

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Horgan Homes and Developments Ltd	Erection of employment and commercial units Use Class E(g)(ii) and (iii), B2, B8 with ancillary offices, with vehicle parking and all associated engineering, including site clearance and all associated works.  Plot At Buntsford Gate Business Park, Buntsford Drive, Bromsgrove, Worcestershire,	05.04.2023	22/01530/FUL

**RECOMMENDATION:** That planning permission be **GRANTED**

### **Consultations**

#### **Highways - Bromsgrove**

No objection subject to condition relating to:

- Provision of parking, cycle parking and accessible spaces
- Inclusion of Electric Charging points
- Submission of a Travel Plan
- Submission of a Construction Management Plan

#### **WRS - Noise**

No objection.

The submitted noise assessment is satisfactory and predicts a low impact at the nearest sensitive receptor. However, in order to minimise the impact I recommend that any forklift trucks on site are fitted with 'white noise' reversing alarms and that the proposed 1m acoustic fence is increased in height to 2m. Additionally, the recommended cumulative noise limit for any fixed plant / equipment, detailed in Table 6.5 should be conditioned.

#### **WRS - Contaminated Land**

No objection subject to condition relating to:

- Submission of a Phase 1 Desk Study
- Detailed Site Investigation

#### **WRS - Air Quality**

No objection.-

#### **Cadent Gas Ltd**

No objection

#### **Worcestershire Archive and Archaeological Service**

No objection

#### **Conservation Officer**

The site is located within the setting of Tan House Farm, a Grade II Listed, 17th century farmhouse located southwest of Buntsford Hill and opposite the site. There is also a Grade II Listed barn, associated with Tan House, further to the west. The proposals

cause less than substantial harm to the significance of two Grade II Listed buildings through impact upon their setting. The proposed site plan shows development running close up to the southwest boundary of the site. In the northwest corner of the site Block 2 is estimated to be some 30m from the front elevation of Tan House. The proposed boundary is shown to retain a 3m high hedge; in reality the hedge illustrated is a highly inconsistent range of vegetation, offering slim to no screening potential in many places, most evidently directly opposite the access to Tan House. The proposed buildings' heights, both relative to the road and in absolute terms, combined with their proximity to it, will dominate the environs and severely detract from the road's rural character, which is a key significance contributor in the setting of both listed buildings.

The design of the units appears fairly utilitarian; rectilinear forms with low pitched roofs, clad in a variety of painted metals in differing profiles. Taken individually, each unit would not appear particularly out of place in a rural setting, with the light industrial character not being substantially different to modern agricultural, however the linear grouping of identical, repeated units and their associated access infrastructure moves the design away from agricultural to a stronger industrial/commercial appearance.

#### **North Worcestershire Water Management**

No objection.

The site falls within flood zone 1 and is not shown to be susceptible to surface water flooding. We hold no reports of flooding within the immediate vicinity.

#### **Arboricultural Officer**

No objection.

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

No objection

#### **North Worcestershire Economic Development and Regeneration**

Consulted 08.12.2022: views awaited

#### **Stoke Parish Council**

The Parish Council has concerns about the boundary of this development where it adjoins with Buntsford Hill Road. The site boundary at this point runs very close to the existing, neglected and overgrown roadside hedge. The hedge is on a slope running down to the carriageway and due to neglect the soil and the hedge are both obstructing part of the carriageway. This has made an already narrow road even narrower at this point. At the opposite side of the hedge soil has been banked up further as a result of previous excavations. It appears from the proposals that the currently unsuitable topography is going to be retained by a retaining wall at the edge of the development site. If the development is going to be approved then something needs to be done about the roadside topography. The obvious solution would be to level out the bank of soil and replant the hedge. This would avoid the need for any retaining wall.

#### **Publicity**

18 Neighbour notifications were sent on 08.12.2022 (expired 01.01.2023)

Site notice was displayed 09.12.2022 (expired 02.12.2023)

Press Notice published 12.12.2023 (expired 09.01.2023).

One letter of objection received;

- Buildings are too close to Buntsford Hill.
- Hedge in poor condition
- Noise
- Overlooking Tan House if windows proposed on side elevations

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

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)

NPPG National Planning Practice Guidance

### **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**

The proposal for the erection of employment and commercial units Use Class E(g)(ii) and (iii), B2, B8 with ancillary offices. The Use Classes proposed include;

- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes
- B2 General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- B8 Storage or distribution

The application site is 0.71 hectares and the proposed development seeks to provide 16 employment units across two blocks comprising of 2,350 sqm commercial space.

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 builder's merchant currently under construction. The site is within the designated employment land which bounds onto the Green Belt. To the southwest of the site are two Listed Buildings; Tan House Farm a Grade II listed farmhouse and a Grade II listed barn.

