

## APPENDIX B

# PLANNING COMMITTEE

13th November 2019

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## UPDATE REPORT

### Consultations

#### **Petroleum & Safety Officer**

Further comments as summarised below:

I have discussed this application with officers within Worcestershire Regulatory Services and no safety issues have been identified. I am aware that ASDA work directly with the Fire Brigade as their Primary Authority should any issues arise at the construction phase.

#### **Worcestershire Regulatory Services**

Further comments received summarised as follows:

WRS would comment that there are no minimum distances from any vent release areas to houses, just recommendations, which include not being near open windows or electrical items. WRS consider that the submitted plans are acceptable in that respect.

ASDA have a primary authority partnership with the London Fire Brigade.

The ground was remediated to an acceptable standard for commercial uses prior to the first occupation of the B&Q development, before the site became subdivided and ASDA occupied part of the site. The remediation took place at original ground levels before the part of the site which is proposed for development was raised to create the current surface level car parking area.

As part of this application the site was investigated and WRS have accepted the results of that investigation. The Unexpected Contamination condition (set out as condition 3 on pages 90 and 91 of the main report is purely precautionary to protect the workers during the installation process. The standard WRS contractor guidelines (set out as informative 2 on page 92 of the main report is there to ensure good working practices and protect workers and neighbours during the construction phase.

### Public Consultation Response

Two further representations have been received in objection. Objections received are covered on Page 85 of the main report.

A four page document has been submitted by a neighbour who objects to the application which is included as an appendix to the update report.

The perceived lack of publicity / consultation with the local community has again been raised. Your officer's response is contained within the penultimate paragraph set out on Page 89 of the main report.

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Comments regarding detriment to property values and home insurances policies are not material planning considerations in the determination of this application.

### Assessment of Proposal

#### Contamination

To reiterate comments set out on Page 88 of the report, the site has been remediated to the satisfaction of WRS as the regulatory body for Environmental Health matters. WRS and the Petroleum & Safety Officer comment that no safety issues have been identified.

#### Design Considerations

At the top Page 89, the report states that No's 56 and 57 Millsbro Road measure approximately 8.25 metres to ridge. This property has accommodation over three storeys and does in fact measure approximately 11.5 metres to its highest point rather than 8.25 metres. A slide to be shown during the course of the presentation will demonstrate the height of this building relative to that of the canopy serving the proposed PFS. An amended plan has been submitted to reflect an inaccuracy with respect to the height of No's 56 and 57 Millsbro Road. Drawing number 2009RD-210-03-D - Proposed PFS Plan is therefore proposed to be substituted by Drawing number 2009RD-210-03-E – (see recommended condition 2 on page 90 of the report).

#### Hours of operation

Your officers would like to clarify that the tanker deliveries to the site which would take place 3 times per week would take place during the hours restricted under recommended condition 4 (page 91 of the report). Condition 4 has been expanded to incorporate this restriction.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions 1 to 6 and informatives 1 to 3 as stated in the main report with the exception of amendments to the following conditions as set out below:**

### Conditions:

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawing: 2009RD-110-01-C - Location Plan  
Drawing: 2009RD-210-01-C - Existing Site Plan  
Drawing: 2009RD-210-02-C - Proposed Site Plan  
Drawing: 2009RD-210-03-E - Proposed PFS Plan  
Drawing: 2009RD-210-04-D - Proposed Landscape Plan  
Drawing: 2009RD-210-05-C - Proposed Tracking Plan

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Drawing: 2009RD-310-01-D - Proposed Elevations  
Drawing: 2009RD-410-01-D - Proposed Sections  
Drawing: 2009RD-510-01-D - PFS Standard Details  
Drawing: 2009RD-510-02-C - Control Room Details  
MP Consulting Drainage Plan and Strategy Statement  
Sanderson Associates Transport Statement  
DTS Raeburn Phase 1 Preliminary Risk Assessment

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) The development hereby permitted shall not trade to the public outside the following hours:

0800 till 2200 Mondays to Saturdays  
1000 till 1700 on Sundays  
0900 till 1800 on Bank and Public Holidays

Deliveries of fuel shall not take place outside these hours

Reason: In the interests of protecting residential amenities