

<b>Application Number</b>	<b>23/00776/FUL</b>
<b>Site Address</b>	<b>Transmec Uk Ltd, Wainwright Road, Worcester, WR4 9FA</b>
<b>Description of Development</b>	Proposed extension of existing industrial warehouse space to suit requirements of the existing occupier.
<b>Expiry Date</b>	18 December 2023
<b>Applicant</b>	Canmoor Worcester SARL
<b>Agent</b>	Mr John Boateng
<b>Case Officer</b>	Dale Jones
	dale.jones@worcester.gov.uk
<b>Ward Member(s)</b>	Warndon Parish North Ward
<b>Reason for Referral to Committee</b>	Major application recommended for approval/ Ward Member referral
<b>Web link to application</b>	<a href="https://plan.worcester.gov.uk/Planning/Display/23/00776/FUL">https://plan.worcester.gov.uk/Planning/Display/23/00776/FUL</a>
<b>Recommendation</b>	<b>The Corporate Director - Planning and Governance recommends that the Planning Committee gives delegated authority to the corporate director of Planning and Governance to grant planning permission subject to the signing of a deed of variation relating the planning agreement for the Warndon development, in accordance with the heads of terms in Appendix 1, and subject to the conditions set out in section 9 of the report.</b>

## 1. Background

- 1.1 The application was registered on 18 September 2023 and is due for a decision on 18 December 2023.
- 1.2 The application has been referred to the Planning Committee as it is a 'major' planning application and a "call in" request from Councillor Stephen Hodgson (correspondence dated 30 October 2023) has been made.

## 2. The site and surrounding area

- 2.1 The application site relates to an industrial unit (owned and operated by Transmec), with the unit sited on the north side of Wainwright Road, opposite to the roundabout and junction with Brindley Road, and situated towards the centre of the northern boundary of Shire Business Park.

The park is located approximately 4km northwest of Worcester city centre just west of junction 6 of the M5. The total site area for the Transmec site amounts to: 8.18 acres (3.31 hectares).

- 2.2 The Transmec site is an existing occupied plot within the wider Shire Business Park. The park comprises of a number of other industrial distribution and warehouse uses as well as retail distribution, engineering and manufacturing units. Surrounding the site is a buffer zone of other mixed industrial buildings before reaching residential zones further to the south.
- 2.3 The application site contains the existing occupied main office and warehouse building with existing designated access road, car parking area to the front of the site and service/loading zone to the west side. The existing parking and loading areas are finished in herringbone pattern block paviers. Around the site, there is a mixture of hard and soft landscaping varying from lawned grassed areas to medium density vegetation on and trees.
- 2.4 The application site boundary does not contain any heritage interest, although its northern boundary adjoins the Canal Conservation Area on the towpath side and immediately to the northwest lies Tolladine Bridge (No.22), which is locally listed.
- 2.5 The application site is located outside the Environment Agency designated Flood Risk Zones 2 and 4 but is at low risk from surface water flooding according to mapping.
- 2.6 The northern boundary of the site is a designated Wildlife site, which includes the Canal, with the eastern boundary being partially within the Green Space allocation within the Development Plan.
- 2.7 In terms of accessibility and connectivity, the application site benefits from being in proximity of a network of footways. Wainwright Road and Brindley Road provide direct access to the south of the site, both with footways on either side of the road. Cotswold Way (B4639) connects to the surrounding network of footways, where pedestrians have access via Ebrington Drive and Wainwright Road to the south. Dropped kerbs are present at crossing points along the route towards the site. The nearest signalised crossing to the site is located on the B4639 opposite the Severn Veterinary Centre approximately 400m to the south, with a further signalised crossing located next to the Wall Meadow bus stop on the B4638 approximately 500m to the south.
- 2.8 **Site Constraints**
  - 1) Contaminated Land
  - 2) Landfill Buffer
  - 3) Local Wildlife Site: Birmingham and Worcester Canal
  - 4) Green Space
  - 5) Site of Regional or Local Wildlife Importance.
  - 6) Conservation Area

### **3. The proposals**

- 3.1 The proposal is to extend the existing industrial unit, occupied by Transmec Ltd. The existing warehouse extension to the north side of the building, is proposed to be demolished. This extension was approved under a planning permission in September 2002 (Ref: P02G0447) and measures 1,051 m<sup>2</sup>. The extension is proposed to the north, south and east sides of the existing building and measures 3,561 m<sup>2</sup>. The total site of the building would equate to 3,561 m<sup>2</sup> (38,330ft<sup>2</sup>).
- 3.2 The extension and site will retain its current planning use categories for storage and distribution uses.

The internal site layout will be amended to provide a new pedestrian link from the site boundary to the main entrance of the building, and parking would be facilitated along the service vehicle access route and to the north of the service area adjacent to the proposed extension. In short, the applicants have advised that the additional space is required for the expansion of their storage facilities for future expansion and to remain competitive within the logistics and distribution markets.

- 3.3 Vehicular access would remain as per the existing arrangement via the northern arm of the Wainwright Road / Brindley Road roundabout. The proposals will not alter the existing site access junction for vehicles.
- 3.4 The existing site currently has 66 car parking spaces, and it is proposed to increase the number of parking spaces on-site to suit the needs of a potential future occupier. The proposed development would provide 108 car parking spaces which includes 8 disabled parking spaces and 14 Electric Vehicle Charging Points.
- 3.5 The scheme proposes an enhanced landscaping scheme to the east and south.
- 3.6 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website.
- 3.7 As such, Members will have had the opportunity to review the submitted plans and documents to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

#### **4. Planning Policy**

- 4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be considered. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan unless material considerations indicate otherwise.
- 4.2 The National Planning Policy Framework (NPPF - 2023) is also a significant material consideration. At paragraph 12 the NPPF confirms that:  
*'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.'*
- 4.3 Policy SWDP 21 requires that all development will be expected to be of a high design quality and integrate effectively with its surroundings and that development proposals must complement the character of the area. Furthermore, proposals should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area and states that the scale, height, and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density.
- 4.4 In relation to economic growth, paragraph 81 of the NPPF states (inter alia) that: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

4.5 The Development Plan comprises:

- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
- The Worcestershire Waste Core Strategy, which was adopted on December 2012.

