Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Douglas Clark	Erection of 17 units (B1c Light Industry) comprising of 4 blocks with associated service yards and parking areas.	07.08.2019	19/00028/FUL
	Plot 3B, Buntsford Drive, Bromsgrove, Worcestershire, B60 3DX		

RECOMMENDATION: That planning permission be granted.

Consultations

North Worcestershire Water Management

No objection is raised subject to a pre-commencement condition requiring a site drainage strategy.

North Worcestershire Economic Development And Regeneration

We are very supportive of the proposal, which will see an allocated employment site that has been vacant for a considerable amount of time, provide new 'start-up' units. There is a real shortage of this type of industrial unit within the Worcestershire area. Clearly, the proposed development will help to meet these two key aims identified and adopted by the Council.

Overall, we are very pleased to see, and support, an application of this nature, which is considered to be in conformity with both planning and economic policy.

Cadent Gas Ltd

No objection.

Stoke Parish Council

The Parish Council have no comment to make on this application

Highways - Bromsgrove

The proposal will generate additional vehicle trips onto the Highway network and notably onto the A38. The A38 is a heavily trafficked route that is congested at peak times and as a result the Highway Authority is promoting a major improvement scheme, given that this application will result in additional vehicle movements on the A38 at peak times it is appropriate that financial contributions are provided to mitigate that harm.

The applicant is required to contribute £104,193.92 to mitigate for the additional demands on the wider transport network that the development will generate. This is required to deliver the growth proposed within the Bromsgrove Local Plan and Borough of Redditch Local Plan it will be necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment. Worcestershire County Council's objectives stated within the Local Transport Plan seek to deal with issues of accessibility, traffic congestion, journey times, journey time reliability and transport related costs imposed upon businesses and other network users. If these issues are not addressed, then they could adversely impact on the performance of the economy and the local environment, in terms of air quality, health and the ability to improve the quality of life. The impact of this development is considered to have a residual impact on the highway network and without mitigation the cumulative impact with other development assumptions in the Local Plan will be severe.

Additional comments received 17/07/2019:

The proposal will generate additional vehicle trips onto the Highway network and notably onto the A38. The A38 is a heavily trafficked route that is congested at peak times and as a result the Highway Authority is promoting a major improvement scheme, given that this application will result in additional vehicle movements on the A38 at peak times it is appropriate that contributions are provided to mitigate that harm unless it is confirmed to not be a viable proposal through an independent review. The Highway Authority identified in its response of 15th February 2019 that a financial contribution of £104,193.92 should be made to mitigate for the cumulative impact on the A38, it has been confirmed by the Local Planning Authority that an independent financial viability review has concluded that there is no scope to provide contributions, as a result of this process the Highway Authority and it has been excluded from the recommendation.

Arboricultural Officer

I have no objection to the proposed development in view of any tree related matters.

Waste Management

No objection.

WRS - Contaminated Land

No objections subject to condition

WRS – Air Quality

No objection subject to condition

WRS - Noise Consulted 25.01.2019

No objection.

Bromsgrove Strategic Planning

The application site is currently a vacant plot within a wider area of employment land designated by Policy BDP14 of the Bromsgrove District Plan (2017). In this context the site is expected to make a significant contribution towards creating jobs across Bromsgrove and meeting employment development targets as set out in the BDP.

Health And Safety Executive

The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Conservation Officer

In its current form the proposed development will not preserve the setting of Tan House Farm, as required by section 66 of the 1990 Act, and will be contrary to the Historic Environment policies in the Bromsgrove Local Plan, as well as guidance in the NPPF. As the harm to the designated heritage asset, would amount to less than substantial harm, Paragraph 196 will be engaged which requires harm to be weighed against the public benefits of the proposal. I would therefore have to object to this application unless the public benefits of the development can be shown to outweigh the harm to the setting of the listed building.

Worcestershire County Council Countryside Service

No Comments Received To Date

Viability Consultant - Lambert Smith Hampton Consultant

From a viability position the level of profit on this scheme is marginal and well below market expectations. Therefore I am in agreement with the applicant that the scheme cannot support any highways contributions.

Publicity

37 letters were sent to adjoining properties on 25th January 2019 and expired 18th February 2019.

One site notice was displayed on 31st January 2019 and expired 24th February 2019.

An advert was placed in the Bromsgrove Standard on 1st February 2019 and expired on 18th February 2019.

