

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

12/10/2010

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
12TH OCTOBER 2010

PART A

Application Reference: 08/0768/OUTL **Date Received:** 08/08/2008
Ord Sheet: 381326.546016425 **Expiry Date:** 07/11/2008
 271012.39175345
Case Officer: John Baggott **Ward:** Mitton

Proposal: Redevelopment of site to provide a mixed use development consisting of 159 No. residential properties, Class A retail uses, Class B employment, Class C1 hotel and Class D2 assembly & leisure (outline)

Site Address: FORMER CARPETS OF WORTH FACTORY, SEVERN ROAD, STOURPORT-ON-SEVERN,

Applicant: Arab Investments Ltd

Summary of Policy	H.1, H.2, H.4, H.5, H.10, D.1, D.3, D.7, D.9, D.10, D.11, D.12, D.13, D.15, D.16, E.7, NR.2, NR.5, NR.6, NR.9, NR.10, NR.11, NR.12, LB.1, LB.2, LB.5, CA.1, NC.2, NC.3, NC.5, NC.6, NC.7, TR.1, TR.6, TR.7, TR.8, TR.9, TR.10, TR.12, TR.17, TR.18, TR.19, LR.2, LR.3, CY.4, STC.2, IMP.1 (AWFDLP) SD.3, SD.9, CTC.8, CTC.9, CTC.12, CTC.15, CTC.17, CTC.20, CTC.21, D.5, D.6, D.26, D.43, T.1, T.2, T.4, T.10, T.11, T.12, RST.9, IMP.1 (WCSP) PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG16, PPG17, PPS23, PPS25 Design Quality SPG (2004) SPD – Planning Obligations (2007) Severn Road Development Brief – SPG (2001)
Reason for Referral to Committee	Major Application. Statutory or non-statutory Consultee has objected and the application is recommended for approval. Application involving proposed Section 106 Obligation.
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

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1.0 Site Location and Description

- 1.1 The application site is located to the east of Stourport-on-Severn town centre and consists of the southern part of the former Carpets of Worth site located on Severn Road. The site is positioned between Severn Road and the western bank of the River Stour which form the western and eastern boundaries respectively. To the south lies existing industrial development in the area of the town known as Cheapside. Directly to the north, lies the remaining part of the Carpets of Worth site, which has been the subject of two outline planning consents for a proposed new Tesco store and associated works, both of which have been the subject of subsequent legal challenges.
- 1.2 The site consists of an area of approximately 3.2 hectares (7.9 acres) of predominantly cleared, vacant, land, although three buildings are evident on the site, these being buildings which are included on the Council's "Local List" of buildings of architectural or historic interest. These buildings are also vacant.
- 1.3 The application site forms part of the Severn Road Redevelopment Area, which is covered by the Severn Road Development Brief Supplementary Planning Guidance (SPG), as adopted in 2001. The importance of the Severn Road Redevelopment Area is reinforced within the adopted Local Plan (2004), with specific policies set out therein relating to the application site, as well as the nearby Lichfield Basin and Cheapside redevelopment sites.
- 1.4 The site lies outside of the town centre Primary Shopping Area. A small section of the site, directly opposite the junction of Severn Road and Lichfield Street, falls within the Stourport No.1 Conservation Area. It is in this area where two of the three aforementioned Locally Listed Buildings are located.
- 1.5 The site lies primarily within Flood Zone 2 (Low to Medium flood risk), as confirmed by the Environment Agency.
- 1.6 The application has been submitted in Outline form, with all matters (including access) reserved matters for subsequent approval. An illustrative layout has been provided, but this is purely for indicative purposes.

2.0 Planning History

- 2.1 As has previously been identified, the application site relates to the southern part of the Carpets of Worth site, with the northern half of the overall site having been the subject of two applications relating to a proposed retail development by Tesco Stores Limited, as summarised below.

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LPA Ref: 07/1105/EIA Class A1 supermarket with associated access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Outline).

Planning permission was granted by the Local Planning Authority in May 2008, with the decision subsequently challenged by a Judicial Review from Midcounties Co-op. Whilst the challenge initially failed in March 2009 this ruling was appealed to the Court of Appeal in April 2010. The Court of Appeal decision dismissed the appeal by Midcounties Co-op. Midcounties Co-op have asked for permission to appeal this decision to the Supreme Court. No decision has yet been received as to whether permission has been granted.

LPA Ref: 08/1053/EIA Class A1 supermarket with associated access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping and other works (Outline).

Planning permission was granted by the Local Planning Authority in October 2009. Again, Midcounties Co-op have been granted leave pursue a claim for Judicial Review. No date has been fixed for the claim to be considered by the High Court.

LPA Ref: 10/0229/RESE Class A1 supermarket with associated access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping and other works (Reserved Matters following Outline approval 08/1053/EIA).

This application was validated on 16 April 2010 and currently remains undetermined.

- 2.2 In terms of the application site itself, Members are advised that an identical application to the one under consideration was submitted in August 2009 (Ref: 09/0588/OUTL). This application remains undetermined, however Members are advised that the applicants have submitted an Appeal against non-determination of the application, and an Appeal Hearing is scheduled to take place on 13 October 2010. (i.e. the day after October Planning Committee).

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection, but the Town Council considers it essential that the access road and new bridge over the River Stour to Discovery Road, required by the Tesco proposals, are also a prerequisite to the residential development, independently of whether or not the Tesco development is eventually implemented.

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3.2 Highway Authority – No objection, subject to S106 contributions and suitable conditions. It is recognised that in respect of the Carpets of Worth site Policy STC.2 (of the Council's adopted Local Plan) there is a requirement for the provision of a new link road with its wider traffic management benefits to Stourport. However the submitted Transport Assessment confirms that the traffic movements associated with the proposal can be accommodated within the confinement of the existing highway network with several off site improvement measure to mitigate from the altered movements. The S106 contributions would be required in respect of:

- Public Transport Service support.
- Bus stop infrastructure improvements.
- Pedestrian and cycling contributions.
- Junction improvements.

3.3 Policy and Regeneration Manager – The site is a key element in the overall regeneration of Stourport-on-Severn and offers great scope for a new part of town to emerge that is consistent with the town's Georgian origins in terms of scale, pattern and style of development. The proposals will broadly ensure that the site makes a valuable contribution to meeting the District's housing needs in line with the adopted Wyre Forest District Local Plan.

The redevelopment of the area is subject to Local Plan Policy STC.2 and this requires, amongst other things, a new road bridge to be created over the River Stour, introducing a new 'gateway' in to the town centre. Whilst proposals for the bridge are integral to the proposals to develop a new Tesco store on adjacent land, it will remain important to link the two applications to ensure that neither development happens without the link road being in place.

The proposals are broadly consistent with the Regeneration aspirations of the Severn Road Redevelopment Brief SPG (2001). However, further consideration may need to be given to the range and mix of commercial and community uses. The site offers scope to make a real feature of the River Stour whilst maximising its biodiversity potential. The proposed riverside treatment appears broadly consistent with the overall vision for the area.

3.3 Environment Agency – No objection, subject to conditions. The modelling carried out as part of the submitted Flood Risk Assessment has demonstrated that the areas of the site where residential development is proposed (based upon the submitted indicative layout) are outside any higher risk flood zones and thus appropriate for development.

3.4 Severn Trent Water – No objection, subject to conditions. There are public sewers which cross the site, which the applicant may wish to apply to divert.

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- 3.5 Environmental Health Officer – Further site investigation works will be required, which can be secured by condition. In terms of Air Quality, concerns have been expressed regarding the base data used and a further appraisal of Air Quality is required.

Officer Note: Further details have been submitted, albeit somewhat late in the day, and these are being assessed by Environmental Health Officers.. Further comments will be provided via the Addenda and Corrections Sheet.

In terms of noise, given the ongoing levels of development within Stourport-on-Severn, it is difficult to confirm the validity of the submitted report.

- 3.6 Hereford & Worcester Fire and Rescue Service – No objection.
- 3.7 Inland Waterways Association – No objection. Fully support the outline proposals and welcome the opportunity to comment on the detailed application in due course.
- 3.8 British Waterways – No objection.
- 3.9 Cultural Services Manager – No objection. Despite limited amenity open space provision within the site, a contribution towards off site open space provision and enhancement within the catchment area of the application site would be preferred. A suitable level of access to the river bank would be required to assist with potential future maintenance requirements.
- Officer comment: Based upon the indicative layout, the level of open space contribution would equate to in excess of £65,000.*
- 3.10 Central Networks – No objection.
- 3.11 Crime Risk Advisor – No objection to the outline application. It is appreciated that the drawings as submitted are for illustrative purposes only, however based upon these drawings, concerns expressed regarding:
- Need to gate access routes to rear gardens.
 - Road layout as indicated may require traffic calming measures.
 - Potential use of internal road layout as a short cut for customers of future Tesco development.
 - Potential abuse of river side path and landscaping by motorcyclists.
- 3.12 Strategic Housing Officer – No objection. A 30% Affordable Housing provision is required, which should be accommodated in small groups throughout the site, with the affordable Housing mix to reflect the mix of housing proposed (i.e. not just 1 and 2 bedroom dwellings). The actual tenure will depend upon when the subsequent reserved matters are submitted and the development commences.

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3.13 County Education Authority – No objection. If the development proceeds, there will be a need for a contribution towards local education facilities. The catchment area schools for the site are Stourport Primary School and the Stourport High School & Sixth Form Centre. The revised tariff of charges per dwelling seeks:

- £nil - For each 1 bedroom property.
- £3,357 - For each 2 or 3 bedroom house.
- £8,018 - For each 4 bedroom house, or larger.
- £1,343 - For each 2 bed flat, or larger.
- £nil - For all affordable housing.

Officer comment: On the basis of the above tariff and the indicative layout, the level of Education contribution request equates to £243,060.

3.14 Countryside and Conservation Officer – Whilst there is no objection to the general principle of the development, the protected species surveys undertaken to date are incomplete and inadequate. The site lies adjacent to a principal wildlife corridor (i.e. the River Stour) known to be used by nationally and European protected species (including bats; reptiles and otters). There remain too many unknowns to rely upon conditions or the submission of details at the reserved matters stage. On this basis, object to the development due to lack of information.

3.15 Worcestershire Wildlife Trust – No objection. Given the outline nature of the proposals and the context of the site, sufficient information has been submitted to enable the application to be determined. In this case, it appears that the principle of the scheme can be determined with a condition requiring all additional surveys to be submitted with any subsequent Full (Reserved Matters) application. Further surveys must include sufficient information to determine environmental impacts, necessary mitigation and enhancements.

3.16 Natural England – Having previously raised a “holding objection”, following the receipt of additional information provided by the applicants in respect further survey works, Natural England now raise no objection, subject to suitable conditions which ensure that all necessary additional protected species surveys are undertaken and that biodiversity and mitigation measures are designed into the future Full (Reserved Matters) application, rather than be left to be secured by further conditions.

3.17 Stourport-on-Severn Civic Society – Object to the proposal on the following grounds:

- Insufficient detail provided regarding building materials and architectural styles. The site is in the heart of the town and adjoins conservation areas.
- No proof of need for hotel and leisure facilities in this part of the town.
- No details provided as to the intended use of the (locally listed) buildings to be retained.

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- Traffic concerns. The adjacent Tesco proposals will place a strain on the road infrastructure. Additional cars generated by the residential development will add to the traffic problems.
- Potential use of proposed road which circles the residential properties as a race track.
- No details provided regarding cycle parking.

3.18 Conservation Officer – No objection to the principle of a residential development in this area. Whilst accepting that the plans as submitted are purely illustrative, concerns are expressed regarding the indicative house types and layout. Design of all property types requires careful consideration, giving a variation of building types, whether contemporary, traditional, or a mix. Recommend approval of outline application, whilst noting that the illustrative proposals would not be acceptable in terms of layout, design and building types. Members are advised, however, that the Conservation Officer has subsequently expressed further concerns regarding the illustrative houses types and the appropriateness of the indicative layout.

Officer Comment: Street scene details have been provided to assist in considering the proposal, however as with the site layout plan, these are entirely indicative and are intended to demonstrate that the scale of development proposed can be accommodated on the site. Given that all matters are reserved for subsequent approval, the Council maintains control over issues of detailed layout and design.

3.19 English Heritage – No comments offered, but recommend that the application be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

3.20 County Archaeologist – No objection, subject to a condition requiring a phased programme of archaeological work to be undertaken prior to the commencement of any development of the site.

3.21 Neighbour/Site Notice – Following direct neighbour notification and the posting of several site notices at appropriate locations, 3 letters have been received.

One of these letters, whilst submitted in respect of the current application, appears to raise issues which only relate to the separate applications in respect of the northern half of the Carpets of Worth site (i.e. the Tesco proposals). The remaining 2 letters, whilst raising no objection to the principle of the proposed development, do raise concerns which are summarised in bullet form below:

- High density level of residential development.
- Insufficient residential parking provision to serve the development.
- Increased traffic congestion and inadequate traffic management.
- Insufficient details submitted to enable consideration of the application due to location within a conservation area.

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4.0 Officer Comments

4.1 As has previously been identified, this application has been submitted in outline form, with all matters reserved for subsequent approval, should this application be received favourably. In submitting the application, an indicative layout has been provided, primarily to assist in the consideration of the merits of this proposal and to enable the applicant to demonstrate that the number of residential units proposed (i.e. 159 dwellings, consisting of 65 houses and 94 flats) can be accommodated on the site, with adequate private amenity provision and parking. The indicative layout also indicates the retention of the three locally listed buildings, all of which are proposed to provide commercial accommodation. A further new building (labelled 'K') in the Design and Access Statement would provide additional commercial floorspace. The actual nature and extent of the commercial uses is not clear at this stage, other than the maximum floorspace of 3,350 sq. metres). In addition to the indicative layout plan, the application has been accompanied by the following information;

- Planning Statement.
- Design and Access Statement.
- Ecological Assessment including:
 - Preliminary Ecological Assessment;
 - Extended Phase One Habitat Survey;
 - Confidential Protected Species Surveys.
- Air Quality Assessment.
- Ground Contamination Investigation Report.
- Landscape Statement and Wetland Feasibility Study.
- Noise Impact Assessment.
- Transport Assessment.
- Flood Risk Assessment.
- Statement of Community Involvement.

4.2 Following receipt of consultation responses, further additional information has been submitted in the form of:

- Revised Wetland Feasibility Study.
- Revised Protected Species Survey work.
- Illustrative proposed streetscenes.
- Revised Air Quality Assessment.

4.3 In addition, and rather more recently, a Financial Viability Appraisal has been submitted. As previously identified, an identical application (09/0588/OUTL) was submitted in August 2009, and is now the subject of an Appeal against non-determination of that application, which is due to be heard by a Planning Inspector by way of a Hearing scheduled for 13 October 2010. In this regard, it would assist officers in preparing for the appeal Hearing if a clear Committee resolution on the current (identical) application could be agreed.

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PLANNING POLICY POSITION

- 4.4 Whilst this application has been submitted in outline form and thereby seeks permission for the principle of the development of the site for a residential lead mixed use scheme, it could be viewed that in many respects the general principle has already been accepted by virtue of the existing Severn Road Development Brief SPG (2001) which is further reinforced by the adopted Local Plan (2004). Paragraphs 14.31 to 14.33 of the Local Plan provide the basis for redevelopment of this site, stating that:

“... the Carpets of Worth site is suitable for a mix of uses including, business (B1), residential (C3) and ... a possible new supermarket (A1).”

- 4.5 Development proposals to the north end of the site, as has previously been referred to, consist of a new retail supermarket for Tesco. However, the implementation of these proposals remains subject to the protracted process of legal challenges against the previously approved scheme(s), as outlined previously, which are ongoing.

- 4.6 Paragraph 14.32 of the Local Plan recognises that the whole Carpets of Worth site will form; “...the gateway to the (Severn Road) redevelopment area, with direct access over the River Stour to Discovery Road This link should form part of **any** (author’s emphasis) redevelopment scheme for the site and will form an important further phase in the construction of the (Stourport) relief road”. With regard to the need for the provision of the direct link over the River Stour, it is worthy of note that at the time of the Public Inquiry in relation to the current adopted Local Plan, the Inquiry Inspector saw it appropriate to make specific mention of this issue before concluding that he considered it;

“....essential for this requirement (a new link road) to be specified within Policy STC.2, rather than being relegated to the accompanying text, in order to confirm and clarify the situation and ensure that prospective developers are in no doubt about the need to provide the new link road.”

- 4.7 Policy STC.2 “Carpets of Worth (Severn Road Phase Two) “sets out the policy requirements for the redevelopment of the site. Whilst this application applies only to the southern half of the site (i.e. 3.2 hectares out of the overall 6 hectares), Policy STC.2 is in no way diluted, with each of the criteria for an acceptable form of development just as much applicable as if the whole site were being developed. In applying the criteria in this way, Officers maintain a consistent approach to the way in which the aforementioned Tesco applications were considered. Bearing in mind the significance of Policy STC.2 in this case, it is reproduced in full as follows:

*“Redevelopment proposals for the STC.2 site **shall** (author’s emphasis):*

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- i) *provide for a mix of land uses to include B1 business and C3 residential. Other uses including retail (A1 and A3) may be acceptable, subject to the provisions of the Retail strategy and the policies of the retail section of this Plan;*
- ii) *subject to other material considerations retain and use beneficially the important buildings and structures identified in the Development Brief;*
- iii) *preserve or enhance the character of Conservation Areas and the setting of the retained buildings;*
- iv) *safeguard and enhance the natural assets of the site provided by the River Stour in the design and layout of the scheme and;*
- v) *take full account of the care needed to develop a site, which is contaminated and liable to flooding.*
- vi) *take full account of any flood risk*
- vii) *be accessible via a new road to be provided as part of the redevelopment, linking the site with Discovery Road.“*

4.8 Under paragraph 3.15 of the Local Plan, a table is provided which sets out anticipated levels of housing provision on the then (2004) proposed sites. In respect of the entire Carpets of Worth site, it was envisaged that the number of dwellings which might be proposed would be 100 units. Clearly, at 159 proposed units, the current scheme for a little over half of the site indicates a 60% increase in the then envisaged number of units. Even so, such a number, and density, receives support within the Severn Road Development Brief SPG, as well as elsewhere within the Local Plan itself which, in terms of density, suggests a level of 50 residential units per hectare would be appropriate within this area of Stourport-on-Severn. The current proposal equates to an overall provision 50 units per hectare on the application site, taken as a whole. On that basis, in terms of density of development, the proposed albeit indicative scheme is considered to be acceptable.

4.9 Having set out the “in principle” policy support that exists for the redevelopment of, albeit only the southern half of, the Carpets of Worth site, consideration of the merits of the proposed development, even in it’s current outline form requires assessment, with the following specific issues warranting specific mention:

- The proposed, albeit, indicative layout.
- The relationship of the development site with the redevelopment of the northern half of the Carpets of Worth site by Tesco Stores Ltd.
- Highways issues and the need for the provision of the link road and bridge over the River Stour.
- Air Quality and Noise issues.
- Biodiversity and Ecological Mitigation issues.
- Conservation and Design issues.

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- Level of S106 Obligations and Financial Viability of the proposed development.
- Existing pending appeal against non-determination of identical outline planning application (09/0588/OUTL).
- Any other material considerations.

The above matters are addressed, in turn, as follows:

THE PROPOSED INDICATIVE LAYOUT

- 4.10 The application has been submitted in outline form, with all matters reserved for subsequent approval. In support of the proposal, and by way of demonstrating a layout solution to the site which could achieve the levels of development proposed, a fairly detailed indicative layout plan has been submitted, which clearly defines individual properties and associated parking and amenity areas. Even so, the plan must be treated with a degree of caution given its indicative nature.
- 4.11 The indicative plan illustrates an area characterised by strong perimeter blocks which provide a real “sense of place”. This includes the proposed commercial element of the scheme. Private and public areas are clearly defined, and the blocks ensure good levels of privacy and security. In terms of the residential elements, the indicative layout suggests a development of up to 159 dwellings, consisting of 65 x 3/4 bedroom houses; 6 x 3 bedroom apartments; and, 88 x 2 bedroom apartments. A total number of 195 parking spaces are indicated across the site to serve the residential element of the development, this includes those areas of indicative street parking. On the basis of the current adopted parking standards, and given the indicative breakdown of dwellings, a total of 224 spaces would be required to serve the residential element. However, given the site’s location in close proximity to Stourport-on-Severn town centre, and the existing, and future, public transport provisions, officers are of the opinion that the proposal, albeit in outline form, would be supportable. Separate parking is indicated to serve the commercial buildings.
- 4.12 Officers do have some concern regarding the apparent heavy reliance upon apartments within the indicative scheme, no doubt intended to drive-up the number of units that might be accommodated on the site. However, ultimately the market will decide on the actual breakdown of house types, and as such should subsequent reserved matters submissions seek to increase the mix of dwelling houses, this will in turn inevitably reduce the number of apartments, and the overall number of dwellings which could be accommodated on the site. Therefore, in this regard, the devil will be in the detail will be provided, at the reserved matters stage, or via a separate detailed planning application.

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- 4.13 In terms of the proposed commercial element of the development, the applicants are seeking a degree of flexibility in terms of potential uses, as demonstrated by the actual development description. A total commercial floorspace of 3,300 sq.m is proposed (1,900 sq.m – new build; 1,400 sq.m – refurbished).
- 4.14 The Severn Road Redevelopment Brief and Local Plan Policy STC.2 provides for some flexibility in terms of the overall land-use mix although it suggests a genuine mix of business and new homes in addition to a possible retail store would be appropriate. However, the Policy does require an element of B1a Office Use. The Tesco Stores Ltd application(s), was subject to a separate retail impact assessment and primarily relates to convenience retail floor space. Care is needed to avoid the additional commercial elements associated with this particular application leading to a preponderance of town centre uses such as comparison retail and uses that may otherwise be located in traditional shopping areas. This may include professional services and shops. It is noted that the outline planning application includes these uses but does not indicate the floorspace associated with such uses at this stage. Suitable further detail will be required at the reserved matters stage and detailed assessment will be appropriate at that time.
- 4.15 In light of the above comments, officers consider that the focus for alternative (business) uses on the application site might, therefore, be better focused on B1 offices; community uses such as medical; health or library services; etc. As previously stated, this particular issue of type and mix of commercial uses will warrant further careful consideration as part of any Reserved Matters application.
- 4.16 Despite only being indicative, the proposed layout demonstrates a strong urban design response that is broadly welcomed, which is discussed in more detail later in this report. The success or otherwise of any resulting development will be measured in the detail and the fenestration, massing, proportions, rhythm and materials choices and ultimately in the practicalities of servicing etc. Similarly, achieving the right mix and balance of the residential and commercial elements of the scheme will be critical.
- 4.17 Officers are keen to work closely with the detailed scheme designers to develop a robust 'design code' for the site covering building design, curtilage definition and landscaping, including street design. This approach is particularly important in light of the current, albeit indicative, bold layout consisting of extensive terraced frontages and perimeter blocks. As such it is considered appropriate to impose a planning condition explicitly requiring the creation of a design code as part of the preparation of any Reserved Matters application, with any code to be agreed in advance of finalising the elevations and design details, in order to guide and achieve the quality of development that this key site warrants.