### **South Worcestershire Development Plan**

4.6 The following policies of the SWDP are relevant to the proposal:

SWDP 3 Employment, Housing and Retail Provision Requirement and Delivery

SWDP 4: Moving Around South Worcestershire

SWDP 6: Historic Environment

SWDP 8: Providing the Right Land and Buildings for Jobs

SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity

SWDP 24: Management of the Historic Environment

SWDP 25: Landscape Character

SWDP 27: Renewable and Low Carbon Energy

SWDP 28: Management of Flood Risk

SWDP 29: Sustainable Drainage Systems

SWDP 30: Water Resources, Efficiency and Treatment

SWDP 31: Pollution and Land Instability

SWDP 33: Waste

SWDP 38: Green Space

### **Supplementary Planning Documents**

4.7 The following Supplementary Planning Documents are relevant to the application proposals:

#### **• Design Quality SPD**

The Design Quality SPD was adopted on 5th March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

### **Other Material Considerations**

4.8 The following documents are relevant to the application proposals. Due to their status as evidence or guidance they cannot be given full weight.

#### **Worcestershire's Local Transport Plan (LTP4) 2018 – 2030**

#### **Worcestershire County Council Streetscape Design Guide (July 2022)**

### **Relevant Legislation**

4.9 The following legislation is also relevant and has been considered when considering this application: -

Town and Country Planning Act 1990 (as amended)

Planning Act 2008

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Localism Act 2011 - regarding local finance considerations.

Accessibility and Equalities Act 2010  
The Human Rights Act 1998.

### **The National Planning Policy Framework (2023) (NPPF):**

- 4.10 The latest revision of the NPPF (the Framework) was published by the Government on the 5th September 2023. For the purposes of this application the revisions do not alter the key considerations or references, many of which are identical to the previous version. Where paragraph numbers are referred to within the report, they are taken from the latest revision. Any relevant changes that are directly relevant to this application will be highlighted within the main body of the report.
- 4.11 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.12 On 6 March 2014 the Government published National Planning Practice Guidance (NPPG) to compliment the NPPF. It has been revised and updated in the meantime and comprises, amongst other matters, Air quality, Design, Housing and economic land availability assessment, Noise, Travel plans, Transport assessments and statements in decision-taking, Flood risk and coastal change, Use of planning conditions, Flexible options for planning permissions, and Planning obligations. Similarly in October 2019 the Government published the National Design Guide.

## **5. Planning History**

- 5.1 Although not an exhaustive list, the planning records below are relevant to the application site:

**P02G0447** - Erection of warehouse extension and canopy. Approved September 6, 2002.

**P06P0468** - Proposed widening of vehicular entrance, erection of automatic barriers, traffic island with proximity card reader post and pole-mounted CCTV camera. Approved. October 16, 2006.

**P17P0510** - Change of use of existing building (B8 use) to mixed B2 (light industrial) and B8 (storage and distribution) uses, with ancillary B1 (office) use. Approved. December 13, 2017.

**P86C0078** – Strategic Matter and Outline Application for extension to Warndon Business Park for General Industrial Use and Construction of Distributor Roads. Withdrawn.

**P86C0079** - Strategic Matter and Outline application for residential development and construction of distributor roads. (Application under Regulation 4(1) of the Town and Country Planning General Regulations 1976). May 11, 1987

**P88C0409** - Outline application - Development for business (Class B1) general industrial (Class B2) storage and distribution (Class B8). Approved, Jul 28, 1988.

**P88C0689** – Distribution Warehouse with Ancillary Offices, Vehicle Maintenance Workshop and Parking Area. Section 278 Agreement Signed 21.03.1989. (Approved March 21, 1989).

## 6. Consultations

6.1 Formal consultation has been undertaken in respect of the application. In this case individual letters of notification were posted to surrounding properties and site notices were erected adjacent to the site. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

### Neighbours and other third-party comments

6.2 No public comments were received in response to the council's public consultation exercise.

6.3 The following **statutory and non-statutory responses** have been received:

6.4 **Warndon Parish Council** – WPC objects to this application.

Whilst slightly different from the previous (withdrawn) proposal, this application still involves a degree of incursion into land which is covered in part by the 1988 s.52 agreement. By Warndon PC's interpretation of clause F9(1)(d) of the s.52 agreement, some of the land in question was required to be "...convey[ed] to the City Council at nil consideration and at no other expense...". Warndon PC understands that this Planning obligation remains in force. However, Warndon Parish Council still awaits clarification regarding the City Council officers' interpretation of the s.52 agreement with regard to this land. For example, Warndon PC has been told that - in officers' opinion - "...there is no requirement for transfer to the Council...", which - clearly - is in direct conflict with Warndon PC's understanding. In the circumstances, owing to this lack of clarity, Warndon Parish Council is submitting a holding objection in regard to this application, until the full implications of the relevant clauses of the s.52 agreement are fully explained and understood.

*[Officers provided clarification as requested on the 10<sup>th</sup> November 2023. No further comments have been received from Warndon Parish Council]*

6.5 **Worcestershire Regulatory Services (Contaminated Land)**: No objections subject to conditions.

6.6 **Worcestershire Regulatory Services (Air Quality) (comments dated 13 October 2023)**: A screening assessment has been undertaken for operational impacts of the proposed development on local air quality considering additional daily traffic compared with EPUK and IAQM guidance. The assessment undertaken is considered appropriate and the conclusions accepted. WRS has no adverse comments.

6.7 **Worcester City Council Landscape Officer**: The site has been subject to several full ecological reports which look robust, thorough, and have reasonable conclusions. Although some scrub will be lost, it is in poor condition and will be replaced with 3 x this area of new scrub planting which should mature quickly. In addition, the north-south green corridor is sustained and improved by this new planting.

The reports conclude that biodiversity will be enhanced overall, and the proposals shown do achieve that, provided that a CEcMP is conditioned as per the several ecology reports, all the recommendations of the a) bat report b) PEA c) LWS Mitigation Strategy are also implemented and if necessary conditioned. Some trees are lost but are mostly assessed to be poor categories and are replaced with good stock size (14-16cm) specimens. Part of the mitigation and biodiversity enhancement is for wildflower meadow and although this is a relatively small area it is well designed and has best practice construction technique and maintenance so will have good impact locally.

Lastly the fly tipping and adverse uses should be addressed by this scheme with all tipping removed and a more robust boundary protection installed to the relevant area. This last point is important if the biodiversity enhancement proposed is to succeed.

6.8 **WCC Tree Officer:** No objections subject to the use of a planting plan and tree protection plan which can be secured via planning conditions.

6.9 **Worcestershire County Council - Lead Local Flood Authority (LLFA):**

The Lead Local Flood Authority had initially responded (comments dated 12 October 2023) raising concerns in drainage terms, noting (inter alia) that:

Before conditions can be applied, a credible discharge method needs to be approved. Currently, infiltration may not be feasible, discharging to the canal may not be permitted and in principle permission to discharge to the Severn Trent Ltd surface water sewer has not been confirmed or submitted. I would like to place a holding objection until the in-principle permission has been submitted.