One neighbour has raised objections to the scheme. The comments received have been summarised as follows;

- The area was supposed to be attractive showrooms however the current proposal is not attractive
- There is a requirement in Bromsgrove for units 5000 to 10000 sq. ft. Not small retail 2000 sq. ft retail trade units. There are plenty of these and many remain empty.
- Compared to other advanced countries we build the most basic shabby industrial units with no vision or imagination in design or innovation
- The units are too near to the two steep boundaries causing soil avalanche and flooding to the existing units below. Heavy lorries loading unloading could cause subsidence. Precast concrete retaining walls should be erected. Alternatively move the units away and use steel piles to stabilise the land. Landscape with plenty of shrubs
- There are two very large ground storm tanks. Building near them or over them or driving lorries above is dangerous.
- Suggests a change in design and change to larger units would enhance the area and attract higher rent value

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles BDP3 Future Housing and Employment Growth BDP6 Infrastructure Contributions BDP13 New Employment Development BDP14 Designated Employment BDP19 High Quality Design BDP20 Managing the Historic Environment BDP21 Natural Environment BDP22 Climate Change BDP24 Green Infrastructure

Others

NPPF National Planning Policy Framework (2019) Bromsgrove High Quality Design Supplementary Planning Document

Relevant Planning History

B/1998/0850 Outline application for employment Granted 23.02.1999 use within class B1, B2 and B8 including access.

1.0 Assessment of Proposal

- 1.1 The application site is located within Buntsford Hill Business Park which has been allocated as Designated Employment Land within the Bromsgrove District Plan 2011-2030. The existing site is an undeveloped plot within the business park with an existing access adjacent to a car dealership and office building with car park. The proposal is to provide 2504sqm of B1 'Light Industry' use. The proposal is for 17 units made of four blocks and associated parking. The site will utilise two existing vehicular accesses with the northern access which will be widened to accommodate vehicular access.
- 1.2 The site is within the designated employment land which bounds onto the Green Belt. To the south west of the site are two Listed Buildings; Tan House Farm a Grade II listed farmhouse and to the west a Grade II listed barn.
- 2.0 Principle of development
- 2.1 Policy BDP14 sets out that designated employment areas 'are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets identified in Policy BDP3.' Policy BDP14.1 states that 'The regeneration of the District will continue through maintaining and promoting existing employment provision in sustainable, accessible and appropriate locations (as identified on the Policies Map)'.
- 2.2 Buntsford Hill Business Park is an existing industrial park situated on land designated for employment purposes. The use of the site for B1, B2 and B8 uses has also been established on site under outline planning permission granted under planning application reference: B/1998/0850. As such the principle of industrial development on this site is considered to be acceptable. In addition, North Worcestershire Economic Development and Regeneration have set out that the proposal would help Bromsgrove to achieve some of the economic priorities that

were adopted in April 2017, which include: driving economic growth; supporting businesses to start and grow; and driving up and retaining skills locally.

3.0 Character and appearance

3.1 The proposed buildings have been broken into four blocks with a flat roof to be clad in horizontally laid white and grey cladding. Much of the site will comprise of parking and hardstanding however the site plan illustrates some areas of landscaping to soften the proposal. The existing buildings within the site to the north of the application site comprise a Toyota, Peugeot and Nissan garage with flat roof, white and grey cladding and glazing. The building to the south of the site is a brick built mono-pitch office building. To the east of the site there are a number of industrial buildings of brick and clad fenestrations with shallow pitched roofs. The design and scale of the buildings is considered to be appropriate in this commercial setting.

Heritage

- 3.2 On the south west side of Buntsford Hill is Tan House Farm a Grade II listed farmhouse and to the west of this a Grade II listed barn. Tan House Farm comprises a farm house which dates back in part to 1631, but with early 19th, 20th and 21st century additions. Although it is now located very much on the edge of Bromsgrove, Buntsford Hill is a rural road. Part of the significance of the property is derived from the still legible rural nature of the road and the surroundings to the south east, south and south west. The Conservation officer has raised objections to the impact of the proposal on the setting of these listed buildings.
- 3.3 Although the Buntsford Park development has encroached on the rural setting of Tan House Farm, Buntsford Hill has maintained the appearance of a rural lane. Despite the screening to the house itself due to the planting in the front garden and the visual separation of the road from the business park, there are still views of roof of the listed building from the site and there will be views back to the site from the upper floors of the listed building.
- 3.4 In its current form the proposed development will not preserve the setting of Tan House Farm, as required by section 66 of the 1990 Act, and will be contrary to the Historic Environment policies in the Bromsgrove Local Plan, as well as guidance in the NPPF. As the harm to the designated heritage asset, would amount to less than substantial harm, Paragraph 196 will be engaged which requires harm to be weighed against the public benefits of the proposal.
- 4.0 Highways
- 4.1 Given the scale of the proposal it will generate additional vehicle trips onto the Highway network and notably onto the A38. The A38 is a heavily trafficked route that is congested at peak times and as a result the Highway Authority is promoting a major improvement scheme. Given that this application will result in additional vehicle movements on the A38 at peak times it is appropriate that financial contributions are provided to mitigate that harm. Worcestershire County Council has requested the applicant contribute £104,193.92 to mitigate for the additional

demands on the wider transport network that the development will generate. This is required to deliver the growth proposed within the Bromsgrove District Plan and it will be necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment. The Highways Authority have advised that the impact of this development is considered to have a residual impact on the highway network and without mitigation the cumulative impact with other development assumptions in the Local Plan will be severe.