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RELATIONSHIP WITH TESCO DEVELOPMENT TO THE NORTH

- 4.18 Notwithstanding the fact that this application stands to be determined on its own merits, there remains, in Officers opinion, an inextricable link between this site and the development proposals in respect of the north half of the site, which are the subject of applications made by Tesco Stores Ltd. These applications have already received approval from Wyre Forest District Council, but are currently the subject of legal challenges as previously referred to within this report. In the absence of these legal challenges it is reasonable to assume that the Tesco development would have already been well advanced on site by now.
- 4.19 The current application relies heavily upon the expectation that the development of the northern half of the site by Tesco Stores Ltd will take place, and in doing so absolve the current applicants of a number of requirements, not least of which being the provision of the bridge link over the River Stour, as specified in Policy STC.2 of the adopted Local Plan. Officers are of the opinion that this apparent reliance upon the Tesco Stores Ltd proposals being implemented is flawed, and as such officer's consider that the current application should make provision for the required road link. Other issues also appear to rely upon a provision by Tesco Stores Ltd, including those issues relating to bus service support; bus infrastructure; etc. Whilst the issue of the bridge link provision is, in officers opinion, capable of being protected by the use of a "*Grampian*" condition, as discussed elsewhere in this report, those other matters would necessitate the use of an obligation via the proposed Section 106 Agreement (also discussed elsewhere in this report).

HIGHWAYS ISSUES AND THE BRIDGE LINK OVER THE RIVER STOUR

- 4.20 Undoubtedly it is this issue which has been the subject of the principal difference in opinions between the Council Officers and the applicant's representatives. As has previously been mentioned, such was the perceived importance of the provision of the link over the River Stour that the Local Plan Inquiry Inspector saw fit to make specific mention of this issue and in doing so made recommendations, which were subsequently adopted, with regard to the inclusion of suitable wording within the then proposed Policy STC.2. The Inspector did, however, acknowledge that the main access to the Carpets of Worth site would be off Severn Road, but he clearly understood the benefits, not only to the site but to the wider area, of the alternative access that the link over the River Stour would deliver. Detailed considerations would, stated the Inspector, be addressed via a Transport Assessment at the time of the subsequent planning application's submission. It is reasonable to assume that there had, at the time, perhaps been an expectation that any proposals for the development of the Carpets of Worth site would be likely to come forward in the form of a single, possibly phased, planning application. Clearly, that has not proven to be the case, but this fact should in no way dilute the importance of the bridge link provision.

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- 4.21 Members will be aware that in resolving to approve the applications submitted by Tesco Stores Ltd in respect of the northern half of the site, that a Section 106 Obligation was imposed requiring the provision, by Tesco Stores Ltd, of a new link road and bridge over the River Stour. The applicants, in submitting this application for the southern half the site, have provided a Transport Assessment which concludes that the proposed development would not in itself generate sufficient levels of additional traffic movements to warrant the provision of the required link road.
- 4.22 As commented previously, were it not for the legal challenges to the planning permission(s) granted to Tesco Stores Ltd, it is reasonable to assume that works in respect of the provision of the link across the River Stour would have by now commenced. However, the reality is that they have not. Whilst officers acknowledge the conclusion of the applicant's Transport Assessment, a conclusion that has been accepted by the County Council, as the Highway's Authority, officers consider it essential to maintain the requirements set out in Policy STC.2 to ensure the provision of the required link.
- 4.23 Notwithstanding the planning history relating to the northern half of the Carpets of Worth site, (i.e. the Tesco site) officers must be mindful of the fact that until development is complete, there is no guarantee that the development of the adjacent land will deliver the bridges. Should such a scenario occur, officers are concerned that the all important provision of the link over the River Stour would come under threat. In light of this, officers are of the opinion that a requirement to ensure the provision of the link must be attached to any approval of the current proposal.
- 4.24 On this basis, officers had initially suggested that in order to secure the provision of the requisite link, a Section 106 Obligation would be appropriate. The applicants have challenged this suggestion, and doing so sought Counsel's opinion, which concluded that this was not warranted. Officers have, as a result, sought Counsel's opinion on behalf of the Council, who has concluded that whilst he agrees that Section 106 Obligation would not be appropriate in this instance, the use of a "*Grampian*" condition would be justified and appropriate in this case, on the basis that the piecemeal development of the Carpets of Worth site might prejudice the long-term provision of the link road as required by Policy STC.2 of the adopted Local Plan. The comprehensive redevelopment of the entire site is clearly a land use planning matter and therefore must be a material consideration in determining the current application. On the basis of Counsel's advice officers recommend that a suitably worded "*Grampian*" condition be imposed, which would restrict the commencement of any development hereby proposed until the link over the River Stour has been provided. Members are advised that the applicants challenge the need for such a condition, purely on the basis of the submitted Transport Assessment, which relates only to the application site and not the Carpets of Worth Site as a whole (i.e. both north and south sites). However, officers are satisfied that such a condition would be entirely appropriate and would be in accordance with the guidance set out in Circular 11/95 – use of conditions in planning permission.

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AIR QUALITY AND NOISE

- 4.25 The primary access to the application site, and the subsequent development, even allowing for the provision of the bridge link road over the River Stour, will be from Severn Road, which in turn is accessed via the existing one-way system that routes traffic via Gilgal and Mitton Street. Members will be well aware of the existing volumes of traffic through Mitton Street accessing both the town and destinations beyond.
- 4.26 Members may recall that issues relating to air quality, associated primarily with increased traffic movements, attracted high levels of interest, and concern, in respect of the proposals for the Tesco site, directly to the north of the application site. However, in respect of this particular application, no such submissions and representations have been received.
- 4.27 Annex 1 of PPS23 – Planning and Pollution Control, provides guidance on how to consider the impact of development on the air quality of an area. PPS23 also provide guidance on the Precautionary principle i.e. “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”, the principle should be invoked where there is good reason to believe that harmful effects may occur to human, animal or plant health, or the environment.
- 4.28 Policy NR.10 of the Local Plan is relevant with regard to air quality, and states that proposals which could potentially give rise to air pollution will not normally be permitted in the absence of suitable mitigation measures. An Air Quality Assessment accompanied the application and, in response to concerns regarding apparent discrepancies between the data source used by the applicant as raised by Environmental Health Officers, a subsequent revised Air Quality Assessment has been submitted.
- 4.29 Despite the revised submission, Environmental Health Officers maintain concerns regarding issues of air quality, and in particular the accuracy of the current, and potential future, air quality in Stourport-on-Severn, based upon the applicant’s consultants reliance upon air quality modelling rather than “actual” monitoring. Perhaps unsurprisingly, the applicant’s consultants take a contrary position and maintain that the modelling provided to accompany the application is fit for purpose and in accordance with EPUK guidance “Development Control Planning for Air Quality (2010 Update)” and meets all the required criteria set out therein. In this regard, Environmental Health Officers have referred the use of modelling to DEFRA for assistance. Therefore, at the time of compiling this report, Members are advised that there remains an outstanding objection from Environmental Health Officers, on the subject of Air Quality. Dialogue between the relevant parties is ongoing, and Members will be advised of the latest situation in this regard via the Addenda and Corrections Sheet.

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- 4.30 A Noise Impact Assessment accompanied the planning application submission. Environmental Health Officers have stated that given the existing, and future, levels of development in the town that a complete appraisal potential noise impact in the future is difficult. Even so, no objections have been raised, subject to suitable conditions

BIODIVERSITY AND ECOLOGICAL MITIGATION

- 4.31 The application site extends to and includes the western bank of the River Stour, which is currently degraded and features metal sheet piling and reinforced walls. The River is currently inaccessible and the site is by no means ecologically friendly. Members are advised that the application site does not incorporate any land on the opposite side of the River Stour.
- 4.32 The River Stour is identified within the adopted Local Plan as a Special Wildlife Site and as such, Policy NC.2 is relevant when considering the merits of the proposed development. Policy STC.2, as previously detailed, requires redevelopment proposals for the site to seek to safeguard and enhance the natural assets of the site provided by the River Stour in the design and layout of any proposed scheme. In this regard, the albeit indicative layout as submitted clearly demonstrates that the applicants have recognised the significance of the River Stour and the natural asset it provides for the site, by opening out the access to the River in the form of a significant area of open space which runs along the eastern edge of the site, with residential properties afforded views out over this open space and over the River Stour. A riverside walk is notionally indicated along the top of the river bank.
- 4.33 The proposed development offers an opportunity to greatly improve and enhance the biodiversity credentials of the site and the surrounding area, with specific measures proposed to enhance those areas of land adjacent to the River which are under the applicant's control. It should be noted, however, that the south east corner of the application site would sit directly adjacent to the position of the proposed bridge link across the River Stour, as previously indicated as part of the Tesco Stores Ltd submission. The potential impact of the bridge link on biodiversity has previously been accepted and appropriate mitigation measures identified.
- 4.34 As advised previously, the application submission was accompanied by a number of appropriate ecological assessments and surveys. The Council's Countryside and Conservation Officer, as previously identified, raises no objection to the principle of the development. However, concerns have been expressed regarding the protected species surveys which have been submitted to accompany the application. Whilst revised and additional survey work has been submitted, these submissions have not fully satisfied the Council's Officer. However, and whilst in no way wishing to call into question the comments received, Members will have noted that no objections have been received on these grounds from either Worcestershire Wildlife Trust and, most notably, Natural England, who appear happy to accept the work undertaken to date on the basis that suitably worded conditions are imposed which would require all necessary protected species surveys are undertaken and provided at the Reserved Matters stage.

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CONSERVATION AND DESIGN

- 4.35 Stourport-on-Severn is of Georgian origin. It was unusually built to serve the Staffordshire and Worcestershire Canal and basins at the confluence of the River Severn. At the time, the over-riding consideration was industry and transport and this no doubt influenced the architecture with an understated character, but with proportions and features that are clearly Georgian in style.
- 4.36 A small part of the application site falls within Stourport-on-Severn Conservation Area No.1 (i.e. the area which includes two locally listed buildings, forming the gate house to the former Bond Worth factory). The majority of the site falls outside of the Conservation Area and the associated Character Appraisal. However, Policy STC.2 reaffirms the need for proposals to *“preserve or enhance the character of Conservation Areas and the setting of retained buildings”*. In addition, Policy CA.1 seeks for detailed plans to be submitted for development which lies within, affects the setting, or impacts upon views into or out of a Conservation Area. The current application has been made in outline form, and by definition, the level of detail submitted to accompany such an application is restricted. However, the indicative plans have been accompanied by sketch street scene illustrations and the design and access statement provides further illustrations to assist in the consideration of the application.
- 4.37 The aforementioned locally listed buildings are to be retained as part of the proposed development, and the development actually faces out, in part, onto the ongoing Waters Edge development, currently being undertaken by Barratts. Therefore, and whilst acknowledging the usual requirements of Policy CA.1, and notwithstanding the concerns expressed by Stourport Civic Society in this regard, officers are satisfied that sufficient information has been provided to enable an informed decision to be made at this outline stage.
- 4.38 The indicative designs submitted with the application offer promise of a high quality residential environment that would be consistent with the adopted Design Quality SPG and officers consider that this is to be broadly welcomed as a master plan concept. The plans illustrate an area characterised by strong perimeter blocks following a strong Georgian tradition with private secure backs and public frontages. There is a good mix of public, private and communal amenity space illustrated within the scheme, including positive treatment to the River Stour. The mix of different parking approaches including limited number of parking courts, within plot and on street is a welcomed approach from an urban design perspective, as is the illustrative home zone concept. The legibility of the site will be enhanced with strong edges, landmarks and enclosure serving to illustrate a strong sense of place.

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- 4.39 As previously mentioned, a number of important Locally Listed buildings identified in the Severn Road Redevelopment Brief SPG are proposed to be retained and it is reasonable to reinforce their retention by way of condition. It is understood some these buildings are proposed to make up 40% of the proposal commercial element of the scheme. This is seen as appropriate in terms of taking a 'hierarchy of streets' approach to design whereby the most active uses are focussed on the busiest/ most important routes (i.e. Severn Road and the access route to serve the proposed Tesco Stores Ltd development, to the north.
- 4.40 The new build commercial development would take the form of a strategically positioned three storey building at the corner of Severn Road and the new access road to serve both the application site and the proposed Tesco development to the north. By adopting such a location, not only will the proposed new building turn the corner and in doing so present strong elevational details along the two highway frontages, but it would also act as a partial screen between the majority of the proposed development and the proposed petrol filling station to which features within the Tesco Stores Ltd proposals.

S106 OBLIGATIONS AND FINANCIAL VIABILITY

- 4.41 Given the nature of the proposed development, there exists a case for seeking appropriate levels of monetary or other provisions via the mechanism of a Section 106 Agreement, in accordance with the Council's adopted Planning Obligations SPD. Such a scheme as this could reasonably be expected to provide contributions towards:
- Affordable Housing
 - Open Space and Recreation
 - Biodiversity
 - Sustainable Transport (to include Highways Improvements)
 - Education
 - Public Realm
 - Sustainable Development
- 4.42 However, as previously mentioned, the applicants have submitted a detailed Financial Viability Appraisal which challenges the level of contributions which had been initially sought, by Council officers, in response to the representations made via the consultation process based upon the current threshold criteria and calculations set out within the Council's SPD. The claim made is that by imposing the initially requested levels of contribution, the scheme would be rendered unviable. In direct response to the submitted Financial Viability Appraisal, which was only received as recently as July 2010, officers have found it necessary to engage the services of an independent consultancy, RCA Regeneration, who are locally based within Worcestershire, to assist in this matter.

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- 4.43 RCA Regeneration have been able to corroborate some of the claims made by the applicant in their Financial Viability Appraisal which officers acknowledge. RCA Regeneration have also proved effective in challenging some of the assertions made by the applicant. In this regard, Members are advised that negotiations remain ongoing in terms of seeking an appropriate level of contribution, which would not have the effect of rendering the development undeliverable, particularly given the prominence and importance of this gateway site. Members are, however, advised that the full level of contributions which each category might be expected to generate can not be achieved, and as such officers have sought to prioritise the S106 contributions, being particularly mindful of the Council's Corporate Priorities and the location of the site. In terms of affordable house, for instance, the evidence submitted confirms that in the current financial climate even if funding were to come forward from the HCA, the usual 30% level of provision is unachievable. This is regrettable, but on the basis of the evidence, unavoidable. Officers have also been mindful of the Council's own PPG17 Audit work which was undertaken to inform the emerging Local Development Framework, which indicates an over provision of parks and play areas within Stourport-on-Severn. On the basis of this evidence, and not without regret, the issue of open space provision has, on this occasion, been identified as a lower priority than officers would ordinarily suggest.
- 4.44 The nature of the S106 contribution levels is further complicated by the issue of highway improvements and the need to be consistent, in terms of highway contributions, with the considerations made in respect of the Tesco Stores Ltd application(s). This is further complicated if the proposed development becomes the "primary" development on the Carpets of Worth site (i.e. is developed before the Tesco Stores Ltd proposals). This being the case, officers suggest that a two tier level of S106 Obligations might be appropriate, as summarised below. In both cases, a "claw-back" clause is suggested which would allow for a Financial Re-Appraisal at a later stage, should the development not commence in the near future. This is considered to be entirely appropriate, particularly in light of the applicants request for a 5 year period (as opposed to 3 year period) for implementation of the permission, as detailed elsewhere in this report. For instance, were the development not to come forward until towards the end of the requested 5 year period, the global, and national, economic situation may well have changed such that the figures which might be agreed at this stage may no longer be relevant, and the development might then be capable of delivering more in the way of S106 contributions.
- 4.45 Members are reminded that the figures set out below had yet to be confirmed at the time of writing, and an update of the final agreed levels of contribution that the scheme can reasonably be expected to deliver in the current economic climate will be provided via the Addenda and Corrections Sheet.

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Scenario 1: Levels of S106 Contribution if the site is developed before the Tesco development

Affordable Housing – 10% without grant assistance/20% with grant assistance

Transport/Highways - £275,000 – broken down as follows:

- £50,000 – Junction Improvements at High Street/Bridge Street/York Street/New Street junction
- £25,000 – Bus Stop Infrastructure
- £180,000 – Bus Service Support
- £20,000 – Marketing of Bus Service
- Education - £32, 292

Total Financial Contribution = £307,292.

Scenario 2: Levels of S106 Contribution if the site is developed after the Tesco development

Affordable Housing – 10% without grant assistance/20% with grant assistance

Transport/Highways - £50,000 - Junction Improvements at High Street/Bridge Street/York Street/New Street junction.

- potential reduced contribution to Bus Stop infrastructure) Figures
- potential reduced contribution to Bus Service Support) to be
- Potential reduced contribution to Marketing of Bus Service) confirmed

Education - £32,292 + percentage of surplus arising from any reduction in Transport/Highway contribution)
) Figures
) to be

Open Space and Recreation – percentage of surplus arising) confirmed
 From any reductions in Transport/Highway contributions)

Total Financial Contribution = £307,292

4.46 In recommending the above levels of contribution, officers have attempted to balance priorities, need and expectations, but even so difficult decisions have had to be made. In both scenarios, no mention is made of possible Biodiversity; Public Realm; or, Sustainable Development contributions. In this regard, officers have balanced the, albeit indicative, layout and design of the development against any potential contribution requests. The enhancements to the area and the opening-up of access to the river bank, and associated works are considered to deliver genuine improvements in terms of Biodiversity and Public Realm, whilst issues of Sustainable Development can be addressed in more detail at the Reserved Matters stage in terms of design; materials; and, energy sources.

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- 4.47 Members are reminded, that with the addition of the proposed “claw-back” clause, that there is a potential for improved levels of contribution in the future, depending on the timing of the development’s commencement and the financial climate at that time.

PENDING APPEAL AGAINST NON-DETERMINATION OF 09/0588/OUTL

- 4.48 No one could have reasonably anticipated the long and drawn out legal issues that have affected the Tesco applications in respect of the northern half of the Carpets of Worth site. Officers have maintained an open dialogue with the applicant’s agents throughout, but as outlined previously, an identical application to the one currently under consideration was submitted by the applicants in August 2009, for the sole purpose of providing the applicants with an appeal opportunity should they consider it necessary, having failed to appeal against the current application.
- 4.49 The submission of the appeal has proven frustrating for Officers given the lack of response from the applicant’s agents in respect of suggested S106 Obligations, with no response received to the originally suggested Heads of Terms as provided by officers in October 2009 until June 2010 (i.e. after the appeal against non-determination of the later application had been registered with the Planning Inspectorate). Furthermore, the applicants then failed to submit a detailed Financial Viability Appraisal until July 2010.
- 4.50 The Appeal Hearing in respect of the later application (09/0588/OUTL) is due to be heard on 13 October 2010, (i.e. the day after Planning Committee) and with this in mind, as has previously been mentioned, officers are anxious to receive a clear resolution from Planning Committee in respect of the current, identical application, to assist the Inspector at the Appeal Hearing.

OTHER MATERIAL CONSIDERATIONS

Impact on Neighbours

- 4.51 The application has been the subject of wide neighbour notification, a site notice was posted and a press notice published. Members will be well aware of the levels of representations made in respect of the Tesco Stores Ltd proposals to the north of the site. Given that this application site, whilst being situated towards the southern end of Severn Road and thereby closer to an existing industrial/commercial area, does face towards existing residential properties in part, a reasonable level of representations were anticipated. However, as detailed earlier in this report, the actual level of representations received has been low.
- 4.52 The relationship between the proposed residential dwellings, albeit that the layout remains as being indicative only, and existing development is healthy and separation distances between existing and proposed properties are consistently above that which would be expected.
- 4.53 Access into the site would be principally via the proposed access road, which has previously been accepted as part of the Tesco Stores Ltd proposals.

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Contamination

- 4.54 Policy STC.2(v) states that redevelopment proposals (for the site) must take full account of the care needed to develop a site which is contaminated and is liable to flooding. Policies NR.2 and NR.7 of the adopted Local Plan relate to contaminated land and groundwater resources, respectively. Annex 2 of PPS23 provides further guidance as to how proposals on land affected by contamination should be assessed. The application was accompanied by suitable reports, which in turn have been assessed by Environmental Health officers, who have concluded that there is no apparent reason why the site can not be developed as proposed, following appropriate levels of remediation. Suitable conditions to secure further investigation and remediation have been requested. This is consistent with the advice given at the time of the consideration of the application(s) submitted in respect of the site to the north (i.e. the Tesco site).

Flooding

- 4.55 Policy STC.2(vi) requires proposals for the redevelopment of the site to take full account of any flood risk, whilst Local Plan Policy NR.5 relates specifically to development within floodplains. The application as submitted was accompanied by a Flood Risk Assessment which has been considered by the Environment Agency, who have concluded that there would be minimal risk to the proposed development, based upon the indicative layout, and as such no objection is raised, subject to a number of appropriate conditions.

Lighting

- 4.56 Policy NR.12 of the adopted Local Plan relates to the issue of lighting and potential light pollution. The proposed development, in its current outline form, provides no real detail regarding lighting. Appropriate street lighting to serve the development will be necessary, however given the relationship to the "opened-out" river bank, careful consideration will need to be given to the potential impact of lighting, from both the residential and commercial elements of the development, upon ecology/protected species. This will be particularly relevant along the river corridor and in the case of the existing building at the top of the bank which is scheduled for retention and conversion (i.e. the Building shown as "N" within the Design and Access Statement). Suitable conditions are suggested.

Time period for commencement of development

- 4.57 In submitting the application, and as part of the ongoing discussions, the applicant's agent has made a request that, should outline planning permission be granted, that the Council considers a request to extend the planning period from the standard 3 to 5 years, citing the current economic situation and the difficulties in bringing schemes forward within the usual period.
- 4.58 Members are advised that in April 2009, DCLG wrote to all Council's regarding this very matter suggesting that favourable consideration of such requests might be appropriate, on a case by case basis. The powers to do so are in place by virtue of Sections 91(1)(b) and 91(2) of the Town and Country Planning Act 1990 (as amended). Officers are minded to support the applicant's request on this occasion.

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5.0 Conclusions and Recommendations

- 5.1 As stated under paragraph 4.4, in many respects the general principle of development has already been accepted by virtue of the previous Severn Road Development Brief SPG (2001) and Local Plan Policy STC.2, as adopted in 2004. At the time of the previous brief and policy preparation it was perhaps envisaged that the Carpets of Worth site might come forward for development in the form of a single application submission. Clearly this has not been the case, but even so the principles as set out within the brief, and subsequently reinforced within Policy STC.2, have been adhered to within this application submission.
- 5.2 Whilst this application, albeit in outline form, stands to be considered on its merits, there is, in officers' opinion, an inextricable link between the proposals for the north of the former Carpets of Worth site (i.e. the Tesco Stores Ltd proposals) and the south of the site, and therefore a piecemeal approach to considering the merits of the current application is not appropriate, despite the applicant's assertions to the contrary. This is particularly the case in respect of the policy requirement for the provision of the bridge link over the River Stour to provide the link to Discovery Road and beyond as clearly stated with Policy STC.2, regardless of the conclusions of the applicant's Transport Assessment.
- 5.3 The site forms part of the gateway to the Severn Road redevelopment area and a quality development is essential to help deliver the regeneration aspirations for Stourport-on-Severn. Equally critical to these aspirations is the delivery of the link across the River Stour, which will provide a further phase in the long held plans for the provision of the Stourport Relief Road.
- 5.4 The application, and the indicative layout, offers a promise of a high quality residential lead development, and is broadly welcomed as a master plan concept to guide subsequent Reserved Matters submissions. There is no doubt that the devil will lie in the detail, however the combination of strong perimeter blocks, combined with secure backs and public frontages, allied to the enhancements of the river bank all give cause for optimism.
- 5.5 As detailed previously, the application, whilst capable of delivering some enhancements in terms of S106 Obligations, regrettably, in the current economic climate satisfy all of the Council's usual aspirations. There is, however, the potential for some "claw-back" in the future, depending on the prevailing economic climate at that time.
- 5.6 Whilst the application is considered to be in general accordance with Wyre Forest District Local Plan policies, as outlined above, there remains the outstanding matter of objections from Environmental Health Officers based upon the air quality data and assessment provided. This cannot be overlooked. In this regard dialogue between the relevant parties continues, however at the time of writing officers are unable to predict whether an agreement between the parties will be made in time for Planning Committee.

