

Planning Application by

SME (PIZZA) LTD

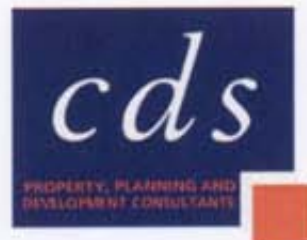
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PROPOSED PIZZA HUT DELIVERY UNIT (A5 USE)

290 – 294 Chester Road
Castle Bromwich

PLANNING STATEMENT

March 2010



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1.0 INTRODUCTION

- 1.1 This Planning Statement is submitted in support of a planning application that has been submitted on behalf of SME (Pizza) Ltd for a Pizza Hut Delivery unit adjacent to an existing KFC drive thru' restaurant on the edge of the Castle Bromwich District Centre, in North Solihull.
- 1.2 This Statement will assess the proposed takeaway restaurant in the context of the site and surrounding area before considering design, access and planning issues as well as other material considerations.
- 1.3 Before turning to describe the proposed development it is pertinent to note that the applicant is the owner and operator of the existing KFC drive thru' restaurant located within the site. Pizza Hut (including Pizza Hut Delivery) and KFC are sister restaurant companies with a complementary food offer. It is now increasingly common for these two operators to locate on the same site where they can operate more effectively and by, for example, sharing certain infrastructure requirements, deliveries, etc.. In addition, the complementary food offer means that customers have an enhanced food choice in one location.
- 1.4 The proposed development was the subject of earlier planning applications submitted in 2008 (Application Reference 2008/556) and 2009 (Application Reference 2009/319). The first application was withdrawn to allow further consideration to be given to issues relating to access and the relationship between the existing site, the proposed development and adjoining properties, particularly to the East. As a consequence the second application was significantly different to the first proposed and received two very strong recommendations for approval. Indeed, the EHO noted that the proposal represents an opportunity to secure general improvements that would otherwise not be achievable and should thus be considered as an opportunity to enhance rather than just mitigate any impact.

- 1.5 Notwithstanding this the application was refused and the subsequent appeal discussed over concerns regarding the impact from increased vehicular activity within the existing car park area as a consequence of displacement of parking spaces to facilitate the Pizza Hut Delivery unit.

- 1.6 This concern has been considered further and the proposed development amended to incorporate a relocated bin store and acoustic fencing.

2.0 THE PROPOSED DEVELOPMENT

- 2.1 It is proposed to erect a small Pizza Hut Delivery 'POD' adjacent to the existing KFC restaurant to the front of the site. It will be located in the vicinity of the existing vehicle entry lane into the site which will be realigned. In addition, the existing car park will be reconfigured to enable the parking area to be laid out more effectively. In this way, the existing car park area will accommodate an additional spaces as well as the Pizza Hut Delivery unit – with no loss or impact on the existing peripheral landscaped areas.
- 2.2 The Pizza Hut Delivery unit itself will be a standard delivery unit with; behind that is the brick – enclosed yard areas for deliveries and the storage of delivery vehicles (mopeds).
- 2.3 Whilst the bulk of the trade will be derived from telephone orders/deliveries there will be direct customer collections both from specific orders (new visits) and from customers already visiting the site for the KFC unit (linked visits). Any customers using the premises to order/collect pizzas do so via the entrance opposite the KFC entrance.
- 2.4 The built form of the POD only extends into the site as far as the car wash unit to the rear of the adjoining garage.
- 2.5 The original proposal incorporated a bike store to the rear of the POD beyond which was a bin store. This bin store has now been relocated to the KFC bin store at the rear of the car park, which is to be realigned as part of the car park changes. The reason for this is to remove this from the line of sight from residents of the upper flats adjoining Orchard Court.
- 2.6 In addition, the proposal now incorporates a line of acoustic fencing along the Eastern edge of car park. This will not only screen out any noise that might arise from the new car park, at all times, but it will also act as a further visual barrier to screen the adjoining properties.

This will add further weight to the positive impact of the proposed development, compared to the existing situation.

