

Name of Applicant	Proposal	Expiry Date	Plan Ref.
c/o Agent	<p>Demolition of the existing buildings and the construction of a 72-bedroom care home (Use Class C2) and associated access works, parking, tree planting, landscaping and provision of site infrastructure.</p> <p>466 Lickey Road, Cofton Hackett, Birmingham, Worcestershire, B45 8UU</p>	10.12.2019	19/01213/FUL

RECOMMENDATION:

(1) Minded to **APPROVE FULL PLANNING PERMISISON**

(2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following;

(a) The satisfactory completion of a S106 planning obligation ensuring that:

- i. £11,362 capital contribution for NHS Primary Care Commission to mitigate primary care impacts arising from the development which would be used for medical infrastructure. The funds will be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery.
- ii. £11,000 contributions to Worcestershire County Council for community travel to serve the Rubery area to maximise the opportunities for residents to travel to and from outside the immediate community.
- iii. Planning Obligation Monitoring Charge.

Consultations

Cofton Hackett Parish Council Consulted 20.09.2019

Objection;

- Insufficient Parking provided on site
- The proposed building is too close to the road
- The proposed building is completely out of character with adjacent buildings, too high
- Development would put extra strain on local GPs which is an already overloaded system

Conservation Officer Consulted 20.09.2019

No objection.

Arboricultural Officer Consulted 20.09.2019

No objection subject to landscaping condition

North Worcestershire Water Management Consulted 20.09.2019

No objection raised subject to a condition requiring final scheme for surface water drainage including assessment of a sustainable drainage system to be submitted to the Council.

Worcestershire Regulatory Services - Contaminated Land Consulted 20.09.2019
No objection

Worcestershire Regulatory Services - Noise Consulted 20.09.2019
No objection subject to conditions relating to specified glazing and acoustic fencing.

Worcestershire Regulatory Services - Air Quality Consulted 20.09.2019
No objection subject to conditions relating to cycle storage, provision of electric vehicle charging points and low emission boilers.

Highways - Bromsgrove Consulted 20.09.2019
No objections subject to conditions and financial obligations.

The suggested conditions cover the following matters;

- Access, parking and turning facilities as per drawing No.
- Electric Charging Points
- Compliance and monitoring of submitted Travel Plan with revised plan to be submitted should targets fail to be met
- Construction Environmental Management Plan

The suggested financial contribution - £11,000 contribution for community travel to serve the Rubery area. The purpose of this contribution is to maximise the opportunities for residents to travel to and from outside the immediate community.

Waste Management Consulted 20.09.2019
No objection given waste will be undertaken by private contractors.

Joe Holyoak Consulted 20.09.2019
The design is broadly acceptable.

- The site is currently occupied by a redundant car showroom. The building is an eyesore, a very poor design, and its removal will be a great improvement.
- Making an L-shaped building, filling the street frontage as much as possible, and enclosing a garden behind, is a sound decision.
- I consider that the height of the proposed building is acceptable in the context of its surroundings. It is taller than its existing neighbours, and the increase in height needs to be accompanied by an articulation of the form into smaller elements. The proposal achieves this to an extent.
- I think that the architects should not be afraid to limit their vocabulary, and have a simple but varied pattern of brick gables along Lickey Road, of varying heights, and with slight recession and projection. The two gables remaining in the current scheme are awkwardly fenestrated in an off-balanced way.
- Because the ground floor presumably has to be on one level, this results in its being considerably higher than the street at the southern end of the site, resulting in a dissociation from the street. This is a pity, but presumably unavoidable. There could be some compensation for this in the way in which the boundary is designed. At present it is unimaginative.

Ecology Consulted 20.09.2019
No objection subject to conditions relating to lighting, landscaping and bat and bird boxes.

Birmingham City Council Consulted 20.09.2019

No objection.