### Principle of 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)'.

Buntsford Hill Business Park is an existing industrial park situated on land designated for employment purposes. The use of the site for B1 (now Class E), 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.

### Character and appearance

The proposal comprises of two blocks with associated carparking and circulation space. The site proposes landscaping on the southwest boundary which will soften the overall appearance of the site. In the context of the surrounding development within the business park, this is a similar layout and scale and therefore would reflect the surrounding character of the area.

### Heritage

The site is located within the setting of Tan House Farm, a Grade II Listed, 17th century farmhouse located southwest of Buntsford Hill and opposite the site. There is also a Grade II Listed barn, associated with Tan House, further to the west. The original farmhouse is timber framed, however the range most visible from Buntsford Hill dates from the early 19th century and is fully rendered.

Tan House is set back approximately 20m from the road but its access is wide and straight, affording open views of the property from Buntsford Hill. The road has a rural character, with mixed hedgerows and some mature trees lining both sides. There are gaps in this hedgerow, however, in particular opposite Tan House Farm's access, at the northwest corner of the site, where views into the site are relatively unrestricted. It is considered that the proposals are also within the setting, albeit more distant and with limited potential impact, of the Grade II Listed Danzey Green Windmill, which is located some 400m southwest of the site; the sails in particular, are visible from the site.

The proposed site plan shows development running close up to the southwest boundary of the application site. In the northwest corner of the site Block 2 is estimated to be some 30m from the front elevation of Tan House Farm. The proposed boundary is then shown to retain a 3m high hedge. Given the proximity of the buildings to Buntsford Hill,

combined with their height of 8m, the Conservation Officer has raised concerns that the proposal would detract from the road's rural character, which is a key significance contributor in the setting of both listed buildings. Although the Conservation Officer does not raise objection to the design of the units which appear fairly utilitarian in character, the linear grouping of identical, repeated units and their associated access infrastructure moves the design away from agricultural to a stronger industrial/commercial appearance.

The applicant has put forward some mitigation to reduce the harm to the Listed Buildings including, relocating the cycle storage away from the southwest boundary and including some additional landscaping along the boundary of Buntsford Drive to help screen the development from the nearby Listed Buildings.

### Planning Balance

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 195 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 199 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 200; and Paragraph 202 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal.

Tan House Farm is set back approximately 20m from the road but its access is wide and straight, affording open views of the property. The barn is set 30m away from the road with intervening outbuildings associated with the farmhouse.

Given the separation of the Listed Buildings to the proposal and the mitigation provided with the relocation of the cycle parking and additional screening to be planted, the harm is considered to be less than substantial and therefore must be weighed against the public benefits. The applicants have attempted to maximise the site, this has created the layout with linear buildings and parking between.

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 buildings in this instance.

### Highways

The Applicant provides that vehicle access to the site would be served via two existing access points located on the eastern boundary of the site off Buntsford Drive. The two existing locations were constructed during the development of the wider Buntsford Gate Business Park.

The proposal provides 82 parking spaces, 19 of which are to be assessable. The proposal also intends to provide 60 cycle spaces across 3 cycle storage units. The spaces provided are in keeping with the Streetscape Design Guide.

The applicants have submitted a Transport Statement which demonstrates that the proposed development will not result in a serve impact on the Local Highway Network. The Statement has included a capacity assessment which demonstrates that there will be an imperceptible impact on Redditch Road/Buntsford Drive as result of this development.

Worcestershire County Council have reviewed this submission and raised no objections to the application, subject to conditions relating to the provisions of the associated parking, Construction Management Plan and Travel Plan.

### Ecology and trees

The applicant has submitted a Preliminary Ecological Appraisal by Swan Environmental dated November 2022. The appraisal does not require any further surveys to be submitted however has recommended mitigation and enhancements which can be conditioned.

The main body of the site is completely devoid of any vegetation and the footprint of the proposed development is not envisage as creating any conflict with trees or hedges on any immediately adjoining properties or land. The proposal does provide some additional planting in the southwest of the site. The hedge which runs along the boundary of the site is outside the red line and therefore does not form part of this application.

The Tree Officer has raised no objection to the scheme.

### Noise

The submitted noise assessment is satisfactory and predicts a low impact at the nearest sensitive receptor. Further mitigation through the requirements for a 2m high acoustic fence and any forklift trucks on site being fitted with 'white noise' reversing alarms will protect the closet residential properties. This fence has been conditioned and an informative will be placed on this permission relating to the requirement for a white noise alarm to be fitted to forklift trucks used within the site. The fence will run directly adjacent to Block 2 and 3 below the bund and behind the proposed landscaping, thereby limiting views and buffering noise from the closest residential property Tan House Farm.

### Drainage

The site falls within flood zone 1 and is not shown to be susceptible to surface water flooding. No objection has been raised by Worcestershire Water Management to the drainage strategy proposed.

### Third Party Comments

Comments have been received from the Parish Council outlining concerns with the hedging along Buntsford Hill Drive. It should be noted that the hedge is outside of the red line of this application and therefore does not form part of the application site. The

applicant has proposed some further planting on this boundary and there will be an acoustic fence.

The neighbouring dwelling Tan House Farm has raised some concerns relating to overlooking and noise. There are no windows on the elevations which face this dwelling and through the submission of a Noise Assessment suitable measures can be conditioned to ensure noise is not a nuisance for the occupiers. The buildings are 30m from this dwelling with the separation of a road and therefore are considered to be an appropriate distance from this dwelling to ensure no overbearing or loss of light.

### Conclusion

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 harm to the Listed Buildings is considered to be less than substantial and given the public benefits of the development, this harm is considered to be outweighed.

**RECOMMENDATION:** That 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:

3366\_Site Section  
3366-01- Location Plan  
3366-02A- Existing Site Plan  
3366-03k- Proposed Site Plan  
3366-04k- Proposed Roof Plan  
3366-05A- Block 1 Plan & Elevations  
3366-06B- Block 2 Plan & Elevations  
3366-07B- Block 3 Plan & Elevations  
3366-08C- Block 4 Plan & Elevations  
3366-09B - Site Sections

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

- 3) The proposed buildings shall be finished in the following materials;

- Trapezoidal cladding Colour - Corus Colorcoat HPS200 - Mushroom SC (RAL 080 70 10)
  - PPC metal verge Colour - Corus Colorcoat HPS200 - Svelte Grey SC (RAL 080 50 20)
  - PPC metal fascia Colour - Corus Colorcoat HPS200 - Svelte Grey SC (RAL 080 50 20)
  - Trapezoidal cladding vertically laid Colour - Corus Colorcoat HPS200 - Mushroom SC (RAL 080 70 10)
  - PPC aluminium frames to windows and doors Colour - Bronze Fitted with Bronze tinted glazing
  - Kingspan Microrib cladding vertically laid Colour - White (RAL 9003)
  - Kingspan Microrib cladding Colour - Corus Colorcoat HPS200 - Svelte Grey SC (RAL 080 50 20)
  - PPC metal roller shutter Colour - Corus Colorcoat HPS200 - Svelte Grey SC (RAL 080 50 20)
  - Facing brick Colour - Buff

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

- 4) The development hereby approved shall incorporate the recommended cumulative noise limit for any fixed plant / equipment, detailed in Table 6.5 of the Noise Assessment dated February 2023 by Air and Acoustics Consultants.

Reason: To ensure low impact Noise at the nearest sensitive receptor

- 5) The 2m high Acoustic fence as shown on drawing 3366-03k- Proposed Site Plan shall be erected on site prior to the occupation of the proposed development and shall remain on site in perpetuity.

Reason - To protect the closest neighbouring properties from noise nuisance.

- 6) All proposed works shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal by Swan Environmental, dated November 2022.

Reason: To ensure the protection of protected species and that the proposal results in a net gain of biodiversity.

- 7) Prior to each unit of the development hereby approved being brought into use, the access, parking and turning facilities associated with that unit shall be provided as shown on drawing 3366-03 Rev K.

REASON: To ensure conformity with submitted details.

- 8) The Development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted highway design guide 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.

- 9) Prior to each unit of the Development hereby approved being brought into use the accessible car parking spaces as shown on drawing 3366-03 Rev K Site Plan shall be provided onsite and thereafter shall be kept available for disabled users as approved.

REASON: To provide safe and suitable access for all.

- 10) Prior to each unit of the Development hereby permitted being first occupied, the associated electric vehicle charging point as shown on drawing 3366-03 Rev K Site Plan shall be fitted. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 11) Prior to each unit of the Development hereby approved being brought into use, an Employment Travel Plan using Modeshift STARS Business shall be submitted. They must meet green level accreditation before occupation and bronze level accreditation within 12 months of occupation.

REASON: To reduce vehicle movements and promote sustainable access

- 12) 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; and
  - Details of any temporary construction accesses and their reinstatement; and
  - A highway condition survey, timescale for re-inspections, and details of any reinstatement
  - Hours of Construction

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.

- 13) 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 1 to 5 have been complied with:
1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. 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 the Environment Agency's "Land Contamination: Risk Management" guidance.
  2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
  3. Where the site investigation identified remediation is required, 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.
  4. 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.
  5. 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.
  6. 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

- 14) The development shall be used for Class E(g), Class B2 and Class B8 purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). No part of the development (not including offices ancillary to the employment use) shall be developed for use class E(a), E(b), E(c), E(d), E(e) or E(f) as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Amendment with or without modification, and no part of the buildings shall be used for these use classes notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Amendment with or without modification.

Reason: In the interests of proper planning and to maintain a supply of employment land.

**Case Officer:** Emily Darby Tel: 01527 881657

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