

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**4<sup>TH</sup> APRIL 2016 AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, M. Glass, C.A. Hotham, K.J. May, S. R. Peters, S. P. Shannon and P. J. Whittaker

Officers: Miss. S. Bell, Mr. D. M. Birch, Mr. S. Hawley (Worcestershire Highways Authority), Mr. A. Hussain, Mr. D. Kelly and Mrs. J. Smyth

112/15 **APOLOGIES**

There were no apologies for absence.

113/15 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor M. Glass declared an Other Disclosable Interest in Agenda Item 5 (Planning Application 2015/0994 – Market Hall Site, St. John Street / Hanover Street, Bromsgrove) in that he had a pecuniary interest in the matter, namely that he was a supplier to the John Lewis Partnership which Waitrose, the intended occupier of the site, was a part of. Councillor Glass withdrew from the meeting prior consideration of the Application and took no part in the discussion or voting on the matter.

Councillor C. Allen-Jones declared an Other Disclosable Interest in Agenda Item 5 (Planning Application 2015/0994 – Market Hall Site, St. John Street / Hanover Street, Bromsgrove) in that he had a close connection to the matter, namely that he was acquainted with the Managing Director of the John Lewis Partnership which Waitrose, the intended occupier of the site, was a part of. Councillor Allen-Jones withdrew from the meeting prior consideration of the Application and took no part in the discussion or voting on the matter.

114/15 **MINUTES**

The minutes of the meeting of the Planning Committee held on 7<sup>th</sup> March 2016 were submitted.

**RESOLVED** that the minutes of the meeting be approved as a correct record.

115/15

**2015/0994 - ERECTION OF A FOOD STORE (USE CLASS A1) WITH ASSOCIATED PARKING AND LANDSCAPING WORKS (PHASE 1) - MARKET HALL SITE, ST. JOHN STREET/HANOVER STREET, BROMSGROVE, WORCESTERSHIRE B61 7AB - HINTON PROPERTIES (MIDLANDS) LTD**

The Committee was provided with clarification in relation to deliveries to the store and additional Informatives received from the Applicant's Agent, all as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Ms. L. Terry, the Applicant's Agent, addressed the Committee. .

The Committee then considered the Application, which Officers had recommended for approval. Whilst supportive of the proposal in general terms, Members considered that a condition was required to control the security of the trolleys to ensure they were not removed and abandoned outside of the site. Members further considered that it was reasonable to impose a Condition that any refrigeration units on delivery lorries are turned off on arrival in the interests of residential amenity.

**RESOLVED** that

- 1) Planning Permission be delegated to the Head of Planning and Regeneration Services to determine the full Planning Application, subject to the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
  - i) a contribution of £45,922.49 for improvements at the A448 Kidderminster Road / Hanover Street / St. John Street junction to be made prior to the first opening of the store to the public;
  - ii) the control of the delivery route of vehicles via the following clause:

“Heavy goods vehicles delivering to and collecting from the store will enter the site at the Hanover Street entrance from the south only. Once deliveries or collections have been made, the heavy goods vehicles will exit the site via St. John Street, making a right turn exit. Vehicles will follow the tracking demonstrated in drawing 175-55 Ref. F, unless temporary restrictions prohibit this movement”;
  - iii) the opening and closing of the height restriction barrier at the St. John Street vehicular access via the following clause:

“The height restriction barrier at the St John Street vehicular access shall remain open between the hours of 8.00am to 8.00pm on days the store is open for training”;

- 2) the Conditions and Informatives as outlined on pages 24 to 26 of the main agenda report; and
- 3) the following additional Conditions:

**General**

Trolley locking details

Refrigeration Units on delivery vehicles to be turned off on arrival.

116/15

**2015/1008 - PROVISION OF 20 ASSISTED LIVING UNITS AND 25 CLOSE CARE SUITES, TOGETHER WITH COMMUNAL FACILITIES TO FORM A CONTINUING CARE RETIREMENT COMMUNITY (USE CLASS C2) - BURCOT GRANGE, 23 GREENHILL, BURCOT, WORCESTERSHIRE B60 1BJ - MR KENNETH MACKENZIE**

Officers reported on consultation responses received from the Council's Tree Officer in relation to the protected trees on the site and additional conditions that had been requested. Members also noted additional clarification in regard to the proposed parking for the application and that a number of the contaminated land conditions detailed in the report (Conditions 7 to 12) had been deleted as they had been previously discharged and were no longer required, all as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting. .

At the invitation of the Chairman, Mr. P. Rutter, on behalf of the Applicant, addressed the Committee.

**RESOLVED** that, Planning Permission be granted, subject to:

- 1) the approval of an appropriate Legal Mechanism to ensure that there is no further implementation of Application B2010/0337;
- 2) the Conditions and Informatives detailed on pages 30 to 34 of the main agenda report but with Conditions 7 to 12 being deleted; and
- 3) the following additional Conditions:
  - 10) the trees classified in Category A and Category B, as highlighted with the Tree Protection Plan (Ref. 9005 TPP 01), shall be afforded protection throughout any ground or construction work in accordance with BS5837:2012 (Trees in relation to construction). This shall include the provision

of appropriate root protection fencing before any ground work commences on site.

Reason: This is required as a pre-commencement condition to protect the trees which form an important part of the amenity of the site, in accordance with Policy C19 of the Bromsgrove District Local Plan 2004.

- 11) the proposed construction work, in relation to the access roads which encroaches into the Root Protection Area (RPA) of the retained trees, shall be carried out using a no dig construction method with the use of 150mm Cell web and a porous road surface to allow for air and moisture exchange to the root system.

Reason: Required to protect the trees, which form part of an important part of the amenity of the site, in accordance with Policy C19 of the Bromsgrove District Local Plan 2004.

- 12) The footprint of any of the buildings which encroach into the Root Protection Area of the retained trees shall be manually excavated under direct Arboricultural supervision.

Reason: Required to protect the trees, which form an important part of the amenity of the site, in accordance with Policy C19 of the Bromsgrove District Local Plan 2004.

- 19) The works to the following Trees – T162 (Taxus Baccata) and T163 Oak (Quercus Robur) to facilitate the visibility splay at the entrance to the site (as outlined on Plan Ref. 9005 TPP 02) shall be carried out in the period of dormancy.

Reason: Required to protect the trees, which form an important part of the amenity of the site, in accordance with Policy C19 of the Bromsgrove District Local Plan 2004.

The meeting closed at 6.55 p.m.

Chairman