibility splays

Existing access closure

Construction Environmental Management Plan

WRS - Noise

The submitted Noise Technical Note, dated 4th October 2024, concludes that the noise impact from HGV deliveries, with the proposed acoustic barrier in place, should not adversely impact the resident(s) in the rear garden of 1 Feckenham Road, when assessed in line with BS4142. However, as the background noise monitoring position appears to have been taken on the site, with a line of sight to Birchfield Road, I consider that the actual impact may be greater but perhaps not approaching 5dB above the background noise level which would be an indication of an adverse impact. Therefore, if the application is approved, I would recommend that HGV deliveries to the store are restricted and only undertaken between say 08:00 - 22:00hrs and that the recommended noise mitigation measures (acoustic fencing) are implemented as proposed in the originally submitted noise impact assessment. Full details of the heights, extents, constructions and surface densities of the recommended acoustic fencing should be submitted for approval.

PLANNING COMMITTEE

5th December 2024

WRS Recommend Conditions

Demolition & Construction Phase Nuisance Management Plan
External Lighting

North Worcestershire Water Management

The proposed development site is situated in the catchment of The Wharrage. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that there is no surface water flood risk to the site.

In principle development at this location is acceptable. The site is currently comprised almost entirely of impermeable surfaces, with the proposed development incorporating landscaped areas which will help to reduce the amount of runoff generated from the site. The included Flood Risk Assessment & SuDS Strategy also provides some details on the potential site drainage, but these do not seem to be the finalised proposals. It is therefore required that the applicant / agent provides the Local Planning Authority with details of the proposed drainage for the site. This information can be provided via a condition and should be in the form of a drainage plan. I should also include the means to manage surface water from the site appropriately.

Following consideration of the comments regarding flooding raised by the resident of 129 Birchfield Road, records have been rechecked. EA mapping does not indicate any flood risk to the site either from a fluvial or surface water perspective. We also have no records of flooding issues either on the site or within the immediate area. There is some low-risk surface water flood risk indicated around the wider area but given that the site is largely, if not completely, impermeable at present it is unlikely that the proposed development will increase surface water runoff. But even so correctly designed drainage will also help mitigate any flood risk to the surrounding area from surface water.

NWWM Recommended Condition:
scheme for surface water drainage

Community Safety Manager

An ATM (cashpoint) is proposed for this site, these can be vulnerable to attack, particularly by hostile vehicles who smash into them and attempt to remove the entire unit. In this case the car park frontage and road access gives a good approach run to any hostile vehicle. To protect the ATM hostile vehicle mitigation measures should be used, this can be secure bollards, specified for the purpose or alternatively a concrete planter placed between the ATM and the frontage if a more attractive solution is sought. The ATM should be lit dusk to dawn and be covered by any CCTV system.

It is unclear how the rear area past the loading bay and running around the rear perimeter of the building to Birchfield Rd is to be protected. If not protected this area can be subject

PLANNING COMMITTEE

5th December 2024

of ASB loitering, drug taking and facilitate ambush. Maintenance access will be required so this area should be protected by gated security fencing to at least 2M at either end.

Public Consultation Response

The application has been publicised by writing to adjacent occupiers and by site notice.

1 letter of support has been submitted. The main issues raised are:

- The site is currently an eyesore.
- The application offers an opportunity to re-use an existing site for a local convenience store
- The site is within easy pedestrian access for most of Headless Cross/Webheath close to a proposed cycle route.
- Parking better than some other premises.