The applications subsequently provided further supporting information to address the LLFA concerns and 'holding objection' and the LLFA were subsequently re-consulted.

The Lead Local Flood Authority have subsequently responded with their second (follow-up) comments based on the applicants additional supporting information and have advised (08 November 2023) that:

The comments are in response to 23-001-I&L Response to LLFA Objection 1[97](1).

There are a few matters detailed in these comments that need addressing though overall the drainage strategy proposed is generally acceptable. The main details required are for the infiltration feasibility and discharge rates for all new impermeable areas.

6.10 **Worcestershire Regulatory Services (Contaminated Land):** No objections subject to conditions, noting (inter alia) that: WRS are in agreement for the methodology and outcomes of the Geo Environmental Site Investigation. With the grubbing and appropriate disposal of any Made Ground to be undertaken, given the nature of the site, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

6.11 **Archaeology Adviser:** No comments to make.

6.12 **Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

6.13 **Local Highway Authority (LHA):** No objection noting (inter alia) that the previous application (23/00287/FUL) has been withdrawn however the Highway Authority raised no objection and in the main, the Highways comments still stand regarding the latest proposal. the car parking provision will increase by 42 parking spaces to a total of 108, (to include 8 accessible spaces combined with 14 electric vehicles charging spaces) and this total is slightly less than before. Nonetheless, the Highway Authority is satisfied that the level of parking proposed can meet the demands of the existing user on the site and it is noted that proposed development will result in an increase of 12 staff with 42 additional spaces provided.

- 6.14 **Canals and Rivers Trust (CRT):** No concerns regarding the impact on the Canal Conservation Area. However, we ask that the applicant contacts the Trust to discuss whether the proposed works need to comply with our 'Code of Practice for works affecting the waterway.
- 6.15 **WCC Conservation Officer:** It is considered that this proposal will have a neutral impact upon the conservation area. Overall, these revisions make no difference to my assessment of the proposals. The proposed extension is to an existing use and to one not out of character with its immediate neighbours. Both the Canal conservation area to the north of the site, and the locally listed Tolladine Bridge across it, are well screened by existing mature vegetation. Past the construction phase, I do not consider that this proposed extension will impact very greatly upon the site or the adjoining conservation area.
- 6.16 **South Worcestershire Land Drainage Partnership:** The extent of these proposals (>1000sq.m) classifies this as a major development planning application. SWLDP is only in a position to comment on matters that may affect existing ordinary watercourses on or adjacent the site of which there are none. Statutory consultation is required with the Lead Local Flood Authority, Worcestershire County Council regarding the Drainage Strategy proposals submitted by the Applicant.
- 6.17 **Worcestershire Regulatory Services (Nuisance):** No objection to the application.
- 6.18 **Conservation Advisory Panel** – No objections or comments
- 6.19 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 6.20 In assessing the proposal due regard has been given to local resident's comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely based on the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

## **7. Planning Assessment**

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development.

### **The Principle of Development**

- 7.2 In relation to economic growth, paragraph 81 of the NPPF states (inter alia) that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development."
- 7.3 Policy SWDP 1: Overarching Sustainable Development Principles states, inter alia, that when considering development proposals, the Local Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.



- 7.4 In relation to economic growth, paragraph 81 of the NPPF states (inter alia) that:  
*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.'*
- 7.5 SWDP 8: Providing the Right Land and Buildings for Jobs is relevant and states (inter alia) that:  
*'Part E... In addition to the sites allocated specifically for employment uses, the provision of employment land and the conversion of existing buildings to support job creation throughout south Worcestershire will be supported providing the development supports an existing business or new enterprise of a scale appropriate to the location.'*
- 7.6 In support of their application, the applicants have advised (inter alia) that:
- The current building has been occupied by Transmec since 2018 and employs 60 staff on this location, including: temporary support, part-time, full-time and senior management.
  - The building in its current form has present capacity for 12,000 pallets, and with 'year-on-year' business growth, the storage is at capacity, and new orders cannot be fulfilled due to the existing storage capacity having been reached.
  - Increased storage capacity is required to meet the customer demand for circa 15,000 pallets. This will allow for business growth and the sustainability of operations.
- 7.7 The applicants have advised that the proposals to extend their existing warehouse to meet the business aspirations and customer demands for increased storage capacity, also have the following 'in-direct' benefits of the
- Improvements to the boundary with Offerton Lane which has been the subject of environmental degradation.
  - Enhanced site landscaping.
  - Improvements to on-site security.
  - Enhanced on-site car parking.
  - Additional 10-year lease extension.
- 7.8 This is part of an existing industrial park which consists of various former B1, B2 and B8 uses. As such, the application site is part of the wider industrial unit complex. The proposed extension of the existing building would continue to be an employment use. It is considered that the proposals would facilitate opportunities for job creation through the additional floorspace and would help foster continued business viability. With regards to the "existing v proposed staffing situation" the occupier currently employs circa 60 people in a mixture of employees either on site or in supporting roles from drivers and mechanics to managerial, warehouse workers and administrative support staff. The occupier (applicant) has advised (email dated 5 December 2023) that they anticipate that this would increase upon completion of the proposed extension by approximately 10-15 employees to accommodate the new contract work, with additional rises to employment numbers also expected over time.

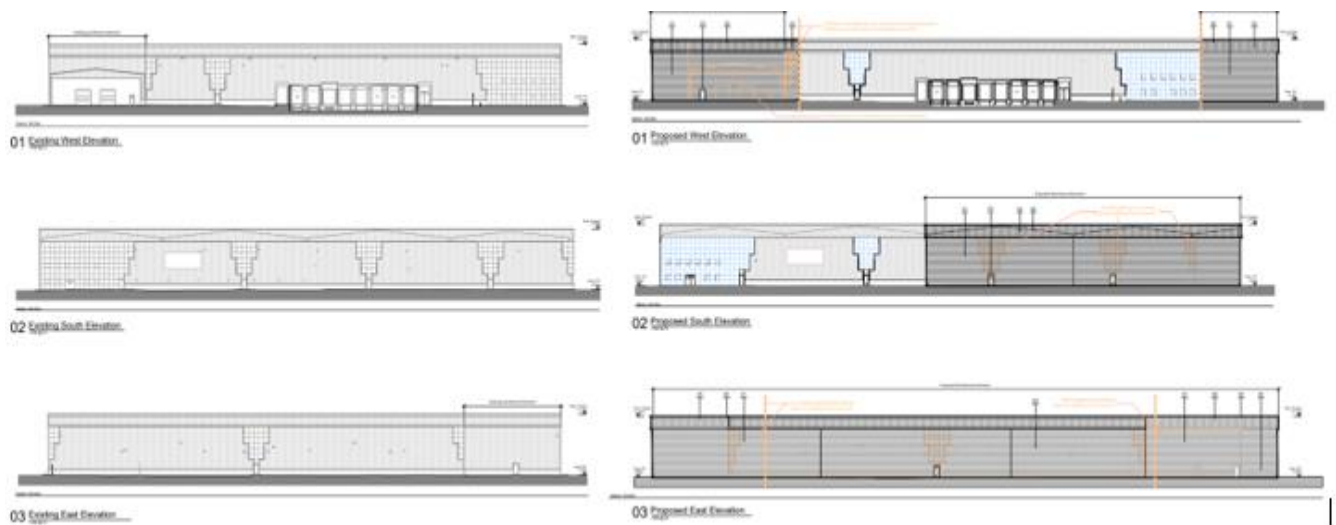
7.9 As such, given the existing site usage, the type and scope of the proposals and enhancements to the existing business operations for growth and viability, there is no identified conflict with policies SWDP 3 and SWDP 8 of the Development Plan, and the proposed development can therefore be supported in principle, subject to the application being acceptable in all other respects (as assessed elsewhere within the remainder of the report below).