3.0 SITE AND SURROUNDING AREA

- 3.1 Castle Bromwich Local Shopping Centre is a large retail area with an excellent range of shopping. It is a linear centre located along Chester Road and includes a Morrisons superstore. There is ample off-street parking in the vicinity of the application site, provided not just by the Morrisons superstore car park but also other parking areas including a large car park adjacent to the application site in front of the adjacent stores (Aldi/Halfords), parking in the adjacent builders merchants and, on the opposite side of Chester Road, a service road to the front of a parade of shops.
- 3.2 The application site is a large site containing a KFC drive thru' restaurant with 29 parking spaces. There is substantial landscaping within the site, particularly to the rear where there are a number of mature trees. The extent to which this site exceeds normal operating requirements for KFC is evidenced by the fact that a KFC drive thru' restaurant of this size is normally accommodated on a site of 0.2 hectares (this site is 0.4 hectares).
- 3.3 In addition to the aforementioned builder's yard, which extends along the site's western boundary, there is a garage (with a car wash to the rear) located along the front part of the site's eastern boundary. Behind this, to the rear of the site's eastern boundary, is a complex of retirement flats (Chestnut Court).
- 3.4 To the rear of the site, beyond the landscaped area, are the rear gardens of properties fronting Hall Hayes Road.
- 3.5 Access to the site is provided by entry and exit routes either side of the KFC restaurant.
- 3.6 The KFC restaurant opens from 11am until 11.30 pm Monday to Saturday and closes earlier (11pm) on Sundays.

4.0 DESIGN & ACCESS ISSUES

- 4.1 Whilst a full Design and Access Statement is submitted with this application under separate cover there are two issues which should be addressed in the context of this Planning Statement since, as noted in the introduction to this Statement, the relationship between the proposed development and adjoining uses to the east (specifically the adjoining retirement flats) have been reappraised following the appeal.
- 4.2 The revised layout and design now submitted addresses the concerns of the council and Inspector over the impact of the proposed development on the adjoining flats. The effect of this is to not only facilitate the provision of the Pizza Hut POD but also to create a much tidier (in terms of vehicular movements and vehicular/pedestrian interaction) access arrangement in the context of not just the new POD but also the existing KFC restaurant, to the benefit of the wider community.
- 4.3 The car park itself as been rearranged so that it is used and operated far more efficiently and effectively. The existing peripheral landscaped areas will be unaffected and it is proposed that additional planting will be undertaken in the retained landscape boundary between the existing car park and the grounds of the adjoining flats, to enhance this interface. This will be provided on the slope between the existing fence and proposed acoustic fence.
- 4.4 In terms of access and highway issues in particular, the proposed development has been the subject of extensive dialogue with the local planning authorities Highways Officer. This has included the provision of a Transportation Assessment with the result that the highways and implications of the proposed development have been fully assessed in respect of the previous submissions. It was agreed that the proposed development can be implemented and operated without the need for any direct enabling off-site highways works although it is also agreed that the proposed development could, if implemented, also make a useful contribution to the overall highway improvement scheme that is being

considered for the Castle Bromwich centre as a whole. Following discussions with the council's Highways Officers it was agreed that this contribution should be set at £13,000.

- 4.5 Since the access arrangements are unchanged it is considered that this conclusion should be unaffected and, therefore, it is proposed that it should be dealt with by way of a Unilateral Undertaking. This was discussed and agreed by the Council's legal department in respect of the previous application and will be put forward in support of this application.

5.0 RELEVANT PLANNING POLICIES

- 5.1 Having regard to the small scale of the proposal it is considered that the most relevant planning policies are set out in the adopted UDP. This is particularly the case since these policies reflect the national and strategic guidance set out in the recently issued PPS4 and the emerging RSS Review.
- 5.2 In essence, the UDP seeks to direct new retail investment and development into existing centres; this includes supporting and associated facilities such as restaurants. In this, the UDP accords with PPS4 which seeks to direct such uses into established centres where they can meet the wider needs of the local community. As such, uses like that now proposed should not just be located in main centres but also in more local centres which meet the day to day needs of the local community.
- 5.3 The Castle Bromwich Local Centre is clearly more than a local shopping parade although it is a convenience led centre; in this regard it is typical of other district and, particularly local centres. Local centres such as this are important within the Borough's retail hierarchy and the UDP seeks to protect their retail function. Where appropriate, the primary retail frontages will be defined where retail uses (A1) will predominate.
- 5.4 Policy S6 in particular is applicable in that it notes that proposals which maintain or enhance the important role that local centres have in meeting the wider day to day needs of the local community will be supported and encouraged.
- 5.5 Further and specific guidance on A5 uses is set out in the council's SPG on hot food takeaways. Whilst this guidance is somewhat historical (as it is now 14 years old), and even when current it was acknowledged as carrying only limited weight, it nevertheless forms a useful guide as to relevant planning considerations at the local level.