5.0 Ecology and trees

- 5.1 The applicant has submitted a Preliminary Ecological Appraisal by Middlemarch Environment dated November 2018. The appraisal does not require any further surveys to be submitted however has recommended mitigation and enhancements which can be conditioned.
- 5.2 There is a broken line of trees on the boundary of Buntsford Park Road to the North-East of the site. However these trees sit at the base of a steep bank and therefore will not be adversely affected by the proposed development. The proposed landscaping scheme as shown on the BEA Landscape design Ltd drawing number 18-89-01 is uncomplicated but suitable in terms of species choice and layout for a site of this nature and therefore is considered acceptable.

6.0 Drainage

6.1 The site falls within flood zone 1 and is not shown to be susceptible to surface water flooding. Since this is a major development, there is a requirement for SuDS to be considered on site unless it can be demonstrated inappropriate. This can be secured by the suggested drainage strategy condition as attached to this recommendation.

7.0 Planning Balance

- 7.1 As outlined above, the Conservation Officer has identified harm to the setting of the Grade II Listed Building Tan House Farm and the adjacent Grade II Listed barn as a result of this proposal. Paragraph 190 requires Local Planning Authorities to take account of the significance of affected heritage assets when considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal; Paragraph 193 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm. Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification, Paragraph 194; and Paragraph 196 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal.
- 7.2 Given the separation of the Listed Buildings to the proposal the harm has been identified to be from views of the development from the upper floors of the Farm house and views of the roofs of the buildings from the site. This harm is considered to be less than substantial and therefore must be weighed against the public benefits.

- 7.3 The proposed development is to be constructed within an allocated site for employment which has been left vacant for some time. Having regards to the public benefits with the creation of jobs, support of business start-ups and existing growth and investment within a site which has been designated for such a use; on balance it is considered that the benefits are sufficient to outweigh the harm to the setting of the listed building in this instance.
- Paragraph 109 of the NPPF states that 'development should only be prevented or 7.4 refused on highways grounds of there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The applicants have put forward a viability assessment to justify that the scheme cannot sustain the requested highways contribution of £104,193.92, the imposition of which would deem the scheme unviable. Within the submitted Cost Model, and excluding design development, design fees and inflation, the total cost of the development is estimated at £2,795,401, equating to £100.46 per sq ft. The competitive return to a developer is measured at a profit margin to be received from undertaking development. It has been advised that the minimum return that any developer (and funder) would require from a speculative development of this type is 15% on the Gross Development Value (GDV). This is to cover risk, overhead recovery and profit and providing a minimum level of headroom required by those lending institutions willing to fund speculative projects of this size. The output of the above appraisal is a small profit of £8,516, reflecting a profit on GDV of just 0.23%, well below the usual target rates of return for a development of this nature. This is therefore considered to be a marginal scheme where viability is challenged. Having regard to the above the financial viability consultant is in agreement with the Applicant that the scheme is unable to support the requested financial contribution of £104,193.92 from the Highways Authority and any imposition of additional financial requirements will further prejudice the viability and deliverability of the scheme.
- 7.5 The pre-text of BDP6 outlines that development often has an impact on service provision and that new infrastructure may be required to ensure that the plan is deliverable. It is therefore considered reasonable that developers contribute towards new and/or improved infrastructure that is designed to mitigate these impacts provided that this does not affect the viability of the proposed scheme. A balance must therefore be made as part of the planning assessment to determine whether the proposal can be viewed favourably in the absence of the money requested by the Highways Authority. As outlined previously the site is allocated for this use and the under the original outline application in 1998 the Highways Authority undertook works to the highways to facilitate the development. The allocated site contributes to there not being a shortfall of employment land within the District. Furthermore North Worcestershire Economic Development and Regeneration have confirmed that vacancy rates for business premises for smaller businesses within Worcestershire are at a record low and that Industrial vacancies are 3.1% which is less than half of the national average. In terms of Bromsgrove, the district has the lowest vacancy rate across the county. Policy BDP14 requires the Council to safeguard employment areas that are physically and viably capable of providing through development, good quality modern accommodation attractive to the market.