20 letters of objection have been received. The main concerns raised are:

- The shop is unnecessary – there are existing convenience stores in the area and supermarkets down the road
- Highway safety.
- Additional traffic generated will be dangerous for school children and residents walking
- Existing busy traffic, particularly at school times, will be made worse.
- Single vehicular access close to junction is unsafe.
- Manoeuvring space inadequate.
- Concern that existing inconsiderate parking will increase – many existing dwellings do not have off-street parking
- Additional traffic will cause additional pollution and littering
- Anticipate increase in anti-social behaviour.
- Existing Massalla Club does not have deliveries from large vehicles
- Users of the existing Massalla Club are local and walk.
- Adversely affect property values
- May adversely impact on existing shops
- Noise and disturbance for residents.
- Loss of use of existing Massalla Club car park by visitors to other shops etc

A petition listing 16 names has been submitted based on survey comments collated by Councillor Juliet Barker Smith and Councillor Ian Woodall. 15 names are listed as either against or strongly against the application with 1 for the application.

The petition states there have been 38 responses to the survey with 41 responses to the following questions:

- 1) *How supportive are you of a new convenience store being built:* 28 completely against, 6 mostly against, 1 in the middle, 4 mostly for, 4 completely for
- 2) *How positive are you about the new store:* 30 bad for the area; 5 mostly bad for the area; 3 mostly brilliant for the area; 3 brilliant for the area.

PLANNING COMMITTEE

5th December 2024

- 3) *How will the junction be affected:* 1 not be affected; 1 mostly not be affected; 3 in the middle; 2 mostly badly affected; 34 badly affected.
- 4) *Will local businesses be affected by the new store:* 32 bad for local business; 2 mostly bad; 2 in the middle; 2 mostly good for local business.

The petition includes graphs showing levels of concern on particular issues; the results are extrapolated as followed:

- a) *Increased Traffic:* 18 extremely concerned; 13 very concerned; 6 slightly concerned; 1 not at all concerned
- b) *Effect on current businesses:* 14 extremely concerned; 16 very concerned; 6 slightly concerned; 2 not at all concerned
- c) *Noise levels out of opening hours:* 14 extremely concerned; 10 very concerned; 9 slightly concerned; 5 not at all concerned.
- d) *Noise levels generally:* 14 extremely concerned; 11 very concerned; 10 slightly concerned; 3 not at all concerned.
- e) *Large delivery lorries:* 19 extremely concerned; 12 very concerned; 5 slightly concerned; 2 not at all concerned.
- f) *Increased litter:* 18 extremely concerned; 13 very concerned; 5 slightly concerned; 2 not at least concerned.
- g) *Antisocial behaviour:* 16 extremely concerned; 12 very concerned; 8 slightly concerned; 2 not at all concerned.

Primary issues raised in comments:

- Increased traffic/congestion in a busy area / associated increase in pollution
- Highway safety
- Adverse impact on existing shops/business / not needed
- Prefer an alternative development such as restaurant, housing, community facility/green space
- Noise/light pollution/attract young people hanging around
- Loss of existing restaurant
- Disruption during construction
- Convenient especially for local people/those who do not drive
- Offer cheaper prices
- Improve tired building

Cllr Juliet Barker Smith

As Ward Councillor for this area, I am neutral, however, a survey was carried out by two of the Ward Councillors (Cllr Barker Smith and Cllr Woodall) which was submitted to the planning committee. The findings of the consultation to residents in the local area were that on a ratio of 7:1 the residents were against this development. The primary reasons given for being against were as follows:

- that this junction is already busy with traffic problems as it is. Having only one entry in Feckenham Road will considerably increase the traffic difficulties at an already busy junction.
- There is very limited parking provision for existing residents to park, and currently there are ongoing complaints about inconsiderate parking in this area. Residents

are very concerned that people using the proposed convenience shop will park inconsiderately outside their properties, increasing the current problem and exacerbating the difficulties at an already busy junction.