- 5.6 In terms of location, the SPG notes that A5 uses should normally be located within established shopping parades away from areas that are residential in character but also away from primary shopping areas. A key consideration is that of noise and disturbance, particularly in the context of customer vehicles and cars parking within residential areas. Odour control is also an important as is visual appearance and litter control.
- 5.7 The SPG also identifies highways and traffic issues as being important considerations as well as reflecting the general concerns on retail impact set out in the UDP in terms of protecting the vitality and viability of retail centres.
- 5.8 Possible cumulative impact of any proposals are to be considered in the context of other existing A5 uses in the area although it is also acknowledged that competition and the mere existence of other A5 uses in the area should not be taken into account in determining planning applications.

6.0 PLANNING ISSUES

6.1 Having regard to the forgoing it is clear that the proposed development should be considered against the following issues:

- ❖ General suitability of the proposed location
- ❖ Retail Issues
- ❖ Amenity Considerations
- ❖ Highways/Access Issues
- ❖ Other Material Considerations

These will be considered in the next section of this Statement.

7.0 THE CASE FOR THE PROPOSED DEVELOPMENT

7.1 General Suitability of the Proposed Location

7.1.1 The application site is located within an established and very significant local centre. The local centre is convenience led and meets the day to day needs of a very large hinterland. As such, this is an ideal location, in principle, for the proposed use in that it will help to meet the wider needs of the local community in a sustainable manner by encouraging and facilitating mixed/linked shopping trips.

7.1.2 Local centres such as this are considered to be appropriate locations for such facilities in both national and Development Plan guidance.

7.2 Retail Issues

7.2.1 Whilst local centres are, in principle, preferred locations for ancillary facilities such as A5 uses, it is important that such uses do not undermine the fundamental retail function of such centres. Key to this is protecting the retail core of local centres and in this context the application site is ideally located. It lies on the very edge of the local centre well outside of its retailing core. Furthermore it will not result in the loss of any retail uses nor will it result in any increased break in retail frontage (by reason of the facts that it is located within an existing A3/A5 site and is located on the very edge of the local centre).

7.2.2 The proposal will also help to underpin the retail function in that it will introduce another A5 facility that is not yet present within the local centre. This will be in the form of a national fascia and will further strengthen the local centre. It will encourage linked trips into the local centre, albeit of a very limited nature.

7.2.3 Town centres are to accommodate a range of activities, beyond simply meeting the retail needs of an area. Included within this is the evening and night time

economy which involves leisure and also activities such as cafes/restaurants (and, by inference, hot food takeaways – particularly at the local level).

- 7.2.4 Indeed, with regard to local needs, local centres are seen as essential in meeting a community's day to day needs and should be the focus for such investment. This is a strategy that will underpin the objective of securing sustainable patterns of development.
- 7.2.5 In the context of the proposed Pizza Hut Delivery Unit, a strong local centre such as Castle Bromwich, is an ideal location as it is already the focus for the local community's day to day needs. The proposed hot food takeaway is delivery – led and, as such, the location is one that will minimise unnecessary journeys due to its relationship with the surrounding community.
- 7.2.6 PPS 4 does not require any needs or sequential site assessments in respect of proposals within established and identified retail centres. Clearly this applies to the application site which lies within the defined local centre of Castle Bromwich.
- 7.2.7 Notwithstanding this, the council previously requested further comment on the 'occurrence of other A5 uses within the vicinity of the site'.
- 7.2.8 The most appropriate way to address this is to assess the existing facilities in the local centre and to consider what impact the proposed Pizza Hut Development Unit will have on the vitality and viability of the centre as a whole. Key to this assessment will be the fundamental requirement of retail policies to support competition and innovation and the provision of a full range of services to the local community.