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5.7 Being mindful of the impending appeal hearing in relation to the identical application (09/0588/OUTL) as referred to earlier in this report, despite the as yet unresolved matter of air quality it would still assist officers if a clear resolution could be made by Members. On this basis, it is therefore recommended that **delegated** authority be granted to **APPROVE** the application subject to:

- a) a satisfactory conclusion to ongoing negotiations relating to the issue of air quality, and a formal no objection response being received from Environmental Health Officers of Worcestershire Regulatory Services.

If, however, no agreement is reached within 2 months of the date of this Committee, a further report be brought before Planning Committee for consideration.

- b) The signing of a **Section 106 Agreement** to secure the following:

Scenario 1: Levels of S106 Contribution if the site is developed before the Tesco development

Affordable Housing – 10% without grant assistance/20% with grant assistance

Transport/Highways - £275,000 – broken down as follows:

- £50,000 – Junction Improvements at High Street/Bridge Street/York Street/New Street junction
- £25,000 – Bus Stop Infrastructure
- £180,000 – Bus Service Support
- £20,000 – Marketing of Bus Service
- Education - £32, 292

Total Financial Contribution = £307,292.

Scenario 2: Levels of S106 Contribution if the site is developed after the Tesco development

Affordable Housing – 10% without grant assistance/20% with grant assistance

Transport/Highways - £50,000 - Junction Improvements at High Street/Bridge Street/York Street/New Street junction.

- potential reduced contribution to Bus Stop infrastructure) Figures
- potential reduced contribution to Bus Service Support) to be
- Potential reduced contribution to Marketing of Bus Service) confirmed

Education - £32,292 + percentage of surplus arising from any)
 reduction in Transport/Highway contribution) Figures
) to be

Open Space and Recreation – percentage of surplus arising) confirmed
 From any reductions in Transport/Highway contributions)

Total Financial Contribution = £307,292

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c) The following conditions:

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.
4. The reserved matters application(s) shall follow the principles for the development of the site as established by the submitted details which accompanied the outline application, albeit that those details are entirely for illustrative purposes only. Development shall not exceed:
 - a) 159 dwelling units in total
 - b) 3,300 sq. metres commercial floorspace, of which;
 - i) 1,400 sq. metres shall be via refurbishment of existing buildings,
 - ii) 1,900 sq. metres shall be via new build
5. Prior to the submission of any of the reserved matters applications, a design code for the development of the site shall be agreed, in writing, with the local planning authority. The design code shall set out a palette of proposed materials, finishes and architectural detailing which will be adopted throughout the development and shall be incorporated into future detailed submissions in respect of the site.
6. The development hereby approved shall be carried out strictly in accordance with the following plans/drawings:

(SK)01 – Location Plan
(SK)08 Rev D – Site Layout Plan (insofar as it is provided for indicative purposes only)

stamped "Approved" unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

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7. No development shall take place until such time as a new road and bridge link has been provided across the River Stour thereby linking the site and Severn Road to Discovery Road, in accordance with a detailed scheme for the provision of said road and bridge link to first have been agreed, in writing by the Local Planning Authority, in consultation with Worcestershire County council, in its role as the relevant Highway Authority.
8. No development shall take place until samples of types and colours of all external materials, including hard surfacing have been submitted, in accordance with a previously agreed design code, to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. The samples required by the above condition 7 shall be provided by the erection on site of a 1 metre square sample panel of brickwork, including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority.
10. No development shall take place until detailed plans and sections of the proposed windows and doors at a scale of 1:20 together with details of proposed finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority
12. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - <- Existing and proposed finished levels or contours>
 - <- Means of enclosure>
 - <- Car parking layouts>
 - <- Other vehicle and pedestrian access and circulation areas>
 - <- Hard surfacing materials>
 - <- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)>
 - <- Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.)>
 - <- Retained historic landscape features and proposals for restoration, where relevant>

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Soft landscape details shall include:

- <- Planting plans>
 - <- Written specifications (including cultivation and other operations associated with plant and grass establishment)>
 - <- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate>
 - <- Implementation timetables>
13. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
14. No development shall take place until details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the volume of material to be imported to/exported from the site, the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, and the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.
15. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.
16. No development shall take place until an investigation of the site has been undertaken to quantify the type, extent and concentration of any contamination which may exist. The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The brief shall include the Local Planning Authority's stipulations as to the methodology of the investigation and the points at which and the depth of which any survey of the site is to be taken. The results of the investigation shall be provided to the Local Planning Authority and shall include recommendations in the form of a proposed scheme of remediation and foundation design, protection and implementation. The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive. No development shall take place until the Local

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Planning Authority have approved a scheme for remediation and foundation design protection and implementation. The scheme once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided to the Local Planning Authority before the development is first brought into use

17. No development shall commence until a Remediation Strategy for dealing with the risks associated with the contamination of the application site has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall cover the following:
 1. a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site including sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site
 2. a site investigation scheme, based on 1. above, to provide information for a detailed assessment of the risk to all receptors which may be affected, including those off site
 3. the site investigation results and the detailed risk assessment 2. and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures and site remediation criteria required and how they are to be undertaken
 4. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3. are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and be completed before the development is first occupied.

18. If, during development, contamination not previously identified, is found to be present at the site then (unless otherwise agreed in writing with the Local Planning Authority) no further development shall be carried out until an amendment to the approved Remediation Strategy, which shall detail how this contamination shall be dealt with, has been submitted to and approved by the Local Planning Authority in writing.
19. No development shall take place until details have been submitted to the Local Planning Authority showing the envisaged effect of the development on all existing watercourses and ditches on or within the vicinity of the site, and, a scheme of works or protective measures in respect of such existing water courses and ditches and the timing of these works has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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20. There must be no discharge of surface or foul water to any ditch or watercourse.
21. No infiltration of surface water drainage into the ground shall be permitted other than with the written consent of the Local Planning Authority.
22. No development shall take place until a scheme for the noise insulation of the residential accommodation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.
23. No development or any excavation works shall commence until a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority identifying a programme of archaeological work including details of all works and a timetable for such works. Such scheme of investigation submitted for approval must have been prepared by an archaeologist approved by the Local Planning Authority. The programme shall indicate the degree of supervision by an archaeologist approved by the Local Planning Authority that is proposed for the archaeological work and no development or any excavation works shall take place until the programme has been completed.
24. The developer shall afford access to the application site at all reasonable times during construction of the building(s) hereby permitted to the County Archaeologist or an archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavation and record items of interest and finds.
25. Prior to commencement of the development hereby permitted engineering details of the Highway Improvement works detailed in the TA and indicatively shown on the appended drawings to the TA shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.
26. No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.
27. Piling or any other foundation designs using penetrative methods shall not be permitted unless in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. In such circumstances the development shall be implemented and completed in accordance with those approved details.

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28. No development shall commence until surface water and foul water drainage details, which shall include a scheme for the provision and implementation of surface water run-off limitation and sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is first occupied.
29. Finished floor levels should be set at a minimum of 21.1 metres above ordnance Datum (m AOD), this being at least 600mm above the 1 in 100 year fluvial flood event plus climate change flood level of 20.5m.
30. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details. The approved compensation scheme must be implemented concurrently with the approved development and completed before the development is brought into use.
31. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within eight metres of the top of any bank of the river Stour, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.
32. No development shall commence until a scheme for protecting the existing dwellings which front the site (in Severn Road/Stour Lane and Mitton Street) from noise and vibration from the site during the construction works has been submitted to and approved in writing by the Local Planning Authority; all measures which form part of the scheme shall be strictly adhered to throughout the period of construction.
33. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority for the suppression of dust from the site during construction; all agreed details shall be implemented throughout the course of the development.
34. No development shall commence until wheel cleaning apparatus has been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during the construction of the development hereby approved.

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35. No development shall commence until details of parking for site operatives and visitors during construction works has been provided to and agreed in writing by Local Planning Authority. Such parking shall remain available for this purpose throughout the period of construction of the development.
36. There shall be no construction or engineering works carried out on the site outside of the hours of 0800 to 1900 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays, and no works whatsoever on Sundays or Bank Holidays.
37. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including the use of sustainable drainage systems compatible with the ground water investigation results, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate a 20% reduction in surface water run-off for all events up to the 1 in 100 year event with climate change.

The drainage works shall be completed in accordance with the details and timetable agreed.

38. No development approved by this permission shall be commenced until a scheme for the provision and implementation of riverside corridor and landscaping works which shall include measures to increase flood storage along the River Stour, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

The approved compensation scheme shall be completed before the development is brought in to use and have regard to fluvial betterment for the Severn Road area and the River Stour corridor.

39. No development shall take place on site, to include site clearance and remediation, until such time as a revised Phase 1 Habitat Survey has been undertaken, along with full and comprehensive protected species surveys which shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England.
40. No development shall commence until a detailed Restoration and Mitigation Plan for the restoration and enhancement of the River Stour Corridor (west bank) within the application site has been submitted to and approved by the Local Planning Authority in writing. That Plan shall include:
 - Detailed measures for the removal of the existing sheet piling and the re-grading of the river bank

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- A detailed Environmental Protection Scheme, the contents of which shall be agreed in writing beforehand with the Local Planning Authority, to provide a timetable for these works and details of measures to avoid disturbance and the impact of these works on the River Stour itself.

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the approved plan has been implemented and completed in accordance with the agreed timetable.

41. No development shall commence until a detailed landscape and Biodiversity Plan, to improve and enhance the biodiversity of the site, has been submitted to and approved by the Local Planning Authority in writing. That scheme shall include:

- Landscaping and planting details
- Proposals for the provision of nest tunnels and holts
- Nest and roosting boxes throughout the site
- Proposals for the ongoing management and maintenance of the corridor, to ensure its long term contribution towards biodiversity enhancement once the enhancement measures have been implemented in accordance with the approved plan
- A detailed proposal for the implementation and completion of the Plan

Unless otherwise agreed in writing with the Local Planning Authority or in accordance with the agreed scheme for the implementation of the Plan, the development shall not be occupied until any physical works required by the approved Plan have been implemented and completed.

Reason for Approval

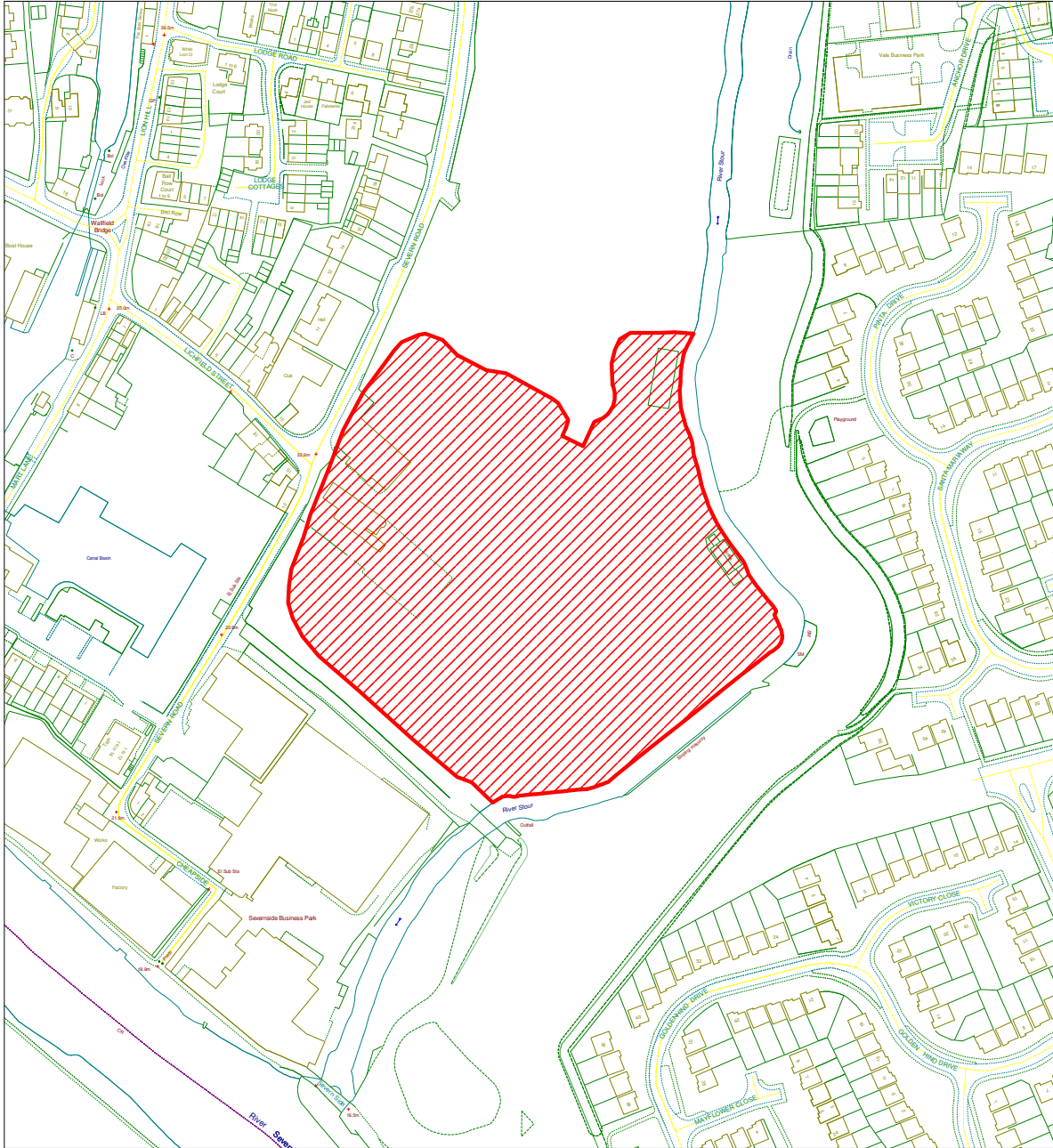
The principle of development on this urban brownfield site in close proximity to the town centre is in accordance with national planning policies regarding sustainable development. The proposed development, albeit that the plans submitted are purely for indicative purposes, is in accordance with the Severn Road Development Brief and Policy STC.2 of the Adopted Wyre Forest District Local Plan. The development has been assessed in terms of the highway implications; potential impact upon existing residents; impact and relationship to the adjacent Conservation Area; impact upon locally listed buildings and no detrimental impact has been identified. All relevant environmental implications have been considered and the impact of the development has been assessed in terms of biodiversity and ecology and, subject to suitable conditions and mitigation measures has been found to be acceptable. The application has been assessed against the relevant policies of the Adopted Wyre Forest District Local Plan, as set out at the head of this report, and subject to S106 obligations and relevant conditions is considered to be acceptable.

Date:- 31 August 2010

OS sheet:- SO8171SW

Scale:- 1:2500

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Former Carpets of Worth Factory
Severn Road
Stourport**

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	08/1044/FULL	Date Received:	12/11/2008
Ord Sheet:	383741.55820845 275031.12522225	Expiry Date:	11/02/2009
Case Officer:	Julia Mellor	Ward:	Offmore and Comberton

Proposal: Erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works (Resubmission of 07/1165/FULL)

Site Address: FORMER VICTORIA SPORTS FIELD, SPENNELLS VALLEY ROAD, KIDDERMINSTER,

Applicant: Victoria Carpets Ltd

Summary of Policy	D.1, D.3, D.4, NR.1, NR.5, TR.9, TR.17, TR.18, TR.19, LR.1, LR.9, TM.2, RT.13, IMP.1 (AWFDLP) SD.2, SD.3, SD.4, CTC.5, CTC.6, CTC.8, CTC.8, CTC14, CTC.15, D.31, T.1, T.4, T.10, RST.14, RST.15, RST.16 IMP.1 (WCSP) PPS1, PPS4; PPS9, PPG13, PPG17, PPG24, PPS25
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site encompasses an area of approximately 2.2 hectares and is located at the junction of Chester Road South and Spennells Valley Road. Kidderminster Golf Course lies to the north and east, residential properties lie to the west beyond Chester Road South with industrial premises lying to the south beyond Spennells Valley Road.
- 1.2 The site was previously laid out as a cricket pitch with an associated pavilion. It has, however, been disused since autumn 2003 when Victoria Carpets facilitated the merger of its social cricket club with the Kidderminster Cricket Club. The playing pitches have not been used since this merger and the pavilion has been demolished.
- 1.3 The site accommodates a number of protected trees located primarily along the south-east, the south and western boundaries which were protected by Tree Preservation Order No.280 in 2004.
- 1.4 The application has been submitted by the landowners Victoria Carpets.

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1.5 The application proposes three elements as follows:

- a bowling club comprising a six rink indoor bowling facility with ancillary accommodation including changing rooms and toilets, bar, lounge, games area and office space together with the provision of two outdoor greens. The bowling club would provide new premises for the Chester Road Bowling Club who are proposing to relocate to the application site. This move is to be part funded by the sale of their existing site for housing. A report regarding the current planning application for 26 affordable dwellings at the Chester Road site can be found on this agenda (Ref. 10/0382/FULL)
- a 53 bedroom budget hotel; and
- a pub/restaurant including manager's accommodation at first floor together with a paved area for external drinking and children's play area.

1.6 The site access would be via a new entrance off Spennells Valley Road. A new pedestrian route is also shown from Chester Road South. A total of 177 parking spaces are proposed including 10 disabled spaces.

1.7 The current application has been submitted together with the following supporting documents:

- Supporting Planning Statement
- Addendum to Supporting Planning Statement in respect of PPS4
- Environmental Noise Report
- Surface Water Drainage Strategy
- Revised Transport Assessment
- Report on Floodlighting to Bowling Club Outside Greens
- Flood Risk Assessment
- Phase 1 Habitat Survey and Protected Species Survey Assessment
- Additional Environmental Noise Report
- Design and Access Statement (Proposed New Bowling Centre)
- Design and Access Statement (Proposed Hotel Development)
- Design and Access Statement (Proposed New Public House/Restaurant)
- Travel Plan Framework

2.0 Planning History

2.1 WF.0154/05 – Full: Erection of 50 bedroom hotel with integral restaurant together with associated access, car parking and landscaping works : Withdrawn

2.2 07/1165/FULL – Erection of hotel (C1), public house/restaurant (A3), indoor/outdoor bowling facility (D2), access, car parking, landscaping and associated works : Withdrawn

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3.0 Consultations and Representations

3.1 Highway Authority – No objections subject to conditions regarding:

- Visibility splays
- Secure parking for 20 cycles
- Implementation of parking spaces for 177 cars and the loading and unloading of commercial vehicles
- Scheme to be submitted and agreed regarding areas for the manoeuvring, parking, loading and unloading of vehicles
- Details of right turning facility to be submitted and agreed
- Details of wheel cleaning apparatus to be submitted and agreed
- Means of vehicular access to be from Spennells Valley Road only
- Details of parking for site operatives and visitors
- Development to be implemented in accordance with submitted Travel Plan.

3.2 Environment Agency – The majority of the site is located within Flood Zone 3 based on our ‘indicative’ Flood Zone Map. As part of the planning application, a Flood Risk Assessment (FRA) was undertaken. Whilst PPG25 has been superseded by PPS25 in general we were satisfied with the contents of the FRA which included consideration of the impacts of climate change.

In the absence of flood level data the FRA has undertaken an assessment of flood risk for the Hoo Brook using a HEC-RAS model and given consideration to the presence of structures and the possible blockage of culverts during a flood event. The FRA provides a 1% flood level of 31.6m AOD and a 1% plus climate change (20% allowance) flood level of 31.8m AOD. The FRA details the siting of the proposed public house and restaurant/hotel building on the site at an existing elevation of approx. 31.7m/31.8m AOD, with the area for the indoor bowling facility at an elevation of about 32.0m AOD. The FRA therefore confirms that the proposed buildings are situated on the edge of the 1% plus climate change floodplain.

Consideration has been given to safe development requirements and the FRA identifies a safe pedestrian access route onto the A449 at a level of 33.8m AOD. The FRA also commits to setting finished floor levels of the proposed buildings no lower than 32.4m AOD, which is 600mm above the 1% plus climate change level of 31.8m AOD. We would recommend a condition to secure that the finished floor levels be set no lower than 32.4m AOD.

Level 2 Strategic Flood Risk Assessment (SFRA):

Since our previous response to the planning application your Council's Level 2 Strategic Flood Risk Assessment (SFRA) has been completed (March 2010). As part of the Level 1 SFRA it was identified that there were misalignments in the Hoo Brook Flood Zones. Therefore additional analysis was undertaken as part of the Level 2 SFRA by Royal Haskoning to identify more accurately the flood risk along the watercourse. Updated flood extents

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based on an ISIS model constructed by Royal Haskoning shows that the site is located outside of the 1% (100 year) and 0.1% (1000 year) flood extents. The Level 2 SFRA therefore identifies the site as being located within Flood Zone 1, where there is a low probability of flooding.

Surface water Runoff:

We would refer to the comments made in our previous response regarding the Surface Water Drainage Strategy submitted with the planning application. The strategy makes a commitment to utilising Sustainable Drainage Systems (SuDS) in attenuating up to the 1% plus climate change flood event and designing for exceedence within the car parking area. As mentioned in our previous response any flow to the Hoo Brook should be controlled to Greenfield runoff rates with storage to accommodate the 1% plus climate change flood event. To secure the above we would recommend the following updated condition which requires a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems, as detailed within the Flood Risk Assessment and Surface Water Drainage Strategy. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. We would also recommend that you consult with your Land Drainage Officer.

3.3 Watercourse Officer – Awaiting comments

3.4 Severn Trent Water – No objections subject to condition

3.5 Worcestershire Wildlife Trust – (*Response to original habitat survey submitted with current planning application*). We note the contents of the ecological survey and we are pleased to support the recommendations within it. We also note that the bird and bat boxes are shown on the landscaping plan and we would suggest that these are covered in an appropriate condition. We would further recommend that you append an informative note to any permission you may be minded to grant reminding the applicants of their responsibilities with respect to protected species and especially great crested newts.

3.6 Countryside and Conservation Officer

Bats - the ecological survey presents the case that the site currently has a low potential for bats currently using the site to roost or hibernate, however the site has good potential for enhancement in this area as it is well connected to open countryside. The report recommends that bat and bird boxes be erected to provide this enhancement under PPS9. The drawing showing this enhancement falls short of the recommendations in their report, as all the boxes are mounted on trees and does not include bat tiles, bricks and building mounted boxes as recommended. Their report highlights the significance of appropriate lighting for bats and no evidence of how the development proposes to tackle this has been given. I am now happy that there will be no impact to bat roosts as part of this development. However the report states the entire site does support forage for bats. No qualification of

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the importance of this was given as no surveying of this nature was undertaken. Therefore it is difficult to quantify if the recommended bat box related mitigation is sufficient or if it would be required to implement landscaping. In their 2009 ecological report it states strong lighting should be avoided. Hence I believe that the lighting and the proposed floodlighting of the site has not been relayed to the ecologist for them to comment on the related likely impact on bats.

Have they now determined their chosen method of dealing with surface water run off? Discharge into the Hoo might be ecologically interesting; some flooding and environmental biodiversity data here will be needed. A proper SUDS scheme on site would certainly help with biodiversity mitigation.

Great crested newts - there is a pool within 10m of the development, this may have the potential to support great crested newts. No surveying of this pool has been done as it is not in the ownership of the developer. It should be requested that this pool be surveyed to estimate its potential for great crested newts. If the pool is surveyed and it is determined there is not or a very unlikely potential of great crested newts the all is fine. If the pool is surveyed and there are great crested newts then mitigation must be put in place prior to granting planning permission (if great crested newts are using the development site the application would be unlawful unless the developer can provide suitable mitigation). If it is impossible to gain access to the pool then the application will need to be conditioned to have an ecologist present to check for the presence or absence of newts during the site clearance phase of the development. Provision should be made for some hand searches of the most likely terrestrial newt habitats (the ecological reports guidance that the work force be given an identification sheet of what great crested newts look like, is a bit weak given that the site clearance will no doubt be done mechanically). If during this phase great crested newts are found then the development will need to be halted whilst a mitigation strategy and Natural England licence is put into place to mitigate against losses to great crested newts this may have a significant impact on the proposed development.