NHS Clinical Commissioning Group Consulted 20.09.2019

No objections if a developer contribution of £11,362 is secured for the following reasons;

- New Road and Cornhill Surgery in Rubery have an existing shortfall of space
- Nursing homes provide care for conditions that would otherwise have necessitated an in-patient stay
- In their experience residents have multiple co-morbidities that require above average medical input
- In local GPs experience the care is likely to significantly increase their home visit commitment
- In local GPs experience the nursing support on site does not usually reduce the number of requests to the surgery
- Many residents are likely to be social services funded and placed outside of their previous GP area
- The practices do not have premises that would support an increase to the number of doctors working there
- The practices have data to support the fact that A&E admissions are increased above CCG averages for patients in care homes, usually due to capacity/staffing issues
- The local GPs feel that the increased workload that would result from having to take medical responsibility for this care home would, in their opinion, be to the detriment of their current patients and not in the best interests of the proposed care home."

NHS Acute Hospitals Worcestershire Consulted 20.09.2019

No Comments Received To Date

Housing Strategy Consulted 20.09.2019

As this is an application for class C2 nursing home affordable housing is not required.

Bromsgrove Strategic Planning And Conservation Consulted 20.09.2019

Taking the relevant policies into consideration and given that the site is currently a vacant brownfield site within a sustainable local centre, we raise no objection in principle to this proposal.

Economic Development And Regeneration Service Consulted 20.09.2019

As the car show room has been vacant for some time, we have no objections to this application.

Senior Community Safety Project Officer Community Safety Consulted 20.09.2019

Views awaited

Cadent Gas Ltd Consulted 07.10.2019

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that

proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

Publicity

One site notice was placed on site on 20th September and expired 14th October 2019. An advert was placed in the Bromsgrove Standard on 27th September and expired on 14th October 2019.

Representations

5 representations have been received. The comments received have been summarised as follows;

Design

- Large, unattractive building
- Building not in character with area
- Impact on street scene
- Building sited too close to street
- Building gives poor impression of Lickey Hills

Highways

- Overspill of parking/insufficient parking provided on site
- Existing shortage of parking on street
- Highway safety concerns

Other issues

- Existing sewer issues locally
- Plans appear out of scale

New Road GP Surgery (Rubery) practice Manager

- GP practice has been previously extended due to growing waiting lists
- GP surgery already stretched and development would make worse
- Development would result in requirement to further extend practice

Cllr Deeming

My concerns are as follows;

- The inadequacy of the proposed parking provision Visitors/staff/health workers may overflow on to an already very busy Lickey Road which already has parking issues for Local business.
- Medical Health Care in our Area is already at saturation point
- Waste/environmental access for these vehicles could be a major problem as there is a pedestrian crossing very close by
- The Design does not fit in with the village scene, dwarfing the surrounding properties. A smaller scheme perhaps 2 storey set further back with less amenity space and more parking may benefit.

I am not against this development but these points have to be addressed.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP6 Infrastructure Contributions

BDP10 Homes for the Elderly
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP18 Local Centres
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Lickey & Blackwell and Cofton Hackett Neighbourhood Plan

Relevant Planning History

B/2005/0978	To amend the colour of the building cladding, window frames, doors and new render to brickwork.	Approved	21.11.2005
B/2000/0101	Fascia symbol to existing fascia and lettering.	Approved	11.04.2000
B/1994/0843	Use of graded site area for temporary vehicle parking for 12 months.	Refused	13.02.1995
B/18334/1989	Refurbishment of existing petrol filling station.	Approved	09.10.1989
B/18335/1989	Display of advertisements on shop, pumps and forecourt.	Approved	09.10.1989
B/13202/1985	Installation of 3000 gallon underground diesel tank and provision of auto diesel dispenser.	Approved	12.08.1985
B/7913/1980	Erection of motor vehicle showroom with ancillary storage/utility room and new reception/office	Approved	15.09.1980
B/9129/1981	Erection of extensions including caretakers flat, office, parking stores, showroom, reception and staff offices.	Approved	17.08.1981
B/4863/1978	Erection of testing station, offices.	Approved	14.08.1978

Assessment of Proposal

Site description

The application site is located within the Local Centre of Cofton Hackett and was occupied by the former Rolls Royce and McLaren dealership and a BMW motorbike showroom and is currently vacant. The site has an area of approximately 0.6 hectares and consists of a two/three storey commercial building with central parking forecourt. The site is currently accessed from Lickey Road to the north of the site and egressed onto Lickey Road near the south of the site.