### **Design and visual impact**

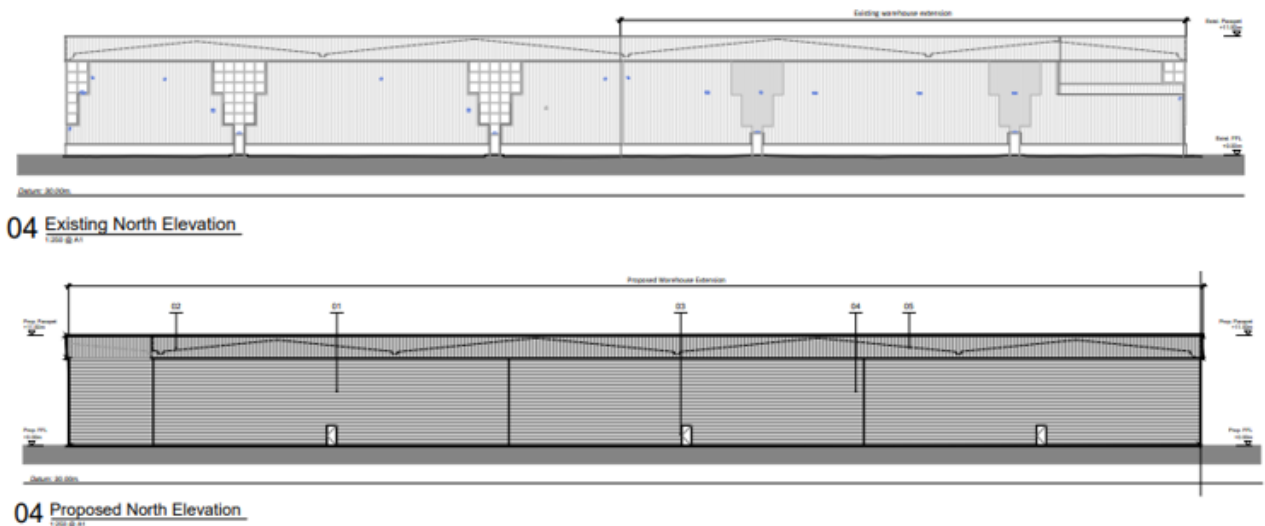
- 7.10 The NPPF (2023) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 126 of the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities.
- 7.11 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design considering any local design guidance and supplementary planning documents such as design guides and codes.
- 7.12 Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 7.13 Policy SWDP 21 – ‘Design’ is relevant and requires all new development to be of a high-quality design which integrates effectively with its surroundings, in terms of form and function, whilst also reinforcing local distinctiveness.
- 7.14 In terms of the existing conditions, the application site contains the existing occupied main office and warehouse building with existing designated access road, car parking area to the front of the site and service/loading zone to the west side. The existing parking and loading areas are finished in herringbone pattern block paviers. Around the site, there is a mixture of hard and soft landscaping varying from lawned grassed areas to medium density vegetation on and trees.
- 7.15 The existing industrial building is typical of a modern industrial development in terms of general style, use of materials and appearance. The external envelope materials are a mixture of vertical trapezoidal metal cladding to the main external walls and vertical square profile metal cladding to the parapet. The main wall cladding is dressed over a red brick plinth wall. The external wall areas are broken up with metal framed glazed curtain walling system and integrated personnel and escape doors at ground level.
- 7.16 The proposal is for the extension of existing building to the north, south and the east of the site so as not to impact on the existing loading/service zone. The existing warehouse extension to the north side of the building, is proposed to be demolished.
- 7.17 In terms of scale, bulk and massing, the proposed extensions would be an expansion of the existing portal frame structure and would replicate the parapet line of the existing warehouse building to give continuity of scale (please refer to the elevations below for comparative purposes). Internally the new finished floor levels within the new extension, would be the same as those of the existing finished floor. The western elevation would not be extended as evidenced on the below images.



**Fig.1 – Existing and proposed site layout plans**



**Fig.2 – Existing and proposed elevations**



**Fig.3 – Existing and proposed northern elevations.**

7.18 The applicants have advised that the design rationale for the proposed extensions is for an aesthetic and use of materials, to complement that of the existing external warehouse envelope.

In this respect, and as evidenced in the above images, the depth and line of the existing parapet element is to be maintained within the new extension areas, to give a link feature and continuity of scale with the existing building.

- 7.19 The applicants have advised (inter alia) that their design approach with regards to the external façade is to create a contemporary aesthetic and use materials to complement that of the existing external building envelope. As such, with regards to the external walls, the applicants are proposing that the parapet cladding, and external walls would match the existing to give a visual link with the retained building. In terms of detailed design, to ensure that there is a common language between the existing and proposed extension, the applicants have clarified that they intend to replicate the chevron-type pattern used within the existing south elevation cladding. The southern elevation is the principal elevation that visitors and staff will see as they enter the site, and therefore replication of the existing design features is an appropriate method to ensure the proposed building ties in and carefully assimilates with the existing fabric. With regards to the northern and the eastern elevations, there is no proposal to integrate this chevron pattern due to the fact these elevations are adjacent to green space and are fully screened by foliage due to the levels in this area.
- 7.20 Furthermore, the detail and profile of the new parapet band feature would match that of the adjacent existing. The colours of the proposed parapet cladding, and personnel doors would also match the existing to give a visual link with the retained building. The outer face of the proposed new areas of the external envelope, would protrude from that of the adjacent existing as it will be a deeper overall build up to comply with current Building Regulation requirements. This will give a continuity of the structural frame grid and the internal space. Overall, it is considered that the scale, bulk, massing and detailed design of the proposed extensions would assimilate well into the existing warehouse building and would be read as subordinate additions which are proportionate the size of the plot and with the typology and scale of the use.
- 7.21 In terms of modifications to the site layout, the car parking provision would increase by 42 parking spaces to a total of 108, (to include 8 accessible spaces combined with 14 electric vehicles charging spaces), and a scheme of landscaping is also proposed to enhance upon the existing baseline position.