- 7.2.9 Before turning to look at the range and the number of local A3/A5 uses within the local centre, it is first appropriate to look at the issue of need and whether there are any sequentially preferable sites.
- 7.2.10 Dealing with the latter point first, there is perhaps no stronger justification for the proposed development, in planning terms, than simply noting that the application site lies within an established and strong local centre so it is a sequentially preferable location.
- 7.2.11 Indeed, that conclusion is enhanced when it is noted that there is often a concern over the possible concentration of non-retail uses within a primary shopping frontage. However, in this case there is no identified primary retail frontage and, furthermore, the proposed unit relates to an existing A3/A5 site and is located on the periphery of the local centre. Therefore, it will not result in any additional break in the existing retail frontage of the local centre and is thus an exceptionally suitable site for an A5 use within an established and strong local centre.
- 7.2.12 In terms of need, attempting a quantitative needs assessment is very difficult for A5 uses. There is limited expenditure data available and certainly no industry recognised growth projections. It is clear, however, that expenditure on restaurants and takeaway food is growing significantly year on year and that the pizza market is one that is experiencing particular growth.
- 7.2.13 CDS Development Services has undertaken a number of such assessments for larger free standing restaurants elsewhere (where a needs assessment is more meaningful) and, given the extent of the local catchment area plus the range of existing facilities, it is clear that there is no over provision of local A3/A5 facilities. Indeed, the extent and range of local A3/A5 uses (set out below), is, in our experience quite limited for the type and extent of the local catchment area. It should be noted that this local catchment area is able to sustain not only a

convenience superstore plus petrol filling station (Morrison's) but also a discount supermarket (Aldi), Halfords and a KFC drive-through restaurant.

7.2.14 In terms of local restaurant/takeaway provision, the existing facilities are as follows:

- 'The Chef' – Chinese (Takeaway)
- 'Perfect Pizza' – Pizza (Takeaway)
- 'Cola' – Fish and Chips (Takeaway)
- 'Golden Bird' – Chinese (Takeaway)
- 'Ghieera' – Indian (Restaurant and Takeaway)
- 'Golden Wok' – Chinese (Takeaway)
- 'KFC' – Chicken Products (Restaurant and Takeaway)

From this it is pertinent to note that, whilst there are three Chinese takeaways in the local centre, there is presently only one pizza takeaway. This is located within the main retail frontage at a prominent location within the local centre.

7.2.15 A range of A3/A5 uses such as that noted above is by no means an over-concentration or over-abundance of A3/A5 units within what is a very strong and large local centre.

7.2.16 Ignoring, for the purposes of this assessment, the facts that the application site and the application proposal have no requirement to assess need and that the proposal would not lead to any unacceptable break in the retail frontage, it is perhaps also appropriate to look at the impact of the proposal on the local centre as a whole.

7.2.17 This is another test that reveals there is no over-abundance or over-concentration of A3/A5 uses in the area. Given the range of existing facilities, which include the three Chinese takeaways, there can be no realistic question of the other pizza

takeaway unit closing as a consequence of this proposal. It is also highly significant that the consultation exercise undertaken in relation to this application has resulted in a remarkably low number of 'competitive objections' from other A3/A5 operators. It is certainly far less that would normally be the case in such circumstances. This is, in itself, overwhelming evidence of the potential, capacity and need for additional facilities in the local centre and the fact that there can be no reasonable or sustainable case for an objection on grounds of over-abundance of the A3/A5 uses.

7.2.18 Similarly, the impact of the proposed development on the local centre will be positive. The introduction of another **national** fascia into the local centre will only enhance its vitality and viability as a whole, principally by adding to investor confidence and hence enhancing the strength of the location as a retail centre. Investor 'health checks' rely heavily on the number and range of national brands/fascia's within a retail location so the introduction of yet another national brand can only help to underpin Castle Bromwich's long term vitality and viability.

