

Name of Applicant	Proposal	Expiry Date	Plan Ref.
c/o agent	<p>Proposed extension comprising additional retail floor space and reconfigured warehouse and welfare block layout.</p> <p>Aldi, Sherwood Road, Bromsgrove, Worcestershire, B60 3AR</p>		22/00571/FUL

RECOMMENDATION:

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

(2) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the full planning application:

(a) Following the expiry of the consultation period on 8 April 2025 and in the event that representations are received, that **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

(b) To agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

Consultations

Worcestershire Highways - Bromsgrove

- Initial concerns raised related to the replacement of tree planting and how they could impact on general visibility. However, generally no objections to the scheme.

Arboricultural Officer

- Proposal involves the removal of trees and will require the protection of other trees during development.
- The revised landscape plan is acceptable and the altered position of the Birch trees should avoid any conflict with the A38 civils work and allow their sustainability.

WRS - Contaminated Land

- Recommend conditions to address any unknown contaminated land issues

WRS - Noise

- No objection to the application in terms of noise nuisance.

North Worcestershire Water Management

- No objection.
- The site falls within flood zone 1 but lies adjacent to flood zones 2 & 3 of the Sugar Brook.

- The proposal results in an increase in impermeable area which will increase runoff from the site, however, note the flood risk assessment proposes to introduce attenuation and a reduction in discharge rates from the site resulting in an overall betterment in terms of flood risk in the local area.

Publicity

13 neighbour letters sent on 26 July 2022 (expire 19 August 2022)

Site notice displayed 28 July 2022 (expires 21 August 2022)

Press notice published 21 March 2025 (expires 8 April 2025)

1 letter of comment supporting proposal.

Site Description

The application site relates to an existing supermarket on the former BGW Business Park at the western end of the Aston Fields Industrial Estate. The site is located to the east of the roundabout junction of the A38 (Stoke Road/Bromsgrove Eastern Bypass), Austin Road and Buntsford Park Road. A large WM Morrisons supermarket is located to the south-west, on the opposite side of Buntsford Park Road, and the Charford residential area lies to the north west of the A38. The site is immediately bounded to the east by the Sugar Brook, with industrial buildings beyond.

Proposal Description

Permission is sought to build an extension fronting the A38. The extension measuring approximately 353 sqm would comprise of relocated staff and meeting room facilities, manager's office, plant room, and a larger warehousing area. Relocating these facilities into the proposed extension would enable an increase in retail floorspace from 990 sqm to 1315 sqm.

The extension will be single storey and comprise of a flat roof and be finished in render with brickwork on the west elevation to add interest. The expanse of brickwork will be broken up with the provision of windows of a similar design to those already on the west elevation. External plant will be provided on the roof due to the refrigeration units proposed in the extension, however, anthracite grey cladding is proposed to be erected at roof level to assist screening the plant equipment.

Three trees will need to be removed to enable the development, however, six trees are proposed in replacement.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP13 New Employment Development

BDP14 Designated Employment

BDP19 High Quality Design

BDP21 Natural Environment

BDP23 Water Management

BDP24 Green Infrastructure

Others

Bromsgrove High Quality Design SPD
National Planning Policy Framework (2024)
National Planning Practice Guidance
National Design Guide

Relevant Planning History

24/00887/S73	Removal of condition 8 attached to 09/0729	Pending	
16/0687	Variation of condition 5 of application 09/0729 to: "The retail store hereby permitted shall not be open to customers outside the following hours: 08:00-22:00 Monday to Saturday, and 10:00-16:00 on Sundays"	Approved	06.10.2016
13/0769	Variation of Condition 5 attached to 09/0729 to: The retail store hereby permitted shall not be open to customers outside the following hours: 08.00 - 22.00 Monday - Saturday and 10.00 - 16.00 Sundays and Bank Holidays	Approved	19.12.2013
12/0253	Variation of Condition 5 attached to 09/0729 to allow store to open until 21.00 hours Monday to Saturday	Approved	01.06.2012
09/0729	Demolition of existing industrial building and erection of new single storey class A1, food retail store incorporating car-parking and landscaping.	Approved	27.04.2010

Assessment of Proposal

The site is located within an area designated for employment purposes as indicated in the Bromsgrove District Plan. Policies BDP13 and BDP14 of the District Plan would apply due to the designation of the site. Policy BDP13 seeks to maintain a balanced portfolio of employment opportunities within the district, whilst BDP14 safeguards designated employment areas.

BDP14.4 sets out the following criteria for proposals that would result in the loss of employment uses:

- i) The proposal would not have an adverse impact upon the quality and quantity of employment land within the local area; and
- ii) There would be a net improvement in amenity (e.g. 'non conforming' uses close to residential areas); and
- iii) The site has been actively marketed for employment uses for a minimum period of 12 months, providing full and detailed evidence or where an informed assessment

has been made as to the sustainability of the site and/or premises to contribute to the employment land portfolio within the District (as part of this assessment, consideration should be given to the appropriateness for subdivision of premises);
or

- iv) The new use would result in a significant improvement to the environment, to access and highway arrangements, or sustainable travel patterns which outweighs the loss of employment land; and
- v) The site/premises are not viable for an employment use or mixed use that includes an appropriate level of employment. A development appraisal should accompany proposals to clearly demonstrate why redevelopment for employment purposes is not commercially viable.

At the time of considering the original provision of an Aldi Store on this site under planning reference 09/0729 the proposal was considered under similar employment policies of the Development Plan (now superseded). Whilst there was a concern regarding the loss of employment land for a retail use, it was considered that the loss of the site to a non-industrial land use would not prejudice the District's employment targets and would not significantly harm the Council's duty to maintain a portfolio of suitable employment sites.