There is a mix of commercial, retail and residential in the area with the Lickey Hills Country Park located to the west of the site. The western boundary consists of dense vegetation and adjoins the base of the Lickey Hills which slopes up steeply. The Lickey Road (B4120) links South Birmingham to Barnt Green, Cofton Hackett and Lickey with access to regular bus services to Birmingham, Droitwich, Rubery & Redditch.

Proposal

The proposed development is for the redevelopment of the site to provide a 72 bedroom care home and associated works. The proposed building will consist of a 3-4 storey building with a parking area to the north providing 30 spaces. The building includes facilities such as; dining rooms, café, bar, cinema, lounges, spa, balconies and nursing stations.

Hamberley Care Homes will operate the site and have a number of care homes throughout the UK. The home will provide a mix of care to physically and/or frail residents and would constitute a C2 planning use. The care home will provide for a range of care services for people with many conditions including; dementia, multiple sclerosis, strokes and motor neurone disease and therefore will provide accommodation for people of all ages.

Main issues

The main issues in this application are;

1. Principle of development in this location having regards to BDP18
2. Whether the proposed development represents high quality design in accordance with the Development Plan
3. The compatibility with the adjoining users and impact of living conditions on future residents
4. Effects of highway safety and parking provision
5. Heritage matters
6. The effect of the proposal in terms of the effect of the increased population on infrastructure, facilities and services.

Principle of development in this location having regards to BDP18

The application site is located within a Local Centre in a residential area in Cofton Hackett on the edge of Birmingham with Green Belt to the south and west. The proposed development is for the redevelopment of the site to provide a 72 bedroom care home and associated works. The proposed building will consist of a 3-4 storey building with a

parking area to the north providing 30 spaces. The existing building on site is a 2-3 storey vacant car dealership and showroom.

The National Planning Policy Framework (NPPF) emphasises the need to deliver housing of different sizes, types and tenure for different groups in the community. This is further supported by Policy BDP10 in the Bromsgrove District Plan which encourages the provision of housing for the elderly and for people with special needs, where appropriate whilst avoiding an undue concentration in any location. Policy BDP10.3 further states that the Council will, through the identification of sites and/or granting of planning consents in suitable locations, provide a wide range of elderly accommodation including the development of residential care homes, close care, 'extra care' and assisted care housing; and in particular continuing care retirement communities which encompass an integrated range of such provision. Sites should be sustainable by virtue of their location and there will be a preference for sites within defined settlements.

Policy BDP18.3 Local Centres identifies that it may be considered appropriate for a non-retail developments, where there is a proven need and where the development has overwhelming benefits for the local for the local centre and the community. Applications for alternative uses of land or buildings will be treated on their individual merits having regard to market signals and the relative need for different land uses to support sustainable Local Centres and their communities. In this instance given that the site is currently vacant and the positive employment opportunities the development will provide, it is considered this proposal will bring benefits to the local centre in line with Policy BDP18.

Paragraph 8.16 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan (NDP) outlines support for development that provides a mix of accommodation, in particular housing for older people which is in demand locally. Furthermore paragraph 11.5 of the NDP states that planning support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth.

The site is within a built up area with a number of local facilities such as shops, takeaways and Public Houses. The road also has a regular local bus service connecting Bromsgrove to Birmingham. Taking all these matters into consideration the principle of development in this location and the loss of the existing commercial use is considered to be acceptable in this sustainable location.

Whether the proposed development represents high quality design in accordance with the Development Plan

The proposed building will be a dominant feature in the street scene and therefore thought has been incorporated into the design to address the slope in land level when travelling from north to south on Lickey Road. Although this is a large building and is greater in height than the existing, the use of broken frontage, dormer windows and stepped height soften its overall appearance. Although some objection has been received locally on this matter, it is noted that the Urban Designer has not objected to the size of the building. It is considered that the proposed building is of relatively good design for its dominance within the street scene. Furthermore it is considered its central position within the shopping area can accommodate a large building. Concerns have also been received locally in respect of how close the building will be to the footpath. The properties to the

south of the site are sited hard on the footpath and the buildings to the north are set slightly back with a parking forecourt. It is noted that the south section of the existing building is sited hard on the boundary in line with the properties to the south. The proposed building is set 2-3 metres away from the footpath and will have a low lying wall along the boundary and some planting in this space to create interest and screening. This layout has achieved a good level of external amenity space to the rear of the property, which is welcomed and does create a staggered building line connecting the rest of the street scene.