Birds - works to the trees need to be conditioned not to impact of nesting birds. Secondly the proposed inclusion of bird boxes is a very limited action as the boxes intended will target blue tits and do little for other potential species. The inclusion of swift boxes on the buildings as recommended by their ecological report would remedy this.

- 3.7 Natural England – We welcome the re-submission of this application with an updated ecological assessment and commend the Council’s decision to uphold our previous objection on grounds of non-compliance with PPS9. As our main concern regarding this application has now been dealt with we do not object to the proposed development subject to the inclusion of appropriate conditions as follows:

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- There is a pond on the adjacent golf course approximately 10 metres from the site's boundary. As common toad and frog are known to be in this area it is conceivable that other amphibians including great crested newts may be using the pond. Great crested newts are protected under Conservation (Natural Habitats, and etc.) Regulations 1994 and the Wildlife and Countryside Act 1981 (as amended). Legal protection covers newts and elements of their habitats. The applicant and workforce should be aware of this legal protection. The phase One Habitat Survey recommendation to conduct a habitat suitability index assessment on this and any other ponds within 500 metres of the site should be secured through a planning condition, to be discharged prior to the commencement of works on the site, including clearance. In the event of great crested newts being encountered during development, work must be halted immediately, Natural England contacted and specialist advice sought from a suitably qualified and licensed Herpetologist. As recommended in the submitted habitat survey, the workforce should be provided with an identification guide to enable them to recognise any newts that are encountered. The applicant and developers should be aware that if great crested newts are found to be present, a licence from the Wildlife Licensing Unit at Natural England would be required in order to allow prohibited activities before any work can be overtaken.
- Any works impacting vegetation should be carried out outside the bird nesting season, i.e. early March to September, in order to ensure compliance with the law. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). If works are to be undertaken during these months, then a suitably qualified Ecologist must be engaged prior to any work commencing to check for nesting birds and advise accordingly on the most appropriate way to proceed. This should be secured through an appropriately worded planning condition.
- As recommended in the submitted Habitat Survey, in the extremely unlikely event that any badgers are found to have occupied any part of the site during the course of the proposed works, works should be immediately halted and Natural England informed and allowed time to advise on the best way to proceed.
- During construction, any open trenches should be covered at the end of the working day and a 45 degree exit ramp of soil or wood should be installed to enable any animal that may fall into the excavation to escape. This should be secured through an appropriately worded planning condition.
- All trees to be retained must be protected during construction in accordance with BS 5837/2005. This includes the use of exclusion fencing to prevent root compaction and exclusion extends to the storage of materials. This should be secured through an appropriately worded planning condition.
- The inclusion of bird and bat boxes should be secured through an appropriately worded condition.

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- Lighting near to existing and new ecological features must be low powered, downward pointing and preferably at ground level, in order to minimise the disturbance of wildlife. This should be secured through an appropriately worded planning condition.

We are disappointed that our recommendations regarding drainage and energy have not been taken onboard. We would like to reiterate that this development should be built of high sustainability standards, including energy efficiency and renewable energy. The drainage of the site afforded an opportunity to help re-wet Wilden Marsh and Meadows SSSI, and it is regrettable that this opportunity has not been taken.

3.8 Environmental Health (Food / Health & Safety) - Ensure that there is adequate toilet provision. Ensure that the layout and design meets the requirements of the Health and Safety at Work Act 1974, that the Workplace, Health, Safety and Welfare Regulations 1992. Ensure that the plan includes kitchen/food preparation areas. The premises will need to register with Environmental Health as food premises and include details of the internal layout.

3.9 Environmental Health (Pollution Control) – With regard to the most recent RPS report on noise I confirm that the content is comprehensive and addresses all of the noise elements associated with a development of this kind.

I would therefore recommend that the findings and recommendations of this report relating to glazing and the assumption made on noise emissions from external plant should be applied which will maintain noise levels at existing dwellings within current BS 8233 :1999 - WHO guidelines.

In relation to the flood lighting report completed by RPS Gregory I would make the following comments.

It appears that the report has been written for assessing the suitability of the lighting scheme for the intended sports activity and has been subsequently adapted for the purposes of showing light spillage/impact on the surrounding environment.

The lighting schematic calculates light distribution on the horizontal plane with no account for vertical light projection which is required for subjective assessment of the impact of the light amenity of the area.

In addition to this I gather from the report that the actual horizontal light spillage is greater than that reported in the report summary and this can be seen from the modelled light distribution which suggests that light will vary between 1-2 lux at 18m and worst case 4-5 lux at 18m contrary to the value submitted in the conclusions of 1 lux at 14m beyond the sports area.

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There is also an assumption in the report that the trees on the boundary will provide a natural screen to the flood lighting, and I am sure that this will be the case, however this is unlikely to be the case during winter months.

With the above in mind, I would suggest that the report does not address light pollution issues in relation to the local residents, therefore I cannot properly determine the likely impact of the development.

3.10 West Mercia Police (Crime Risk Advisor) – no response

3.11 Community and Partnership Services - The proposed development falls within a protected open space and therefore any development within this area will require compensation for the loss of public open space. Additionally, the area is a recognised sporting facility for the community, albeit in a neglected condition at present. Any permitted development will require the need to provide new replacement sporting facilities or a financial contribution to the value of such a provision. The current provision includes changing facilities, pavilion, associated off-street parking and adequate drainage and playing surfaces to meet the needs of cricket in line with Sport England guidance for construction of such facilities. The exact location of such a provision and future management of the facility will need to be agreed by the Council as a condition of the approval but will be in accordance with PPG17 at a location where new provision will have a catchment area that encompasses the proposed development. Are the proposed bowling facilities on site to be provided by the developer or Chester Road Bowling Club? If the latter then the developer has not made any financial contribution to sporting facilities? *(Officer Comments – Due to the time which has elapsed since the submission of the application, the original consultation process and the subsequent negotiations up to date comments from Community and Partnership Services have been sought and will be reported by the Addenda and Correction sheet).*

3.12 Street scene - We consider the provision of a hotel and licensed premises will add to the requirements for street cleansing and the management of litter in the area and on surrounding highways, would seek a contribution towards the cleansing activities which is calculated to be in the form of commuted sum of £15,000.

3.13 Sport England – Further to our recent discussions and my previous letter dated 25 January 2010, regarding the above planning application, Sport England has reassessed again, the planning application in relation to our Planning Policy Statement ‘A Sporting Future for the Playing Fields of England’. We have set out below how Sport England has considered the proposal against each exception. A brief summary of these policy exceptions are set out below.

	Sport England Policy (PPG17 Criteria)
	Summary of Exception
E1	An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport

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E2	The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches
E3	The Development only affects land incapable of forming part of a playing pitch and the would lead to no loss of ability to use/size of playing pitch
E4	Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility
E5	The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field

I note that the proposed development is for the erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works. I note that there is a loss of approximately 2.2 Hectares of playing field area. It is my view that this application is not a statutory planning application for Sport England as the playing fields have not been used for over 5 years. Notwithstanding this, the loss of the playing pitch area has been assessed against Sport England’s five policy exceptions.

There is no current robust local authority assessment, the one carried out in 2002 is considered to be out of date. It is therefore considered that our planning policy E1 does not apply. The proposal is not for an ancillary use to the playing fields therefore Policy E2 does not apply. The area has been used as a cricket pitch so Policy E3 does not apply. The applicants are not proposing to replace the area which is to be lost therefore E4 does not apply. The application is in part, for an indoor and outdoor sports facility so Policy E5 could apply. It is the applicant’s implied contention within their conclusions that the provision of an indoor bowling facility with outdoor rinks meets the E5 criteria in their Supporting Planning Statement. This is echoed in section 4 of The Sport England Briefing Note 2006.

As I mentioned in my previous letter, 25 January 2010, I set out a number of concerns regarding the financial sustainability of the project and the justification for re-locating to this site, these issues have not been addressed yet. I would also like to reiterate, that I am concerned about the club’s security of tenure with moving from a freehold site to one which is leasehold.

Notwithstanding this, I am convinced as I have stated above, that there is a need for an indoor bowling rink in this geographic location. The designs of the new sports facilities, in my opinion are very good, but it would have been better to have had the design reviewed by MADE. I note that the English Indoor Bowling Association is supportive of the scheme; however it is not clear if they are in support of the financial case.

Turning to the non-sport element of the application; hotel and public house/restaurant and access, associated landscaping and car parking, the applicants are presenting this as enabling work to support the bowling. Sport England does not have a policy allowing enabling work, therefore despite the proven need for the bowling element of the application, there is no justification for the hotel and public house.

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I have considered all the facts and merits of the planning application before me and have concluded that Sport England a non-statutory objection to the granting of planning permission for the erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works.

3.14 Arboricultural Officer –The site has a number of trees around its perimeter, many of which are protected within TPO 280 (2004). The location of the trees and the size of the site results in very few losses to facilitate the development. The tree survey submitted as part of the application is very impressive and covers all the necessary points to ensure that the development does not have a detrimental effect on the trees to be retained. Overall the application is acceptable and there are only minor losses to facilitate the proposed development. The majority of the proposed landscaping is acceptable, however there a few issues with plan 4 of 5, that I would like to see resolved

1. I am not happy with the choice of 2 x *Acer saccharinum* and 1 *Acer platanoides*. I would prefer to see native trees.
2. The size of the new oak to be planted, by the entrance from Spennells Road, is currently 10-12 cm and would like to see a much bigger tree planted there. The species choice is fine, but 16-18 cm would give instant impact.

The planting spec is acceptable; however there isn't any information on maintenance, which will need to take place for the next 5 years. This will need to include weeding, watering, replanting vandalised or trees that die and the removal of stakes and ties when necessary.

Recommendations:

I have no objection to the proposed development and landscaping, however there will need to be conditions to address the points I've raised above.

1. Protection of the retained trees will need to be in accordance with the submitted tree survey and BS5837:2005. This will include using no-dig methods of construction for the new pedestrian accesses.
2. Native alternatives for the 2 *Acer saccharinum* and 1 *Acer platanoides* should be submitted.
3. The new oak at the proposed access from Spennells Valley Road should be larger and I would like to see the girth to be 16-18cm.
4. Details for the maintenance for the first 5 years need to be submitted.

3.15 Policy and Regeneration Manager - The site is allocated in the Adopted Local Plan as 'Urban Open Space: Playing Fields and Sports Pitches' and is subject to Policies LR.1 and LR.9 [there is a typographical error on the Proposals Map which implies LR.14 is relevant but this is clarified in the published Addendum]. These policies are themselves reflective of PPG17.

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Policy LR.1 requires the applicant to demonstrate 'exceptional circumstances' when equivalent or improved complementary provision is made in a suitable alternative location. It is for the applicant to demonstrate this is sufficient to outweigh against the loss or reduction of such greenfield open space areas. Paragraph 11.12 of the Reasoned Justification highlights the relevant extract of PPG17 (2002) that "*existing open space, sport and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or buildings and land to be surplus to requirements*".

Comment A: The applicants have demonstrated that the Victoria Carpets site is surplus to requirements as open space for sports and recreation. The clubs that were once associated with this site have long since found alternative accommodation and the site has now been inactive for in excess of 5 years and has become overgrown. As such, the provisions of the Playing Pitch Directive (which applies for 5 years from the last use of the playing pitch), which ordinarily seeks to protect such spaces for sport fails to be considered. The fact that the site has been vacated and unused also means that it was not given formal consideration as part of the Wyre Forest District PPG17 Audit undertaken to inform the Local Development Framework. In addition the Victoria Carpets site forms part of a much larger series of urban open spaces including Kidderminster Golf Club which lie immediately adjacent to the site and the nearby Spennells Valley which offers recreational and play opportunities. This serves to limit the net impact on the wider local amenity.

The provision of a significantly enhanced professional bowling centre including outdoor and indoor greens (for the first time in Kidderminster) together with the significant (£100,000) off-site contributions could be considered to represent an exceptional opportunity to create a sustainable sport and open space infrastructure in the area. Furthermore, the hotel proposal would cater for a significant gap in the hotel bed market where there is a recognised shortage of quality budget bed spaces. Currently there is no representation from the national budget hotel groups within the Wyre Forest District.

Policy LR.9 seeks to protect pitches for their contribution to sport and for their valuable urban amenity role. The Policy states that proposals for development on the scale of this proposal which involve a reduction or loss of playing field sites will not be allowed unless alternative or improved provision of at least equivalent community benefit is made available.

Comment B: See above which explains how the loss of the open space has been compensated with a significant additional community benefit in terms of access to state of the art bowling facilities and enhancements to White Wickets.

Other relevant Local Plan Policies:

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Policy NR.1 states that proposals involving the development of greenfield land will normally only be permitted where it can be demonstrated that there are no suitable previously developed (brownfield) sites available.

Comment C: This has been demonstrated through the suitable application of the sequential approach to site selection (see comments regarding PPS4 below) and the exceptional circumstances set out in Comment A (above).

Policy TM.2 is a proactive policy encouraging hotel development in Kidderminster Town Centre other than small scale development.

Comment D: This has been addressed through the suitable application of the sequential approach to site selection (see comments regarding PPS4 below).

National Planning Policies:

PPS 4 – requires proposals that secure *Sustainable Economic Growth* to be treated favourably. To determine whether proposals are sustainable proposals for economic development, which include town centre uses and leisure facilities, should be assessed against various criteria including consideration of environmental issues including:

- 1) Limiting carbon emissions and providing resilience to climate change;
- 2) The proposal is accessible by a choice of means of transport and traffic management measures have been secured;
- 3) The proposal secures high quality design;
- 4) Impact on economic and physical regeneration; and
- 5) The impact on local employment.

Comment E: The application addresses these as follows:

- 1) All buildings are to be designed to meet and where possible exceed Building Regulations Part L and the use of energy efficient techniques and equipment. The scheme also proposes the introduction of a Travel Plan to promote a choice and means of travel to the site;
- 2) A Transportation Assessment and Travel Plan Framework have been prepared in consideration of the proposals and these make provision for a number of benefits to pedestrians and cyclists including safe and convenient crossing points for Chester Road South and Spennells Valley Road and a new 2m wide footway along Spennells Valley Road. These will help connect the site to local cycle and pedestrians routes including routes to Comberton Hill and the town centre via Worcester Road;
- 3) Design of the proposed buildings have taken cues from nearby well-designed modern commercial premises including the Amada factory and care has been taken to ensure that the designs for the hotel/ pub and the bowling centre and associated car parking are linked. Retention of existing landscape elements including the hedgerow and trees, is a key part of the design and this will be enhanced by further screening;

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- 4) Kidderminster is in need of quality budget hotel accommodation which will assist in catering for a gap in the local visitor economy for both leisure and business travellers which in turn will have positive impacts on the image of the district as a business location;
- 5) The scheme will in itself create new employment opportunities.

PPS 4 – Planning Applications for Main Town Centre Uses – These uses are defined in the introduction to the PPS and include pub/restaurants and hotel development. This requires two tests to be undertaken. Firstly, a sequential assessment (EC15) is required for planning applications involving main town centre uses that are not within a town centre. Secondly, proposals must include a town centre impact assessment.

PPS 4 – the *Sequential Assessment* requires a sequential approach to the siting of town centre uses including hotel development. This means that the first preference should be for town centre sites, followed by edge of centre and only then out of centre. It is for the applicant to demonstrate that there are no suitable and available sites within town centre or edge of centre locations. The Local Plan includes a number of proactive policies designed to encourage hotel development in the centre including TM.2, KTC.1, KTC.3, KTC.4.

Comment F: The applicants have undertaken a thorough sequential test with in excess of 20 sites assessed for their suitability and availability. The supporting statement demonstrates that there are currently no alternative, suitable and/or viable sites closer to the town centre.

Update: Since the assessment was undertaken, the former Cheshire Printers site in Waterloo Street has ceased operating and has come on to the market. The applicants may need to review their assessment of that site. (*Officer comments – this site has been included in an updated sequential assessment*).

Planning permission has been granted for a hotel in the upper floors of Slingfield Mill (above Debenhams) in the town centre, although this permission has been in place for a considerable time now and it is noticeable that it hasn't been taken up. This might suggest that the premises are not attractive to prospective occupiers.

PPS 4 – Impact Assessment involves consideration of a number of factors including:

- 1) Impact on existing, committed and planned public and private investment in a centre;
- 2) Impact on vitality and viability within the centre and the range and quality of the retail offer;
- 3) Impact on allocated sites outside the town centre being developed in accordance with the development plan;

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- 4) In the context of retail or leisure the impact on in centre turnover taking account of current and future expenditure capacity;
- 5) Whether the proposal is of an appropriate scale; and
- 6) Any other locally important impacts on the town centre.

Comment G: The application addresses these as follows:

- 1) There is no identifiable adverse impact on investment in the town centre as demonstrated by the sequential assessment and the lack of any existing budget hotel operator presence in the town centre;
- 2) Not applicable – applies to retail floorspace
- 3) Not applicable - Whilst a number of sites within the town centre are allocated within the Local Plan for a mix of uses that may include a hotel, none of the sites are dependent on the inclusion of a hotel as part of the mix.
- 4) There is a gap in the market and the proposal is of an appropriate scale to the strategic status of Kidderminster;
- 5) No applicable.

Bowling Centre:

I have no specific comments to make in respect of the bowling centre other than the above policy references. However, I would distinguish this from a purely 'commercial leisure' proposal (such as ten pin bowling) which would normally be encouraged in town centre locations. This can be distinguished by the need for external greens in addition to the internal facilities and recognition of the sport.

Comment H: PPS 4 – Conclusions

The applicants have demonstrated compliance with the requirements of the sequential approach; and there is no evidence to suggest that the town centre will be adversely impacted. The PPS also requires consideration of any cumulative impact of recent permissions, development under construction and completed developments. However, this is the first application for a traditional format budget hotel and restaurant operation in the District. Furthermore, the White Young Green Study undertaken to inform the Local Development Framework does not make the critical link between the health of the town centre and the provision of budget hotel provision within the centre, although such provision would undoubtedly enhance the prospects for the evening economy and this remains a key rationale underpinning the saved policies promoting hotel development within the town centre. Despite a proactive policy being in place for some years the opportunities remain illusory as demonstrated by the application of the sequential approach in this particular application. The Kidderminster Regeneration Prospectus and LDF Central Area Action Plan will look to provide additional certainty and means of delivering that ambition, but in the meantime proposals will need to be judged on the current situation.

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Wyre Forest District Local Development Framework

A. - Core Strategy Development Plan Document (DPD):

The Adopted Local Plan is in the process of being replaced through the preparation of the Wyre Forest District Local Development Framework to include a number of DPD's. The Core Strategy is the first DPD in the suite and is a strategic blueprint designed to guide the formulation of more detailed policies. As such the policies contained within the Strategy are relatively broad brush and over-arching. The most relevant policies to consider in the application for the former Victoria Carpets sports ground site are:

1) Development Strategy Policy DS02: Kidderminster Regeneration Area which states that:

"...proposals which help to promote Kidderminster as a tourism 'hub' of the District will be encouraged during the plan period [2006-2026]. This includes the provision of supporting facilities such as hotels... and cultural offer of the town."

The proposals subject to this application which have been subject to a sequential assessment would appear to support this policy ambition.

2) Core Policy 10: Sustainable Tourism

"The strategy is to support the local tourism industry through:

- Supporting sustainable proposals that improve the quality and diversity of existing tourist facilities, attractions, accommodation and infrastructure, subject to the proposals not causing adverse impacts on the surrounding environment and infrastructure. New developments should incorporate sustainable transport links wherever possible..."*

The previous commentary provided in respect of PPS4 covers the requirements of this policy.

Status of the Core Strategy: It is anticipated that the Core Strategy will be adopted before the end of the year.

B - Kidderminster Central Area Action Plan DPD

The KCAAP is a more detailed policy framework to consider the town centre and surrounding neighbourhoods, where significant change and regeneration is anticipated during the plan period. The Issues and Options Paper was published in January 2009. The document identifies a number of key questions and options for consideration including:

"Question 9: Could the development of more hotel accommodation help to draw more visitors into the town centre?"

Options 22: Tourism - Do you think that the Kidderminster central area is an appropriate location for new hotel development?"

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Section 7 of the document highlights a number of specific site appraisals. A number of these highlight hotel development as a possible use within a mix e.g. Canal Corridor (South); Carpet Heritage Processions (Green Street) etc.

Status of KCAAP:

The Kidderminster Central AAP has been subject of the first 'Issues and Options' stage in the development process. It is, however, framed in the context of identifying potential preferred options and therefore raises questions rather than providing definite answers at this stage. In consequence its relevance to this particular application is more limited. The development of the DPD is currently on hold pending the adoption of the Core Strategy.

- 3.16 English Indoor Bowling Association – Offer support. The Family of Bowls – i.e. flat Green (English Indoor Bowling Association Limited; Bowls England; English Bowling Federation); Crown Green; Shortmat are working actively together as part of our partnership with Sport England to both increase and retain participants in our Sport. As such we are supportive of their quest to improve the indoor and outdoor bowling facilities in the Kidderminster area. We are working closely with the Bowling Club Committee together with key members of the local bowling community. We naturally look forward to working with everybody over the coming months, for what is an exciting period in the development of our sport in your region.
- 3.17 Neighbour/Site Notice – A total of 13 letters of objection have been received. A summary of the concerns follows:

Retail Policy

- In my opinion this application does not sufficiently meet the requirements of PPS6: Planning for Town Centres to be approved. PPS6 states that the town centre should be the focus for developments including hotels and leisure facilities.

(Officer Comment: PPS6 has since been revoked and replaced by the new PPS4).

- Comments regarding the original sequential test:
- The KTC3 site – this site has already been identified for a hotel, and will become available in a reasonable time period. It is clearly suitable for the proposed hotel element of the development. It is ideally located in the town centre, is a large site with ample room, is closer to the railway station, closer to the Safari Park, is far more accessible by non-car modes, and is right by a large car park. It is clearly suitable. Finally, this site is also a genuine and viable trading position. In fact a visit to the Travelodge website identifies that *"Our standalone developments are almost all in roadside locations, although these are not our current preference, as ideally we are seeking town & city centres and well located suburban opportunities"*. The hotel operator itself also has a preference for town centre sites which are therefore clearly viable. In fact 40 of their existing hotels have no car parking whatsoever.

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- Slingfield Mill - A planning application was approved for a hotel to be developed on the upper floors of the mill. This is not mentioned here because it would automatically mean this development fails the sequential test. It will clearly become available in a reasonable time period - this simply cannot be argued otherwise. It is clearly suitable for the proposed hotel element of the development. It is ideally located in the town centre, is a large site with ample room, is closer to the railway station, closer to the Safari Park, is far more accessible by non-car modes, and is right by a large car park. In addition, Henderson Global Investors are unlikely to have spent £4.5m on refitting the mill if it were unsuitable for a hotel. It is clearly suitable. Finally, this site is also a genuine and viable trading position.
- The application states that: "While a number of sites have the potential to accommodate part of the application proposals there remains a lack of certainty in respect of their deliverability. The application site is the most readily developable site capable of being brought forward in the near future." As shown above, this is patently NOT the case. There are sites available on a similar time frame to the current development site which accord with planning policy. This application site seemingly does not.
- Whilst there are two sites under development in the town centre, KTC3 and Slingfield Mill, which include plans for hotels, this application cannot be said to have deprived the town centre of a hotel until these are filled by operators. The last thing the town needs is for tourism visitors (attracting whom is a key aim of the area) to be placed out of town opposite an industrial estate next to a large viaduct and nearby the 2 largest blocks of flats in the town. It is unwelcoming, unhelpful and against planning policy to have visitors in such an out of town location.
- It would clearly harm the town centre if the sites at Slingfield Mill and KTC3 are developed without operators to fill them, an easy to develop out of town site being done first.
- The bowling club inclusion is welcome for sports provision but this cannot be used as a counter balance to the significant arguments regarding PPS6 and the failure of this application to address them. The uses of such a Travelodge may not be constrained to city centres, but in a small town like Kidderminster they should be located there first.
- The need and economic viability for such a complex should be questioned when there will be a similar and better positioned complex being proposed for the centre of Kidderminster.