7.2.19 In addition, needs are not just assessed in terms of quantity. There is also a requirement to acknowledge and assess qualitative aspects of need. So in the context of this application, the provision of a second pizza delivery unit will enhance the range and offer of such facilities to the local community. Thus it will not only meet the requirement of planning policy to enhance the choice available within the local centre but it will also enhance the quality of the A5 offer as a whole.

7.3 Amenity Considerations

7.3.1 The use is one that is extremely benign in terms of its propensity to generate any impact at all. Before turning to address the specific characteristics of this use it is also appropriate to have regard to the site's location in the context of adjoining uses.

The only potential area of sensitivity is the adjoining flats which lie behind the garage and car wash and only share a short boundary with the existing KFC car park.

- 7.3.2 Whilst the proposed use will have the facility to accept orders from and provide pizzas to customers visiting the site in person, the principal activity will be that of taking telephone orders and for delivery of pizzas by moped. The scale of the activity is very limited and is by no means comparable to, say, a fast food restaurant like McDonald's or even the adjoining KFC restaurant.
- 7.3.3 In respect of noise, the issue of moped deliveries is clear but merits some additional comment here. Whilst the location of the moped delivery bays has been selected to virtually eliminate any impact on the nearby properties at Chestnut Court by reason of the physical structures of the Pizza Hut Delivery Unit itself, the adjoining petrol filling station and the boundary wall. It should be noted that the delivery rate of eight deliveries per hour is only achieved during peak trading periods (around 7pm). At other times delivery rates are significantly lower, particularly in the late evening periods when noise issues are more sensitive.
- 7.3.4 Concern was expressed by local residents about the noise of the mopeds being placed into storage at the rear of the delivery unit, when the restaurant is closed. This relates to an area of the site where the physical obstructions noted above would not be so effective. To address this, the applicant is now prepared to suggest a condition limiting moped delivery to 10.30pm (22.30 hours) each evening. This will address the concern about late night movements to the rear of the restaurant.
- 7.3.5 In addition, it should be noted that Pizza Hut use the latest generation of 'green' mopeds. These are not only 'eco friendly' (i.e. low emission)/but are also low noise.

7.3.6 It is clear that there is already an issue of noise emanating from the rear car park, in part, arising from the KFC (which was built before the nearby flats). There is some noise impact away from late night customers parking in those spaces alongside the boundary closest to the flats. However, the principal issue clearly arises from unauthorised use of the car park when the restaurant is closed.

7.3.7 The solution that was put forward before the twp fold and was deemed, by the Council's EHO, to represent an opportunity to achieve a real improvement over the existing situation.

The proposed measures were:

- 1) to impose a condition requiring the access gates into the car park to be closed when the restaurant is closed to prevent unauthorised vehicular access to the car park; and
- 2) to close off the line of general (non-disabled) parking spaces to the immediate south of the PHD unit.

7.3.8 Both measures were agreed.

7.3.9 Notwithstanding the professional advice of the EHO the appeal inspector (a non-cognisant professional in respect of noise) felt that proposed closure of the parking spaces would park KFC customer vehicles into the rear parking area where noise might still be an issue. To address this the applicant's have consulted with their noise consultant who has proposed that an acoustic fence be erected to the rear of the parking spaces close to the eastern boundary. This would be 'at grade' with the parking area unlike the existing boundary fence (which would be retained) which is at a much lower level and thus has negligible screening (noise or visual) properties.

7.3.10 The acoustic fence would not only screen out noise from the whole car park but it would also have the additional benefit of providing an enhanced visual screen. It is

also proposed that the existing landscaping between the car park and the boundary fence is enhanced.

