

Our ref: AC/Q210275
Your ref:
Email: adam.cornish@quod.com
Date: 16th August 2021



Planning and Building Control
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
B60 1AA

Submitted via planning portal (PP-10101085)

Dear Sir/Madam,

Town & Country Planning Act 1990 (as amended)
Variation of Conditions 4 (Material Storage Height), 5 (Trees) and 9 (Car Parking)
of planning permission ref. B/1996/0634 (dated 11th November 1996)
Travis Perkins, 167 Birmingham Road, Bromsgrove, B61 0DZ
Application submitted on behalf of TP Property Company Limited

We are instructed by our client, TP Property Company Limited ('the Applicant'), to submit the enclosed planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Conditions 4 (Material Storage Height), 5 (Trees) and 9 (Car Parking) imposed on planning permission No. B/1996/0634, dated 11th November 1996. The application site relates to the existing Travis Perkins branch at 167 Birmingham Road, Bromsgrove, B61 0DZ ('the Application Site').

The application is supported by the following documents in line with Bromsgrove District Council validation requirements.

- **Completed requisite application form;**
- **Community Infrastructure Levy (CIL) Form;**
- **Decision Notice (ref. B/1996/0634);**
- **Site Location Plan;**
- **Landscape Maintenance Plan; and**
- **The following existing & proposed drawings:**

Reference	Drawing Title	Scale
EX.2-1	Bromsgrove TP – Current Planning Consent	1:400@A3
EX.2-3	Bromsgrove TP – Proposed Site Plan	1:400@A3



An online payment of £234 has been made to the Planning Portal along with the associated transaction fee to cover the requisite application fee.

1 Introduction

Travis Perkins (TP) are the owner-occupiers of their branch at Birmingham Road and have operated from this location for a number of years following the grant of planning permission No. B/1996/0634. TP are looking to commit to this branch for the long term and therefore have reviewed the operational layout to ensure it is suitable for a modern builders' merchant.

Under the current conditions, the operation of the Site is very compromised especially in relation to external storage, which substantially limits stack heights, especially within 4 metres of the site boundaries. The current condition, therefore, limits the amount of products that can be stored on-site and the type of stock that can be accommodated to serve tradespeople within and around Bromsgrove. This constraint is impacting the commercial viability of the TP unit, especially in the long-term and has affected the operational efficiency of the Site.

This application also seeks to ensure that the approved layout not only reflects what is currently utilised at the branch but also to ensure it meets TP's needs going forward. Further, a minor reconfiguration of the layout, including car parking and servicing, is also sought as a result of optimising the external storage layout.

The existing landscaping at the branch has continued to grow over time given Condition 5 does not allow works which can be undertaken to the soft landscaping. Both local residents and TP wish to better maintain the hedgerows and trees at a mutually acceptable height. This application seeks to amend Condition to insert reference to a Landscape Maintenance Plan which will allow this.

The application is advanced on this basis.

2 Site and Surrounding Area

The 0.40-hectare Site is located in north-east Bromsgrove and is some 900 metres from Bromsgrove town centre with the branch accessed from a single point off Birmingham Road.

The TP branch is surrounded by a mixture of uses. Residential properties lie to the north and west whilst opposite the site is a collection of trees and Spadesbourne Brook. To the south is Bartleet House, a retail and office building. The Application Site itself has a longstanding history in industrial uses having been previously used as a gravel pit.

For the avoidance of any doubt, the Site is not located within a conservation area, nor are there any TPOs within the application boundary.

3 Relevant Planning History

Full planning permission (ref. B/1996/0634) was granted on the 11th November 1996 for the following development:



“Erection of steel framed building housing sales and storage building in connection with the existing use of the site as a builder’s merchant.”

The application was granted permission, subject to 10 Conditions, allowing the Site to be occupied by Travis Perkins. In terms of those Conditions that are relevant to this application are Condition 4, 5 and 9. Condition 4 states that:

“Any open storage of materials within 4 metres of the boundaries of the Site shall not exceed a stack height of 2 metres. Any other open storage within the Site shall not exceed 3.6 metres in height.”

Condition 5 states that:

“The existing trees/hedges/shrubs on the Site shall be retained and shall not be felled, lopped or topped, or otherwise removed without the previous written consent of the Local Planning Authority. Any trees/hedges/shrubs removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees/hedges/shrubs of such size and species as may be agreed in writing with the Local Planning Authority.”

Condition 9 states that:

“The change of use hereby permitted shall not commence until... the spaces demarked on the ground within the application site for the parking of 27 cars and the loading and unloading of commercial vehicles and for cars and commercial vehicles to turn so that they may enter and leave the application site in a forward gear.”

The reasons for Condition 4 and 5 were in place in order to protect the amenity of the area whilst Condition 9 was implemented to ensure safe traffic conditions.

Other relevant planning history includes application No. B/2006/1064 for the erection and use of yard lighting, which was granted on the 8th December 2006.

