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13<sup>th</sup> February 2025

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**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)**

**This application is submitted to Planning Committee following its deferment at the meeting on 5<sup>th</sup> December 2024.**

**The report has been updated:**

- **To include additional public comments received**
- **to incorporate details previously included in the update report presented to and considered by Committee on 5<sup>th</sup> December 2024**
- **to provide additional details from the supporting information submitted with the application**
- **to advise Committee of the submission of a Unilateral Undertaking and also a technical note submitted by the applicant in response to the deferment**
- **to include comments received from Worcestershire Highways in response to questions posed by Committee in the deferment.**
- **To provide updated planning assessment and conclusion.**

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,

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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.

**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.

**UPDATE:**

A Unilateral Undertaking has now been formally submitted by the applicant for a £30,000 Highway Contribution to be paid towards the provision of a signalised toucan crossing location on Birchfield Road in the vicinity of the development.

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## UPDATE: Additional Details from the Supporting Information Submitted with the Application

At the Planning Committee meeting on 5<sup>th</sup> December 2024, officers advised that additional details extracted from the applicant's supporting documents on transportation matters would be included in this follow-up report and is presented as follows.

**The Transportation Statement** states that a site visit and speed survey were carried out on 1<sup>st</sup> August 2023. The timing of vehicle speed surveys specifically requires them to be undertaken outside of peak traffic periods to ensure that readings are taken in free-flowing conditions.

The weather conditions were fine and dry with no standing water on the carriageway. A total of 100 vehicles were recorded in each direction and the resulting 85th percentile speeds were 22.40mph (36.00kph) for northbound vehicles and 14.56mph (23.40kph) for southbound vehicles. These speeds were recorded in free flow conditions.

Based on the above 85<sup>th</sup> percentile speeds and Manual for Streets 2, the required visibility splay to the south (northbound traffic) is 29 metres and to the north (southbound traffic) is 17 metres. The visibility splay is achieved on the site layout.

Trip rates (using Trip Rate Information Computer System - TRICS - database) for the existing restaurant and the proposed convenience store are used to assess whether any intensification in movements could have a 'severe' impact on the surrounding highway network, in line with the NPPF.

The majority of trips (70%) would be non-primary and would be within current network traffic flows'.

### Total number of trips generated by the proposed development (100%)

Using the above trip rates, **Table 7** confirms that the proposed 279sqm RFA convenience store could generate the following movements:

• morning peak	20 arrive	20 depart	40 total
• evening peak	26 arrive	27 depart	53 total
• daily	283 arrive	279 depart	562 total

### Trips new to the highway (30%):

Based on the above, the proposed convenience store could generate the following peak hour and daily 'primary' vehicle movements (new to the highway network):

• morning peak	6 arrive	6 depart	12 total
• evening peak	8 arrive	8 depart	16 total
• daily	86 arrive	84 depart	170 total

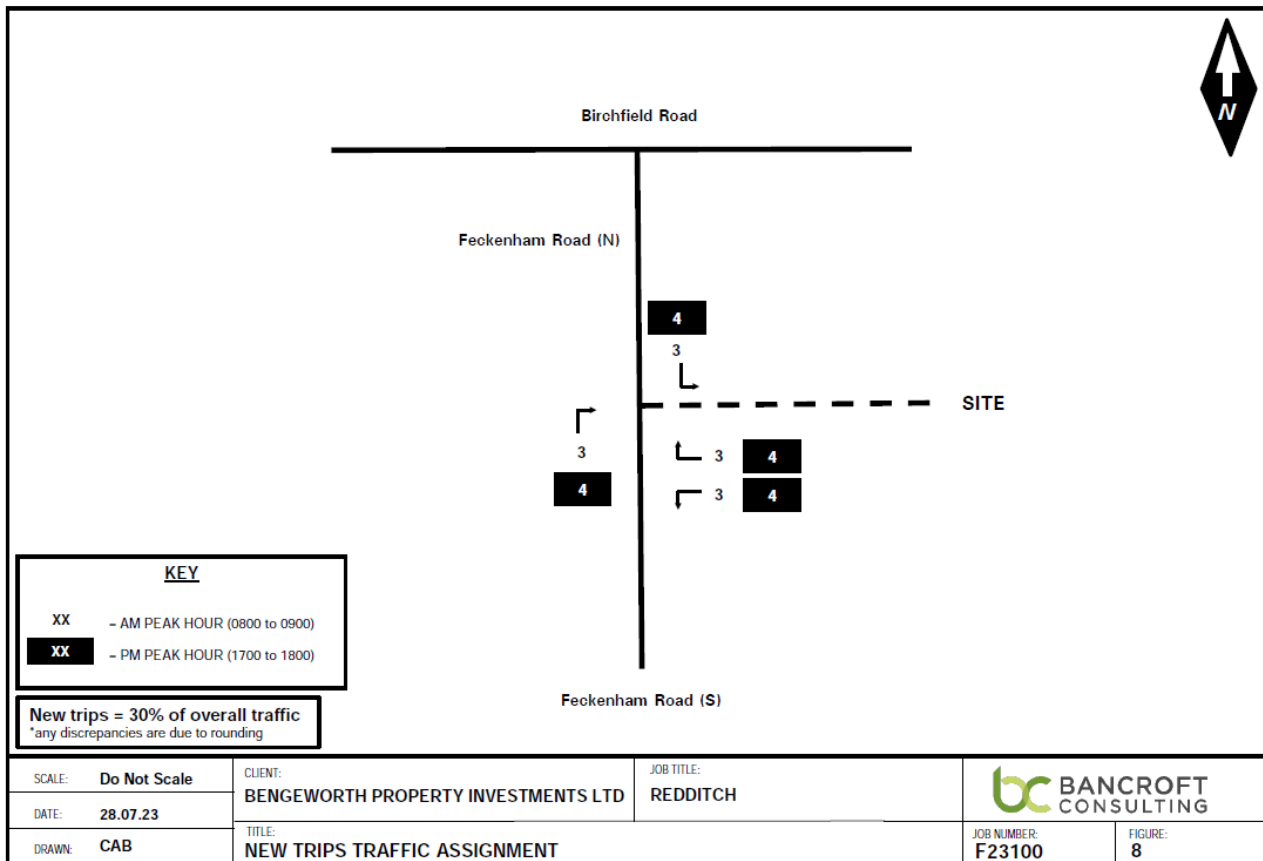
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This confirms that the proposed development would generate a negligible increase in new vehicle movements within the surrounding highway network, with up to 16 additional/primary trips in the busiest evening peak hour.