- 7.3.11 Whilst the applicants are happy to continue with the proposal to close off the parking spaces along the eastern boundary, it may not be appropriate since these are the very spaces that will most directly mitigated by the acoustic fence.
- 7.3.12 This issue also has to be considered in the context of the existing activities in the area. The site is located within a very busy location; Chester Road is a busy main road and this, together with the local centre, is active into evening periods. Therefore, the context and background noise is not one of a quiet residential area but, instead, a very active and vibrant centre.
- 7.3.13 In terms of odour control, Pizza Hut utilise modern control methods and equipment in their kitchens to avoid any odour problems or difficulties whatsoever. This can be conditioned.
- 7.3.14 Plans showing the location of the ventilation equipment for the odour control services is submitted as Appendix CDS II. In addition, there is a letter from Delta Services to CDS Development Services, dated 1st May 2009, which details the ventilation system to be used. There is little to add to this other than to stress that the proposed system would be noise attenuated to reduce the sound from the fan to background noise levels.
- 7.3.15 It is also appropriate to note that the ventilation/odour control system is standard for Pizza Hut units and is thus a tried, tested and effective system; in short it works as per the letter of 1st May 2009. The nature of the product is also markedly different to, say, a fish and chip or other takeaways in that there is no deep frying – instead the kitchen is more akin to a bakery.

7.3.16 Similarly, litter is not considered to be an issue since a Pizza takeaway does not operate in the same way as a fast food restaurant. The pizzas are taken offsite to eat and do not have the propensity, therefore, to generate litter in the local area. In any event, KFC has strict litter patrol policies in operation and Pizza Hut will also be covered by this in the vicinity of the site.

7.3.18 The applicants, who are also the operators of the adjoining KFC (and a number of other KFC/Pizza Hut Delivery restaurants across the midlands and down to London) already undertakes litter patrols in the area through its 'CHAMPS' system in respect of the KFC restaurant. However, it is pertinent to note that a Pizza Hut Delivery unit offers far less propensity to generate litter compared to other A3/A5 operations, for two very sound reasons, as follows:

- The proposed unit is not a restaurant and is, instead, a take away/delivery operation. By far the vast bulk of sales will be delivered by the restaurant operators so the product will be consumed in people's homes - i.e. well away from the site.
- There will be limited on – site collection of pizzas. However, a pizza is not a product that is easily or often consumed 'on the hoof' in the same way as, for example beef burgers or other fast foods. Therefore, Pizza Hut Delivery units give rise to very little litter.

7.3.18 Quite apart from the above, it is appropriate to return to the company's 'CHAMPS' litter patrol policy. This is part of the company's strategy of working with the local community and the applicant would be prepared to offer a condition requiring a litter patrol strategy to be revised and formerly agreed prior to the opening of the Pizza Hut Delivery unit. This would actually give greater comfort on the issue of litter than exists at present – i.e. it would enhance the existing situation.

7.4 Highways/Access

- 7.4.1 As noted in the introduction to this Statement, the issue of the revised access to the site has been the subject of a detailed transportation assessment, in turn, further detailed discussions with Highways Officers at Solihull MBC. The conclusion to these discussions is that the proposed development can proceed to be implemented and opened but that it should make a financial contribution to the longer term proposals to implement wider highway improvements along this stretch of Chester Road. It has been agreed that the proposed development should make a contribution of £13,000 to this and a Unilateral Undertaking will be prepared by the applicant unless the local planning authority would prefer a Section 106 Agreement. This will be the subject of clarification with the planning officers in due course.
- 7.4.2 In the context of the accessibility of the site it should be noted that the location is one which is highly sustainable. Whilst the level of customer collection will be extremely limited there is no doubt that the actual level of new customer visits onto the highway network will be minimal since any customer orders/collections are likely to be associated with other visits to the local centre, particularly the adjoining KFC restaurant.
- 7.4.3 This issue is addressed in the T A Millard Consulting statement attached as Appendix CDS I. This reiterates that the proposed development will have a negligible impact on the adjoining highway network. It also notes that extending the anti-skid friction coating along the road surface west to the junction with Hazelhurst Road would represent a direct and wider benefit to general highway users.
- 7.4.4 The applicant is prepared to undertake this work as a condition of planning consent. However, it is also noted that the council's highways officers have,

instead, suggested that a section 106 Agreement should be prepared (which it has) and for a financial contribution of £16,000.00 to be made to the council to be used as part of a wider traffic calming proposal for Chester Road and the local centre as a whole. This is perhaps the most graphic confirmation of the negligible level of the impact as a consequence of the proposed development on the local highway network.