In addition, supporting documentation submitted for 09/0729 application demonstrated that the provision of a retail store in this location would not have a significant impact on any retail centre and there would be no significant impact on the vitality and viability of Bromsgrove Town Centre.

This proposal is a relatively small extension to a retail store and as such it is considered that the increase in retail floorspace for the store is unlikely to harm the vitality and viability of Bromsgrove Town Centre and existing retail centres within the District. However, the criteria requirements of Policy BDP14.4 would still apply to the extension.

It is considered that the proposal would not conflict with Policy BDP14.4 for the following reasons:

- i) The development is proposed within the confines of the retail site and does not impinge on any additional employment land within the local area.
- ii) The extension would not conflict with amenities of neighbouring occupiers.
- iii) The retail use has already been established by the original permission.
- iv) No significant improvements are required for the scale of the proposed extension, although replacement tree planting is proposed for the scheme.
- v) The site where the extension is proposed is not viable for any potential employment use given its linear location, and its proximity to the existing retail store and the A38.

Design and Appearance

The design of the extension picks up on design details featured on the existing building and would comply with Policy BDP19 of the District Plan.

The main elevation of the proposed extension (west elevation) will comprise of brickwork and similar design windows to that on the current west elevation. The external plant will be moved from ground level to the roof of this extension. Whilst there is a potential for this aspect of the extension to be highly visible, the plant equipment will be camouflaged

with grey cladding and the existing tree planting that currently exists on the green space between the store and the A38.

In addition, six new trees are also proposed to be planted on the remaining green space that will further enhance the natural landscaping and screen the west elevation of the extension.

Highway Matters

Initial correspondence from County Highways referred to the potential position of replacement tree planting and that the positioning of the replacement trees could have an impact on visibility as a result of the A38 BREP improvements.

The replacement tree planting has been repositioned to ensure that it does not conflict with the A38 BREP improvements.

Tree Matters

Due to the location of the proposed extension, three trees will need to be removed. The Tree Officer has no objections to the trees being removed but recommends that replacement trees be planted in locations that would not hinder their sustainability, such as outside visibility splays etc. The latest landscaping scheme shows the provision of six trees which the Tree Officer considers acceptable.

Contamination

Due to the industrial history of the site, and the proximity to both an area of unknown infill and a former landfill site, Worcester Regulatory Services (WRS) recommend a condition to ensure previously contaminated land issues on site are appropriately addressed. WRS acknowledge that the site was investigated in 2010 when the original Aldi application was made, and gas protection measures were recommended. Therefore, it would be appropriate to ensure that gas protection measures should match those already in place.

Ecological Matters

The application was submitted prior to 2 April 2024 and is therefore not required to comply with Biodiversity Net Gain.

However, the site bounds Sugar Brook. Whilst it is accepted that the works are generally going to take place towards the west of the application site, and away from the brook, it is considered prudent that a CEMP (Biodiversity) condition be imposed to provide safeguard biodiversity measures in this area during construction works.

Other Matters

The original permission imposed a number of conditions including condition 8 which restricted net retail floorspace to 995 sqm. The provision of the extension would result in the net retail floorspace increasing to 1315 sqm. The increase in floorspace would not comply with condition 8 of 09/0729.

A S73 application (Ref: 24/00887/S73) has been submitted to delete the condition to enable the development. Planning application reference 24/00887/S73 is also being considered under this Committee Agenda.

Conclusion

The scale of the development is considered to be acceptable. The development would not have a significant impact on the vitality and viability of Bromsgrove Town Centre and other retail centres within the area. As such the proposal would be in accordance with policies in the District Plan and the NPPF and is considered to be acceptable.

RECOMMENDATION:

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 - (a) Following the expiry of the consultation period on 8 April 2025 and in the event that representations are received, that **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.
 - (b) To agree the final scope and detailed wording and numbering of conditions as set out at the end of this 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 plans and drawings to be defined.

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.
- 3 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.
- 4 A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the Local Planning

Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

Where the approved risk assessment (required above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Following implementation and completion of the approved remediation scheme (required above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

- 5 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas (within the application site boundary as well as land within the Applicant's ownership as indicated on Site Plan Dwg. No. their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Thereafter all works shall be carried out in accordance with the approved Statement throughout the construction period.

The CEMP (Biodiversity) shall include the following:-

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid (e.g. RAMs) or reduce impacts during construction to be provided as a set of Method Statements.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of a suitably competent Ecological Clerk of Works (ECoW).
- h) Use of protective fences, exclusion barriers and warning signs.
- i) A Wildlife Enhancement Strategy to include detailed specification and location of measures including wildlife towers, bat and bird boxes and reptile hibernacula together with any infrastructure requirements for the ongoing management and maintenance of these features, e.g. access for and storage of machinery required to maintain nature conservation areas.

- j) Details of any temporary construction accesses and their reinstatement
- k) Details of site operative parking areas, material storage areas and the location of site operative facilities (offices, toilets etc).
- l) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- m) A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- n) Measures to suppress dust arising from demolition, groundworks and construction.
- o) A Monitoring mechanism for construction traffic
- p) Contact details for the Site Manager, including their name, e-mail, office and mobile phone number.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. On completion of the ecological mitigation and enhancement works specified in each Method Statement, a brief Statement of Conformity shall be submitted to the Local Planning Authority by the Ecological Clerk of Works confirming successful implementation.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the environment.

- 6 Prior to commencement of development, a Tree Protection Plan 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.

- 7 All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

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

- 8 All tree management pruning work should be carried out in accordance with recognised good practice by reference to British Standard 3998 (2010) to the satisfaction of the Local Planning Authority

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

- 9 All hard and soft landscaping works shall be carried out in accordance with the approved details as shown on Landscape Dwg. No. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area.

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