Based on the above, the turning movements for primary vehicle trips are shown in Figure 8. This demonstrates that there could be up to 6 'primary' (new to the network) two-way movements to/from Feckenham Road (south) and Feckenham Road (north) in the morning peak hour. In the evening, this increases to 8 two-way movements in both directions.

Figure 8:



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Parking provision is in line with the adopted standards as set out in the WCC design guide 'Streetscapes Design Guide' including the required number of disabled spaces, EV bays and cycle parking. Also, the parking provision has been assessed using a parking accumulation profile based on the TRICS data. This is contained within Table 7 and shows that a maximum of 14 car parking spaces would be occupied at any one time, between 1600 and 1700 hours. Aside from this period, the car parking demand is less with an average of 8 vehicles parked across the day.

Table 7: Proposed 'Convenience store Daily traffic Generation Profile (Weekday):

Time Period	Trip Rates (per 100sqm RFA)		Traffic Generation (279sqm RFA)			Parking Accumulation (initial occupancy = 1 space)
	Arrive	Depart	Arrive	Depart	Total	
05:00-06:00	1.846	1.231	5	3	8	1
06:00-07:00	2.376	2.178	7	6	13	3
07:00-08:00	4.915	4.576	14	13	27	4
08:00-09:00	7.345	7.175	20	20	40	5
09:00-10:00	6.045	5.141	17	14	31	8
10:00-11:00	6.328	5.876	17	16	33	9
11:00-12:00	6.328	6.441	17	18	35	8
12:00-13:00	7.910	7.966	22	22	44	8
13:00-14:00	6.723	5.876	19	16	35	11
14:00-15:00	6.102	6.441	17	18	35	10
15:00-16:00	7.062	6.780	19	19	38	10
16:00-17:00	7.571	6.215	21	17	38	14
17:00-18:00	9.322	9.944	26	27	53	13
18:00-19:00	8.362	8.531	23	24	47	12
19:00-20:00	6.667	6.497	18	18	36	12
20:00-21:00	4.35	5.763	12	16	28	8
21:00-22:00	2.655	3.164	7	9	16	6
22:00-23:00	0.87	0.676	2	2	4	6
23:00-24:00	0.000	0.513	0	1	1	5
<b>Daily</b>	<b>102.777</b>	<b>100.984</b>	<b>283</b>	<b>279</b>	<b>562</b>	

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With regard to the number of pedestrians, the TRICS data has been used to assess the number of potential pedestrian movements associated with the development. The pedestrian profile highlighted within table 10 of the Transport Statement confirms 24 arrivals and departures in the AM peak and 18 arrivals and 17 departures in the PM peak. This would not represent a material increase in movements compared to the existing conditions at this part of the highway network. This is supported by a review of accident data.

Table 10: Proposed 'Convenience Store' Daily Pedestrian Generation Profile (Weekday)

Time Period	Trip Rates (per 100sqm RFA)		Traffic Generation (279sqm RFA)		
	Arrive	Depart	Arrive	Depart	Total
05:00-06:00	0.000	0.000	0	0	0
06:00-07:00	1.518	1.386	4	4	8
07:00-08:00	4.633	3.955	13	11	24
08:00-09:00	8.757	8.588	24	24	48
09:00-10:00	7.797	8.023	22	22	44
10:00-11:00	7.684	8.192	21	23	44
11:00-12:00	8.192	8.814	23	25	48
12:00-13:00	9.040	8.927	25	25	50
13:00-14:00	9.605	9.379	27	26	53
14:00-15:00	8.870	9.266	25	26	51
15:00-16:00	8.757	9.548	24	27	51
16:00-17:00	6.723	7.288	19	20	39
17:00-18:00	6.441	5.989	18	17	35
18:00-19:00	7.853	7.740	22	22	44
19:00-20:00	8.192	7.627	23	21	44
20:00-21:00	6.949	7.853	19	22	41
21:00-22:00	4.124	4.463	12	12	24
22:00-23:00	1.159	2.415	3	7	10
23:00-24:00	0.000	0.513	0	1	1
<b>Daily</b>	<b>116.294</b>	<b>119.966</b>	<b>324</b>	<b>335</b>	<b>659</b>

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 incident involved a vehicle colliding with a pedestrian at 17:10 hours on 9 February 2021. The pedestrian was attempting to cross the carriageway but was not using the pedestrian refuge island. Whilst any accident is regrettable, the lack of any specific cluster indicates that there is no evidence of a problem at this location and therefore it is considered to be an isolated incident.

**Technical Note 2 (attached to this report at appendix 1)** states that the Road Safety Audit was undertaken at the end of September 2023 and published in October 2023. This provided an independent technical review of potential highway safety problems associated with any proposed changes to the highway network. There are no restrictions on when they are undertaken and the approved auditors in this instance are an

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independent and professional organisation. Accordingly, the audit was prepared in line with published professional guidance and its findings, which stated no problems, were accepted by the Highway Authority.