- 7.6 A key principle in Bromsgrove is the sustainable growth of job opportunities to maintain a balance with house building. Outside the Town Centre employment growth is expected to be provided primarily in existing Industrial estates and Business Parks such as Buntsford Hill. These are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets identified in BDP3. This allocated employment site has been vacant for a considerable amount of time and the proposal is to provide new 'start-up' units which there are a shortage of within the Worcestershire area.
- 7.7 Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.
- 7.8 The Highway Authority identified in its response of 15th February 2019 that a financial contribution of £104,193.92 should be made to mitigate for the cumulative impact on the A38, it has been confirmed by the Local Planning Authority that an independent financial viability review has concluded that there is no scope to provide contributions, as a result of this process the Highway Authority concurs that this application should not be required to make such a contribution and it has been excluded from their recommendation.
- 7.9 On balance, taking all these matters into consideration it is considered that given any financial contribution would render the development unviable to come forward it is considered that the need within the District for this development provides sufficient weight to put forward a positive recommendation in this instance.

8.0 Third party comments

- 8.1 One objection has been received from a neighbouring property as a result of the public consultation. The neighbour contends that larger units are required within Bromsgrove however this conflicts with the information provided by NWDER. In any event given the arrangement of the units these could be combined into larger units as a business grows to accommodate changing or larger businesses.
- 8.2 In addition, the objection received relates to the design of the proposed units. The design of the units is considered to be appropriate in this location as outlined within this report.
- 8.3 Concerns on flooding and subsidence have been raised on the basis of the steep boundary on the east of the site. North Worcestershire Water Management has requested a drainage strategy condition be attached to any planning permission to ensure the site is not susceptible to flooding. Any structural works required to ensure the positon of the buildings do not cause subsidence would be a building regulations matter during construction.

9.0 Conclusion

9.1 Overall it is considered the proposed development is in accordance with the relevant polices of the Bromsgrove District Plan and can be properly characterised

as sustainable development for the purposes of the NPPF. The harm to the Listed Building is considered to be less than substantial and given the public benefits of the development this harm is considered to be outweighed. The Highways Authority have stated that the residual cumulative impacts on the road network as a result of this development are severe however when taking a view on the Development Plan as a whole, the local need for this development and the viability argument put forward by the applicant is terms of deliverability it is considered on balance that the proposed development should be supported.

RECOMMENDATION: Planning Permission be Granted.

Conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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17120 P0001 D Site Location Plan A2
17120_P0002J_Site Layout-A1 Land
17120 P0003G External Finishes-A1 Land
17120_P0004_D_Cycle and Smoking Shelters
17120 P0005 C Ancillary Building Details
17120 P0101 C Unit 1 Building Layout A1
17120 P0103 B Unit 1 Roof Plan A1
17120 P0104 A Unit 1 Ga Section A1
17120_P0201_C_Unit 2 Building Layout_A1
17120 P0202 E Unit 2 Elevations A1
17120_P0203_B_Unit 2 Roof Plan A1
17120_P0204_A_Unit 2 Ga Section_A1
17120_P0301_B_Unit 3 Building Layout_A1
17120_P0302_D_Unit 3 Elevations_A1
17120 P0303 B Unit 3 Roof Plan A1
17120_P0304_A_Unit 3 Ga Section A1
17120_P0401_C_Unit 4 Building Layout_A1
17120 P0402 D Unit 4 Elevations A1
17120 P0403 B Unit 4 Roof Plan A1
17120 P0404 A Unit 4 Ga Section A1
BEA Landscape 18-89-01-A0 Soft Landscape
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REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

The proposed buildings shall be finished in the following materials;
 Horizontally laid trapezoidal cladding. Colour White RAL 9003

- Horizontally laid trapezoidal cladding. Colour Grey RAL 7038
- Steel doorsets. Polyester powder coated RAL 7038
- Steel doorsets. Polyester powder coated RAL 000 55 00.
- Glazed aluminium loading doors with steel bottom section. Steel section and frames to be polyester powder coated RAL 000 55 00
- Aluminium frames windows. Frames to be polyester powder coated RAL0005500
- Glazed canopy to entrance doors

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

4) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hard-standing areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015).

The peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The runoff volume from the development in the 1 in 100 year 6 hour rainfall event shall not exceed the Greenfield runoff volume for the same event.

The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: In order to ensure no increase in flood risk on or off site.

5) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions a to f have been complied with:

a. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

b. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

c. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

d. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

e. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

f. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

g. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6) In addition to WRS standard recommendations for all development, the additional mitigation measures as outlined in the Air Quality Assessment dated January 2019 submitted by the applicant must be incorporated into the development.

REASON: NPPF paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

7) The Development hereby approved shall not be brought into use until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.
- 3) Construction Phase Nuisance: In order to minimise any nuisance during the construction phase, from noise, vibration and dust, the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.

Case Officer: Emily Farmer Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk