

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr. Andy Hayton	<p>Proposed Sui Generis Builder's Merchant with Trade Counter and ancillary storage, external storage of materials and display area, parking, lighting columns, perimeter fencing, hard and soft landscaping.</p> <p>Land At Buntsford Gate Business Park, Buntsford Drive, Bromsgrove, Worcestershire</p>		21/00652/FUL

**This application comes before the Planning Committee because it is for Major development**

**RECOMMENDATION:**

- (a) That planning permission be **GRANTED**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application subject to the satisfactory views of Worcestershire Regulatory Services and Conservation.
- (c) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the report.

**Consultations**

**Stoke Parish Council**

No objection to proposed development. Sought clarification regarding Public footpath SP-579.

**Worcestershire Archive and Archaeological Service**

No archaeological condition required.

**North Worcestershire Water Management**

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

**WRS - Contaminated Land**

No objections subject to condition.

### **WRS – Noise & Lighting**

WRS requested further details regarding noise and lighting. A Noise Assessment by INVC, Lighting Design Assessment Ref by Lumineux have been submitted and are being reviewed by WRS. Final comments will be provided as a written update at the committee meeting.

### **WRS - Air Quality**

No objection

### **Highways - Bromsgrove**

No objection subject to conditions:

1. Vehicular access
2. Electric Vehicle Charging Facilities
3. Accessible Parking Provision
4. Cycle parking
5. Conformity with Submitted Details

### **Arboricultural Officer**

No objection

### **Conservation**

Full comments awaited

### **North Worcestershire Economic Development and Regeneration (NWedR)**

The applicant is seeking permission for a builders Merchants with trade counter on land at Buntsford Drive.

The site has been vacant for several years and is listed as employment land. This proposal will provide 15 additional jobs to the area.

NWedR support this application.

### **Worcestershire County Council Countryside Service**

No objection subject adhering to several obligations.

### **Publicity**

20 letters were sent to nearby properties on 12th May 2021 and expired 5th June 2021.

One site notice was displayed on 10th May 2021 and expired 3rd June 2021.

An advert was placed in the Bromsgrove Standard on 14th May 2021 and expired 31st May 2021.

One neighbour has raised objections to the scheme.

1. Business should only operate during normal working daylight hours and not at night
2. Noise to be kept at a minimum during working hours
3. Light pollution to be at a minimum
4. Heavy haulage to be instructed to use the A38
5. Weight restrictions applied for use of local rural roads

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
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 (2021)  
Bromsgrove High Quality Design Supplementary Planning Document

### **Relevant Planning History**

B/1998/0850	Outline application for employment use within Class B1, B2 and B8 including access	Granted	23.02.1999
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### **Assessment of Proposal**

#### **Application Site and Proposed Development**

The application site is located within Buntsford Hill Business Park which is 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 a Sui Generis Builder's Merchant with Trade Counter and ancillary storage (gross internal area including mezzanine of 1,936 sq m), external storage and display area, site parking, lighting columns, perimeter fencing, hard and soft landscaping.

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.

A part of the planning application an operator of the proposed builders merchants has not been specified.

### **Principle of development**

The site is within the main urban boundary of Bromsgrove where Policy BDP2 seeks to focus development. 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)'.

The proposed builders merchants is akin to a warehouse (Class B8) use but also has unique characteristics due to the type of goods it stocks and the level of outside storage which distinguishes it from other warehouses and makes it a 'sui generis' use. In this case, there is no potential user identified for the unit but it is anticipated that the site would generate 15-20 new full time jobs.

Typically, builders merchants have an element of selling to the public. The proposed floor plan indicates a relatively small area for the display of small goods/products for sale (such as, fixings, nails, paint, tools etc). However, a development of the proposed scale and nature is considered to be inherently suited to an employment area, given that town centres typically do not have premises with the required space and/or parking provision to accommodate them. This is evidenced by the number of builders' merchants that operate from similar settings across the local area.

It is accepted in this instance that the proposed sui generis use would fulfil the purpose of BDP14 in allocating land for employment purposes nor harm the vitality and viability of the nearby town centre.

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.

### **Character and appearance**

Policy BDP19 requires development to be of good design and quality. The proposed builder's merchant would be constructed in materials and finishes similar to other industrial units on the Buntsford Gate Business Park and would be appropriate for their proposed use. The external storage that is proposed within the yard of the proposed builders merchants would be visible from Buntsford Hill and the site's surroundings, although would be less prominent due to the drop in levels between Buntsford Hill and the site and the boundary landscaping. No trees would be removed as a result of the proposal and the proposed plans indicate that the existing landscaped boundary within

the site would be reinforced. A condition is recommended to require a landscaping scheme to be carried out. With this provision, the proposed development would have a satisfactory impact on the visual amenities and appearance of the area.