With regard to the submission [by residents] of additional peak hour turning count data at the Birchfield Road/Feckenham Road junction ...it must be noted that December is classed as a 'non-neutral' month in terms of traffic conditions, and I would expect survey results during this period to be dismissed accordingly. Notwithstanding this, the findings of the surveys were reported as showing "*500 cars passed through the junction*" during the morning survey period of 0800 to 0930 hours. No evidence of queuing is provided by the objector for this period and a junction with this layout and level of turning movements would typically be expected to operate satisfactorily without capacity issues. This was backed up by the site visit observations and accident study presented in the Transport Statement which showed no specific problems that required further attention.

The detailed calculations undertaken within the Transport Statement, and subsequently agreed with the Highway Authority, have confirmed (using industry standard software) that the proposed development would only generate up to 8 new peak hour movements (arrivals and departures) via the Birchfield Road/Feckenham Road junction. the NPPF "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*" [Paragraph 116 of the NPPF, December 2024].

Hence, in line with published policy guidance and agreed with the Highway Authority, it is reasonable to conclude that the proposed development would not generate a material change in traffic conditions at this junction and no further assessment is required. For this reason, no specific survey of peak hour turning movements was undertaken at the Birchfield Road/Feckenham Road T-junction, neither should it be required as part of any further consideration of this planning application.

It should also be noted that in line with National Planning Guidance 'Transport evidence bases in plan making and decision taking' (published 13 March 2015 by MHCLG), "*The recommended periods for data collection are spring and autumn, which include the neutral months of April, May, June, September and October*". Should the application be deferred for consideration of neutral turning movements at the junction this would likely present a five-month delay before an updated assessment can be submitted. So, given that there is no technical justification for requiring this assessment, any such requirement would be wholly unreasonable considering the predicted change in activity associated with the proposed scheme and established technical agreement between the Applicant and the Highway Authority.

**Servicing Management Plan**

The proposed convenience store would have on average up to five deliveries per day from the operator and its suppliers.

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No HGV deliveries shall be made outside the hours of 08:00 and 20:00 Monday to Sunday (including Bank Holidays). There would also be a newspaper delivery by light van early in the morning usually before opening with newspapers deposited in a dedicated bin. The largest vehicle servicing the convenience store is a 10.35m rigid vehicle.

Major operator deliveries are expected to be on site for on average 30 minutes. Delivery drivers would phone ahead to advise the store manager of their impending arrival. A trained member of staff will carry out pedestrian safety (banksman) duties in connection with the delivery operation.

A single weekly refuse collection will be made by a private contractor in line with the industry standard approach for convenience stores. All waste for recycling will be removed on empty service vehicles via backhaul on a daily basis in line with the industry standard approach for convenience stores.

All drivers, including those employed by suppliers and third-party contractors, will be instructed to turn off vehicle engines, radios, chiller/refrigeration units etc. when their vehicles are in the final rest position and to keep them off for the duration of the delivery/collection operation.

### **Further Information Provided Related to Site Deliveries**

The first thing to be appreciated (as demonstrated in the Servicing Management Plan) is that service visits are carefully managed by the operator, primarily for operational reasons. Thus, they need to be sufficiently separated to allow on-site staff to convey delivered goods into the back-of-house/storage area post delivery (and if necessary distribute goods then to the shelves where displayed stock is low). Staff need also to prepare for impending visits by assembly empty cages, food waste and recycling for collection. Because of the in-store staff levels, they need to fit these duties in with other duties. So there is a practical necessity to separate and spread deliveries, especially by HGVs.

The operator adopts a strict prior appointment system for deliveries and, in addition, drivers are required to phone ahead to the store with an estimated time of arrival. Where, because of unforeseen delays, such as traffic conditions, there is a risk of deliveries clashing/overlapping, the approaching driver will be told to wait in a suitable and safe remote holding location, until given clearance to go ahead.

Key to the customer offer in this type of store is the availability of fresh/perishable food /snacks and other requisites from store opening in the morning, especially for people travelling to work/school etc. Thus, the essential early deliveries are:

- Newspapers. These are delivered by a light van operated by a third party contractor prior to opening and are deposited in a secure bin. This is literally a very short duration drop-off visit;
- Pre-packed Sandwiches/fresh snacks. These are typically delivered by a LGV/Transit-type van operated by a third party contractor close to opening;



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- The operator's own 10.35 metre long rigid HGV delivering fresh/perishable goods.

The Applicant considers that the development layout and design, together with the protocols encompassed by the Servicing Management Plan, provide effective environmental/amenity protection (noise/disturbance) protection for immediate neighbours.

Members are advised that copies of the supporting information documents submitted with the application can be viewed on the Council's website under the application reference 23/01388/FUL. This includes the Transportation Statement, Service Management Plan, Technical Note 1 (Response to Highway Comments) and subsequent to the deferral of the application Technical Note 2 (applicant response to deferral). A copy of Technical Note 2 is attached to this report at appendix 1.

**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 (2024)  
National Planning Practice Guidance

**Relevant Planning History**

1999/361/FUL	Proposed Alterations And Extensions	Granted 22.11.1999
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Application at 129 Birchfield Road: 24/01047/FUL	Single storey rear extension (Retrospective)	Granted 28.11.2024
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**Consultations**

**Arboricultural Officer**

**UPDATE:** To confirm the amendments to the planting on the landscaping scheme are acceptable and address the issues raised.

The landscape scheme will provide a good level of structure and seasonal interest to the site and is a major improvement in terms of what landscaping currently exists on the site.

**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.
- 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.

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- 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 85<sup>th</sup>tile 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 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

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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

## UPDATE

Additional comments: Worcestershire Highways – Redditch

I have assessed the information submitted, based on the analysis of the information submitted by the applicant and the ward councillor the Highway Authority are still of the opinion that there would not be an unacceptable / severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

As previously confirmed:

- Deliveries to the store will not be carried during the AM & PM peaks or during the beginning and end of school hrs. (reference technical note Technical Note 1 - Response to WCC Observations by Bancroft Consulting July 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**

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**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 without any changes.