The Council's Urban Designer has suggested a number of elements that could improve the scheme including the use of breaks in the front elevation and some interest at pedestrian level. The applicant has responded to these matters and highlighted in an addendum to the Design and Access Statement the breaks in the front elevation and have addendum the front wall to include pillars to add some interest. Having regards to this, and the use of materials reflects the character of buildings found locally, the proposed design and size of the building is considered appropriate in this location.

The compatibility with the adjoining users and impact of living conditions on future residents

There is a mix of commercial, residential and retail uses locally. The properties on the southern boundary of the site do not have any openings on their northern elevation. The existing building currently sits very close to this boundary and having regards to blank elevation and the proximity of the existing use, the proposed development is not considered to cause any harm to the occupiers of these properties.

To the north of the site there is a parade of shops and this will be separate by the proposed parking area. To the east and west of the site there is predominately green and undeveloped land. In terms of the living conditions of future occupiers, WRS have raised no objections in terms of noise subject to a suitable glazing condition and given the surrounding uses and green space, the proposed use would be considered compatible with its surroundings.

Effects of highway safety and parking provision

The proposed development will close the existing southern access point from Lickey Road and will retain the northern access as a single vehicular entry point into the site. The proposal has included a parking area to the north of the site comprising of 30 parking spaces, an ambulance drop off and turning zone and cycle parking. Comments have been sought from Worcestershire County Council (WCC) on this application and no objection has been raised subject to conditions and a financial contribution.

WCC have outlined that a care home is typically a low trip generating use and those trips are normally off peak. The proposal will replace an existing car sales garage which is currently unoccupied but capable of being reused. Therefore consideration has been made on the net impact of the two different uses and any site specific considerations. The proposed use will generate fewer trips than could take place under the existing use on site and therefore there is no objection in principle to the proposal. Additionally, the application seeks to alter the access arrangement to consolidate them into a singular

dropped kerb arrangement which is considered to be appropriate for a development such as this.

The proposal has provided 30 car parking spaces with 2 disabled spaces and cycle storage for 6 bicycles. Objection has been raised by the Ward Member, Parish Council and local residents that insufficient parking has been provided on site. The applicant has submitted a Transport Statement in support of this application that has been considered by the Highways Authority. The applicants have calculated that of the 29 staff on site at one time, 21 are likely to drive. This has been calculated having regards to the 2011 Census data. This therefore leaves some left over parking for visitors in addition to provisions for cycling and motorcyclists. The applicant has also provided a Travel Plan which has been conditioned with a requirement for this plan to be monitored and updated if necessary. Paragraph 11.4 of the NDP requires new developments minimise any adverse impacts on local road networks and suitable parking provision should be provided. Having regards to this, the proposal is considered to comply with Policy BDP16 Sustainable Transport, BDP 19 High Quality Design and Policy B1 of the NDP.

Concerns have been raised in respect of the access point and its proximity to the existing traffic crossing however this is an existing vehicular access to the site and the proposed parking area has allowed for sufficient turning space to ensure that larger vehicles can leave the site in forward gear. This matter has not been raised as a concern by the Highways Authority.

Heritage matters

The site is located in the wider setting of the locally listed former tramlines and the non-designated former Rednal Tram Terminus (both located within the Birmingham City Boundary) and therefore any impact on the setting of these historic assets should be considered. Birmingham City Council and the Council's Conservation Officer have not raised any concerns in respect of the siting and design of this proposal in respect of its relationship with these heritage assets and therefore the proposal would comply with the provisions of the NPPF (2019) and the Bromsgrove District Plan (2017).

The effect of the proposal in terms of the effect of the increased population on infrastructure, facilities and services

Medical Infrastructure

Objection have been raised by the Local Ward Member, Parish Council and local residents on the extra strain the development will place on local GPs. The Council have sought comment from the NHS Primary Care Commission on this matter and they have outlined that there is an existing shortfall of GP space locally. The NHS Primary Care Commission has requested a financial contribution of £11,362 to mitigate primary care impacts arising from the development which would be used for medical infrastructure. The funds will be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery.