- Residents point out that there are businesses already operating in close proximity to the proposed new shop which will be adversely affected by a change of business at 135 Birchfield Road.
- Residents are happy with the current restaurant as they enjoy eating there and feel unhappy that they will lose this facility
- Residents are concerned about increased litter and antisocial behaviour that a shop of this kind might attract.
- Residents are concerned about disruption, including out of trading hours caused by delivery vehicles.
- Residents are concerned about the fact that there will now only be one vehicle entrance to the new business, instead of the current two, which allows less traffic disruption. They feel that having only one vehicle entrance to the proposed site on Feckenham road will cause major disruption to traffic flow on both Birchfield Road and also Feckenham Road which is already problematic because of it being the access road to Walkwood Middle School. The school already causes very difficult problems with inconsiderate parking, driving and inadequate parking for pick ups and drop offs. The residents feel that if this plan goes through, this disruption will be substantially increased. Councillor Woodall and I will follow this case and as is our remit, support our residents in whatever actions the majority of them choose to pursue

Assessment of Proposal

Principle of Development

The site is currently occupied by a restaurant; the existing lawful planning use of the site falls within Use Class E (Commercial, Business and Service). A retail use falls within the same use class. Therefore, the proposal does not represent a material change of use of the site and the existing building could operate as a convenience store without the need for any planning approval. This is an important material planning consideration in the determination of this application. As a consequence, the use of the site as a convenience store is considered to be acceptable in principle.

Competition and the impact of the development on existing retail units and businesses are not planning matters and cannot be taken into account in the determination of the application. This applies also to the closure of the existing restaurant – this does not require any permission under the planning system.

Highway Matters

A number of Transportation documents have been submitted with the application including additional information in response to local concerns and Highway Authority comments.

PLANNING COMMITTEE

5th December 2024

The majority of comments received from the public have raised concerns regarding highway matters, including traffic, parking, manoeuvring and general concerns on highway safety. The petition also identified such concerns. These have been considered by your planning officer and by the Highway Authority. The full comments from the Highway Officer are included in the consultation section of the report set out above which address the concerns raised.

The access arrangements, traffic generation, manoeuvring, parking provisions and matters of highway safety are all considered acceptable and suitable with regard to the development proposed subject to conditions and a Legal Agreement to secure a financial contribution of £30,000 towards a signalised toucan crossing on Birchfield Road. The contribution is considered appropriate with regard to the relevant tests for financial contributions. The applicant has agreed to this request and is in the process of preparing a Unilateral Undertaking (UU) (s106 Legal Agreement). At the time of writing this report the UU has not been formally submitted and thus delegated authority is being sought to determine the application.

The Highway Authority has advised that the proposal is acceptable and there are no highway grounds to refuse the application. Your officers agree with this conclusion and have no reasons to take a contrary view to the Highway Authority.

Design, Appearance and Impact on the Character of the Area

The application has been amended to address a number of design concerns which were raised to the proposal as originally submitted.

BoRLP4 Policy 39 requires all development to contribute positively to the local character of the area, responding to and integrating with distinctive features of the surrounding environment. Policy 40 sets out the importance of good design. Proposals for individual buildings and both public and private spaces are expected to reflect or complement the local surroundings and be of appropriate siting and layout with distinctive corner buildings. These local adopted policies reflect the requirement for high quality design set out in the National Planning Policy Framework (NPPF). This is echoed in the Council's High Quality Design SPD that requires new development to respect and enhance the local character through the use of appropriate materials, siting, scale and massing.

The building is set behind the car parking area. Its position is aligned with the frontage of 129 Birchfield Road, set back from that road behind an area of new soft landscaping incorporating 4 trees. The proposed building is set further away from the Feckenham Road/Birchfield Road junction than the existing building. This setback also contrasts with the denser pattern of development on the opposite corner which is located much closer to the junction. Ordnance survey records show that the application site has consistently been more open with development set away from the junction. This set back is considered to be consistent with the pattern of development and character of the area and is considered acceptable.

**PLANNING
COMMITTEE**

5th December 2024

The scale of the proposed building has been amended to increase its height by raising the roofline and eaves along the Birchfield Road and Feckenham Road elevations and with the introduction of gables to both frontage elevations together with a 2 storey hipped corner feature. It is considered that these amendments aid the integration of the proposed building into the streetscene which is dominated by 2-3 storey buildings.