The recommendations highlighted below by the Headless Cross Residents Group within the traffic report - includes highway comments:

### Highway Officer response in **bold** to Headless Cross Residents Group Recommendations

The Headless Cross Residents Group make the following recommendations;

1. That the application for a planned convenience store on the Masala Club site be rejected on the grounds that there is a clear risk of congestion, accident and disruption - these concerns were covered in the highway comments.
2. We also recommend rejection on the grounds that the environment will be subject to increased vehicle emissions by placing a convenience store on this junction
3. However if the committee is minded still to approve the application we believe the following mitigations are essential to minimise the risk and inconvenience to residents
  - (a) The introduction of traffic calming measures such as Pelican Crossings to mitigate the Impact of increased traffic on the safety of pedestrians – **not highlighted by the road safety audit.**
  - (b) The introduction of further traffic calming measures on Birchfield road to mitigate the speed of traffic accessing the junction - **not highlighted by the road safety audit.**
  - (c) The introduction of a permit holders parking scheme for Birchfield Rd, Plymouth Road, Rectory Rd, Charles street and Milepit Lane – **no displacement of vehicles highlighted, therefore not considered.**
  - (d) We would also ask the committee to consider a similar scheme extending to Chapel Street and the Meedway - **no displacement of vehicles highlighted, therefore not considered**

Unilateral Undertaking - The proposed unilateral undertaking is currently being reviewed by WCC.

### **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

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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.

*WRS Recommend Conditions*

Demolition & Construction Phase Nuisance Management Plan  
External Lighting  
Details of acoustic fencing

**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

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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 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.

**UPDATE:** An additional letter of objection has been received in addition to the 20 reported in the original report and the 2 reported in the update report, making a total of 23 objections.

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

**UPDATE:** the additional objection received states that

- residents are not in favour of the proposal.



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- residents should have precedence over the developers
- the building is totally unnecessary
- expresses a preference for social housing over the proposal
- also seeks assurance that ‘...the Planning Committee will not give in to blackmail or underhand dealings that are no way in the interests of the people of Headless Cross, our present shops and restaurant owners, or the people of Redditch who deserve better from their elected representatives.’

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.
- 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

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- 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

**UPDATE:**

Additionally, a report on traffic use of the Birchfield Road/Feckenham Rad junction by Headless Cross Residents Group has been submitted by Cllr Woodall. The report identifies that the traffic survey information submitted by the applicant was carried out during the month of August, outside of school termtime. The group carried out its own survey between 08:00-09:30 and 14:00-15:45 on 3rd December and has submitted the results.

Headless Cross Residents Group report states that the traffic turning onto Feckenham Road from Birchfield Rd peaks during school drop off time then falls away after 08:30; traffic moving away from the school peaks after 8:45 AM. During a 90 minute period over 500 cars passed through the junction. The report states that data shows a peak in activity at 08:30. A total of 481 vehicles moved through the junction between 14:00-15:45.

The reports states that vehicles parked at the junction between 08:00-09:30 varied between 5 and 7 (mostly 7 vehicles). Although not measured the report estimates that vehicles were at or above the speed limit. The reports states that this is a busy junction congested with traffic and parked cars. The Headless Cross Residents Group strongly believes the convenience store will lead to traffic jams, restricted access to residential properties and an increased threat of accidents.

The Group recommends that the application be refused risk of congestion, accident and disruption and due to an increase in vehicle emissions.

If the application is approved, the group requests the following mitigation measures: traffic calming (pelican crossings); further traffic calming on Birchfield Road to mitigate the speed of traffic accessing the junction; introduction of permit holders parking for Birchfield Road, Plymouth Road, Rectory Road, Charles Street, Milepit Lane plus Chapel Street and the Meedway

**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

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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. 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.

## **UPDATE: comments received from Worcestershire Highways in response to questions posed by Committee in the deferment of the planning application**

The Highway Authority has provided the following response in answer to the questions posed by Planning Committee at its meeting on 5<sup>th</sup> December 2024:

### **1. The likelihood of a Toucan crossing being installed and when?**

The likelihood of a Toucan crossing being installed would depend on the findings of an initial assessments which would be carried out by WCC, no feasibility studies for a signalised crossing in the vicinity are planned.

The process for a crossing request:

- Highways would complete an initial assessment via a standard assessment form to understand crossing type that may be required at this location, time to complete the assessment approx. 3 months.

- WCC would only be able to undertake further feasibility works when workload allowed and when sufficient funding was sourced. Depending on the urgency it maybe WCC could employ third party consultants to undertake this work, but this would increase costs.

It is agreed as highlighted in tables 10 and 11 below [from the Transport Statement] there will be an increase in the number of pedestrians and cyclists due to the proposed development, however; the increase in pedestrian and cyclist numbers are not high enough to warrant the applicant paying the full contributions for the installation of Toucan crossing should it be deemed necessary by the feasibility studies. The applicant has agreed to a contribution of £30K via Unilateral Undertaking and we can confirm this is acceptable and not an unreasonable ask in this situation. It is difficult to fully estimate the costs as we cannot fully understand the implications of possible utility relocation etc.

Highways are content that safe and suitable access to the site can be achieved at present and do not believe we could substantiate a refusal on highway grounds, and it would be a challenge for highways to argue that the development should be refused if the crossing was not installed.