Loss of Open Space

- The site is defined in the Wyre Forest Local Plan (Adopted 2004) as "Urban Open Space: Playing Fields and Sports Pitches". Local Plan Policy LR.1 and LR.14 aim to ensure that such areas are only developed in exceptional circumstances". The LDF has not developed to a stage where it would supersede this policy. The opportunity for Travelodge and Marstons to profit from easily developing a Greenfield site seemingly against planning policy and the Local Plan is not what I would call an

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exceptional circumstance. The dictionary describes exceptional as being "uncommon; well above average; deviating widely from the norm".

- Further development will takeaway openness and beauty of the area for visitors
- The sports field should remain open space in its entirety. There is a shortage of sports fields in this area and indeed a shortage of open spaces. With the 2012 Olympics being staged in this country, sports field should be encourage to remain open not closed.
- The duty of any council is to protect the small number of Greenfield sites within the district in line with its own planning guidelines.
- Surely the sites should be retained for sporting use for the benefit of the whole community rather than pander to the short term profit interests of Victoria Carpets who no doubt seek to gain a massive increase in valuation if the land is to be used for building a hotel and public house. It will beg the question as to who might have a vested interest in turning a blind eye to the council's policies if the proposal does ahead
- Such a precedent could in theory be applied to virtually every greenfield site in the town.
- Our Greenfield sites would be sacrificed with no justification whatsoever
- The sports field can be retained as what it is now - a sports field for use by local teams of cricketers and footballers, etc. Then we keep two separate facilities and local residents get to keep a beautiful piece of open space in a town beset by ugly developments (the multi-storey car park, the empty shops, the awful warehousing on the A449).

Impact upon Residential Amenity

- A lighting report of the proposed hotel, public house / restaurant and associated car parking areas is essential prior to consideration of the planning application
- I request that lighting of the hotel, public house and restaurant be of a low level, preferably by the use of bollards
- 8 x 10m high floodlights must also be a source of aggravation and nuisance to residents
- The change of use will result in late night functions, car doors banging, engines revving, shouting, drunkenness litter light pollution and delivery vehicles calling all times of the day and night

Highways

- Every week day morning traffic is at a standstill from Worcester Road Island backing up along Chester Road South and Spennells Valley Road. Putting another 170 cars plus into this already congested area is idiotic and an increased danger to children trying to cross the road to King Charles 1st school

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- During my 31 years living in Chester Road South I have observed the aftermath of a number of vehicle incidents where cars have ended up embedded in the fence surrounding the site of in the adjacent brook
- Speeding cars doing well over 70 to 80 mph have been recorded
- At certain times of the day traffic is at a standstill with tail backs on all routes
- It can often take more than 20 minutes to turn out of the Spennells development
- I also suspect that the notable recent trend to use Barnetts Lane as a rat run will significantly increase. This is wholly undesirable given the number of school children who use this narrow lane. There seems to have been no proper assessment of peak traffic flows which is totally unacceptable

Flooding

- Victoria Sports ground has always flooded as a field although land drains have been installed. This flooding also affects the main road by the island; obviously the storm drainage system is almost working to capacity. The surface water created is going to cause more frequent flooding on a larger scale. The proposal of land drains will not be possible because the ground is not suitable. The problems will be passed downstream.
- The water table is high in this location at the moment at least it can soakaway on the natural surface. The government has realised that part of the present problem is due to the amount of land that has been paved over and recently made it necessary to require planning permission to have driveways
- Rainwater from the large area of the site which is already low-lying will cause additional volumetric burden to the local stream and increase the potential for flooding.
- The Golf Club had to install expensive drainage to overcome quagmire conditions in wet weather. Why should the cricket ground be any different?

Landscaping and Ecology

- I would suggest a 30 – 40m tree planting zone on the boundaries of the public highways
- There are some very large and attractive long-established trees, (all vital for wildlife including deer recently seen). Whilst the plans appear to suggest the Council is protecting existing trees, the access for bulldozers etc is not shown and access at present I suspect would involve removing some of the trees.
- Spennells Valley is partly a nature reserve with a wide range of wildlife, by removing this area it will have an adverse effect on the immediate vicinity and its surrounds

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- The proposed buildings with noise and light pollution will put further pressure on and disrupt the conduit of the local natural movement of wild species from Wilden Marshes through to the Spennells Nature Reserve and beyond. As a consequence Spennells Nature Reserve will become sterile and devoid of the current bird life such as nuthatches, tree creepers, green and spotted woodpeckers.

Other

- There is no demand for these facilities in this area
- Jobs will only be created by the closing of other local premises
- To replace this visual amenity with a cheapo looking development would be urban vandalism. The A449 is one of the 'gateways' to this town but what an approach we have now with the monstrous buildings opposite Hoo Farm Industrial estate, the multi storey flats and now this development
- Its about Victoria Carpets and the developer making money
- Security issues associated with people clambering out of the pub on late nights?
- There are, on my last count 4 public houses already a stones throw away from my home, surely there can't be that many alcoholics in the area? There is already 3 hotels in my area not more than half a mile away, surely there can't be that much demand to visit Kidderminster?
- I understand that the application will be joint with the bowling green, what happens if the bowling green doesn't get built? I take it the pub/hotel will still be erected?
- The facility will have a devastating economic effect upon the two existing public houses, newsagent/shop and fish and chip shop within 150 metres of the proposal with the inevitable of closure which cause local degradation of land and buildings and social well being.
- Where is the evidence that business men do not come to Kidderminster because of the lack of a budget hotel. In my experience business people will always find accommodation whatever the cost
- The provision of a cheap budget hotel will inevitably result in business being lost by existing hotels, with the consequent dunning down of hotels in Kidderminster, not to mention possible closure of some longstanding premises which have served the community well for many years
- Surely Kidderminster should be striving to attract more upmarket organisations
- There is the inevitable risk of stray golf balls damaging vehicles, and more importantly injuring members of the public
- The club building itself appears in the plans to be another immensely ugly structure more akin to more warehousing than a building in a beautiful part of Kidderminster.

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- Has anyone identified a need for these facilities? There is a Travel Lodge further up the A449 and there are already hotels by the railway station. There are already so many pubs in Kidderminster doing the '2 for 1' thing; surely we don't need any more. Hotels and pubs do not in the main supply jobs with high salaries; Kidderminster needs quality developments and decent jobs not more minimum wage positions in cheap eateries.

4.0 Officer Comments

4.1 The application site is a greenfield site in an out-of-centre location. It is considered that the key planning considerations are as follows:

- Loss of open space and playing pitches
- PPS4 considerations
- Design and layout
- Landscaping
- Highways
- Flood risk and drainage
- Ecology
- Noise
- Lighting
- Section 106 Agreement

LOSS OF OPEN SPACE AND PLAYING PITCHES

4.2 The application site lies on land designated under Policy LR.1 – Parks, public open spaces and other open spaces and LR.9 – Outdoor sports pitches and playing fields within the Adopted Wyre Forest District Local Plan.

4.3 Policy LR.1 states that “*proposals for development which would lead to the loss or reduction of parks, public open spaces or other open space areas will not be allowed, except in exceptional circumstances when equivalent or improved compensatory provision is made in a suitable alternative location.*” The reasoned justification explains that the Council has identified public open spaces and other important urban open spaces which will be provided with long term protection from development. Therefore, there must be exceptional circumstances for development to be approved at this site.

4.4 Moreover, Policy LR.9 states that private playing fields together with sports pitches situated within educational establishments will be safeguarded to protect their contribution to sports pitch provision in the District and as valuable urban amenity open spaces. The Policy explains that proposals which would result in the reduction or loss of these playing fields will not be allowed except where the proposal is for minor developments or alternative or improved provision of at least equivalent community benefit is made available.

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- 4.5 Both policies refer to PPG17: Planning for Opens Space, Sport and Recreation (2002). The planning objectives of this national guidance include the promotion of social inclusion and community cohesion through open spaces and good quality recreational facilities. The objective states that such facilities can act as a focal point for community activities, bring together deprived communities and provide opportunities for people for social interaction. Healthy living is also encouraged as is ensuring that open spaces, sports and recreational facilities are located in sustainable locations.
- 4.6 PPG17 advises that Local Authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities. In order to adhere to this guidance and to inform the Local Development Framework and the Core Strategy the Council appointed external consultants to undertake an Open Space, Sport and Recreation Assessment. This was commissioned in 2007 and completed in October 2008.
- 4.7 As part of the assessment the District was divided into a number of areas based on ward boundaries– Kidderminster West, Kidderminster East, Bewdley, Stourport, Rural East and Rural West. The application site lies in an area labelled as Kidderminster East which covers Broadwaters, Greenhill, Offmore, Comberton and Aggborough and Spennells. Within the area there are 2 bowling greens, 2 tennis courts, 13 grass pitches, 1 golf course and 3 other facilities and the highest level of satisfaction with the existing facilities within the district. The assessment also indicates a deficiency in Kidderminster East of 27.24 hectares of outdoor sports facilities in 2008, although the commentary acknowledges that the key area of deficiency is within Kidderminster Town Centre with pockets of deficiency within the Hoobrook and Greenhill areas. Notwithstanding this deficiency accessibility mapping showed that residents were able to access grass pitches within the recommended travel times. The Assessment also highlights private facilities as being a valuable resource in this locality. It also states that there is a need to prioritise the provision of grass pitches within this area.
- 4.8 Across the District the provision of bowling greens is higher in Stourport and Kidderminster West, although there are some that are of poor quality. Chester Road Bowling Club is highlighted as being the highest quality sports facility in Kidderminster East. The Assessment states there is a need to enhance the quality of bowling greens within the District. It also highlights the need for an indoor bowling facility and that a new facility should be considered.
- 4.9 In summary, whilst deficiencies exist in the quantity of the provision of outdoor sports facilities across the District, and particularly in Kidderminster East, it is recommended that additional provision should be on a demand basis. The key theme of the assessment is increasing the quality of the provision.

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- 4.10 In the knowledge that Policies LR1 and LR9 of the Adopted Local Plan seek to retain the application site as an outdoor sporting facility, the Agent has indicated that in support of the application:
- i. the site is currently in private ownership with no rights of access for the general public;
 - ii. it has not been used since the merger of the Victoria Carpets cricket club and Kidderminster cricket club in 2003 and therefore does not contribute to playing pitch provision in the area;
 - iii. there is no current indoor bowls centre within the Wyre Forest district and the demand for such a facility is therefore not currently being met. The site provides an opportunity for the Chester Road Bowling Club to relocate to a larger purpose-built facility with two outdoor greens and an indoor bowls centre with six bowling rinks;
 - iv. the applicant is prepared to offer a financial contribution of £100 000 towards the provision and improvement of sports facilities in the Wyre Forest; and
 - v. the applicant is willing to sponsor the Kidderminster Victoria Cricket Club and Worcestershire Bowling League for 10 years.
- 4.11 As additional explanation the Agent advises that from Victoria Carpets' perspective, the land is redundant and as things stand will not be brought into recreational or sporting use again. The sale of the land will be sub-divided and sold directly to the public house operator, the hotel operator and Chester Road Bowling Club. There is to be no developer's margin.
- 4.12 Supporting information submitted to accompany the application states that the development would bring benefit to one of the town's major employers. *"Victoria Carpets has been resident in Kidderminster since the early 1900's and is still today one of the UK's most successful carpet manufacturing businesses. Unlike others in the industry Victoria Carpets is and has remained fully committed to manufacturing here in Kidderminster and not moving to developing areas or low labour countries. The company has relocated onto one consolidated manufacturing site in Worcester Road in Kidderminster and has over the past 10 years invested almost £11 million in creating one of the most modern carpet manufacturing plants in Europe... The income that would flow from a successful planning application and the ultimate sale would be fully used and invested in the business here in Kidderminster. The money would be used as part of the company's plans to introduce further new Tufted machinery which would be used to create products of difference that our competitors in the UK and on the Continent could not easily replicate. This would create some additional jobs, but more importantly underpin the Company's competitive position and the jobs of the 700 people we already employ."*

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- 4.13 It has been advised that the receipts will be invested in the Kidderminster business which is responsible for the employment of just over 200 people (in total over 700 people worldwide depend on the well being of the company in Kidderminster for their livelihood). The development would bring in much needed financial support for Victoria Carpets which will enable the company to prosper and preserve jobs in Kidderminster. Any compensatory payment or financial contribution will be deducted from this investment.
- 4.14 The site was previously used in connection with Victoria Carpets' Cricket Club which was affiliated to the Victoria Carpets' business on a limited basis. However, according to the applicants due to inadequate employee support or interest, and in order to sustain a viable cricket offer, Victoria Carpets facilitated the merger of its cricket club with that of Kidderminster Cricket Club which equally was struggling to sustain a viable cricket club. The amalgamation of both cricket clubs in 2003, along with the donation of facilities from the Victoria Cricket Club site, and ongoing partnership, has enabled Kidderminster Cricket Club to continue to operate at their present home on a much more viable basis in both financial and cricketing terms. The application site has meanwhile become a redundant asset that, "*..will not be used for sport again. The site has fallen into disrepair and has become an eyesore.*" It is reported that the site has suffered from vagrants and travellers breaking into the site and the old pavilion was burnt down and cost the company money to safely demolish it.
- 4.15 The Agent has also stated that the development will provide a much needed bowling facility. Chester Road Bowling Club has indicated that there is no provision for indoor bowling within the Wyre Forest and surrounding areas of the Black Country. It has been acknowledged that there are four outdoor flat green clubs with a large number of public house greens and the municipal park greens hosting a large number of teams, however with outdoor bowls play is limited to the summer months of May to September only, weather permitting.
- 4.16 In support of an indoor bowling facility, the Chester Road Bowling Club Company Secretary has indicated that indoor bowls provides an all year round sport involving players of all ages and abilities and it remains one of the small number of sports in which able and less able people may compete on an equal basis. Furthermore, mature people who are used to exercising another sport when younger are more able to move into the sport with ease as well as those who look for a less strenuous way of keeping fit. The creation of a new organisation and club utilising the knowledge and experience of the players from the many clubs in the area will enhance the sport and increase the involvement of people in the activity.
- 4.17 The Chester Road Bowling Club has submitted a business plan which predicts the income and expenditure from 2011 to 2015 to demonstrate that the proposed relocation from Chester Road is financially viable should approval be granted.

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4.18 The redevelopment of the remainder of the site for commercial uses, the Agent advises, will facilitate the provision of the new bowling facility for the Chester Road Bowling Club, in part sharing the costs associated with the opening up of the site.

4.19 The second part of the proposal is a two-storey 53 bed budget hotel. The Agent, as part of his supporting information, has provided details of a visitor survey undertaken within the District in 2004. The survey revealed that approximately 1.6 million visitors came to the District in 2004, of whom 200,000 stayed overnight in the area. Whilst it is acknowledged that this survey is now dated, it does serve to illustrate that visitors make an important contribution to the local economy. There are however only a limited number of hotels in the area and these cater exclusively for the mid-higher end of the market (3/4 star hotels). The table below indicates the location of these hotels:

Name of Hotel	Type	No of Rooms
Gainsborough House Hotel	Hotel (3 Star)	42
Ramada Hotel and Resort	Hotel (3 Star)	44
Brockencote Hall	Hotel (3 Star)	17
Stone Manor Hotel	Hotel (4 Star)	57
Menzies Stourport Manor Hotel	Hotel (4 Star)	68
Granary Hotel and Restaurant	Hotel (3 star)	18

246 Total

4.20 There is however, despite the down-turn in the economy, an expected growth in the budget hotel market as this does look increasingly for accommodation which provides value for money. Travelodge, one of the main providers of budget hotel accommodation maintains its aspirations to increase its hotel network from 20,000 rooms to 70,000 across the United Kingdom by 2020.

4.21 The table above indicates that the six hotels in the area provide a total of 246 rooms. A further 76 rooms are provided by fourteen guest houses/bed and breakfasts. The accommodation offered by budget hotels is targeted at people who require good quality, but affordable accommodation within easy reach of their destination or on route to more distant locations.

4.22 The existing available accommodation within the district, the Agent considers, caters for a different market and the existing demand is therefore not being met. The nearest budget hotel (Travelodge) is located outside of the district on the A449 south of Stourport on Severn.

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- 4.23 The Agent has already submitted a comparison of hotel provision in existing towns with broadly similar populations (Burton upon Trent, Stafford, Shrewsbury, Redditch, Hinckley/Nuneaton and Tamworth) concluding that the comparison demonstrates there is a clear need for additional hotel accommodation in Kidderminster. The comparison the Agent has undertaken indicates that a town of comparative size to Kidderminster has an average of 464 hotel rooms plus 218 budget hotel rooms.
- 4.24 The Agent acknowledges that planning permission was granted in May 2008 for a hotel as part of the town centre Slingfield Mill development (application reference 08/0164/FULL). This development would provide 70 bedrooms, however with an additional 53 beds at the application site it would increase the total provision of hotel bedrooms in Kidderminster to 369 which would still be significantly below average hotel provision for comparative towns. The Agent has emphasised the point that should operators develop both the Slingfield Mill site together with the Victoria Sports Field site there would still potentially be demand for more hotel accommodation including scope for more than one budget hotel in Kidderminster.

PPS4 CONSIDERATIONS

- 4.25 PPS4 sets out the Government's planning policies for economic development. It was published in December 2009 and replaces PPG4, PPG5, PPS6 and parts of PPS7. The general policies apply to all three of the proposed uses, the bowling facility, the hotel and the public house/restaurant. With the town centre policies also applying to the hotel and the public house/restaurant. With respect to the main town centre uses in out-of-centre locations such as the application site the former PPS6 'needs' test has been removed and proposals are assessed against the compliance with the sequential test and a number of impact tests.
- 4.26 PPS4 indicates that when determining planning applications for economic development, five impact considerations as set out under Policy EC.10 should be taken into account. The first impact refers to climate change. In response, the Agent states that the proposal will eliminate the impact on climate change as all buildings are planned to meet and where possible exceed the current standards set out in Part L of the Building Regulations (thermal insulation). Furthermore, the buildings will internally utilise energy efficient equipment where it is cost efficient to do so to ensure that energy needs are minimised. Finally, a potential surface water drainage strategy has also been prepared that could reduce the potential for increased flooding of site.
- 4.27 The second impact refers to the accessibility of the site by a choice of means of transport. The Agent advises that the site is located within walking and cycling distance of Kidderminster town centre and whilst this point could be disputed, it is acknowledged that there are existing bus stops located in Chester Road and Spennells Valley Road within a 400m walking distance of the proposed development. Two bus services offer a 20 minute and a 60 minute day time service respectively.

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- 4.28 The third consideration refers to whether the proposal secures a high quality and inclusive design which will improve the character and quality of the area. The Agent states that the layout and design responds to its context and surrounding area. The layout proposes suitable pedestrian routes through the site to the three facilities and an adequate total of disabled parking spaces.
- 4.29 The fourth consideration refers to the impact on the physical and economic regeneration in the area including the impact on deprived areas and social inclusion objectives. The Agent advises that the development would have positive impacts on the physical and economic regeneration of Kidderminster providing investment in the town with particular improvement of tourism, sports and leisure facilities. It is also the Agent's opinion that the ability to provide and enhance the bowling facilities will contribute to social inclusion objectives whilst there would be increased employment opportunities within the District.
- 4.30 The fifth and final consideration is the impact upon local employment, and to reiterate the point made in the above paragraph, the public house/restaurant, the hotel together with the bowling club would all offer employment opportunities.
- 4.31 Policy EC.11 of PPS4 refers to applications for economic development other than main town centre uses. In this case it is relevant to the proposed bowling club facility. It requires Local Authorities to first weigh up the market and other information; secondly, take account of longer term benefits and cost; and thirdly consider the wider benefits of the development. In response the Agent indicates that Chester Road Bowling Club comprises one green and a club house which they have occupied since 1902. The club building is a permanent but ageing brick built structure which is need of constant maintenance and currently prevents the club adequately catering for disabled bowlers and visitors.
- 4.32 A briefing note supplied by the applicant indicates that few opportunities exist in the immediate area for indoor bowling. The nearest facility is at Bromsgrove which lies at a distance of approximately 14 miles. This facility has been fully subscribed since the conversion of the nearest indoor club in Worcester to ten pin bowling. Furthermore, the next closest indoor club in Malvern, about 20 miles away, is also fully subscribed. The bowling club would provide a facility able to be used by four times the current membership of the existing bowling club at Chester Road North. Members would also be able to play twelve months of the year as opposed to the restricted summer season at present.
- 4.33 Policy EC.15 of PPS4 reaffirms the requirement of the sequential test to establish whether there are any alternative sites in, or at the edge of, Kidderminster town centre which could accommodate the proposed development. The table below sets out the alternative sites that were assessed together with a summary of the reasons why they were not chosen:

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Name of Site	Summary of Reasons Why Site Discounted
Former Magistrates Court, Worcester Street	The Council has prepared a development brief for KTC.3 including the former Magistrates Court. A development partner was selected in September 2006 through a tender competition. We anticipate that the site will not come forward for development in the near future
Childema Mill (Boucher Building) Green Street	Although this locally listed building is currently available, it would not provide a suitable or viable proposition for a budget hotel as it is too small to be converted into a hotel of an appropriate size which meets Travelodge's business requirements
Elgar House, Green Street	Due to the site's unavailability and potential for residential conversion, the site does not provide a suitable development option
Council Depot, Green Street	Unlikely to come forward for redevelopment within a reasonable period of time
Crown House, Bull Ring	Constrained access and the lack of car parking compromise its suitability as a development opportunity. Despite its availability in recent years, the building has not been pursued by budget hotel operators on grounds of viability and overall attractiveness.
Gas Conversion Centre, Chester Road South	The site is in use as a car salesroom and garage and is therefore unlikely to come forward for redevelopment in the foreseeable future. More importantly, the site lies outside the town centre and would therefore not be any more sequentially preferable than the application site.
Former Telephone Exchange, Blackwell Street	The site has an extant permission for a residential-led mixed-use development scheme. Due to the site's unavailability and residential land values, it is not considered to be a viable option to accommodate the proposed development.
Slingfield Mill, Weavers Wharf	Planning permission for the change of use of the upper floors to a hotel has been granted. Although the site would be suitable, it is less attractive to a budget hotel operator with a lack of dedicated car parking. Moreover, Travelodge consider that converting this listed building into a budget hotel is not currently financially viable.
Rock Works, Park lane	The site is likely to be contaminated due to its former industrial use and redeveloping this site would therefore entail high development costs. It is being marketed for residential uses. It therefore does not present a viable option for the proposed use as a budget hotel.