- 7.4.5 The applicant is prepared to agree to whatever of the two options are deemed to be most appropriate – either to undertake the anti-skid surfacing or to make a financial contribution to be used as part of a wider scheme of traffic calming. However, the one fact that is certain and irrefutable is that the impact of the proposed Pizza Hut Delivery unit on the local highway network is minimal and that the council's professional highway officers do not consider that it necessitates any immediate action or mitigating works to the local highway network. Indeed, they would prefer to see a contribution to be made to some future wider highway calming for the benefits of the wider area as a whole.

7.5 Other Material Considerations

- 7.5.1 The proposed development will generate in the region of 10 new jobs of which some 40% will be full-time with 60% being part-time. The role of part-time employment is not to be belittled since this is particularly attractive to those who cannot work full-time but who still wish to gain access to employment.
- 7.5.2 On a general basis, Pizza Hut has a very clear career structure and offers excellent in-house training to those who wish to progress.

8.0 CONCLUSION

- 8.1 Having regard to the forgoing, it is considered that the proposed development accords with all relevant national and Development Plan policies. In addition, it will bring additional investment into the local centre and will generate a range of new and flexible employment opportunities.
- 8.2 The concerns of local residents and the appeal inspector in respect of the propensity (whether that be real or imagined) for noise nuisance from the rear car park have been considered and addressed by the relocation of the bin store and the introduction of an acoustic fence. Together these measures, plus the closure of the car park at night, will ensure a very real and immediate improvement over the existing situation.
- 8.3 On this basis it is considered that there can be no objections to the proposed development and that the proposal should receive the encouragement for such uses set out in Policy S6 of the adopted UDP.

APPENDIX CDS I LETTER AND PALN FROM DELTA SERVICES

1st May 2009

CDS Development Services Ltd
164 Sandy Hill Road
Solihull
West Midlands
B90 2EX

For the attention of Mr C Robinson

Dear Sir

Re: Proposed Pizza Hut-290/294 Chester Road-Castle Bromwich-B36 0LB

I respond to the e mail sent by Jessica Nash on the 29th April and we attach our scheme drawing no. 29040/1 showing the proposed ventilation systems for the new site.

The systems would be as standard for a Pizza Hut site and would consist of the following:

Kitchen Extract

We would install a 2200 long x 2000 wide stainless steel canopy above the pizza oven. The canopy would incorporate washable grease filters within an angled plenum. From the canopy sheet metal ductwork would rise into the roof space and would initially connect onto an assembly incorporating two secondary bag filters and two carbon activated filters. These are designed to remove the odour produced by the cooking process.

The system in the roof would also incorporate duct attenuators and an inline axial flow extract fan. The attenuators would be selected to reduce the sound produced by the fan to the external background level (noise level to be advised). The extracted air would be discharged through a roof mounted weather cowl.

The fan would be interlinked to the gas supply to the oven to ensure that the oven cannot be used when the fan is not operating.

Kitchen Fresh Air

A fresh air system would be located in the roof space and would replace 80% of the extracted air volume. The system would consist of a roof mounted intake cowl, air filters, attenuators and an inline axial flow fan. The system would serve two ceiling mounted 4-way throw diffusers.

The attenuators would be selected to reduce the sound produced by the fan to the background noise level.

The fan would be controlled in conjunction with the extract fan.

If you require any further information please do not hesitate to contact me.

Yours faithfully

APPENDIX CDS II STATEMENT BY TA MILLARD CONSULTING

CASTLE BROMWICH – PROPOSED PIZZA HUT

The site on Chester Road currently comprises a Kentucky Fried Chicken fast food outlet. There are currently two connections to Chester Road; an entrance and an exit to the existing car park.

The proposal for the site is to construct a Pizza Hut takeaway food store. There will be no increase in car parking provision and no alterations to the access and egress (other than while lining alterations) are planned. A plan showing the proposed changes is given in the Transport Statement agreed with Solihull MBC.

The Transport Statement reviewed the accident records available the area. There were nine records available for study in the report six of which involved turning manoeuvres with Hazelhurst Road and can not be attributable to the use of the site access. The document also covers the slight intensification of use as a result of the development. It suggests that the mitigation for the intensification of the access is to include additional high friction road surfacing at the junction with Hazelhurst Road, where some high friction surfacing is already present on the approach to the adjacent pedestrian crossing.