Time Period	Trip Rates (per 100sqm RFA)		Traffic Generation (279sqm RFA)		
	Arrive	Depart	Arrive	Depart	Total
05:00-06:00	0.000	0.000	0	0	0
06:00-07:00	1.518	1.386	4	4	8
07:00-08:00	4.633	3.955	13	11	24
08:00-09:00	8.757	8.588	24	24	48
09:00-10:00	7.797	8.023	22	22	44
10:00-11:00	7.684	8.192	21	23	44
11:00-12:00	8.192	8.814	23	25	48
12:00-13:00	9.040	8.927	25	25	50
13:00-14:00	9.605	9.379	27	26	53
14:00-15:00	8.870	9.266	25	26	51
15:00-16:00	8.757	9.548	24	27	51
16:00-17:00	6.723	7.288	19	20	39
17:00-18:00	6.441	5.989	18	17	35
18:00-19:00	7.853	7.740	22	22	44
19:00-20:00	8.192	7.627	23	21	44
20:00-21:00	6.949	7.853	19	22	41
21:00-22:00	4.124	4.463	12	12	24
22:00-23:00	1.159	2.415	3	7	10
23:00-24:00	0.000	0.513	0	1	1
<b>Daily</b>	<b>116.294</b>	<b>119.966</b>	<b>324</b>	<b>335</b>	<b>659</b>

**TABLE 10 - PROPOSED 'CONVENIENCE STORE' DAILY PEDESTRIAN GENERATION PROFILE (WEEKDAY)**

Time Period	Trip Rates (per 100sqm RFA)		Traffic Generation (279sqm RFA)		
	Arrive	Depart	Arrive	Depart	Total
05:00-06:00	0.000	0.000	0	0	0
06:00-07:00	0.066	0.066	0	0	0
07:00-08:00	0.169	0.169	0	0	0
08:00-09:00	0.395	0.282	1	1	2
09:00-10:00	0.395	0.282	1	1	2
10:00-11:00	0.169	0.169	0	0	0
11:00-12:00	0.339	0.282	1	1	2
12:00-13:00	0.452	0.452	1	1	2
13:00-14:00	0.339	0.339	1	1	2
14:00-15:00	0.395	0.508	1	1	2
15:00-16:00	0.452	0.339	1	1	2
16:00-17:00	0.282	0.282	1	1	2
17:00-18:00	0.226	0.339	1	1	2
18:00-19:00	0.508	0.565	1	2	3
19:00-20:00	0.452	0.339	1	1	2
20:00-21:00	0.226	0.395	1	1	2
21:00-22:00	0.000	0.056	0	0	0
22:00-23:00	0.29	0.290	1	1	2
23:00-24:00	0.000	0.000	0	0	0
<b>Daily</b>	5.155	5.154	13	14	27

**TABLE 11 - PROPOSED 'CONVENIENCE STORE' DAILY CYCLIST GENERATION PROFILE  
(WEEKDAY)**

- 2. Were the people who undertook the Traffic Audit aware of the two schools? [note that Walkwood Middle and Vaynor First schools are further along Feckenham Road]?**

Yes, the traffic auditors would have been aware of the schools and site visits would have been conducted to complete the Traffic Audits.

- 3. Why was the traffic survey undertaken in August and why is this acceptable given it is during school holidays?**

A speed survey was conducted in August, it should be noted a traffic survey was not requested by highways or included within the planning application submission since the proposed development would not generate a material change in traffic conditions at this junction as highlighted by the traffic assessments. Also, August is an acceptable month to conduct a speed survey outside peak hours since free-flowing traffic conditions provide the best results due to less vehicles being on the road.

- 4. Did a WCC, Highways Officer visit the site and adjacent roads.**

Yes, a site visit was carried out by Highway officers to assess the existing situation.

Following the deferral, the applicant's Highway consultant has provided a further submission: Technical Note no. 2.

The Technical Note no. 2 provides detailed justification and reasoning why the information submitted in support of this planning application should be acceptable. The justifications provided are accepted by highways.

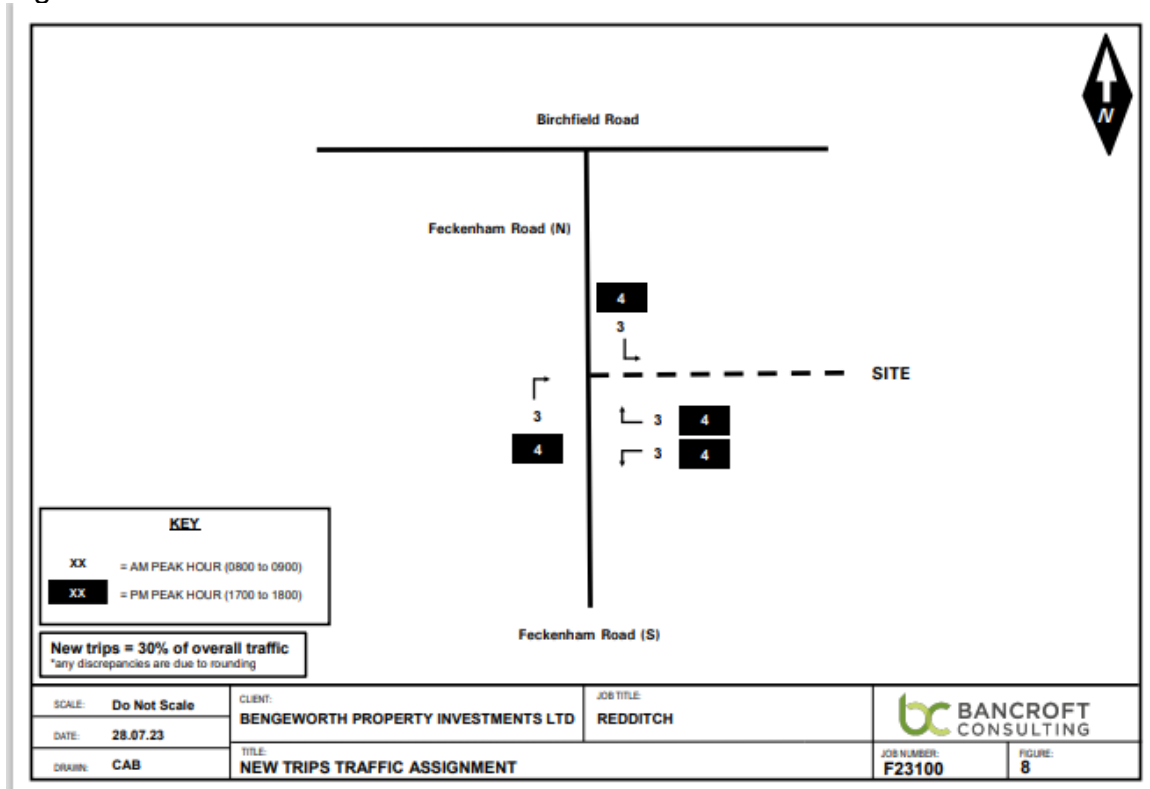
It should be noted should this application be refused the applicant has a fall-back position since both the existing restaurant use and the proposed convenience store use fall within Use Class E. The vehicular trips calculated would also apply to the existing site should the existing building be converted into a convenience store without any changes.