### **Landscaping and Green Space Impacts**

- 7.22 SWDP 38 aims to protect open spaces identified on the Policies Map, together with numerous incidental open spaces too small to include but that nonetheless contribute to the quality and character of their local areas. These small local spaces are often valued and used heavily by local communities and are therefore worthy of policy protection. Whilst most open spaces are publicly accessible, some are in private ownership, although they nonetheless perform valuable functions such as contributing to biodiversity, the character of the area and providing a sense of openness and space.
- 7.23 Land designated as Green Space is not based on intrinsic biodiversity value, but on contribution to connectivity, openness, which often may have biodiversity value as well, especially comparatively. Edges of large Green Network areas are equally important, although loss would not entail a blockage of a green corridor or link, anything that may be allowed should also respect the relative openness and be well spaced or ideally isolated in nature. Surrounding biodiversity enhancement can also help so that the scale of effect is subservient to the green and biodiverse general character.
- 7.24 It is important to note that this latest proposal has been submitted to address the concerns raised by officers in the case of the previous application (Ref. 23/00287/FUL).

In this respect, the previous application (now withdrawn) proposed extending deep into the north of the site, encroaching heavily into the designated Green Space and Local Wildlife Areas. The level of encroachment in that case was found to be unacceptable, contrary with the provisions of SWDP Policy 38 relating to Green Space.

- 7.25 This latest scheme has sought to replace the larger 'northern' extension as previously proposed with a smaller northern extension which is pulled back from the north, with the spread of development in this case also sited to the east and south, to avoid the excessive encroachments into the designated areas. The new proposals in this case extend into just 7% of the 'Green Space' and 'Local Wildlife' Areas within the site, with the loss of the areas to be balanced within the site via the increased landscaped areas. In this respect, landscaping enhancements are proposed to the east and south of the warehouse building.
- 7.26 By way of justification, the applicants have advised (inert alia) that as stated within the occupier's (Transmec Group) Business case letter, to ensure their business remains competitive and allow the company to keep up with demand and maintain being a profitable facility, an extension that enables 145,000sqft is required, and that the proposed layout was designed to work within the constraints of the site in a way that minimises the impact to the 'Green Space' and 'Local Wildlife' Areas. As such, various iterations of the scheme have been discussed during our planning consultation period of our withdrawn planning application in February 2023 (Ref. 23/00287/FUL).
- 7.27 The current version as proposed in this case does not extend into the northern landscaped area at all, however there is an element of minor encroachment into the landscaping to the east. Furthermore, the applicants have also advised that the current proposal, which now extends the building south into the existing Transmec car parking area, allows the applicants to achieve the client's required area and creates a compliant parking area inclusive of the parking spaces informed by their transport consultant, with minimal encroachment onto the 'Green Space' and 'Local Wildlife'.
- 7.28 Officers consider that any loss of the designated areas is regrettable, although on this occasion there is no alternative, with these proposals representing a significant improvement on the previously withdrawn planning application. Furthermore, any such limited encroachment needs to be carefully balanced with the substantial offer of landscape enhancements elsewhere within the plot, as discussed within this report.
- 7.29 In this respect, it is noted that although some scrub will be lost it is ecologically assessed as in poor condition and will be replaced with approximately 300% of additional new scrub planting which should mature quickly to adhere with part (iii) of SWDP 38. In addition, the north-south green corridor is sustained and improved by this new planting. The Council's Landscape Officer has noted that the submitted (ecology) reports conclude that biodiversity will be enhanced overall, and the proposals shown do achieve that, provided that a CEcMP is conditioned as well as all the recommendations of the a) bat report b) Preliminary Ecology Appraisal c) LWS Mitigation Strategy are also implemented and conditioned. It is noted that some trees are to be removed, although these are noted to be poor categories and are replaced with good stock size (14-16cm) replacement specimens.
- 7.30 Part of the mitigation and biodiversity enhancement is for wildflower meadow and although this is a relatively small area, it is well designed and has best practice construction technique and maintenance so will have good impact locally. Lastly the fly tipping and adverse uses should be addressed by this (landscaping) scheme with all tipping removed and a more robust boundary protection installed to the relevant area. These are matters that can form part of the landscaping scheme.

In light of the above rationale, the proposals would therefore adhere with the provisions of policies SWDP 21 and SWDP 38, and with the provisions of the NPPF (2023), given the noted additional 300% of additional new scrub planting as proposed, therefore complying with part (iii) of SWDP 38, which requires that Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location.

The replacement provision of Green Space would be facilitated through the proposed creation of 1430m<sup>2</sup> of new native mixed scrub habitat; and the creation of 100m<sup>2</sup> of new wildflower grassland. In qualitative and quantitative measures, this provision is supported. New native scrub projected to achieve a condition for 'Moderate' against the Habitat Condition Assessments from the Biodiversity Metric Assessment and is supported by the Councils Landscape Officer in this respect.

## **Heritage**

- 7.31 Firstly, it is a statutory duty, under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for decision takers to have special regard to the desirability of preserving listed buildings and/or their setting or any features of special architectural or historic interest, and under section 72 (1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, when determining applications for planning permission.
- 7.32 The NPPF states that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF, at paragraph 195, sets out that the Local Planning Authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.33 Paragraphs 199-208 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs. At the local level, policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan are relevant to the proposals.
- 7.34 Policy SWDP 6: Historic Environment states that: A. Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24. Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire. B. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting.
- 7.35 Policy SWDP 24: Management of the Historic Environment is also relevant and states that:
- A. Development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.
- B. Proposals likely to affect the significance of a heritage asset, including the contribution made by its setting, should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed. Where there is potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.

C. The sympathetic and creative reuse and adaptation of historic buildings will be encouraged. Such proposals, and other proposals for enabling development that provide a sustainable future for heritage assets identified as at risk, will be considered in accordance with SWDP 24 A.

D. Where a material change to a heritage asset has been agreed, recording and interpretation should be undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance. The scope of the recording should be proportionate to the asset's significance and the impact of the development on the asset. The information and understanding gained should be made publicly available, as a minimum through the relevant Historic Environment Record and where appropriate at the asset itself through on-site interpretation.