There is no other planning history of relevance to this application.

4 Proposed Development and Planning Considerations

Condition 4 (Material Storage Height)

The current constraint on the branch by Condition 4 has restricted the number and type of materials which can be kept on Site in what is already a small external yard. Whilst TP has operated under the existing condition, this is materially affecting their commercial operation and does not provide a viable long-term option.

The proposals, therefore, seek to amend the wording of Condition 4 to allow the external storage of materials up to 4 metres across the majority of the yard and up to 3.1 metres at the front of the Site. Accordingly, the following revision to the existing condition is sought:



“Materials shall not be stacked or deposited to a height exceeding 4 metres above existing ground level or 3.1 metres at the front of the site, in accordance with approved drawing reference EX.2-3 ‘Proposed Site Plan’.”

The justification for this rewording is outlined in Section 6.

Condition 5 (Trees)

TP require an alteration to Condition 5, which will allow the hedges and trees to be maintained at a consistent height that will not adversely affect but improve the visual amenity of the area and will ensure the planning does not become overbearing for the residential neighbours. The Landscape Maintenance Plan details the exact specifications the trees and hedges should be maintained at. Condition 5 is therefore proposed to be varied as follows:

“The existing trees/hedges/shrubs on the Site shall be managed and maintained in accordance with the Landscape Maintenance Plan dated [July 2021].”

The justification for this rewording is outlined in Section 6.

Condition 9 (Site Layout and Car Parking)

A Proposed Site Plan is submitted seeking minor amendments to the branch layout. This provides TP with a layout which will operate in an efficient and effective way which includes having the flexibility to relocate stock to respond to market demands. Having occupied the site for a number of years, TP are also ensuring, through updating the layout, that they will be in accordance with the approved plans. It is worth noting that in regards to storage and servicing areas, the changes are very minor in nature.

Accordingly, this condition will be varied to incorporate the approved set of plans. The condition is proposed to be varied as follows:

“The car parking spaces and manoeuvring space for the loading and unloading of commercial vehicles which enables all vehicles to enter and leave the Site in a forward gear shall be laid out in accordance with Drawing Nos. EX.2-3 (Proposed Site Plan).” The space shall subsequently be maintained as indicated on the approved plans.”

The justification for this rewording is outlined in Section 6.

5 Relevant Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the Development Plan comprises the Bromsgrove District Plan 2011-2030 (January 2017).

The National Planning Policy Framework (NPPF) and the supporting Planning Policy Guidance (PPG) are also relevant material considerations in the consideration of the proposals. In particular, whether conditions remain reasonable and necessary to regulate development and the use of land.



Consideration of these documents is provided below.

Bromsgrove District Plan 2011-2030

Policy BDP1.4 (Sustainable Development Principles) states that:

“In considering all proposals for development in Bromsgrove District regard will be had to the following:

- a) Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic;*
- b) Any implications for air quality in the District and proposed mitigation measures; c) The cumulative impacts on infrastructure provision;*
- d) The quality of the natural environment including any potential impact on biodiversity, water quality, geodiversity, landscape and the provision of/and links to green infrastructure (GI) networks ;*
- e) Compatibility with adjoining uses and the impact on residential amenity;*
- f) The impact on visual amenity;*
- g) The causes and impacts of climate change i.e. the energy, waste and water hierarchies, flood risk and future proofing;*
- h) The provision of communication technology infrastructure to allow for future technological enhancements e.g. fibre optic ducting;*
- i) The impact on the historic environment and the significance of Heritage Assets and their setting;*
- j) Financial viability and the economic benefits for the District, such as new homes and jobs.”*

Policy BDP14 (Designated Employment) outlines at 14.2:

“...Proposals for the expansion, consolidation and extension to existing commercial and industrial uses in non Green Belt will need to ensure the scale and nature of the activity is appropriate for the area in which it is located.”

The policy continues at 14.3 stating:

“Bromsgrove District Council will safeguard employment areas that:

- a) Are well located and linked to the main road and public transport network; and*



b) Provide, or are physically and viably capable of providing through development, good quality modern accommodation attractive to the market; and

c) Are capable of meeting a range of employment uses to support the local economy.”

Policy BDP19 High-Quality Design seeks for development to be high-quality and people focused.

Material Considerations

National Planning Policy Framework (July 2021)

Paragraph 81 of the NPPF (2021) outlines that decisions should allow businesses to invest, expand and adapt and that:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

The NPPF also recognises, at Paragraph 83, the need some sectors have to be located in specific areas:

“Planning policies and decisions should recognise and address the specific location requirements of different sectors. This includes making provision for.... storage and distribution operations at a variety of scales and in suitably accessible locations”

An assessment of the proposals against the above policy framework is provided below.