Extract below from "Technical Note 2 Response to deferral" provides the justification that the impact of the proposed development would not be severe, taking into account all reasonable future scenarios and that the proposed development would not generate a material change in traffic conditions at this junction.

"2.5 The detailed calculations undertaken within the Transport Statement, and subsequently agreed with the Highway Authority, have confirmed (using industry standard software) that the proposed development would only generate up to 8 new peak hour movements (arrivals and departures) via the Birchfield Road/Feckenham Road junction. As set out within the Transport Statement, the NPPF "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios" [Paragraph 116 of the NPPF, December 2024]. Accordingly, the scope of off-site impact assessment must be related to this requirement and in general terms a threshold of 30 or more two-way movements is used to define the extent of any study area for detailed consideration. Hence, in line with published policy guidance and agreed with the Highway Authority, it is reasonable to conclude that the proposed development would not generate a material change in traffic conditions at this junction and no further assessment is required. For this reason, no specific survey of peak hour turning movements was undertaken at the Birchfield Road/Feckenham Road T-junction, neither should it be required as part of any further consideration of this planning application".

See new peak hour movements illustrated in figure 8 below.

Figure 8:



With regard to deliveries, recommend conditioning the service management plan.

**UPDATE:** A Unilateral Undertaking has been received with regard to a £30,000 financial contribution towards the provision of a Toucan Crossing on Birchfield Road and is currently under consideration. Comments are awaited from Legal Services and Worcestershire County Council.

**UPDATE to Planning Assessment**

The application was deferred by Planning Committee with a request for a further response from the Highway Authority to specific questions. The applicant has also submitted a further supporting transportation technical note (attached at appendix 1) based on these matters.

It has been pointed out that no traffic survey has been carried out, instead TRICS data has been used. This is not unusual; TRICS data is commonly used. The site is already operating and vehicular access is already in existence. The Highway Authority has not requested a traffic survey and has confirmed the approach taken is acceptable and appropriate.



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The Highway Authority requested a speed survey to be carried out. Concern has been expressed in public comments that the speed survey was carried out in the month of August, during the school holidays so may not be representative of traffic conditions during term time. The purpose of a speed survey is to better understand the speeds of vehicles on the highways during free-flow traffic. The Highway Authority has confirmed the approach taken by the applicant is acceptable. The outcome of the speed survey is used to identify the necessary visibility splays. The Highway Authority has confirmed that visibility splays are correctly proposed in accordance with the 85<sup>th</sup> percentile speed and can be achieved in the site layout.

The proposal has been subject to a Stage One Road Safety Audit. This has been verified by the Highway Authority and is considered acceptable raising no concerns.

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. 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 (26 arrive; 27 depart). However, it should be noted 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/other visits, the remaining 30% being new trips which travel to the site specifically. The busiest evening peak period is shown to generate up to a total of 16 additional primary trips (8 arrive, 8 depart). This would not cause a severe impact on the surrounding highway network. Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be unacceptable impact on highway safety or residual cumulative impacts on the road network following mitigation would be severe taking into account reasonable future scenarios. It is considered that there is no conflict with paragraph 116 that would justify refusal.

The Highway Authority has provided a response on the likelihood and process for a Toucan crossing (pedestrian and cycle crossing facility) to be installed. It explains the need for an assessment to be carried out. The assessment would collect pedestrian data during the initial feasibility study. The response also explains that given the level of additional vehicle trips that would be generated (up to 8 new peak hour movements - arrivals and departures) and the pedestrian and cycle profiles that would be generated by the proposal as shown in tables 10 and 11 above, it is not considered proportionate to request the applicant to fund the full cost of providing a Toucan crossing. Instead, a proportionate contribution is considered to be £30,000 and a unilateral undertaking has been submitted for this amount and is currently under consideration by both RBC Legal Services and WCC Legal Services.

The Unilateral Undertaking is a form of planning obligation. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

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- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These are statutory tests and must be complied with for the contributions to be lawful even in instances where a developer is willing to offer a contribution.

The Highway Authority has not identified any requirement for the Toucan to be provided before the development is operational. However, the Highway Authority has identified it considers the contribution to be necessary, directly related to the development and fairly and reasonably related in scale and kind. On balance, the £30,000 contribution towards a toucan crossing is considered to meet the tests.

The WCC Highway Authority response again makes clear that safe and suitable access to the site can be achieved, that the proposal is considered acceptable with regard to highway matters and that there is no sustainable highway reason for refusal. The site layout and information provided by the applicant confirm that the proposal meets the parking standards set out in the adopted WCC Streetscape Design Guide. Having considered the proposal, the transport related documents submitted by the applicant, objections raised in the public consultation, and the consultation response of the Highway Authority, your officers have no reason to disagree with the specialist response of the Highway Authority and subject to conditions and the financial contribution consider the proposal acceptable with regard to highway matters.