- 7.36 This is a revised proposal from one submitted under 23/00287/FUL, which was subsequently withdrawn. The similarity between the two schemes is that both require the demolition of an existing warehouse extension to the north side of the building, which was approved under P02G0447 in September 2002, and both will yield a net additional area gained of 3,561m<sup>2</sup>. Thereafter, the schemes differ. As noted elsewhere above, the additional area proposed in this case would be provided by wrap-around extensions to the north, east and south elevations, achieved by expansion of the existing portal frame structure. Externally this will replicate the parapet line of the existing building. Cladding and other details will match the current materials.
- 7.37 The proposed extension is to an existing use and to one not out of character with its immediate neighbours. Both the Canal conservation area to the north of the site, and the locally listed Tolladine Bridge across it, are well screened by existing mature vegetation. Past the construction phase, and as such, Officers consider that the proposed extensions would not result in a harmful impact upon the site or the adjoining conservation area.
- 7.38 In considering the application in light of the legislative and policy requirements, the first step is to have regard to the proposals and then for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to any heritage assets. This exercise has been undertaken by the Council's Conservation Officer, who has raised no objections, advising that this proposal will have a neutral impact upon the conservation area.
- 7.39 No objections are therefore raised in heritage terms, and these proposals would therefore adhere with the provisions of policies SWDP 6 and Policy SWDP 24.

### **Impact on neighbouring amenity and amenity of future occupiers**

- 7.40 With regard to the policy context, policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 130 of the NPPF (2023) that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings. The NPPF requires development to deliver safe and healthy living conditions (para 119) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para 130f).
- 7.41 Given the commercial context of the application site, and the existing associated comings and goings and site usage as an established B2/B8 use, it is considered that the additional employees and floor space (3,561 m<sup>2</sup>) provided by these proposals would not result in any impact on noise sensitive receptors, particularly given the fact that the site is bounded by the canal to the north and Wainwright Road to the south, with the latter being an existing noise generating source and the former providing an acceptable buffer.

7.42 In terms of the east of the site, the extended warehouse building would still retain in excess of 26m to the traveller site, also separated by a landscape and tree-lined buffer, and so there adjoining residents would not suffer any loss of amenity in terms of increased noise and disturbance, or loss of privacy, daylight, sunlight or outlook. As such, no objections are therefore raised against the provisions of policy SWDP 21 and paragraph 130 of the NPPF.

### **Access and Highway Safety**

7.43 Policy SWDP 1: Overarching Sustainable Development Principles states (inter alia):

A. When considering development proposals, the Local Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work jointly and proactively with applicants to find solutions that mean proposals can be approved wherever possible and to secure development that improves economic, social and environmental conditions in south Worcestershire.

7.44 SWDP 4: Moving Around South Worcestershire (Part A) states:

Proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety, and they are consistent with the delivery of the Worcestershire Transport Plan objectives.

7.45 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.46 In terms of connectivity, the application site is located within the Shire Business Park approximately 4km northwest of Worcester city centre. The site is well located for transport links to the A449 and the M5 via the B4639 Berkeley Way.

7.47 The proposed site layout has a single vehicular and new pedestrian access off the roundabout at the junction of Wainwright Road and Brindley Road. There is a designated access route within the site to access the existing parking and gated service / loading area.

7.48 In parking and access terms, the proposed development would significantly increase the existing car parking provision up to a new total of 108 spaces. This new parking provision will include 8no. disabled spaces and 14no. electric vehicle charging points. The applicants have clarified that there will also be a new provision for 18no. covered and secure cycle parking spaces externally (which can be secured by planning condition). In addition, the existing loading / service area and gated access, would remain unchanged, with adequate turning and manoeuvring space within the site.

7.49 Worcestershire County Council are the 'technical consultee' as the Local Highway Authority (LHA) and have advised that they raise no objections to the proposals, noting (inter alia) that the previous application (23/00287/FUL) has been withdrawn however the Highway Authority raised no objection and in the main, the Highways comments still stand regarding the latest proposal. In this respect, the car parking provision will increase by 42 parking spaces to a total of 108 spaces, (to include 8 accessible spaces combined with 14 electric vehicles charging spaces).

7.50 The Highway Authority is satisfied that the level of parking proposed can meet the demands of the existing user on the site and it is noted that proposed development will result in an increase of up to 15 staff with 42 additional spaces provided.



As such, based on the above rationale, the proposals are considered to be in accordance with Policy SWDP 4 of the Development Plan and there would be no severe impact on highway safety arising from the proposals, in accordance with paragraph 111 of the NPPF (2023).

### **Biodiversity and trees**

- 7.51 Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.52 Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 7.53 Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 7.54 Policy SWDP22 requires development to ensure there is no harm to protected species. Further the Framework sets out the requirement for biodiversity net gain which will become statute in November 2023 through the implementation and Royal Assent of the Environment Act 2021.
- 7.55 In ecology terms, the application site has been subject to several full ecological reports which are robust, thorough, and have reasonable conclusions. The Council's Landscape Officer has advised that although some scrub will be lost it is ecologically assessed as in poor condition and will be replaced with an area of approximately 300% of new scrub planting which should mature quickly. In addition, the north-south green corridor is sustained and improved by this new planting. The reports conclude that biodiversity will be enhanced overall, and the proposals shown do achieve that, provided that a CEcMP is conditioned, whilst all the recommendations of the a) bat report b) Preliminary Ecological Appraisal c) LWS Mitigation Strategy should also be also implemented and conditioned.
- 7.56 In terms of the tree impacts, it is noted that some trees are to be lost but these are mostly assessed to be poor categories and are proposed to be replaced with good stock size (14-16cm) specimens. Furthermore, part of the 'mitigation and biodiversity enhancement' is for wildflower meadow enhancements (south-east on the site) and although this is a relatively small area, it is considered to be well-designed and has best practice construction technique and maintenance, and so it would have good positive impact locally. The Councils Tree Officer has raised no concerns, noting (inter alia) that there are no objections subject to the use of a planting plan and tree protection plan which can be secured via planning conditions.

7.57 As such, the proposals are considered to be in accordance with Policy SWDP 4 of the Development Plan and there would be no severe impact on highway safety arising from the proposals.

### **Energy conservation and mitigation to Climate Change**

7.58 Policy SWDP 27 of the Development Plan states that all new developments should incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable.

7.59 Whilst this scheme is an expansion (by extension) and modernisation (as opposed to new-build development proposal), the applicants have submitted an energy statement (ref. 22093-TW-ES-01) in support of this planning application. The submission notes that the proposal consists of the expansion to the existing internal open warehouse space to the north and east side of the warehouse. The extension warehouse areas will be open space, with direct connection to the existing main warehouse building. It is proposed that the external extensions, including new walls and roof, would be a new built-up profiled steel cladding system to comply with the thermal elemental performance requirements in Part L of the current Building Regulations. The new roof area will also have triple skin translucent rooflights equivalent to 10% of the total new roof area.