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<p>Timber Yard, Park Lane</p>	<p>It is unlikely to become available for redevelopment within a reasonable period of time. In addition, the site is allocated for housing in the Local Plan and is being promoted for residential uses in the emerging Kidderminster Area Action Plan. It therefore does not present a viable option for the proposed use as a budget hot.</p>
<p>GT Cheshire and Sons, Coventry Street</p>	<p>The site is being marketed for commercial and residential purposes. The asking price is not affordable to the operators and developers. There is a two year temporary letting. It is therefore not a viable or available option.</p>
<p>Littlewoods/Woolworths, Worcester Street</p>	<p>It is likely that the Council would like the site to be re-used or redeveloped for retail uses, at least on the ground floor. This location is less attractive to a budget hotel operator due to the lack of dedicated car parking. Due to the uncertainty over the site's future, its location within the Primary Shopping Area of Kidderminster, conversion costs and the lack of dedicated car parking, this site is unlikely to provide an appropriate and viable option for the proposed budget hotel.</p>
<p>Brintons, Exchange Street</p>	<p>Planning permission has been granted for an extra care home and 4 retail units involving part demolition, part extension and alterations to the Brintons building. The sympathetic conversion of this building into a hotel is unlikely to provide a viable option for a budget hotel. Due to the site's unavailability and the cost of converting this Grade II Listed Building, it would not provide an appropriate option for the proposed hotel.</p>
<p>Piano Building, Weavers Wharf</p>	<p>We are not aware that the owners are pursuing a new future for this building as a hotel which, in any event, would compete directly with adjoining Slingfield Mill (within the same ownership).</p>
<p>Land adjacent Watermill Public House, Park Lane</p>	<p>The rear part of the site has been considered for a budget hotel but due to physical constraints including the need to relocate an electricity sub-station, this was not further pursued. The Kidderminster Area Action Plan is considering a number of options for the redevelopment of this site. A hotel is being considered as part of a mixed use development, but the site may also come forward entirely for residential uses. <i>(Officer comment – there is a current application for a 51 bed hotel on this site. It is anticipated that the agent will update accordingly)</i></p>

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- 4.34 It is considered that the assessment, with the exception of the Watermill Pubic House site, indicates that the application site is the most readily developable site capable of being brought forward in the future. An update regarding the Watermill Public House site has been requested. Subject to this update the application site is sequentially preferable in terms of its availability, its suitability and its viability for the development.
- 4.35 Policy EC.16 requires the submission of an impact assessment for planning applications for main town centre uses that are not in a town centre and not in accordance with the up-to-date development plan. The Agent advises that the submission of such an impact assessment is not necessary as this is only required if it would be likely to have a significant impact on other centres. There was however such an assessment carried out under the old PPS6 guidance which has now been superseded. In summary, the Agent advises that there would be no impact on the spatial planning strategy for the area or for the town centre as there is the demand for more than one hotel in Kidderminster. Therefore, the proposal would be unlikely to deprive Kidderminster of a town centre hotel. Moreover, due to the shortage of hotel provision, it is considered that there would not be any detrimental impact on future public or private investment in the town centre whilst it is considered that the proposal would add to its vitality and viability as it would bring increased numbers of visitors into the area adding to the economic strength of the town. In addition, the Agent states that the proposed public house/restaurant will serve hotel guests as well as residents from a local catchment, the development will provide a much needed facility to residents at Hoobrook and it would not draw trade away from the town centre.
- 4.36 It is also indicated that by attracting more overnight visitors to Kidderminster the proposed development could increase the usage of shops and services thereby leading to a reduction in the number of vacant properties which would improve the attractiveness and character of the town centre. The report concludes that the proposed development has no realistic potential to harm the vitality or viability of Kidderminster town centre.
- 4.37 Under Policy EC.17 of PPS4 where significant impacts have been identified planning applications should take account of the positive and negative impacts on the five considerations as previously referred to under Paragraphs 4.26 to 4.30 of this report together with the likely cumulative effect of recent permissions, developments under construction or completed. The Agent advises that there are significant positive benefits to providing not only the bowling facility but the needed hotel provision together with the public house/restaurant facility at this location.

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- 4.38 The submitted sequential test only refers to accommodating a hotel and not the associated pub / restaurant. PPS4 Policy EC.15 advises that under the sequential approach operators should ensure that they have demonstrated flexibility including the scope for disaggregating specific parts of a development onto sequentially preferable sites. The Agent explains that the proposed hotel does not include any integral refreshment or dining facilities and would solely rely on the adjoining public house to provide these services. *“Without the adjoining pub/restaurant, hotel guests would have to search around Kidderminster to have breakfast for example; this is inconvenient, may result in increased trips and is unlikely to lead to good reviews, recommendations or repeat visits. The pub/restaurant is therefore an essential component of the development as it provides hotel guests with a hot food and drink option, which is part of the brand offer and makes the hotel more attractive to the market. Integrating the pub/restaurant with hotel would not be viable as a 53 bedroom hotel would not provide enough customers. To achieve a critical mass of patrons, the pub/restaurant needs to be provided in a separate building, be open to the general public and be seen to be operated independently from the hotel. Therefore, from a commercial point of view, it is necessary for the hotel and pub/restaurant to be located on the same site but in separate buildings”.* In support of this approach PPS4 acknowledges that Local Planning Authorities should not seek arbitrary sub-division of proposals.

DESIGN AND LAYOUT

- 4.39 The proposed site layout indicates the siting of the public house/restaurant at the front of the site nearest to the roundabout, with the proposed hotel in the centre of the site and the bowling club to the rear.
- 4.40 The scale and massing of the proposed public house/restaurant relates to the existing residential development on the opposite side of Chester Road South. The design shows a series of individual single and two storey elements which are linked to reduce the overall mass of the building fronting each elevation. At its highest point the ridge of the roof reaches approximately 10 metres. The materials show a glazed entrance canopy together with brick and render elevations, and a tiled roof. The proposed entrance faces the internal spine road whilst the external drinking area fronts the Spennells Valley Road measuring approximately 12 metres x 5.50 metres in area. The proposed design of the building allows active frontages to all four elevations and avoids a ‘front and back’ approach. It is considered that the design of this building is appropriate to its setting and is acceptable in terms of its scale, massing and materials.

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- 4.41 The proposed 53 bed budget hotel accommodation lies within the central part of the site and measures approximately 51.5 metres in length with a depth of 14 metres at its widest point. The building would be two storeys in height measuring 10 metres at its highest point. The proposed linear plan form has a dual aspect which overlooks the bowling green to the rear and Spennells Valley Road to the south. The proposed orientation of the building avoids overlooking the residential properties on Chester Road South whilst creating an active frontage to the Spennells Valley Road. The roof at each end of the building has been set down to reduce its overall massing whilst render and timber infill panels are shown to the front and rear elevations to provide some articulation. Juliette balconies have also been provided to the hotel elevation overlooking the Spennells Valley Road, to provide further interest. Arched roof gables at either end of the front elevation make reference to the design of the adjacent bowling club.
- 4.42 It is considered that the proposed design is acceptable and will sit well within the centre of the site.
- 4.43 The final element to the proposed scheme is the indoor bowling centre which would provide a six lane rink together with snooker room, restaurant and bar, associated preparation and changing rooms. At its widest points it would measure approximately 54 metres in length by approximately 35.5 metres in depth. The elevation facing west shows the provision of a pergola to allow people to sit outside and look over the outdoor bowling greens. Whilst the bowling club has a footprint area of 2,170 square metres its massing has been reduced by the use of an arched roof with an overall height of approximately 6.4 metres with an eaves height of approximately 3 metres at the front and 4.4 metres to the rear. In terms of materials a brick plinth is proposed with horizontal stained timber and steel cladding to the elevations with curved coloured roofing panels. It is acknowledged that due to the size of the building the proposed choice of materials has been challenging. It is however considered that the chosen materials, particularly with the timber boarding, have softened the appearance of the building which originally was considered would have appeared quite industrial.

PROPOSED LANDSCAPING

- 4.44 Detailed landscaping plans have been submitted as part of the application. They indicate that the majority of trees to the boundaries fronting Chester Road South, Spennells Valley Road together with the eastern boundary fronting part of the golf course are to be retained whilst seven trees bordering the golf course to the north are to be removed to allow the siting of the outdoor bowling greens. Replacement trees are proposed. A total of 23 trees, 5 of which are protected are to be removed, however 46 replacements are proposed to be replanted. It is considered that this level of retention and replacement is acceptable, and this is supported by the Council's Arboricultural Officer.

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HIGHWAYS

- 4.45 A Transport Assessment has been submitted which considered the proposed access arrangements, the impact of traffic generated by the proposals and the quality of existing public transport provision, pedestrian and cycle linkages with the surrounding areas to reduce the reliance on the private car. The report advises that traffic survey data and accident records show that the highway network in the vicinity of the site operates in a safe manner and is not congested at peak times. It is considered that the main impact of the development in terms of traffic generation will occur in the weekday evening peak between 5pm and 6 pm. The report evaluates the impact of traffic flows from the three elements of the development and concludes that it can safely be accommodated at the proposed access and the existing A449/Spennells Valley Road roundabout and will have no prejudicial impact on the operation of the local highway network.
- 4.46 The report also notes that existing bus stops are located on Chester Road South and Spennells Valley Road within a 400m walking distance of the proposed development. The assessment advises that the application site is within walking distance of the town centre as the distance is less than 2 km which PPG13 advises is acceptable. Whilst it is not considered to be an easy walk to the town centre, it is acknowledged that the site will offer pedestrian access from both Spennells Valley Road and Chester Road South. A new 2m wide footway will be provided on the north side of Spennells Valley Road to link the site access to the proposed pedestrian crossing facility and to the existing footway adjacent to the A449/Spennells Valley Road roundabout. Furthermore, the proposed development is also considered to lie within easy cycling distance of Kidderminster town centre.
- 4.47 As part of the scheme the Applicant is proposing to widen Spennells Valley Road to accommodate a right-hand lane turn into the site from Spennells Valley Road. This would be secured through a Section 278 Agreement. A splitter island also located on Spennells Valley Road would provide a pedestrian crossing facility.
- 4.48 The Applicant has also submitted a Travel Plan to promote public transport, cycling and car sharing.
- 4.49 The Highway Authority raises no objection to the current scheme.

FLOOD RISK AND DRAINAGE

- 4.50 A Flood Risk Assessment has been submitted showing that the site is not at risk of flooding and generally lies at a level above the 100 year flood level plus the allowance for climate change. A Surface Water Drainage Strategy has been developed which indicates the possible use of soakaway systems underneath porous paved car parking areas. However the exact soakaway potential is still to be determined as the submission is a drainage strategy not a detailed design of the proposed surface water system. The Environment Agency and Severn Trent Water have however raised no objections subject to conditions.

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ECOLOGY

- 4.51 As part of the current application, a Phase One Habitat Survey and a Protected Species Survey Assessment has been submitted. It concludes that the majority of the site is of low ecological interest apart from supplying habitat for invertebrates and/or foraging areas for birds. The plant species are common, widespread and typical of such sites. The report goes on to advise that there are no obvious or immediate implications for slow worms, common lizards or grass snakes, badgers, white clawed crayfish, water voles, otters or dormice. The report notes that there should not be any implications for great crested newts unless there is a breeding pond within 500 metres of the site. There is however an existing pond which lies within the golf course approximately 10 metres from the common boundary with the application site. Whether it is a breeding pond is impossible to determine without further dedicated surveys on the golf course which is outside the ownership of the applicants. If possible a Habitability Suitability Index (HSI) Assessment should be undertaken on this and any other pond within 500 metres of the site. Great crested newts are a protected species and if any are found to be present, then mitigation measures would need to be approved via a European Protected Species Licence, which would be achieved by Natural England prior to the commencement of any works on site.
- 4.52 The report also advises that the existing shrubs and trees provide nesting opportunities for a number of birds and care should be taken to ensure that no nesting wild birds are disturbed during clearance work if this takes place between early March and late August of any given year. Whilst very few trees are deemed suitable to support bats, it is advised that they offer suitable flight lines and the habitat within the site will support invertebrate prey for foraging bats. The report indicates that a biodiversity gain could be achieved by the provision of artificial bat boxes, bat bricks and modified ridgelines which could be incorporated on new buildings or bat boxes placed on existing trees.
- 4.53 A time period in excess of twelve months has elapsed since the survey, and an update is to be submitted shortly. It is considered that subject to any additional comments or the raising of objections following re-consultation suitably worded conditions could mitigate for any significant harm to biodiversity and secure onsite enhancements.

NOISE

- 4.54 There is concern with respect to the noise from the public house on the amenity currently enjoyed by residential properties on the opposite side of Chester Road South. Notably the public house is proposed to have an outdoor area for the consumption of food and drink. Furthermore a children's play area is proposed. The distance between the designated outdoor seating area and the nearest dwelling is approximately 40 metres, however the report advises that should patrons with raised voices be seated in the designated outdoor area the anticipated noise impact on the nearest dwelling would be considerably lower than the average noise level at the site boundary. It is therefore considered that the relatively high noise levels generated from road traffic on Chester Road South even during night-time periods will provide

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adequate masking noise against outdoor activities associated with the public house.

- 4.55 The report also advises a glazing specification for the hotel bedrooms.
- 4.56 Whilst it is acknowledged that in addition to the outdoor areas to the public house, there are two outdoor bowling greens for which no estimates of the potential noise impacts have been submitted. Environmental Health Officers however raise no objections.

LIGHTING

- 4.57 It is proposed to provide 10 metre high columns located at the four corners of the two bowling greens as part of a proposed scheme. In terms of light spillage, a report has been submitted which states that light spillage is restricted 1 lux at a distance of approximately 14 metres from the columns adjacent to Chester Road South, and at this level there would be no significant effect on adjacent residential properties.
- 4.58 It is envisaged that the floodlights will be used between approximately 8.45 p.m. and 9.30 p.m. in the summer months, when required to complete matches. There may also be up to four occasions where floodlit matches are held.
- 4.59 The report also advises that the existing trees fronting Chester Road South also provide screening and would reduce light spillage levels.
- 4.60 Whilst the submitted lighting report provides some details the comments from the Council's Environmental Health Officer indicate that it does not provide adequate explanation of the vertical light spillage projection which is required for a subjective assessment of the impact on the amenity of the surrounding area including the amenity of residential occupiers. Furthermore as highlighted by the Council's Countryside and Conservation Officer there is no information about how the lighting could affect the ecology of the area. It is considered that these issues need to be addressed prior to determination of the application.

SECTION 106 AGREEMENT

- 4.61 According to the Wyre Forest District Local Plan Framework – Supplementary Planning Document on Planning Obligations, the development may trigger a planning obligation towards the following:
- Biodiversity
 - Sustainable Transport
 - Travel Plans
 - Public Realm

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4.62 First, in terms of biodiversity it is considered that this will be enhanced by the provision of bird boxes and bat boxes on site. Secondly, the location of the site is such that a sustainable transport contribution is not considered to be reasonable. Thirdly, a Travel Plan has been submitted and it is considered that a suitably worded condition could ensure that it is implemented. Finally, with respect to public realm it is considered to be provided by the buildings together with the landscaping proposals on site.

4.63 There are however Planning Obligations which are considered reasonable and necessary for the application to be viewed favourably. These are as follows:

- i. The phasing of development;
- ii. Contribution of a £100,000 to Wyre Forest District Council to enhance sporting provision;
- iii. £10,000 to Worcestershire County Council towards the sustainable Cycle Groups
- iv. Sponsorship of Kidderminster Victoria Cricket Club providing £3,500 per annum for 10 years
- v. Sponsorship of Worcestershire Bowling League of £1,500 per annum for 5 years
- vi. The implementation of a Community Engagement Plan. This is included as part of the Bowling Club's Business Plan and sets out how the Club intends to involve and attract people including children to the sport.

THE PHASING OF DEVELOPMENT

4.64 Of prime importance to the acceptability of this application in terms of meeting an exceptional circumstances for the loss of the sports pitch and open space is that the development provides a new bowling club facility. In order to ensure that it is provided, it is considered necessary that the Section 106 Agreement requires that it is built and operational prior to the commencement of the hotel and public house/restaurant. This would provide the Council with some comfort that it would not be left with a situation whereby the bowling club does not come to fruition and the site simply accommodates the two commercial elements. The Agents advise that, *"they would not be able to go as far as getting the club built and operated prior to commencement of works on the pub and hotel. For one we are likely to embark on a combined access and groundworks contract to cover all three buildings. To achieve this, the sites will need to be sold and purchasers would not wish for their investment to lie idle for a period of time after purchase and groundworks expenditure before they can continue. However, we might possibly consider not occupying the pub and hotel prior to completion of the club's building works"*.

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Unfortunately this does not provide the security or the exceptional circumstances required to comply with PPG17, Policies LR1 and LR9 of the Adopted Local Plan.

£100,000 TO WYRE FOREST DISTRICT COUNCIL

- 4.65 The £100,000 would be put towards improving sports provision at White Wickets as a compensatory measure again for the loss of the sports pitch / open space (exact details to be provided on update sheet).

£10,000 TO WORCESTERSHIRE COUNTY COUNCIL

- 4.66 The £10,000 to Worcestershire County Council would be spent on sustainable cycle routes in and around the town centre to accord with PPG17.

5.0 Conclusions and Recommendations

- 5.1 In conclusion the proposed development would result in the loss of a sports pitch and open space which is contrary to the policy advice in PPG17 together with Policies LR1 and LR9 of the Adopted Local Plan except in exceptional circumstances when equivalent or improved compensatory provision is made in a suitable alternative location. Sport England, as a statutory consultee has submitted an objection as it does not consider that the compensatory provision in the form of leasing the ground to the bowling club and providing investment to improve sporting facilities at an alternative location (i.e. £100,000 to be spent at White Wickets) is adequate. Therefore an assessment of whether there are any other material considerations to outweigh the policy should be undertaken.
- 5.2 The first material consideration is that the application site is currently redundant. It has not been in sporting use since 2003. There is currently no public access and it is very unlikely that the site will be brought back into use. Therefore while it is allocated as a sports pitch in the Adopted Local Plan in reality this is not its current use or its likely future use.
- 5.3 Secondly the development would provide a centre of excellence for bowling within the district, a much needed facility as there is no indoor bowling facility within the district. The closest indoor bowling club is at Bromsgrove. Such a club would provide a community use which is able to accommodate four times the number of members than the existing Chester Road club and its provision would meet the aspirations of the Council's Open Space, Sport and Recreation Assessment. However it should also be acknowledged that its financial survival cannot be guaranteed. The clubs financial sustainability based on the figures submitted in the business plan has been raised as an issue by Sport England, particularly as the Bowling Club are moving from a site where it is a freeholder to a site where it would be a leaseholder.
- 5.4 Thirdly the applicants are providing sponsorship of the Kidderminster Victoria Cricket Club for 10 years, Worcestershire Bowling League for 5 years and contributing towards local sustainable cycle routes which will support the aims of PPG17.

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- 5.5 Finally the receipt from the sale of land is proposed by the applicants to be re-invested back into Victoria Carpets to improve production facilities which will, states the Agent, *“safeguard the future of its employees and of carpet manufacturing in the town”*. The applicants have advised that, *“It is important to underline that Victoria Carpets have no other surplus assets for disposal (the proceeds from which could theoretically be reinvested in its business). It is important to appreciate that the return from any commercial enterprise on the site could be used to lever additional investment into the business (as opposed to simply being used in capital projects).”* It is acknowledged that this is a worthy intention however there has been no offer of securing the re-investment via a Section 106 Agreement.
- 5.6 Members are advised that consideration of the proposed development has certainly been a balancing exercise for officers. The objection from Sport England appears to be based on a quantitative assessment of sports pitch provision which requires a like for like quantitative replacement rather than what is proposed by virtue of the new bowling club and improvements to White Wickets which is a qualitative improvement. Furthermore, the fact that the previous sporting use of the site ceased some years ago and the site has remained unused since does not appear to have been given great weight by Sport England. However after weighing up the material considerations together with their possible pitfalls it is considered that whilst there may not be equivalent or improved compensatory sporting or open space provision on its own cumulatively taking the proposed compensatory provision together with the other material considerations there exist sufficient reasons which weigh favourably against compliance with Adopted Local Policies LR1 and LR9.
- 5.7 Furthermore whilst the location of the site is out of centre it is considered that the proposed development meets the guidance of PPS4 and would not have a negative impact upon the town centre.
- 5.8 The proposed design of the three elements is considered to be acceptable and would retain a sufficient number of trees to maintain the existing tree lined character of the site complemented by a suitable number of replacements.
- 5.9 The Highways Authority have raised no objections with regards to the safety of the access or the capacity of the highway network, whilst Environmental Health Officers have raised no concerns regarding the impact of noise upon residential amenity.
- 5.10 There are, however, outstanding matters relating to lighting and ecology which need to be resolved prior to determination. The recommendation is therefore as follows - **delegated Authority to approve** subject to the submission of :

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- i) amendments to the landscaping as suggested by Arboricultural Officer;
- ii) an update to the sequential approach regarding the Watermill Public House site with a justifiable reason for excluding the site;
- iii) an updated ecology survey with no objections raised by Worcestershire Wildlife Trust, English Nature and the Council's Countryside and Conservation Officer; and
- iv) an additional lighting strategy for the bowling green undertaken by suitable qualified person indicating vertical light spillage and the impact of the proposed lighting upon ecology with no objections raised by Worcestershire Wildlife Trust, English Nature and the Council's Countryside and Conservation Officer; and thereafter
- v) The signing of a Section 106 Agreement for the items listed under paragraph 4.63; and thereafter
- vi) Subject to the following conditions:
 - 1) Three year time limit
 - 2) In accordance with approved plans
 - 3) Details of boundary treatment
 - 4) Retention of parking
 - 5) Bowling club to be used only for that purpose and no other
 - 6) Sample of materials
 - 7) Visibility splays
 - 8) Secure parking for 20 cycles
 - 9) Implementation of parking spaces for 177 cars and the loading and unloading of commercial vehicles
 - 10) Scheme to be submitted and agreed regarding areas for the manoeuvring, parking, loading and unloading of vehicles
 - 11) Details of right turning facility to be submitted and agreed
 - 12) Details of wheel cleaning apparatus to be submitted and agreed
 - 13) Means of vehicular access to be from Spennells Valley Road only
 - 14) Details of parking for site operatives and visitors

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- 15) Development to be implemented in accordance with submitted Travel Plan.
- 16) Finished floor levels no lower than 32.4m AOD
- 17) Provision and implementation of a surface water regulation system including the use of SuDS
- 18) Details of foul drainage
- 19) Details of design of bird and bat boxes
- 20) Agreed design of bird and bat boxes to be installed in locations shown on approved plan prior to first use of bowling club
- 21) Ecologist present during site clearance
- 22) Works to trees outside nesting season (March to Sept unless ecologist present)
- 23) Additional bird / bat enhancement measures on buildings
- 24) Habitat suitability index assessment of adjacent pond on golf course with suitable mitigation measures if necessary
- 25) Tree retention in accordance with plans
- 26) Tree protection in accordance with BS5837/2005
- 27) Lighting in accordance with details to be agreed
- 28) Glazing in accordance with Environmental Noise Report recommendations
- 29) Planting in accordance with approved plans, timescale to be agreed
- 30) Details of landscaping maintenance
- 31) Play area within area shown on layout only

08/1044/FULL

Reason for Approval

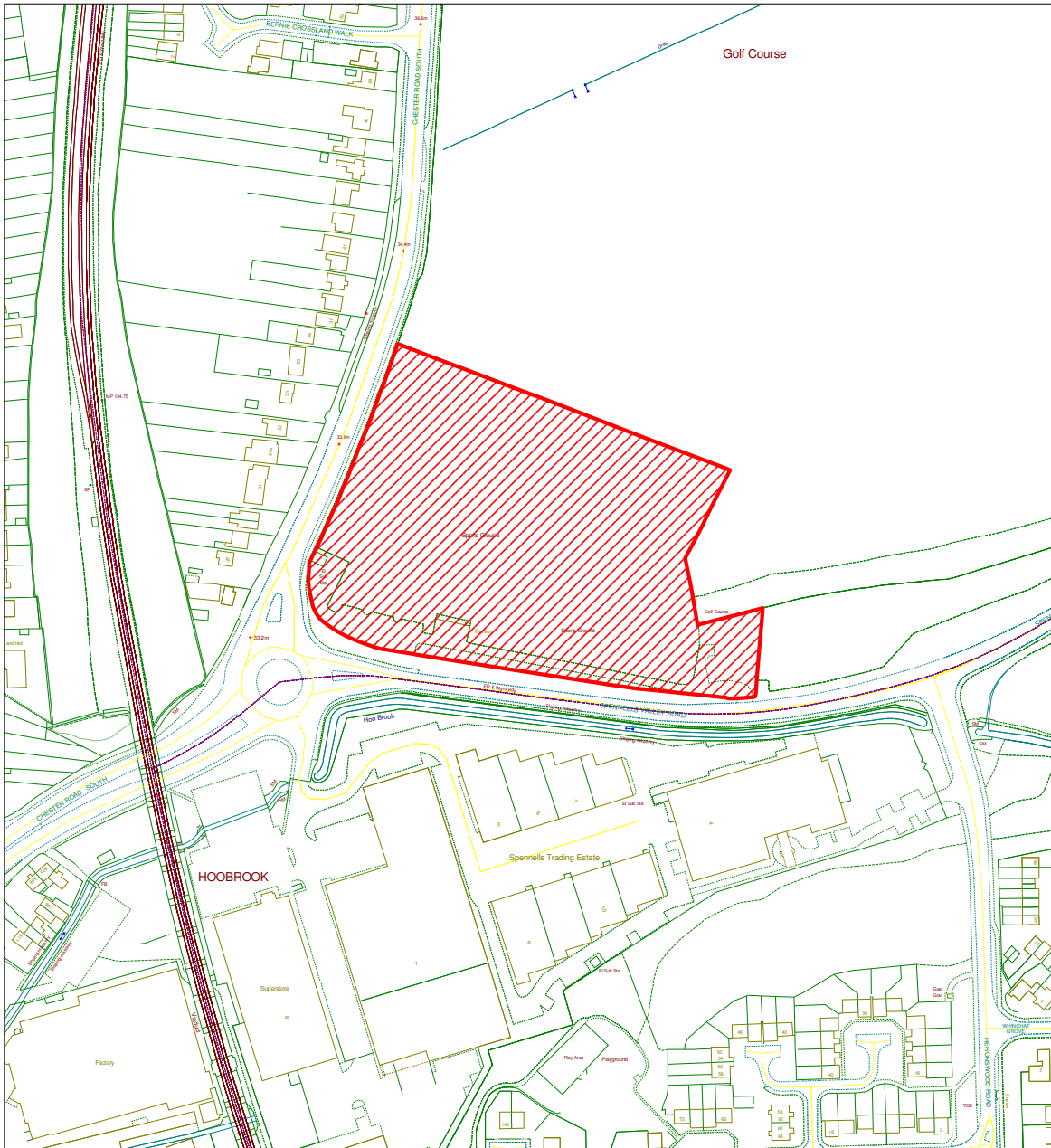
Whilst the proposed development which would result in the loss of sports pitches / open space, which are protected by virtue of Policies LR1 and LR6 of the Adopted Local Plan, it is considered that, cumulatively, there are sufficient reasons which would justify supporting the proposed development. These reasons being that the site has not been in sporting use for 7 years; the development would provide a centre of excellence for bowling within the district; its provision would meet the aspirations of the Council's Open Space, Sport and Recreation Assessment; financial contributions would be made towards supporting and improving existing sporting provision in the district; and the proposed development would enable the landowner to reinvest and therefore safeguard jobs in Kidderminster. It is considered that the proposed design, layout, impact upon highways, flooding, drainage and neighbouring amenity is acceptable subject to conditions. Therefore the proposed development should, taking the policies at the beginning of the report into account, be approved.