Members will note the additional information included on site deliveries in the section 'UPDATE: Additional Details from the Supporting Information Submitted with the Application' above. The recommendation for a restriction on the hours for HGV delivery is made by WRS (Noise) based on the potential noise impact on 1 Feckenham Road. The Highway Authority has confirmed that there is no highway reason to impose a more onerous condition. The agent has confirmed the following condition is acceptable:

No deliveries by HGV (including 10.35m rigid vehicle) shall be made outside the hours of 08:00 and 20:00 Monday to Sunday (including Bank Holidays).

This condition is listed in the recommendation at the end of the report. It reflects the content of the Servicing Management Plan, would provide the required protection to residential amenity and is considered to meet the tests for conditions.

At the time of writing the report the Unilateral Undertaking is under consideration and comments are awaited from both RBC Legal Services and WCC Legal Service. As a consequence, delegated authority is sought to determine the application.

## **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.

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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.

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. **UPDATE:** Following receipt of comments from the Tree Officer, the landscaping scheme is considered acceptable and can be secured by planning condition.

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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 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

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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.

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

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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.

## **UPDATE:**

In response to the additional public comments received:

- *residents are not in favour of the proposal*
- *residents should have precedence over the developers*
- *the building is totally unnecessary*
- *also seeks assurance that ‘...the Planning Committee will not give in to blackmail or underhand dealings that are no way in the interests of the people of Headless Cross, our present shops and restaurant owners, or the people of Redditch who deserve better from their elected representatives. -*

Planning applications must only be determined with regard to material planning considerations and without bias or favour. It is important that that planning applications are processed and determined in an open and fair manner, otherwise, there is a risk of judicial review and the decision being quashed by the Courts; or maladministration complaint to the Local Government Ombudsman.

- *expresses a preference for social housing over the proposal*

This does not form part of the application that has been submitted for determination. The Local Planning Authority is required to determine the proposal set out in the application.

## **UPDATE: Conclusion**

The application has resulted in local objections. It is acknowledged that this application has caused much concern in the local community. The planning application must be determined in accordance with material planning matters only.

With regard to the planning use class of the site, the proposed development falls within the same use class as the existing restaurant (Use Class E). There would be no material change of use involved; the existing building and site can be used as a convenience store without the need for planning permission - therefore the use of the site for a convenience store is acceptable in principle.

Article 3 of The Town and Country Planning (Use Classes) Order 1987 (as amended) states that ‘...where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land’. Thus, as both a convenience store and restaurant are within the same use class, the existing building and land can be used

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as a retail /convenience store without the need for any permission from the Local Planning Authority. This is an important consideration.

NPPF paragraph 116 clearly states that development should only be prevented or refused on highways grounds if there would be an unacceptable or severe impact on highway safety. The Highway Authority has considered all the highway related information submitted by the applicant and all the objections received. It has provided a response to questions posed by the Committee and importantly has concluded that safe and suitable site access can be provided. The proposal would not result in an unacceptable or severe impact on highway safety. A proportionate contribution of £30,000 has been requested towards the provision of toucan crossing. On balance, it is considered that this meets the tests for contributions and the applicant has submitted a Unilateral Undertaking which is currently being reviewed. The Highway Authority has explained that a refusal on highway grounds cannot be substantiated. It is concluded that the proposal is considered acceptable with regard to highway matters.

Matters relating to the redevelopment of the site to accommodate a purpose built convenience store including highway safety, parking, manoeuvring, residential amenity, local character and streetscene, 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, the NPPF, the High Quality Design SPD and is considered acceptable with regard to material planning considerations.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, authority be DELEGATED to the Assistant Director for Planning, Leisure and Culture Services 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 Assistant Director for Planning, Leisure and Culture Services to agree the final scope and detailed wording and numbering of conditions and informatives as summarised below:**

- Timing**
- Materials**

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- Landscaping details/implementation/maintenance
- Security related measures (cash point / rear access)
- No deliveries by HGV (including 10.35m rigid vehicle) 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.



**APPENDIX 1**

**Bengeworth Property Investments Ltd**

**Birchfield Road, Headless Cross,  
Redditch**

**Technical Note 2 - Response to committee  
decision to defer Application Ref: 23/01388/FUL**

December 2024



[bancroftconsulting.co.uk](http://bancroftconsulting.co.uk)



**BIRCHFIELD ROAD, HEADLESS CROSS, REDDITCH  
TECHNICAL NOTE 2 – RESPONSE TO COMMITTEE DECISION TO DEFER  
APPLICATION REF: 23/01388/FUL  
DECEMBER 2024**

**1.0 INTRODUCTION**

- 1.1 This Technical Note has been prepared by Bancroft Consulting in response to Redditch Borough Council’s deferral of Planning Application Reference: 23/01388/FUL at its meeting on 5<sup>th</sup> December 2024. In the absence of any formal minutes, it is understood from representatives in attendance that the application was deferred by members primarily due to concerns regarding the suitability of the supporting technical documents (highways), in particular baseline survey data, and following late introduction of third-party survey information via the public consultation process.
- 1.2 The objective of this Technical Note 2 is to respond to the situation explaining how a robust approach was adopted for the application submission details in line with requirements of published national policy guidance and industry best practice.

**Overview of the Transport Statement process submitted documents**

- 1.3 The planning application was submitted with a detailed Transport Statement dated November 2023 (Revision A). Preparation of the Transport Statement also followed initial pre-application consultation with input from Worcestershire County Council acting as the Highway Authority. Details of the submitted document are available within the online planning file.
- 1.4 The report was prepared in accordance with best practice using industry standard techniques and published technical guidance for identifying the proposed site access and internal parking layout, trip generation calculations, and accessibility by all reasonable modes. This included a vehicle speed survey at the proposed site access location, a Stage 1 Road Safety Audit of the proposed highway works, an accident study covering the surrounding highway network over the past five years of operation, and a site visit to understand specific local conditions (such as peak hour queuing at the adjacent Birchfield Road/Feckenham Road junction). Its



conclusions were presented in line with published national policy guidance, which did not require any turning counts to be undertaken within the existing highway network.