The external appearance has also been amended to better complement its setting. The amendment includes an improvement in the proportions of the building, the ratio of glazing to brick, the introduction of horizontal banding and arch detailing above the windows. A number of these are false windows and have been introduced to add interest to the elevations and to better integrate the external appearance of the building within the streetscene. Windows are prevalent in the streetscene but are often lacking in retail developments where internal wallspace for displaying goods for sale is at a premium. Given the importance in local policy of complementing the local surroundings the inclusion of false windows is considered acceptable on this occasion. These changes to the external appearance pick up on architectural features within the streetscene. Elevations towards the boundaries with adjacent residential properties follow a simpler design. The external appearance of the proposed building is considered acceptable.

Whereas the existing site is hardsurfaced and entirely devoid of vegetation, new areas of soft landscaping are proposed to be introduced around the periphery along the adjoining highways. This is considered to be a benefit of the scheme both in terms of appearance and environmental benefits, representing an overall improvement to the streetscene. The Tree Officer has previously requested a change to some of the plant species proposed in the landscaping plan. Amendments have been submitted for consideration and at the time of writing this report the consultation response of the Tree Officer is awaited. An update will be provided to Members at the Planning Committee meeting, though it is considered that this matter can be addressed by a planning condition.

Overall, the design, scale and appearance of the development including its landscaping is considered appropriate within its context.

Impact of development on amenity of neighbouring residential properties

The height of the elevation closest to 129 Birchfield Road varies between an eaves height of 3.653m to 4.5m. This will largely be screened by vegetation within the garden area of that dwelling. The outlook from the dwelling is generally away from the application site and towards its rear garden. Information submitted with a current application at the dwelling shows a side facing sitting room window is positioned approx. 7m from the boundary. The impact on the amenity of that room given the distance and its position between existing extensions at that property are not considered to be harmful.

The resident has commented that the rear garden currently floods from water runoff from the Massalla Club car park. No information has been provided of any discussions to resolve this with the current landowners of the site. NWWM has commented that given that the application site is largely, if not completely, impermeable at present it is unlikely that the

**PLANNING
COMMITTEE**

5th December 2024

proposed development will increase surface water runoff. But even so correctly designed drainage will also help mitigate any flood risk to the surrounding area from surface water. This is not considered to be a reason for refusal. A condition is proposed to require details of surface water drainage to be submitted for approval.

The resident has also queried whether external refrigeration units are included on the external wall. None are shown on the proposed elevations.

Additional supporting information has been submitted to address noise matters. The loading bay is proposed close to the boundary with Archer Terrace. An acoustic fence is proposed between 1.8m high rising to 3m high adjacent to the residential dwelling and increasing to 4m in height alongside the rear garden reducing to 1.8m beyond the loading bay area. There is an existing tall conifer hedge within the residential garden that extends up to the rear dormer windows of that dwelling. The survey information provided with the application states the conifer hedge is 5m high. The conifer hedge would screen the acoustic fence. It is proposed to 'carefully trim back' overhanging branches and either the existing concrete within the development site will be 'carefully removed using hand held tools only, or retained in-situ and overlaid with new surfacing, to ensure no disruption to underlying tree roots, if present'. The Tree Officer has raised no concern to this method of working. WRS has recommended that full details of the acoustic fence be submitted for approval – this can be satisfactorily achieved by a planning condition.

WRS has also recommended a condition restricting the hours of delivery by HGV. The imposition of a slightly more restrictive condition has been discussed with the agent to protect residential amenity of neighbouring properties including family housing and it is intended to impose a condition that No HGV deliveries shall be made outside the hours of 08:00 and 20:00 Monday to Sunday (including Bank Holidays). It is considered that this provides an appropriate balance to protect the amenity of nearby residential dwellings and the operational needs of the convenience store.

Further conditions recommended by WRS include the submission for approval of a Demolition & Construction Phase Nuisance Management Plan and details of external lighting. These are considered appropriate to protect residential amenity.