A consultation has been sent to Worcestershire Acute Hospital NHS Trust (NHS Trust) and no comments have been received at the time of drafting this report. In the event that a request is made for financial contributions Members should note that The Council have sought legal advice on this matter. Although no need has been put forward at this stage,

any need should be considered as material and is more than *de minimus*. The Council's legal advice however has outlined that financial contributions requested by the NHS Trust requiring the developer to make up for annual shortfalls in the National Health Service revenue would likely be unlawful. Such requests would not meet the Community Infrastructure Levy (CIL) Regulations 2010 Regulation 122 tests: the requests are contrary to policy as they do not serve a planning purpose and/or do not fairly and reasonably relate to the proposed development. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations.

Worcestershire County Highways Community Transport

Members will note that Worcestershire County Council have requested contributions of £11,000. This will maximise the opportunities for residents to travel to and from outside the immediate community. This request is considered acceptable.

As of 1st September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the agreement are met. The applicant has agreed to this fee in principle.

The applicant has engaged with the Local Authority towards a prospective Section 106 agreement. Once this agreement has been completed this would constitute a further positive in the planning balance and would be in compliance with BDP6.

Other issues

Noise Taking account of the comments from Worcestershire Regulatory Services it is accepted, in principle, that the site is suitable for residential occupation. The submitted noise assessment concludes that with the installation of appropriate glazing and ventilation products the recommended internal noise levels can be achieved with windows closed. In terms of external noise in the proposed rear garden areas the assessment states that noise levels are likely to be below 55dB LAeq, 16hr which is the upper limit recommended in BS8233:2014. A condition has been imposed relating to suitable glazing and ventilation measures. WRS has also suggested an acoustic fence be erected on the southern elevation of the site in order to minimise noise in the external garden area. The proposed garden area is to the rear of the building and along the southern boundary is a run of cottages that extend along the entire southern boundary of the site. Given this existing enclosure of the garden area, I do not believe it is necessary to require a condition for an acoustic fence in this position. WRS has also suggested that the second floor balcony is provided with some acoustic screening from the road. An acoustic fence in this location would be highly prominent from the street scene and interrupt the design of the scheme. Furthermore, given there are a number of other outside areas, including a landscaped garden, balcony and terrace on first floor, I do not believe this condition would be necessary given the occupiers will have other external opportunities to reside should they prefer.

Air Quality It is not considered that the low emission boiler condition requested from Worcestershire Regulatory Services can be imposed in this application. However an appropriate informative will be placed on the Council's decision in order to encourage the installation of this feature. WRS have also requested electric charging points by condition

and provision of cycle parking. Given the proposed use onsite it is not considered reasonable to place a cycle condition on this recommendation however in line with Worcestershire Highways Authority a condition for electric charging points can be imposed.

Waste The applicant will use a contractor for both general waste and clinical waste and have shown an area for bin storage in the south west corner of the proposed parking area.

Ecology The applicants have provided a Preliminary Ecological Report by Crestwood Environment dated 11th October 2018 and a further Ecological Walkover Survey by Crestwood Environment dated 30 October 2019. These documents confirm that no protected species will be impacted by the proposed development and set out some recommendations and enhancement measures which will be imposed by condition. Furthermore to provide a net gain in biodiversity some further enhancement such as more bat and bird boxes and swift bricks have been further conditioned.

Drainage The proposed development is located in the catchment of the River Arrow. It is classified as flood zone 1 and the risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. There is some surface water risk indicated to the west of the existing building on the site. This risk can be mitigated by suitably finished levels and drainage provided by the proposed scheme. An objection has been raised by a local resident in regards to existing sewer issues locally. The drainage condition as attached to this recommendation is considered sufficient to resolve any issues on this matter.

Plans Comments have been received outlining that the plans do not appear accurate in respect of the surrounding dwellings. Having reviewed the plans and having undertaken a site visit I am of the opinion that the plans appear to be an accurate representation of what exists onsite.