## **Heritage**

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 Officers comments are awaited.

## **Highways**

The site is located within the Buntsford Gate Business Park within a commercial and sustainable location off an unclassified road, the site benefits from an existing vehicular access with good visibility in both directions. Buntsford Drive benefits from footpaths and no street lighting and parking restrictions are in force in the vicinity. The site is located within walking distance of a bus route and bus stops.

The applicant has provided sufficient car parking, cycle parking, electrical vehicle charging points and a turning area for large vehicles on site. WCC Highways have no objection subject to conditions.

## **Ecology**

The applicant has submitted a Preliminary Ecological Appraisal by Wold Ecology Ltd dated March 2021. The appraisal does not require any further surveys to be submitted. However, the report has recommended that a detailed Ecological Constriction Method Statement and Ecological Enhancement Management Plan is produced in order to protect and enhance the sites ecological value, these measures can be conditioned.

## **Contamination**

Phase 1 Desk Study and Phase 2 Site Investigation report have been submitted. WRS agree with the methodologies and conclusions and recommend that the application is conditioned for unexpected contamination as a precaution.

## **Public Right of Way**

The Public Rights of Way team have no objection subject to adhering to a number of obligations. These have been forwarded to the applicant's agent.

## **Noise and Lighting**

WRS requested further details regarding noise and lighting. A Noise Assessment by INVC, Lighting Design Assessment Ref by Lumineux have been submitted and are being reviewed by WRS. Final comments are awaited.

## **Drainage**

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.

## **Conclusion**

Subject to the outstanding comments, overall it is considered the proposed development is in accordance with the relevant policies of the Bromsgrove District Plan and can be properly characterised as sustainable development for the purposes of the NPPF. The proposal will bring a long term vacant site, which is allocated into use and provide employment opportunities.

## **RECOMMENDATION:**

- (a) That planning permission be **GRANTED**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application subject to the satisfactory views of Worcestershire Regulatory Services and Conservation.
- (c) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the report.

## **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, drawings and documents:

Location Plan - 8638s/01B  
Proposed Site Layout - 8638s/03C  
Proposed Floor & Roof Plans - 8638s/04  
Proposed Elevations - 8638s/05  
Proposed Roof Plan - 8638s/06  
Proposed Fencing & Street Furniture - 8638s/07A  
Proposed Site Sections - 8638s/09  
Landscaping Proposals - 134/Pa/01  
Travel Plan by SCP - SCP/210016/TP/0  
Preliminary Ecological Appraisal by Wold Ecology Ltd

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

- 3) No works or development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015). If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

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

- 4) 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. 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.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

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

- 5) The development hereby approved shall not be opened to the public until the accessible parking provision and electric vehicle charging spaces shown on Proposed Site Layout - 8638s/03C have been provided, such spaces and power points shall be kept available and maintained for the use of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

- 6) The development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 7) The development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing 8638s/03A.

Reason: To ensure conformity with submitted details.

- 8) Prior to occupation, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

- 9) The landscaping scheme detailed on Landscaping Proposals 134/PA/01 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.



Reason: To enhance the appearance of the development in the interest of the visual amenities of the area.

- 10) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Wold Ecology Ltd. This includes an Ecological Construction Method Statement and Ecological Enhancement Management Plan shall be submitted to and approved by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason: To ensure that the proposal results in a net gain of biodiversity.

- 11) The builders merchants hereby permitted shall not be open to customers outside the following times:
- a: 0700 hours to 1900 hours, Monday to Friday inclusive,
  - b: 0700 hours to 1600 hours on Saturday,
  - c: 0900 hours to 1600 hours on Sunday and Bank Holidays
- without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residents.

- 12) The builders merchants hereby permitted shall only be open to staff between the following times:
- a: 0600 hours to 2000 hours, Monday to Friday inclusive,
  - b: 0600 hours to 1700 hours on Saturday,
  - c: 0800 hours to 1700 hours on Sunday and Bank Holidays
- without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residents.

- 13) Notwithstanding the provisions the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking or reenacting that Order with or without modification) no internal subdivision of the building or further construction of any mezzanine floors or increase in the floor area of the sales and ancillary elements of the building shall take place.

Reason: To ensure continuity of the site in association with the original employment uses of the Buntsford Gate Business Park.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
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