The prepared mitigation would be carried westwards along Chester Road from the existing friction grip surfacing at the pedestrian crossing. It would therefore not only benefit traffic using the KFC/Pizza Hut entrances but would also benefit Chester Road traffic in the vicinity of Hazelhurst Road and thus provide an accident remedial measure for the traffic turning into and out of Hazelhurst Road.

This mitigation has been discussed with officers of Solihull MBC who have requested that, instead of installing the high friction road surface as part of the Pizza Hut works, a contribution of £16,000 be paid to Solihull MBC to be used as part of the wider traffic calming proposals for Chester Road that they will commence reviewing in the near future

Noise

Existing Noise Climate

Without any objective measurements, it is envisaged that the existing noise climate across the site would be dominated by road traffic noise from the B4114, Chester Road. This road carries significant through traffic and local traffic to the surrounding commercial estate and is likely to generate high sound pressure levels.

Noise Sensitive Properties

The block of senior citizens flats adjacent to the proposed restaurant is likely to be the most adversely affected property with regard to any noise generated by the proposals given its proximity. This noise generation will however be inhibited by the road traffic noise on Chester Road. Other

residential dwellings are either of significant distance from the restaurant and subject to high background noise levels from road traffic using Chester Road.

Potential Noise Disturbance

The main noise sources identified by the Council for their potential to cause local disturbance are the delivery scooters and the loading and emptying of bins.

Delivery Scooters

Although the site is already subject to vehicular traffic for the KFC drive-through takeaway, the introduction of delivery scooters may increase short term noise disturbance given the noise character of small volume, small two stroke engines and their higher frequency noise content over other road traffic. There are four delivery bays proposed and, assuming each moped can make two deliveries per hour, would generate an insignificant noise level considering existing traffic using the site and the high background noise levels currently expected from Chester Road traffic.

It should also be noted that the delivery bays are positioned on the current layout to provide maximum attenuation of noise experienced at the western façade of the senior citizens flats (considered the worst affect property and façade) by the proposed Pizza Hut building, existing petrol station and boundary wall. This further supports the statement that any noise disturbance from delivery scooters would be minimal.

The operators have also confirmed that they would be willing to accept a condition for the moped deliveries to cease at 22:30 hours. On this basis, the mopeds would be locked away in the secure storage well before 23:00 hours thus limiting the noise further.

Loading and Emptying of Bins

The proposed bin store is adjacent to the western façade of the Nursing Home. Loading of rubbish into these bins could possibly generate some noise disturbance. It is possible that rubbish is taken to the bins on an approximate hourly basis. As the take away will not be licensed, the rubbish loaded into the bins is unlikely to contain glass bottles. The waste deposited therefore is unlikely to contain any 'hard' items that would strike the sides of the bins and resonate. Sound levels from rubbish disposal are therefore likely to be minimal.

The bins are also likely to be contained within a brick built bin store which would attenuate a high proportion of the sound pressure generated. This bin store would have a roof to ensure noise attenuation is maximised and the bin store entrance positioned so that it is furthest away from the Nursing Home. The material of the bin itself can also be chosen to minimise noise disturbance. For example, a plastic bin would be preferable over a metal bin to minimise impact noise and resonance of the bin itself. Care would also be taken when loading the bin to minimise noise disturbance and staff would be advised to place bagged rubbish within the bins as opposed to tipping or throwing of rubbish into the bin particularly in the evenings or late at night. A simple sign on the bin store will encourage best practice when loading the bins.

The collection of the bins off site would not generate anymore disturbance than is already created by the collection of the KFC bins as they would be collected at the same time and using the vehicle standing in the same position.

There is also a very small possibility that resonance from extractor fans and air conditioning could occur. The equipment chosen for this would be chosen for its low noise profile and intake and exhaust ducts will all be directed towards the road which is the dominant noise source for the area. It is therefore unlikely that noise emanating from these units would be noticed by either residents or passers by.

Some concern has also been raised by the Environmental Health Officer that exhaust ducting could lead to odour from the kitchens. The introduction of scrubbers and purifiers into the system as normally required by most local authorities will ensure that odours are kept to a minimum and do not disturb the local inhabitants.

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