Representations received have raised concern that the development may result in antisocial behaviour. This has been discussed with the Community Safety Officer. He has identified a requirement that the areas to the rear of the building be securely gated to prevent unauthorised access and risk of antisocial activities in those less well observed areas. This can be secured by a planning condition. The Community Safety Officer has also identified a potential risk arising from the cashpoint built into the front elevation and again this can be addressed by planning condition.

Subject to the imposition of suitable conditions, the impact of the development on the amenity of residential properties is considered acceptable.

PLANNING COMMITTEE

5th December 2024

Ecology

A bat survey has been carried out and found no evidence of bats in the existing building. No evidence of birds was identified during a survey of the building. The provision of bird and bat boxes are proposed. This is welcomed as an enhancement and can be secured by condition.

Other Matters

Public concerns have been received that the proposal may adversely affect property values. Although it is acknowledged this will be a concern to property owners, it is not a planning matter and cannot be considered in the determination of the application.

The petition identified some local concern regarding possible disruption during the construction phase. It is accepted that there is likely to be some disruption during development works however this is temporary and is an accepted part of any development. A CEMP is to be conditioned together with a Demolition & Construction Phase Nuisance Management Plan.

Concerns have been raised that the proposal would result in increased pollution and at the potential for litter arising from the development. However, the use of the site as a convenience store is in the same planning Use Class as the existing restaurant and thus represents no material change of use. The issue of litter and pollution which may arise are not considered to be materially different when comparing the potential retail use of the existing premises with a bespoke building and site layout. The advantage of a bespoke proposal is that satisfactory access, manoeuvring and parking arrangements can be achieved which themselves may bring about a lower level of pollution that if vehicles were to undertake several manoeuvres to negotiate around the existing parking area.

Some of the representations and the comments within the petition suggest the site should be put to other uses. None of those alternative uses form part of the current application. The Local Planning Authority is required to determine the application for the proposal submitted, and it is not appropriate to seek to refuse the application on the basis of such comments.

Conclusion

The proposed development falls within the same use class as the existing restaurant. There would be no material change of use therefore the proposal is acceptable in principle. Matters relating to highway safety, parking, manoeuvring, residential amenity, site layout, scale, external appearance, access and landscaping are considered acceptable. Subject to conditions and a legal agreement securing a financial contribution of £30,000 towards the provision of a signalised toucan crossing on Birchfield Road the proposal is considered to represent sustainable development in accordance with the development plan and acceptable with regard to material planning considerations.

PLANNING COMMITTEE

5th December 2024

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be **DELEGATED** to the Head of Planning and Leisure to **GRANT** planning permission subject to:-

- a) The satisfactory completion of a **S106** planning obligation (unilateral undertaking) ensuring a **£30,000** financial contribution towards the provision of a signalised toucan crossing located on Birchfield Road in the vicinity of the proposed development:

And

- b) And that **DELEGATED POWERS** be granted to the Head of Planning and Leisure to agree the final scope and detailed wording and numbering of conditions and informatives as summarised below:

- **Timing**
- **Materials**
- **Landscaping details/implementation/maintenance**
- **Security related measures (cash point / rear access)**
- **No HGV deliveries shall be made outside the hours of 08:00 and 20:00 Monday to Sunday (including Bank Holidays).**
- **Acoustic screening**
- **Travel Plan Statement using Modeshift STARS Business**
- **Pedestrian visibility splays**
- **Vehicular access**
- **Cycle parking**
- **Provision of access, parking, turning facilities**
- **Vehicular visibility splays**
- **Existing access closure**
- **Construction Environmental Management Plan**
- **Demolition & Construction Phase Nuisance Management Plan**
- **External Lighting**
- **Surface water drainage**
- **Bird/bat boxes**

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement. Furthermore, eleven (or more) objections have been received and the recommendation is for approval. As such the application falls outside the scheme of delegation to Officers.