Date:- 24 September 2010

OS sheet:- SO8375SE

Scale:- 1:2500

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Former Victoria Sports Field
Spennells Valley Road
Kidderminster**

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Agenda Item No. 5

Application Reference: 10/0229/RESE **Date Received:** 16/04/10
Ord Sheet: 381388.550419101 **Expiry Date:** 22/07/10
271257.767420201
Case Officer: Julia Mellor **Ward:** Mitton

Proposal: Reserved Matters: Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 08/1053/EIA - Appearance, Layout, Scale and Landscaping to be considered)

Site Address: FORMER CARPETS OF WORTH SITE, SEVERN ROAD,
STOURPORT ON SEVERN,

Applicant: Santon Group Developments Ltd / Tesco Stores Ltd

Summary of Policy	D1, D3, D6, D7, D8,D9, D.10, D.11, D12, D14, D15, D16, D19, LA1, LA4, LA6, LB1, LB5, CA1, NR.5 NR6, NR7, NR10, NR11, NR12, NC2, NC3, NC4, NC5, NC6, NC7, NC8,TR6, TR7, TR17, RT9, STC2, (AWFDLP) SD1, CTC6, CTC9, CTC12, CTC15, CTC20, T4, T10, T12, (WCSP) PPS1, PPS5, PPS9, PPG13, (including their supplements and companion guides where applicable); Severn Road Development Brief Design Quality Supplementary Planning Guidance Conservation Area Appraisals (Gilgal & Nos 1 &.2) Supplementary Planning Document – Section 106 obligations Public Realm Design Guide: Stourport-on Severn (Nov 06)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site forms the northern part of the former Carpets of Worth site on Severn Road Stourport. The site is located between Severn Road and the western bank of the River Stour, which form the western and eastern boundaries respectively. Stour Lane forms the northern boundary of the site.

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- 1.2 The total area of the application site amounts to 4.52 hectares, however this total includes parts of the existing highway network, the new road bridge over the River Stour connecting Severn Road with Discovery Road on the east side of the river and the new pedestrian bridge which will link to Pinta Drive again on the east side of the river.
- 1.3 Although the overall site known as the Carpets of Worth site extends to approximately 6 hectares, the application site only occupies some 2.48 hectares thereof. The balance, to the south, is subject to two identical planning applications by the landowners, Arab Investments Ltd., for a mixed use development including 159 residential units and a total of 3,300 sq.m of commercial uses within Classes A1-A5, B1, C1 and D2. The two applications (References 08/0768/OUTL and 09/0588/OUTL) are yet to be determined. The latter application submitted in 2009 is the subject of a current appeal which is due to be determined via a hearing on 13th October 2010. There is no planning reason why the non determined applications and appeal should prejudice the determination of the current application.
- 1.4 The application site was formerly occupied by a carpet factory, and all the buildings have been cleared from the site. Residential properties face into the site from the west on Severn Road and from the north on Stour Lane and Mitton Street.
- 1.5 Three relatively small parts of the application site fall within the boundary of three Conservation Areas, namely the Stourport No.1 and Stourport No.2 Conservation Areas, and the Gilgal Conservation Area. These comprise a section of the highway in Severn Road (falling within Stourport No.1), and a separate part of the highway in Severn Road extending along and into a section of Mitton Street (Stourport No.2 and Gilgal). For the avoidance of doubt works within these areas are confined to off-site footpath/highway/junction alterations and improvements; no part of the development site itself, i.e. the site of the proposed foodstore and petrol filling station or any of the substantive new roadworks lie within any of these Conservation Areas.
- 1,6 Although there are no statutorily listed buildings within the site, there is an existing brick built locally listed building outside and to the south of the application site. It was also identified as a 'valued building' worthy of retention in the Severn Road Development Brief. However, it is not affected by this proposal. The site is also immediately adjacent to one Listed Building (No. 41 Mitton Street), and several buildings noted to be of local interest within the Conservation Area Character Appraisal documents, namely Nos. 39-40 Mitton Street, Nos. 53 & 54 Mitton Street, Nos. 28-30 Severn Road and No. 7 Mitton Street, some of which are also locally listed. The application site also abuts a Grade II Listed sandstone wall which separates the current Lichfield Basin

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development from Severn Road, however works to this wall are not proposed within this scheme.

The Outline Planning Approval (08/1053/EIA)

1.7 The current reserved matters application follows outline approval for a new Class A1 supermarket, customer car park and petrol filling station. The outline application (Ref. 08/1053/EIA) was the subject of an Environmental Impact Assessment and was reported to Planning Committee on 6th August 2009. It was subsequently approved following the signing of a Section 106 Agreement on 22 October 2009.

1.8 The outline planning application was accompanied by the following technical reports:

- Environmental Statement (and non-technical summary);
- Retail Assessment;
- Design and Access Statement;
- Secured by Design Statement;
- River Stour Wetland Feasibility Study;
- Traffic Impact Assessment (November 2008);
- Noise Assessment;
- Air Quality Assessment;
- Flood Risk Assessment;
- Phase 1 & II Environmental Assessments;
- Limited Site Investigation (Wetland Area);
- Preliminary Ecological Survey;
- Phase II Bat and Otter Surveys;
- Phase II Ecological Survey;
- Repeat Phase II Ecological Survey;
- Extended Phase 1 Habitat Survey; and
- Lighting Statement.

1.9 Approval was granted for access at the outline stage together with the siting and orientation of the store itself. The current reserved matters application seeks approval for the remaining reserved matters – layout, scale, appearance and landscaping.

1.20 As such approval has been granted for the following access matters:

- i) access to the site via new public highway running from a junction with Severn Road positioned opposite Nos. 12 and 14 and running to a roundabout from which access to the development is gained;
- ii) the provision of a new public highway link road and bridge over the River Stour connecting to the existing highway at Discovery Road;
- iii) the provision of a pedestrian footpath and bridge linking the site to Pinta Drive;

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- iv) the provision of improvements to Lichfield Street;
- v) the provision of a signalised junction at Mitton Street/Severn Road junction;
- vi) the provision of pedestrian crossing facilities at the Mitton Street/Vale Road/Lion Hill junction; and
- vii) the provision of improvements on Mitton Street.

A Section 106 Agreement was also signed for contributions towards and legal obligations to provide (in summary):

- a) signage and street furniture to promote sustainable access (by pedestrians and cyclists) to and within Stourport (£20,000);
- b) new and enhancement of existing bus services and to provide an additional bus service to Areley Kings (initial sums of £95,000 and £200,000 rising up to £478,000);
- c) improvements to pedestrian linkage to the Town Centre utilising Lodge Road (£30,000);
- d) improvements to junctions along the route of the enhanced bus services and/or otherwise affected by traffic impact from the development which may include (but not be restricted to) the junction of York Street/Bridge Street/High Street/New Street (£50,000);
- e) a travel plan to be agreed, implemented and kept under review;
- f) costs indemnity in respect of the promotion of traffic regulation orders as are necessary in light of the development and the highway works;
- g) establishment prior to commencement of development to the satisfaction of WFDC and WCC that control of the land for the footings of the pedestrian bridge and link road has been secured and to construct the pedestrian bridge and the link road bridge prior to the development first opening for trade;
- h) a construction programme identifying compounds and traffic movement during construction;
- i) a lorry routing agreement;
- j) details of a trolley management plan;
- k) a contribution to air quality monitoring during and after construction of the development, including the provision of equipment (£41,000);
- l) a contribution towards signage/finger posting to improve connectivity between the store and the Town Centre (£20,000);
- m) public art on-site;
- n) the closure of the existing Tesco store in Stourport to the public on or before the opening of the new store;
- o) the implementation of a car park management scheme to control use by non-Tesco customers;
- p) a lorry routeing agreement.

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- 1.21 As stated previously the siting and orientation of the store has been agreed and the size of the store has been consented. A condition attached to the outline consent restricts the floorspace allocations as follows:
- a) Up to 4209 sq m of gross floorspace - comprising the areas open to the public, back office, warehousing and bulk storage, staff facilities, unloading dock area and preparation areas, but excluding the 403 sq.m. comprising the entrance feature and walkway.
 - b) Up to 2919 sq m of gross sales area - that part of the gross floorspace comprising the area for the sale and display of goods together with other internal areas to which the public have access but are not utilised for the sale of goods, including entrance lobbies, circulation space, customer services, customer toilets and ATM facilities
 - c) Up to 2403 sq m of retail sales area - that part of the gross sales area comprising the area used for the sale and display of goods together with the checkout area, but excluding the other areas open to the public, and
 - d) Up to 403 sq m for the entrance feature at the Mitton Street/Severn Road junction and associated pedestrian walkway running within the western part of the store, as referred to in the applicants' Planning Statement. This floorspace shall be used only as an area to which the public have access but shall not be utilised for the sale and display of goods.
- 1.22 Permission has been given to pursue a judicial review of the outline consent but as yet no date has been set for the High Court hearing. The grounds that the third party has been advised they are able to proceed on are as follows (in summary):
- (i) that the Planning Committee failed properly to take into account PPS6 in respect of the relative weight that should be attached to quantitative and qualitative need.
 - (ii) mis-application of Adopted Local Plan Policies RT4 and RT5 and whether the application site is out of centre/edge of centre with the resultant need to consider sequentially preferable sites.
 - (iii) the references in ground (i) also appear as ground (iii) in that third party argue that the Council failed to grapple with the key questions on the application, namely the quantitative need for the proposed Tesco store and related issues.

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- 1.23 The current position is that both the Council and the interested parties have submitted the further evidence they seek to rely on in connection with the case and the Council is currently awaiting the listing of the matter in the High Court.

2.0 The Proposal

- 2.1 The current reserved matters application seeks approval for the remaining reserved matters – layout, scale, appearance and landscaping. The position and orientation of the store within the site has been agreed at the outline stage, as has the total gross floorspace at 4209 sq m (45,309 sq.ft) and its composite parts as described above.
- 2.2 A key condition of the outline approval stated that the reserved matters applications should follow the principles for the development of the site as submitted to accompany the outline application albeit for illustrative purposes only. This condition is considered to have been adhered to. The position of the parking areas and petrol station within the site is as previously shown. The number of parking spaces remains at 310 spaces and the broad areas of landscaping to the site boundaries is the same. Furthermore the overall elevational design of the proposed store keeps to the same principles.
- 2.3 The applicants indicated at the outline stage that the store will provide an estimated 250 full and part time jobs.

3.0 Planning History

- 3.1 Outline application for redevelopment of part of site to provide a Class A1 supermarket, petrol filling station, new road and bridge, other highway works, landscaping and other associated works: - Not registered (June 2005).
- 3.2 Outline application for redevelopment of part of site to provide a Class A1 supermarket, customer car park, petrol filling station, new road bridge, new footbridge, other highway works, landscaping and other works: - Not registered (December 2006):- Non-determination appeal withdrawn May 2008.
- 3.3 Outline application 07/1105/EIA for redevelopment of part of site to provide a Class A1 supermarket, customer car park, petrol filling station, new road bridge, new footbridge, other highway works, landscaping and other works. Submitted October 2007 - approved May 2008. High Court challenge dismissed March 2009. Court of Appeal challenge dismissed 29th July 2010.

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- 3.4 Outline Application: 08/1053/EIA - Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road & bridge, footbridge, landscaping, highways & other works – Approved 22/10/09 (Permission has been given to pursue a judicial review of the outline consent but as yet no date has been set for the High Court hearing).
- 3.5 As stated, two separate outline planning applications for the redevelopment of the balance of the Carpets of Worth site have been submitted by Arab Investments Ltd. (refs. 08/0768/OUTL and 09/0588/OUTL) to provide a mixed use development consisting of 159 no. residential properties, Class A retail uses, Class B employment, Class C1 hotel and Class D2 assembly and leisure. (Both applications have yet to be determined, the latter is the subject of an appeal against non-determination with the hearing date set for 13th October 2010).

4.0 Consultations and Representations

- 4.1 Highway Authority – Original plans. No objections subject to conditions requiring 17 disabled parking spaces, secure parking for 31 cycles and 17 motorcycles. (*Await comment regarding revised layout indicating 17 disabled parking spaces, secure parking for 32 cycles and 15 motor cycles*).
- 4.2 Arboricultural Officer - The landscaping plans show that there are few trees on the site, but most are being retained. Whilst new trees to be planted along Severn Road will block off views to the River it is however important to have them to screen the supermarket and car parking. The site isn't currently very appealing, however whether a Tesco store will 'accentuate views and vistas' I'm not sure. Not sure that the planting defines public and private spaces. The trees and shrubs around the circumference of the site will hinder natural surveillance, however they are necessary for screening. The planting will provide screening to the northern edge of the site and Severn Road and will provide additional planting to the riverside to include black poplars. New areas of scrub planting are proposed including hawthorn, blackthorn and alder. A predominance of native species is shown.

In terms of the planting details – the proposed *ligustrum vulgare* (privet) not appropriate to woodland planting; the *alnus glutinosa* (alder) are susceptible to *phytophthora* and need to be coppiced every year - i.e. coppicing needs to be referred to in the maintenance section; horse chestnuts are not a good choice due to bleeding canker and leaf minor; a 12 month maintenance period is inadequate and should be 5 years. Happy for conditions to stay the same.

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(Officer comment – additional comments submitted on behalf of the agent including an amended landscaping plan to taking the above detailed planting comments into account are anticipated prior to the committee meeting)

- 4.3 British Waterways – Though this store does not front onto the Canal the development will have a major impact on the facilities available to the Canal and River users in the Lichfield basin. The site will not have a visual impact on the basins but will generate additional traffic flows to the area. We would welcome the agreement with Tesco's to increase parking in the town by making the parking at their site accessible for a number of hours to allow visitors to access the basins and other town facilities. In previous responses British Waterways stated it would welcome pathways developed and signposted to enable easy movement from the site to the basin and main shopping areas. We also asked for a management scheme which will retrieve rubbish, especially trolleys from the canal and basin environment.

We have no fundamental of significant concerns with the development.

We do however have the material consideration that supermarket trolleys should be prevented from leaving the supermarket site. We suggest a condition to reflect this. *(Officer Comments – requirement form trolley management plan forms part of S106 Agreement).*

- 4.4 Conservation Officer – This application has been the subject of considerable pre-application discussions, over the past few years, resulting in initially an outline application, which in itself contained in depth detail and potential elevations. It is my opinion that the proposals within this application do not vary significantly from the original outline application, and as such my comments from the original application remain, and I am prepared to support this scheme.

During the pre-application discussions, one of the main aims was to remove any negative impact on the historic environment, in particular the adjacent Locally Listed Buildings, the Listed Buildings, and the Conservation Areas. It is my opinion that the proposals resulting out of these discussions, and forming the design and details of this application, do just that. I do not feel that they are detrimental to the character or appearance of either the Locally or Statutory Listed Buildings. Whilst the site can clearly be seen from the Conservation Areas, the design of the main building, and of the entrance feature, together with the boundary walls, will not have a detrimental impact on either views into or out of these Areas, nor on the character or appearance of them.

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One of my principal concerns was the impact of the petrol filling station, during the original Outline Application, but having examined the proposals within the current Reserved Matters, I am of the view that this will not have a detrimental impact on the character or appearance of the Conservation Area to which it is in proximity to. It is my view that this petrol filling station is sufficiently distant from the boundary of the Conservation Area, in order to have a negligible impact on it.

However, there is one element of the scheme which I do feel needs some further clarification, which can either be submitted as part of this scheme, or as part of a condition: the method of protecting and securing the front pedestrian entrance to the site, from Mitton Street/ Severn Road.

I am happy to support this scheme, on the following conditions;

- (i) That all facing materials are approved by the Local Planning Authority (LPA) prior to the commencement of works on site;
- (ii) That all lighting for the scheme, including position, style, and lux be submitted to and approved by the LPA prior to the commencement of works on site;
- (iii) I also note that there is no advert consent in at this stage, of which I would anticipate in order to clarify the details of all signage for the scheme.
- (iv) That all 1:10 details of all windows are submitted to and approved by the LPA prior to the commencement of works on site.

Approve subject to the conditions outlined above (*Officer comments points (i) and (ii) are covered by condition Nos. 11 and 9 respectively of the outline consent. Point (iii) is covered by the Town and Country Planning Control of Advertisements Regulations 1992 and a note could be added to the decision notice. Point (iv) could be covered adequately by a condition.*)

- 4.5 Countryside and Conservation Officer – I have no problem with the suggested planting scheme within and on the perimeter of the site however the following issue still has to be addressed. There needs to be a riverside management plan to ensure the newly created river corridor enhancement stays litter and invasive plant free. Assurances are also needed that the proposed otter holt location will not be lit. The bridges show no facility for otter passes. This is an industry standard and a must if the development is not going to potentially cause harm to otter. Similarly the lighting of these bridges must be designed in a manner so as to not cast light across the river corridor. The original ecological report also recommended that the road bridge corridor was also planted with trees to provide mitigation for bats. Also some considerable time has passed between the original surveys and there

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are three protected species potentially on site hence some form of re-survey to ensure there have been no changes in the locations and nature of the aspects of site these species are using prior to works beginning.

The development will impact on how the area of open space east of the River can be used.

I see from one of the plans that an access ramp has been provided down on to the flood plain.

However I can see no way to access either the parcel of land between the two bridges (there is a field gate provided but no access ramp) or the land to the north of the pedestrian bridge. Given the issues of tipping and unauthorised vehicle access this land has been subject to recently we would like to see the access down to the open space gated securely from the highway. Also pedestrians may wish to access the open space down the grass embankment vehicle access location so we would wish to see a motorcycle unfriendly access gate included in the design at this point. If the council cannot gain access to maintain the land it would find it difficult to adopt.

It is envisaged that the open space will become a recreational access attraction. It would be good to see what design features are going to be included in both bridges to allow the open space to be readily accessible and what measures will be included to prevent anti social use of this open space e.g. to deter motorcycling, tipping and avoiding the provision of secluded shelter which may lead to illicit drug issues.

(Original Comments – A Riverside management plan including provision for otters and a lighting strategy are covered by conditions attached to the outline permission. Protected species surveys undertaken in August 2010. Matters regarding open space to the east bank to be addressed by the applicants prior to Committee)

- 4.6 County (Planning) - No comments received
- 4.7 Disability Action Wyre Forest - No comments received
- 4.8 Environment Agency - We have no objections, in principle, to the proposed development but would refer to the comments made and conditions recommended in our responses to the outline application (our refs. SV/2008/103045/01-L01, dated 13 February 2009, and SV/2008/103045/01-L02, dated 24 July 2009) We note that our recommended conditions relating to biodiversity, surface water run-off and drainage and the protection of groundwater quality have been attached to the outline permission (ref. 08/1053/EIA).

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The plans and documents submitted with this application show general site layout and elevations, with little detailed information on the applicant's treatment of the river corridor. Therefore further detailed information should be submitted in accordance with the conditions imposed on the outline permission. For example, it would be helpful to see detailed sections along the river corridor for the site in considering condition 8 on the outline permission (ref. 08/1053/EIA). We note that reference has been made to the removal of piles, softening of the banks and a 10m easement. It should be noted that this easement starts from the toe of the bank rather than the top of bank.

Notwithstanding the above we note that information was submitted with the outline application, within the River Stour Corridor Wetland Feasibility Study (Prepared by GL Hearn, dated November 2008) and drawings Nos 0297.004C and 0297.005A, which included detail on the possible treatment of the River Stour and adjoining strip of land on the east bank of the River.

We note from previous correspondence on the outline permission and our response (ref. SV/2008/103045/01-L02, dated 24 July 2009) that there were land ownership issues relating to works on the east bank of the River Stour. We would still encourage the developer to seek a legal agreement to undertake these works to enable biodiversity improvements to be provided on both of the banks of the River Stour.

Where a condition may not be appropriate for offsite works, a legal agreement could be entered into by the developer with the aim of securing a detailed scheme to enhance the east bank of River Stour and adjoining strip of land along the river corridor, implementing in full the recommendations and proposals shown on the Munro & Whitton Drawings Nos 0297.004C and 0297.005A, which formed Appendices 2 and 3 respectively (submitted with the outline application). The works would include an appropriate planting regime, re-profiling of the river banks and introduction of enhanced wetland interest through a wet bypass channel, multi-stage channel and aquatic planting. (*Officer comments – it is anticipated that the agent on behalf of the applicants are to respond to the above prior to committee.*)

4.9 Environmental Health-Principal Pollution Officer - No comments received

4.10 Inland Waterways Association – We note that this part of the development will not be visible from the canal basins and whilst supporting the development in principle because it will provide a key facility for boaters, consequently we do not have any comment to make about this part of the proposals for the former Carpets of Worth site.