6 Planning Considerations

The Travis Perkins branch at Birmingham Road has long occupied this Site in Bromsgrove. This application seeks to improve the Site, both from a social and economic perspective by making the most efficient and effective use of land while ensuring screening from trees and shrubs is better maintained in both the short and long term.

These proposals should be viewed positively given the support from Policy BDP14 which supports the consolidation and improvement to existing commercial and industrial uses outside the Green Belt. This is in addition to the support gained from the NPPF which supports economic growth and productivity.

Condition 4

As outlined the proposals seek to amend Condition 4 to alter the storage heights around the external storage yard. To the middle and rear of the storage yard storage heights of up to 4 metres are sought, an increase of between 0.4 and 2 metres.

The large majority of the yard will see an increase of just 0.4 metres of storage while some areas closer to the boundary will see an increase of 2 metres as a result of the proposals. However, it is important to recognise that the trees, shrubs and hedges which are present around the branch are very well established and provide, in most cases, full natural screening into the yard. The increase in



storage height will therefore not impact any neighbouring properties. It is also important to note that the maximum stack height will not be utilised across the entirety of the Site.

Storage to the front of the site is sought to be increased from 2.0 to 3.1 metres. A 2.4 metre fence is already present across the front of the branch which will assist in screening storage while the Landscape Management Plan seeks to help the shrubbery at the front of the site better establish which will again assist in providing natural screening. Whilst residential properties are nearby, there are none which face the site directly or in close proximity. Across from the branch is an area of trees and green space which will mean visual amenity will not be harmed.

The proposals in this regard ensure that Policy BDP1 is adhered to in so far as it remains compatible with nearby uses with the branch continuing to operate in harmony with any surrounding residents and does not result in a notable impact on visual amenity. Further it complies with Policy BDP14 in that there is no change to the scale and nature of the existing TP branch meaning it remains appropriate to the area. Lastly, TP as a builders' merchant has a requirement to be accessible and close to those that need building supplies. The NPPF recognises the location requirements of different sectors and how it is not as easy to simply relocate. Improving the function, productivity and operation of this existing TP branch also goes to the very heart of the NPPF and should be afforded "significant weight".

Condition 5

The amendment sought to Condition 5 will see trees, shrubs and hedges effectively managed and maintained. The condition as worded sought to protect the landscaping, allowing them to establish and therefore protect the amenity of the area. However, TP are regularly contacted by residential neighbours asking them to reduce the height of the landscaping, especially in the rear yard. The landscaping has grown dense and tall over the years. TP are therefore looking to adopt a Landscaping Management Plan which ensures the trees and hedges remain protected but can instead be kept in a managed state to the benefit of TP and the neighbouring uses. The Landscape Management Plan enclosed ensures the external stock will be adequately screened up to a height of at least 4 metres, as sought.

This amendment complies with Policy BDP1.4 given it will not impact negatively on visual amenity, only positively, and maintain the quality of the natural environment features. Further, it will help the two adjoining uses remain compatible.

Condition 9

Minor amendments are proposed to the site layout to provide flexibility and an operationally superior layout. The changes sought simply retain the external storage areas but seek to give TP increased flexibility over the positioning of stock to better equip them to react to local demand and stock deliveries. The Proposed Site Plans increases the stock area slightly which is minor in nature and notably the stock areas to not encroach towards any residential properties.

The changes proposed pursuant to Condition 9 fully accord with the requirements of Policy BDP1.4.



Summary

In this context, when considering the proposals against relevant planning policy, the following must be noted:

- There is no change in the use or function of the Site. This is simply an amendment to the layout and an increase in the storage height in some areas of an established storage yard. The use is entirely acceptable in this location and has been in situ for over two decades, and the modest nature of the proposals do not have a detrimental impact on the character of the area – in line with policies BDP1.4, BDP19, BDP19.1;
- The proposals are in keeping with the local distinctiveness and are appropriate in the local context. The proposals simply seek to make more efficient and effective use of the land and therefore is in accordance with Policy BDP19 and BDP19.1 of Bromsgrove District Plan (2017); and
- They do not adversely impact on amenity (noise or visual), including on nearby residential properties due to managed and maintained trees and shrubbery – in line with Policy BDP1.4.

7 Conclusions

The variation of Conditions 4, 5 and 9 are considered modest in nature and necessary to ensure that TP can not only continue to operate effectively from the Site while also ensuring the existing branch can be committed to long term by increasing storage capacity and flexibility. The proposals sought also ensure that nearing residential visual amenity is improved.

The proposals comply with development management policies in which the proposals are assessed against national and local planning policy. The proposals should therefore be granted planning permission without delay.

We trust the enclosed is sufficient for you to register this planning application, and we look forward to receiving confirmation in due course. If, for any reason, this is not the case, please contact us immediately.

We will be in contact with the relevant officer once the application is registered. In the meantime, if there is any further information, we can provide to assist you with your consideration of this application, please do not hesitate to contact us.

Yours faithfully,

Adam Cornish
Senior Planner