1.5 Following submission of the Transport Statement detailed comments on the report were received from the Highway Authority, dated 29 May 2024. A detailed response to the points raised was subsequently presented within Technical Note 1 – Response to WCC Observations (July 2024). The areas of concern covered the following areas:

- Location of the junction and highway safety implications.
- Use of primary and non-primary trips.
- Use of 1m off-set in plotting visibility splays.
- Margin for error in the vehicle tracking assessment.
- Principle of proposed site access layout.
- Increased turning movements in the vicinity of the T-junction.
- Reduction in the number of vehicular accesses associated with the site.
- Potential for on-street parking to obstruct visibility.
- Delivery arrangements and scope for off-site servicing.
- Suitability of existing off-site pedestrian/cycle infrastructure.
- Predicted pedestrian and cyclist movements.
- Need for a new signal-controlled crossing facility.
- Predicted staff numbers.
- Employment Travel Plan.
- Segregation within the proposed car park.
- Reinstatement of existing Birchfield Road access.

1.6 The above list demonstrates how the Highway Authority undertook its own rigorous review of the Transport Statement and each of the points raised was responded to within the Technical Note following further detailed consideration. A virtual meeting took place on 14 August 2024 with officers from both the Local Planning Authority and the Highway Authority where it was confirmed that subject to the provision of a contribution towards a future pedestrian crossing (final amount to be confirmed by the Highway Authority subsequently), then the proposals could be delivered in line with the relevant sections of the NPPF.



**2.0 RESPONSE TO COMMITTEE DECISION TO DEFER PLANNING APPLICATION**

- 2.1 It is understood the focus of concern at the meeting related to the suitability of the baseline data presented within the Transport Statement with reference to august surveys that were being challenged by the Headless Cross Residents Group (as set out in the committee update report dated 5th December 2024).
- 2.2 The first point to make here is that the vehicle speed survey was undertaken on Tuesday 1st August 2024 between 0930 and approximately 1200 hours, in accordance with standard practice. Unlike turning counts, the timing of vehicle speed surveys specifically requires them to be undertaken outside of peak traffic periods to ensure that readings are taken in free-flowing conditions. Although weekends are generally avoided, there is no specific reason that precludes speed surveys from being undertaken during a school holiday period, or otherwise. The Highway Authority has accepted the results of this survey as a valid basis for assessment and I do not see any reasonable grounds upon which they can be challenged.
- 2.3 The Road Safety Audit was undertaken at the end of September 2023 and published in October 2023, with the report appended to the Transport Statement. The Road Safety Audit process has the objective of providing an independent technical review of potential highway safety problems associated with any proposed changes to the highway network. There are no restrictions on when they are undertaken and the approved auditors in this instance are an independent and professional organisation with an excellent reputation. Accordingly, the audit was prepared in line with published professional guidance and its findings, which stated no problems, were accepted by the Highway Authority.
- 2.4 In response to the submission of additional peak hour turning count data at the Birchfield Road/Feckenham Road junction (which has yet to be published for review) it must be noted that December is classed as a 'non-neutral' month in terms of traffic conditions, and I would expect survey results during this period to be dismissed accordingly. Notwithstanding this, the findings of the surveys were reported as showing "500 cars passed through the junction" during the morning survey period of 0800 to 0930 hours. No evidence of queuing is provided by the



objector for this period and a junction with this layout and level of turning movements would typically be expected to operate satisfactorily without capacity issues. This was backed up by the site visit observations and accident study presented in the Transport Statement which showed no specific problems that required further attention.

- 2.5 The detailed calculations undertaken within the Transport Statement, and subsequently agreed with the Highway Authority, have confirmed (using industry standard software) that the proposed development would only generate up to 8 new peak hour movements (arrivals and departures) via the Birchfield Road/Feckenham Road junction. As set out within the Transport Statement, the NPPF *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”* [Paragraph 116 of the NPPF, December 2024]. Accordingly, the scope of off-site impact assessment must be related to this requirement and in general terms a threshold of 30 or more two-way movements is used to define the extent of any study area for detailed consideration. Hence, in line with published policy guidance and agreed with the Highway Authority, it is reasonable to conclude that the proposed development would not generate a material change in traffic conditions at this junction and no further assessment is required. For this reason, no specific survey of peak hour turning movements was undertaken at the Birchfield Road/Feckenham Road T-junction, neither should it be required as part of any further consideration of this planning application.



**3.0 SUMMARY**

3.1 This planning application has been supported by a rigorous process that included pre-application consultation, a detailed Transport Statement prepared in response to the initial concerns alongside standard industry requirements, and then submission of a further detailed technical note seeking to address the robust assessment of the Transport Statement by the Highway Authority. This concluded that the proposed development could be delivered without any highway safety problems or material changes to the existing operation of the local highway network.

3.2 It is evident that the committee's decision to defer the decision has been made without any specific technical grounds for justification and against its officers' professional advice. It should also be noted that in line with National Planning Guidance 'Transport evidence bases in plan making and decision taking' (published 13 March 2015 by MHCLG), "*The recommended periods for data collection are spring and autumn, which include the neutral months of April, May, June, September and October*". Should the application be deferred for consideration of neutral turning movements at the junction this would likely present a five-month delay before an updated assessment can be submitted. So, given that there is no technical justification for requiring this assessment, any such requirement would be wholly unreasonable considering the predicted change in activity associated with the proposed scheme and established technical agreement between the Applicant and the Highway Authority.

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