7.60 The applicants have agreed to the proposed imposition of a planning condition to ensure that prior to the above ground works being commenced, details shall be provided to incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements shall be submitted to and agreed in writing by the Local Planning Authority. Overall, with the use of the suggested planning condition, it is considered that the proposals are acceptable and in accordance with policy SWDP 27 of the Development Plan and the aims and objectives of the NPPF.

### **Drainage and Flooding**

7.61 Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 167 of which states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

7.62 The application site is located within the Environment Agency designated Flood Risk Zone 1 (low risk) and is at low risk from surface water flooding according to mapping.

7.63 In drainage terms, it is understood that discharging to the canal is noted to be unfeasible and accepted by the LLFA. In principal permission has been approved by STW to discharge into their sewer network. Again, the LLFA have advised that this is acceptable if infiltration is unfavourable. It is also accepted rainwater harvesting will be unfeasible for this development.

7.64 The LLFA have concluded that overall, the drainage strategy proposed is generally acceptable. However, the main details required are for the infiltration feasibility and discharge rates for all new impermeable areas can be conditioned. Therefore, (subject to such details being secured by condition), it is considered that the proposals would not result in a risk of flooding on the site or elsewhere because of the proposals and would therefore be in accordance with Policy SWDP 28.

## **The Warndon S.52 agreement**

- 7.65 There have been several applications relating to a wider area of land, with the application site in this case forming part of that land, which was subject to a Section 52 Agreement (dated 8th July 1988), pursuant to planning applications (Refs. P86C0288, P87C0290, P88C0060, P88C0086. In this case, the proposals seek an extension to the existing storage building (Transmec) unit that would (if permitted in planning terms) push the developable area, partly into the Green Space and the area of major landscaping as defined in the S.52. A S.52 agreement was the previous section of Planning Acts relating to Planning Agreements, which is now dealt with under S.106 of the Planning Act 1990.
- 7.66 It is noted that Warndon Parish Council have raised some concerns (inter alia) that by Warndon PC's interpretation of clause F9(1)(d) of the s.52 agreement, some of the land in question was required to be "...convey[ed] to the City Council at nil consideration and at no other expense...". Warndon PC understands that this Planning obligation remains in force. Officers have reviewed this position with legal colleagues, and whilst the s52 legal agreement is a relevant planning consideration, the s52 (now 's106') is effectively a contractual agreement (albeit binding the land) between the City Council and the developers. As such, the legal matters do not override our public powers/duties to administer planning applications. The view taken is therefore that Officers (and the Planning Committee) can still proceed with the assessment and determination of this planning application, with the requirements of the S.52 agreement being a material consideration as part of the decision that is taken.
- 7.67 It is recognised that new development can create the need for new or improved infrastructure and community facilities. Planning obligations can mitigate the impact of development to make it acceptable in planning terms. Obligations should meet the tests stated in paragraph 57 of the NPPF (which are those set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010), which are that they are:
- a) necessary to make the development acceptable in planning terms,
  - b) directly related to the development, and
  - c) fairly and reasonably related in scale and kind.
- 7.68 With this in mind, this proposal seeks include a Deed of Variation of the S.52 agreements (and any supplemental agreements), in line with S.106 of the Planning Act 1990, to;
- exclude the land to the east of the application site from transfer to the Council;
  - to require the owner of the site to submit a detailed landscaping scheme and a management/maintenance scheme for the 'major landscaped' area and the additional area required to be compensated/enhanced; and
  - to require the landscaping scheme to be provided and to be maintained in perpetuity.
- 7.69 Planning obligations mitigate the impact of development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out in the Community Infrastructure Levy Regulations 2012 and the NPPF.

7.70 It is considered that the legal agreement is required to ensure that the landscaping proposed to mitigate the loss of Green Space and the major landscaping area as part of the S.52 is provided and maintained. There is a further opportunity to provide the opportunity for the landowner to retain and maintain the land rather than transferring the to the Council for maintenance. The heads of terms have been agreed by the applicant and is considered to meet the three tests as set out with the CIL regulations 2012.

## **8. Conclusion and planning balance**

- 8.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be considered. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan unless material considerations indicate otherwise.
- 8.2 The National Planning Policy Framework (NPPF - 2021) is also a significant material consideration. At paragraph 12 the NPPF confirms that '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.*'
- 8.3 The proposed development would be considered acceptable given the siting of the extended unit on an existing commercial premises. The proposals would facilitate the expansion of employment floor space, and employee numbers together with enhancements in parking terms and with an improved soft-landscaping offer in contrast with the existing baseline position. Furthermore, it is considered that the increased scale and provision and its associated functions would not be excessive to the degree whereby highways safety or neighbouring amenity is compromised, and no issues regarding highway safety or amenity should be resultant. Furthermore, together with the provision of a condition to secure replacement tree protection and planting, and the security of the 'deed of variation' to the original S.52 agreement, the benefits of the proposal therefore clearly outweigh any limited negative impacts arising from the development.
- 8.4 All comments received as part of the consultation process have been acknowledged and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, it is considered that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits.
- 8.5 As such, overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

## **9 Recommended Conditions**

9.1 It is recommended that the following planning conditions be included:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To conform with the requirements of Section 91 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 permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission:

#### Plans

PL 001A; PL 015A; PL 006E; PL 010; PL 011A; Planting Plan (Sheet 2 of 2); Tree Removal and Retention Sheet 1 of 2; Draft Tree Protection Plan (Sheets 1 and 2); Arboricultural Impact Plan (May 2023).

#### Documents

Design and Access Statement (Rev. B September 2023); Heritage Statement (22093-TW-HS-01); Local; Wildlife Site Mitigation Strategy (Report Number: RT-MME-160552 Rev A); Preliminary Bat Roost Assessment (Report Number: 159133-02 Rev A); Preliminary Ecological Appraisal (Report Number: RT-MME-159133-01 Rev B); 23/00776/FUL Response to LLFA objection (1); Phase I Geo-environmental and Geotechnical Site Assessment (February 2023); Phase II Geo-environmental and Geotechnical Site Assessment (March 2023); Flood Risk and Drainage Information (unnumbered – from TRC); Transmec Group Covering letter (dated 11<sup>th</sup> September 2023); Arboricultural Impact Assessment (2308 / EH / AIA001B); Tree Survey - 2308 / EH / TR001 (dated 22<sup>nd</sup> February 2023); Draft Staff Travel Plan (August 2023); Transport Statement (August 2023); Air Quality Assessment (24<sup>th</sup> February 2023); Flood Risk Assessment & Drainage Strategy (Rev P2) and Energy Statement (22093-TW-ES-01).