Conclusion

The proposed development would be an acceptable use, in principle, in this location. The replacement building would provide a betterment onsite to the existing showroom and the design and scale of the proposed building is considered to be acceptable having regards to the street scene and character locally. Living conditions, highways impacts, parking provision and the impact on community infrastructure are all considered acceptable subject to conditions and planning obligations.

RECOMMENDATION

- (1) Minded to **APPROVE FULL PLANNING PERMISISON**
- (2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following;
 - (a) The satisfactory completion of a S106 planning obligation ensuring that:

- i. £11,362 capital contribution for NHS Primary Care Commission to mitigate primary care impacts arising from the development which would be used for medical infrastructure. The funds will be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery.
- ii. £11,000 contributions to Worcestershire County Council for community travel to serve the Rubery area to maximise the opportunities for residents to travel to and from outside the immediate community.
- iii. Planning Obligation Monitoring Charge.

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 premises shall be used for the purpose specified in the application (Residential Care Home) and for no other purpose (including any other purpose in Class C2 Use Class of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: The application has been considered on the basis of occupation by persons in Class C2 accommodation and the Local Planning Authority wishes to consider any future changes to occupation of the building that would be detrimental to the character of the area and the amenities of occupants of adjoining premises.

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

3369 102 - Boundary Treatment Plan
P5149 - 1100 - Planning - Location Plan
3369 101B - Landscape Layout
3369 103A - Roof Terraces Plan
3369 201 - Planting Plan
P5149 - 1200 B - Proposed GA Site Layout Plan
P5149 - 1201 B - Proposed GA Ground Floor Plan
P5149 - 1202 B - Proposed GA First Floor Plan
P5149 - 1203 B - Proposed GA Second Floor Plan
P5149 - 1204 B - Proposed GA Roof Space Plan
P5149 - 1205 A - Proposed GA Roof Plan
P5149 - 1350 A - Proposed GA Elevations Sheet 01
P5149 - 1351 A - Proposed GA Elevations Sheet 02
P5149 - 1352 A - Proposed GA Elevations Sheet 03
P5149 - 1353 A - Proposed Coloured Elevation & Street Scene
P5149 - 1700 A - Visual - Elliot Gardens
P5149 - 1701 A - Visual - Oak Tree

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

- 4) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 5) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the units hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 6) No works or development above foundation level shall take place until a final scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 7) Notwithstanding the details within the noise assessment, prior to the installation of glazing, details of the specification of glazing to be installed shall be submitted and approved by the Local Planning Authority in order to demonstrate that they meet or exceed the sound reduction specification detailed in the noise assessment. The glazing shall be installed in full accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed development.

- 8) Prior to the first occupation of the development, equipment to control the emission of fumes and smell from any commercial kitchen shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area

- 9) Prior to installation, any proposed external lighting details shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that external lighting does not have a detrimental impact on the amenity of the area or the surrounding uses.

- 10) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing P5149_1200.

Reason: To ensure conformity with submitted details.

- 11) The Development hereby approved shall not be brought into use until 3 number 7kw electric vehicle charging spaces have been provided and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

REASON: To encourage sustainable travel and healthy communities.

- 12) The Employment Travel Plan RT114099-02 hereby approved, dated August 2019 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

REASON: To reduce vehicle movements and promote sustainable travel.

- 13) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 14) Prior to occupation, the development shall provide a net gain in biodiversity by the provision of two schwegler bat boxes or equivalent, two bird boxes and a swift brick. These shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 170 of the NPPF.

- 15) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Report by Crestwood Environment dated 11th October 2018 and the Ecological Walkover Survey by Crestwood Environment dated 30 October 2019.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard BDP21 of the Bromsgrove District Plan and Paragraph 109 of the NPPF.

- 16) 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 Parts 1 to 6 have been complied with:

Part 1.

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.

Part 2.

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"

Part 3.

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".

Part 4.

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.

Part 5.

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.

Part 6.

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.

Part 7.

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.

Informatives

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.
- 3) The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above mentioned conditions.
- 4) The applicant should be aware of the term 'highway works' being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.
- 5) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- 6) Worcestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils Travel Plans Officer. As part of this process the applicant must register for Modeshift STARS Business and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Worcestershire County Council can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

- 7) The installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh in line with IAQM benchmarks is recommended by Worcestershire Regulatory Services for this development.

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