REASON: To ensure compliance with the approved scheme.

3. No superstructure works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and that high quality materials and finishes are used, in accordance with Policy SWDP 21 of the South Worcestershire Development Plan (2016).

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. No development shall take place until a pre-commencement site meeting to discuss the approved details of working procedures and tree protection has been held and attended by the persons listed in this condition and until agreement has been provided, in writing by the local authority tree and landscape officer, that all tree protection measures have been installed in accordance with the approved tree protection plan.

List of persons:

- Site foreman
- Project Architect
- Local Authority Tree & Landscape Officer
- Protect Arboricultural Consultant

REASON: To ensure that those trees to be retained are not subject to damage either as a result of works carried out on site or during the carrying out of such works in accordance with policies 22, 25 and 38 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to promote and protect with regard to the conservation and enhancement of the natural environment.

6. The protection of any existing tree to be retained in accordance with the approved plans and particulars (bea Landscape Design Ltd. Tree Protection Plans

Drawing No.234-008-P-08-B (1&2). Dated Feb 23) shall be achieved as follows:

a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars as referenced above which shall have been previously submitted to and approved by the Local Planning Authority in writing;

b) if that fencing is broken or removed during the course of carrying out the development it shall be immediately repaired or replaced to the satisfaction of the Local Planning Authority;

c) the fencing shall be maintained in position to the satisfaction of the Local Planning Authority until all equipment, machinery and surplus materials have been moved from the site;

d) within any area fenced in accordance with this condition nothing shall be stored placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing or use of other contamination materials or substances shall take place, nor shall any fires be lit without the prior written consent of the authority; and

e) no equipment, machinery or structure shall be attached to or supported by a retained tree.

f) These measures shall apply for the duration of the construction phase and until all equipment; machinery and surplus materials have been removed from the site.

REASON: To ensure that those trees to be retained are not subject to damage either as a result of works carried out on site or during the carrying out of such works in accordance with policies 22, 25 and 38 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to promote and protect with regard to the conservation and enhancement of the natural environment.

7. Prior to the commencement of any external construction works in respect of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

a) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

b) a written specification outlining cultivation and other operations associated with plant and grass establishment.

c) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner, and thereafter retained and /or replaced.

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable.

REASON: To ensure the proposed development would provide high quality landscaping, integrate into its surroundings and provide an appropriate external amenity area for future occupants of the approved development, in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan and the requirements of the of National Planning Policy Framework 2021.

8. Prior to occupation of the development hereby approved, a lighting assessment undertaken in accordance with Worcestershire County Council's Street Lighting Design Guide shall be submitted to the Local Planning Authority. The development shall not be occupied until the submitted scheme has been agreed in writing by the Local Planning Authority, in consultation with Worcestershire County Council Highways, and has been implemented in full.

REASON: In the interests of highway safety, and to ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies SWDP 22 and SWDP 25 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

9. The Development hereby approved shall not commence until an updated Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to:

- 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.
- Temporary traffic management arrangements.
- Mitigation for impacts on residents, businesses, and public transport services.
- Details of any temporary construction accesses and their 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 in writing by the Local Planning Authority.

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

10. The Development hereby approved shall not be brought into use until the access, turning area and parking facilities to include pedestrian access and accessible bays x 8 shown on Drawing No. PL 006 E have been provided and marked out on the ground. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

REASON: To ensure conformity with the submitted details and in the interests of highway safety.

11. Prior to above ground works commencing details of at least 14 electric vehicle charging points shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented prior to the first occupation of the development. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

REASON: To ensure that the development meets the requirements of Policies SWDP 4, SWDP 21 and SWDP 27 of the South Worcestershire Development Plan, the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

12. The Development hereby approved shall not be brought into use until the 8 accessible car parking spaces as shown on the approved 'Proposed Site Plan' have been provided and thereafter shall be kept available for disabled users as approved.

REASON: To provide safe and suitable access for all, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan.

13. The Development hereby approved shall not be brought into use until the cycle parking x 18 shown on Drawing No. PL 006 E has been provided, with specification details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with policy in the Streetscape Design Guide.

14. The Employment Travel Plan hereby approved shall be implemented, monitored and reviewed using Modeshift STARS, in accordance with the approved details for the lifetime of the development.

REASON: To reduce vehicle movements and promote sustainable travel.

15. No works in connection with site drainage shall commence 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 hard standing areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the 23-001 - Transmec Worcester COMPLETE FRA Rev P2 and the 23-001-I&L Response to LLFA Objection 1[97](1). The submitted scheme shall give priority to achieving infiltration techniques and the scheme shall include the details and results of field percolation tests. The scheme shall provide detailed design drawings for all drainage assets and include run off treatment proposals for surface water drainage. The scheme should include proposals for informing future occupiers of the arrangements for maintenance of surface water drainage assets. 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: To ensure that the development is properly drained, avoiding flood risk and pollution in accordance with Policies SWDP 28, 29 & 31 of the South Worcestershire Development Plan.

16. Prior to the above ground works being commenced details to incorporate within the development hereby approved energy generation from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and operational prior to the first occupation of the development.

REASON: To ensure the development meets the requirements of Policy SWDP 27 and associated guidance in the Renewable and Low Carbon Supplementary Planning Document and the aims of the NPPF.

**DRAFT HEADS OF TERMS**

**Proposed Deed of Variation**

**Section 106 Town and Country Planning Act 1990**

**Application 23/00776/FUL**

**Proposed extension of existing industrial warehouse space to suit requirements of the existing occupier.**

**Transmec Uk Ltd, Wainwright Road, Worcester, WR4 9FA**

1. In order to make the development acceptable it is required that the S.52 agreement dated 8<sup>th</sup> July 1988 and any supplemental agreements (appropriate) is varied to;
  - exclude the land to the east of the application site from transfer to the Council;
  - to require the owner of the site to submit a detailed landscaping scheme and a management/maintenance scheme for the 'major landscaped' area and the additional area required to be compensated/enhanced; and
  - to require the landscaping scheme to be provided and to be maintained in perpetuity.
  
2. The Developer shall provide to the City Council either a solicitor's undertaking for the reasonable legal costs incurred respectively by the City Council in connection with the preparation and completion of the Deed or if no solicitor is instructed these fees must be paid direct to the City Council. These fees shall be payable whether or not the agreement completes.
  
3. The developer covenants with the City Council respectively to pay a Section 106 monitoring fee to the City Council which shall be paid on or before completion of the agreement. This fee will be to cover the cost relating to the administration and monitoring of the planning obligations.