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- 4.11 Natural England - No comments received
- 4.12 Stourport on Severn Town Council- No comments received.
- 4.13 Policy and Regeneration Manager - No comments received
- 4.14 Severn Trent Water- No objection subject to condition requiring details of surface and foul sewage disposal (*Officer Comments condition attached to outline*)
- 4.15 West Mercia Constabulary (Crime Risk Manager) – (*Original Comments*) I still have some concerns over the footpath that runs between the supermarket and the River Stour. For a distance of approximately 70 metres there will be a high brick wall on one side and the River on the other with no obvious escape route. This has the potential to encourage street crime such as robbery and theft from the person. The large expanse of brick wall is also likely to be a target for graffiti artists. Areas such as this do create an increased fear of crime, if the walls do become a target for graffiti this fear will increase. Whilst I have not seen any details I would have thought a store as large as this one will have a CCTV system. I would like to see cameras mounted at each end of this section of the footpath. I believe in this instance cameras will have a significant deterrent effect. Both to crime against the person and graffiti damage to the building. The store may also want to plan ahead and coat this wall with anti-graffiti paint. To gain maximum effect from the cameras and also to reduce fear of crime I would like to see this section of the path well lit.
Ask that you refer to previous comments. (*Revised Plans removing part of riverside walkway*) I have looked at the plans provided with this application and I do not have any comments or objections to the proposals.
- 4.16 Worcestershire Wildlife Trust – No comments received
- 4.17 Chamber of Commerce – No comments received
- 4.18 Stourport Town Council – No comments received
- 4.19 Stourport on Severn Town Centre Forum – No comments received
- 4.20 Stourport Business Association – No comments received
- 4.21 Stourport Civic Society – Although this planning application relates to "Reserved Matters" we feel it does raise wider issues which have not been addressed. We are therefore opposed to this application for the following reasons:

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- i) Access to the site and safety, both for pedestrians and vehicles, remain a major concern:
- The bus access is unrealistic except for the young, fit and agile.
 - The supposed pedestrian route to the town centre along a very narrow footpath in Mitton Street is only to be attempted by those with a "death wish". This is not a viable pedestrian route which means that most people will access the store by car.
 - Severn Road which presumably will be the main traffic route for customers is narrow and frequently has vehicles parked outside houses.
 - The grandiose new pedestrian entrance may look good but pedestrian shoppers have a long walk from there to the actual store entrance. Coming out of the store, loaded with heavy shopping bags, will make such a walk difficult.
 - More information is needed about proposed traffic flows: What protection will there be for Lichfield Street and its listed buildings?
 - Will delivery vehicles be restricted to access via the new Stour bridge and excluded from Mitton Street?
 - Changes made to the plans appear to be largely "cosmetic" as major issues are still being ignored. Are any alterations proposed to the Mitton Street/Lion Hill junction?
- ii) Addressing the three key issues

1 Appearance

No attempt has been made to emulate local building styles or heritage. The landscaping proposed is acceptable but could the riverside walkway be continued north of the site?

2 Layout

As stated above we believe that the proposed pedestrian access is unrealistic except for the young and fit.

3 Scale

The need for a supermarket of this size has not been proven.

We repeat what we have already said: this is not an appropriate site for this development.

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4.22 Stourport Forward - No comments received

4.23 Worcestershire County Council (Archaeology) – The outline approval required as a condition that a programme of archaeological work would be required prior to any development taking place. To date this condition has not been implemented.

4.24 Neighbours / Site Notice / Press Notice

Letters of objection have been received from 10 properties (more than one letter has been received from 3 properties) and a further 7 e-mails raising objection have been received (again 2 emails have been received from the same property). The issues and concerns raised are summarised as follows:

HIGHWAYS AND PUBLIC SAFETY RELATED MATTERS

Worried about the congestion on the roads in the vicinity of the proposed site. Putting even more vehicles on these roads will lead to complete grid lock.

By definition Discovery Road will become a busy road and change from a quiet cul-de-sac to a busy relief road. This change of use clearly uplifts the safety risk to the public. School children and others currently cross Discovery Road and enter Santa Maria Way through the gap between Nos. 42 and 44 Santa Maria Way as they progress to Worcester Road. The relief road traffic will increase with road crossing safety concerns. This is a public highway safety issue and it is your duty to protect us against traffic created by your decision. We suggest the gap between the properties of Santa Maria Way is closed to reduce public danger. The gap is on Discovery Road directly opposite Resolution Way and to encourage pedestrian crossing at this 'T junction' apex is extremely unsafe.

The Worcester Road, when trying to drive out of Discovery Road is often a nightmare a peak rush hour (3.00 - 6.30 pm). This will just exacerbate the situation. If the proposed 159 houses are to be built near Tesco it can be expected that Stourport will be so congested that people will not bother visiting the town thereby losing valuable business.

The Kidderminster store is only 10 minutes away by car from Stourport and it is proof that during peak times (Thursday – Saturday) the car parks and surrounding roads are chaos. Stourport will be a mirror image. Although we will have smaller roads to cope with the traffic as well as having extra holiday traffic.

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We still object to the siting of the entrance to the application site being directly opposite our home at Severn Road. It will be extremely difficult and potentially dangerous to attempt to reverse into our driveway as we are informed that it is illegal to reverse onto a main road which Severn Road will become. The number of vehicles with the estimated traffic flow from Tesco, the old basin development and the Carpets of Worth site will make life exceedingly awkward. Why couldn't Discovery Road which Tesco have to extend to fulfil this plan be used without all this upset?

When is someone going to use common sense and realise that all the proposed projects cannot be supported by the road structure in this area and a bridge over the River Stour onto a supermarket site will not help as this will be for limited traffic only.

We already have major traffic jams in Gilgal and Mitton and this is before any other work is done so what can we expect if the projects go ahead? Gridlock. Stourport will become a no go area and just a large housing estate.

On the one hand we are promoting a heritage/tourist town on the other we are preventing people from actually getting into and moving around the town.

The plans submitted do not show the egress from the new residential site, which will be situated directly opposite the junction with Lichfield Street and also the egress from the new Waters Edge development in Severn Road. These two developments alone will comprise of over 300 dwellings and attract considerable foot traffic to the supermarket.

An obvious and shortest route will be Lion Hill, Lichfield Street, the new link road and exit onto Worcester Road. This route will also be used as a rabbit run to avoid any congestion in Vale Road or the Gilgal. There is absolutely no doubt that Lichfield Street would not be capable of coping with any increase in traffic, furthermore this road has Grade II Listed structures on both sides that play an important part in the town's history.

The plans do not clearly show the provision of a pavement on the right corner flanking the end of No. 15 Lichfield Street.

The view to the left when exiting Lichfield Street is also impaired by vehicles parked on the car park of the British Legion Club.

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The old plans stated that there would be a provision for Lichfield Street to be made one way with the direction of traffic from Mart Lane to Severn Road. I fear that this on its own will not be enough.

The plans show a slip lane for the vehicles turning right into the site. I am assuming that the lay-by opposite the junction will be utilised for road widening at the junction. The extra width from the lay-by will not provide the length to facilitate the proposed slip lane. I do not see how the applicants will be able to put in a third lane without putting road users in danger. Within a very short distance there will be a hazardous crossroads, a pedestrian crossing and a three way major road junction.

The applicants are obviously not aware of the potential volume of pedestrians in this area.

Simply close the road junction of Lichfield Street and Severn Road and incorporate a roadside footpath. A designated path will also encourage locals to walk or cycle as it will be considerably safer.

We would like to ascertain whether or not the lay-by in front of Nos. 12 and 14 Severn is to be removed and the pavement continued across this area as shown on the drawing.

We would like to know how we are supposed to negotiate this junction (at the entrance to the application site in Severn Road) into our driveway in reverse with 3 busy lanes of traffic as indicated on the plan? We have been told by highways that this is not considered to be a highway hazard. Highways can see that the visibility splay is restricted but would not consider it to be at a level where we are unable to see oncoming traffic. Can you explain as highways have not how a rapid increase from the current very low level of traffic movements to 300-400 plus cars per hour can possibly be considered to be low impact and just how is a change in lighting design going to improve the available visibility through a 2m high brick wall.

We have a right to be able to enter and exit our property in Severn Road in safety. If this junction is permitted then it will contravene each of these points regarding our human rights and safety.

If indeed this junction is ultimately considered to be safe in relation to ourselves at Severn Road then we would like a personalised statement that this is so and signed by the person responsible for its authorisation.

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A simple solution to the vehicular problem would be to have the entrance to the site from the purpose built Discovery Road as this would solve more problems than it would create.

The pedestrian access from the town to the store going up Mitton Street is laughable. It is less than 1m wide in places and cannot be widened due to the listed status of abutting buildings.

I do not believe the footbridge is required nor do we want this facility as this will encourage parking in an already overcrowded cul-de-sac at Pinta Drive by Tesco users not wanting to queue in Stourport's already gridlocked traffic. I would suggest that if the footpath is an essential requirement then join the new footbridge to the existing ramp in Santa Maria Way as this is a straight ramp more user friendly for disabled persons.

RETAIL IMPACT

I cannot believe that a town that heralds itself as a fair trade town could still be even contemplating allowing Tesco to build a large superstore that would wreck the high street trade and turn Stourport into a Tesco town and not a fair trade town.

There is already a very large Tesco 6/7 miles out of Stourport and Kidderminster and small ones on two of the roads between Stourport and Kidderminster. This smacks of monopolising the area and unfair trading.

Should a new supermarket open the Co-op will invariably be forced to close along with the nearby Tesco Metro.

Many other local businesses will close down such as the bakery, butchers, clothing shops, card shops, café etc as people find the convenience of shopping in one place easier and free car parking an incentive.

With many shops closing down visitors to the area will not visit the town centre and this will have an adverse spiralling affect on the local economy.

Tesco is a national company and therefore profits will not be kept in the local area unlike local businesses.

There has been an influx of Tesco stores in Kidderminster over the past few years – 6 stores in total (Spennells, Bewdley Hill, Foley Park, Comberton Hill and Castle Road, all in Kidderminster and Lombard Street, Stourport). This new store will not be adding to the competition but enhancing a monopoly effect on the local area.

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The impact of another supermarket on the town, with its small businesses would be disastrous having recently lost Woolworths as well. I have nothing against charity shops but as one business fails up pops another charity shop.

IMPACT UPON RESIDENTIAL AMENITY

Due to the location of the proposed supermarket, noise pollution will most certainly increase as this area is in a valley allowing sound to travel. Early morning deliveries especially will not be welcomed as the surrounding housing estates comprise mainly of young families.

Increase in light pollution.

Increase in air pollution as more cars and lorries visit the site. Adults and children alike will suffer from respiratory illnesses.

We still object to the siting of a petrol filling station opposite and within a few metres of our home on Severn Road on the grounds of pollution and noise, both of which will affect our quality of life and potentially our well being.

Why when such detail has been paid to the wildlife on the site and the possible disruption to their habitat has no-one appeared to give a dam about just how much it is going to disrupt and upset the residents of Severn Road. Surely our Council has a duty of care to the residents of Wyre Forest or is this just a myth?

The noise and pollution assessment submitted with the previous applications were already outdated by 3 years. So if these same assessments are used for this application they will now be 7 years out of date. They both state that the increase in traffic movements will not alter either noise or pollution significantly. If an increase in vehicle movements from very few to 300-400 per hour is not considered significant then what is it?

The junction at the entrance to and exit from the site will carry customer cars, delivery cars, refuse collection vehicles (not only from the Tesco store but from all the other proposed dwellings on the remainder of the site as well as the fuel deliveries which is to be sited directly across the road from our house). Despite Tesco assuring us that there will be no problems as they will have the latest technology installed one only has to stand outside any of their other filling stations to note that fumes are a major disadvantage. Hydrocarbons are well known to be carcinogenic and it cannot be even remotely acceptable to have a petrol filling station sited so close to dwellings with this ever present danger.

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I am not happy about looking at car headlights shining through my front lounge window from the petrol station on the evening and the noise that this facility is going to create.

Should this development go ahead we will be pursuing action for compensation for the light and noise pollution and possible decrease in property value that we are going to suffer as local residents.

Could there be limits on the opening times i.e. not a 24 hour operation as there is housing nearby?

WILDLIFE AND ECOLOGY

Since the disappearance of carpet factories wildlife has returned to the area in abundance. Landscaping the area will remove these essential habitats in order to make the surrounding area cosmetically appealing for retailing customers at the expense of the flora and fauna.

PROPOSED DESIGN OF BUILDING

The building design gets worse by the application and can in no-way be considered to be in keeping with the surrounding Georgian area, particularly when the site is adjacent to the old black and white timber cottages in one of the oldest and most historical areas of Stourport – Mitton.

The proposed store bears little consideration of the Conservation Area status of the vicinity as it is both unsympathetic with the locale and ugly in the extreme.

OTHER

There is no need for a further petrol station.

The aim is to have 24 hours shopping. This can only bring a huge increase in anti-social behaviour, an increase in rubbish to the surrounding area and constant noise around the clock. The Kidderminster store has experienced trouble with drunks and troublesome teenagers by adopting the 24 hour shopping experience.

At present we have a large sign on the Worcester Road welcoming visitors to our 'Fair Trade Town'. It could be said that this sign could have another meaning i.e. the sign may have to be revised if Tesco obtains approval as this would not state the true values and beliefs of its local district council.

Could you please have in place in the design of the car park measures to stop joy riding at speeds around the open spaces.

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It's a place unfortunately where anti-social behaviour is seen as the norm and so much could be done in terms of planning and design to reduce this.

The planning notice is in an inaccessible place, you have to stand in the road to read it as there is no footpath. It is a busy road with the construction traffic from the Waters Edge and extremely hazardous to stand there for any length of time. It should have been erected in a more prominent position such as on the old Carpets of Worth gates where you can pull in safely and read its contents.

This application should be referred to the Monopolies and Merges Commission to investigate as Tesco is acting in such a manner as to restrict competition.

The original application was for a store of 25,000 sq. ft. which, by the second application had risen to a store of 45,309 sq. ft. As the current building appears to be encroaching even further down Severn Road what is the current size of building being applied for?

I am concerned that Tesco's have erected a billboard stating that a Tesco store is opening soon. Implicit in this statement is that Tesco can disregard the planning process and steamroller the Council into submission.

5.0 Officer Comments

5.1 First, whilst many of the comments raised during the consultation process refer to highway safety matters and highway congestion it should be re-stated that access to the site was considered and approved at the outline planning application stage. Whilst acknowledging that some neighbours may not be satisfied with the decision these are not issues which can be re-visited during the determination of the current application.

5.2 The remaining reserved matters which are to be considered as part of this application are:

layout;
scale;
appearance; and
landscaping.

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- 5.3 In terms of planning policy the application site forms part of the area designated under the Adopted Local Plan site specific Policy ST.2 (Carpets of Worth) together with the Severn Road Development Brief (2001), however there are many other policies which are relevant to the determination of the current reserved matters application as listed in the Adopted Local Plan (2004) the Worcestershire County Structure Plan (2001) and various national planning guidance.
- 5.4 The relevant Adopted Local Plan Policies are listed with a brief summary below:
- D.1 Design Quality** - Requires new development to be designed to meet twelve specified design criteria; applications which fail to demonstrate design quality will be refused.
 - D.3 Local Distinctiveness** - Development proposals must have regard to the local distinctiveness of the locality, relate to local character & appearance, seek to incorporate existing trees/landscape features and avoid loss of existing features of local value.
 - D.6 Safeguarding of Resources By Design** – New development should save resources by e.g. utilising sustainable energy sources, minimising water consumption and using recyclable building materials.
 - D.7 Sustainable Drainage** – Where possible, developments should direct surface water to sustainable drainage systems rather than sewers and watercourses.
 - D.8 Designing for Materials Recycling** – Maximum use should be made of existing on-site materials on developments of major brownfield sites.
 - D.9 Design for Movement** – Where practicable, layouts should incorporate transport infrastructure in compliance with up to ten identified principles. Suitable innovative layouts will be encouraged
 - D.10 Boundary Treatment** – Boundaries must be designed to a high standard, measured against six criteria/design principles.
 - D.11 Design of Landscaping Schemes** – Where appropriate, schemes must be designed to accord with a list of ten criteria in order to complement and enhance the proposals and surroundings
 - D.12 Public Art** – Works of art will be sought by the Local Planning Authority within major developments; such provision by developers will, however, be on a voluntary basis.
 - D.14 Street Furniture** – Proposals that involve public spaces must make appropriate provision for street furniture in accordance with specific design criteria
 - D.15 Car Park Design** – New or modified Surface car parking must pay due regard to a number of design principles and should ensure a secure and safe environment.

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- D.16 Designing for Community Safety** – Development proposals should create a safe and secure environment and seek to reduce the opportunities for crime
- D.19 Designing for Adaptability** - Buildings must be flexible in terms of access and use in order to ensure their durability.
- LA.1 Landscape Character** – Development proposals must safeguard, restore or enhance the character of the surrounding landscape. Those developments which would have an adverse impact on landscape character will not be permitted.
- LA.4 The Stour Valley** – Development that would have a significant adverse effect on the landscape quality or character of the Stour Valley will not be permitted.
- LA.6 Landscape Features** – Development proposals should not detract from, or have an adverse impact on identified features within the landscape. Those which do will not be permitted.
- CA.1 Development in Conservation Areas** - Development within a Conservation Area or which affects its setting will not be permitted unless it preserves or enhances the special character and appearance of the area
- LB.1 Development Affecting a Listed Building** – Development that would have an adverse effect on a listed building or structure, its curtilage, setting, or a curtilage building or structure, will not be permitted unless a number of specified criteria are met
- LB.5 New Development Affecting the Setting of Listed Buildings** – New buildings and structures affecting the setting of a listed building must relate well to and otherwise harmonise with it.
- NR.5 Floodplains** – The precautionary principle will be applied to matters of flood risk. A flood risk assessment and sequential test will be required where appropriate.
- NR.6 Development adjacent to Watercourses** – Such developments must ensure that suitable access is provided for maintenance. Proposals should conserve the ecological value of the water environment and open up any converted watercourses where practicable.
- NR.7 Groundwater Resources** – Development proposals which could pollute groundwater resources or prejudice their future use will not be permitted unless provision is made for suitable mitigation measures.
- NR.10 Air Quality** – Development which will or could give rise to air pollution will not normally be permitted unless adequate mitigation measures are included.
- NR.11 Noise Pollution** – Noise generating developments close to sensitive locations, buildings or activities will not be permitted unless the noise can be reduced to an acceptable level. Neither will noise-sensitive uses be permitted near existing significant noise sources, unless appropriate attenuation measures can be applied.

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- NR.12 Light Pollution** – Proposals that involve or require external lighting shall include lighting schemes that do not cause light pollution by according with a number of identified principles.
- NC.2 Areas of Regional, County or Local Importance** – Development which may have an adverse effect on identified protected sites of nature conservation significance will not be permitted unless two criteria are met, i.e. no reasonable means of meeting the need for the development and the reasons for the development outweigh the nature conservation value of the site.
- NC.3 Wildlife Corridors and Stepping Stones** – Development adversely affecting a feature of nature conservation value will not be permitted unless its need clearly outweighs the value of the feature. Where developments are approved, developers will be required to create, enhance and manage such features.
- NC.4 Protected Species** – Development that may have an adverse effect on protected species will not be permitted unless three specific criteria are met.
- NC.5 Biodiversity** – Wherever possible, development should retain, enhance and manage the District's indigenous biodiversity.
- NC.6 Landscaping Schemes** – Development should include landscaping schemes that retain existing natural and semi-natural features. Vegetation used in landscaping schemes should confirm to five stated principles of good practice.
- NC.7 Ecological Surveys and Mitigation Plans** – Where development may affect Policies NC.1 to NC.5, planning applications must be accompanied by a detailed ecological survey and a mitigation plan.
- NC.8 Public Access** – Development incorporating, creating or enhancing any area, species or feature as identified in Policies NC.1 to NC.6 should make provision for public access.
- TR.6 Cycling Infrastructure** – Development likely to be detrimental to the Wyre Forest cycle route network will not be permitted. Major new developments will be required to conform to adopted cycle parking standards.
- TR.7 Provision for Pedestrians** – All new development should make provision for safe, convenient and easy pedestrian movement.
- TR.17 Car Parking Standards and Provision** – New development will be required to provide on-site parking in accordance with the County Council's standards and should not be exceeded
- RT.9 Petrol Filling Stations** – Proposals involving convenience retailing from petrol filling stations will only be permitted where they are in compliance with five specific requirements, i.e. need, limited size, ancillary to the petrol filling station use, sale of convenience goods and would not undermine the retail strategy

- 5.5 There is also the site specific Policy **STC2** which seeks to ensure that proposals:

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- i) provide for a mix of uses;
- ii) retain and use beneficially the important buildings and structures identified in the Severn Road Development Brief;
- iii) preserve or enhance the character of the Conservation Areas and the setting of the retained buildings;
- iv) safeguard and enhance the natural assets of the site;
- v) taken full account of the care needed to develop the site which is contaminated and is liable to flooding;
- vi) take full account of flood risk;
- vii) be access via a new road to be provided as part of the redevelopment, linking the site with Discovery Road.

5.6 The relevant Worcestershire County Structure Plan Policies are listed with a brief summary below:

SD.1 Prudent Use of Natural Resources - Proposals should show use of natural resources and that energy consumption will be minimised.

CTC.5 Tree, Woodlands and Hedgerows - Existing trees should be retained and appropriate management encouraged.

CTC.6 Flood Risk and Surface Water Drainage - Development will not normally be allowed where it is within a flood risk area, will increase the risk of flooding or jeopardise flood defences. SUDS schemes should be encouraged along with adequate flood protection

CTC.9 Impact on Watercourses and Aquifers - Proposals should demonstrate that pollution of groundwater or watercourse will not occur through surface water run off.

CTC.12 Sites of Regional or Local Wildlife Importance - Development that will have an adverse impact on such areas will not be allowed unless there is no reasonable alternative in meeting the development demand. All development must demonstrate that damage to nature conservation will be kept to a minimum and adequate and appropriate mitigation is proposed

CTC.15 Biodiversity Action Plan - Development proposals should include opportunities to enhance biodiversity.

CTC.19 Areas and Features of Historic and Architectural Significance - Any development that adversely affects listed buildings and / or conservation areas and their settings will not normally be allowed.

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CTC.20 Conservation Areas - Requirement to conserve Conservation Areas, with special attention to the desirability of preserving or enhancing those areas. Within Conservation Areas trees and open spaces will be protected and landscaping encouraged.

T.4 Car Parking - Policies will be introduced to provide car parking standards for new developments that reflect their use, location and accessibility which will be expressed as maximums.

5.7 The following national planning policy and guidance notes are also considered to be relevant:

PPS1 (in summary) – promotes high quality inclusive design which is appropriate to its context and sustainable economic development.

PPS5 (in summary) – sets out policies on the conservation of the historic environment. Seeks to conserve England's heritage assets, an all embracing term which includes buildings, areas, sites and landscape.

PPS9 (in summary) – promotes sustainable development and seeks to conserve and enhance and the diversity of England's wildlife.

PPG13 (in summary) – identifies national maximum parking standards (1 space per 14 square metres gross retail floorspace). It also promotes more sustainable transport choices. Seeks to ensure that the needs of disabled people are taken into account in the design of individual developments.

5.8 There are also the following guidance documents for the area which are material planning considerations:

- Character Appraisal for Conservation Areas No.1, No.2 & Gilgal (all 2001);
- Design Quality – Supplementary Planning Guidance (2004); and
- Public Realm Design Guidance for Stourport-on-Severn (2006).

5.9 The Council has started to review the Adopted Local Plan via a portfolio of documents known collectively as the Local Development Framework. To date the Core Strategy which sets out the broad strategy and vision for development within the District has been published and the public hearing was held in July 2010. Whilst there are Core Strategy policies regarding sustainable development standards (CP01), water management (CP02), design (CP11), landscape character (CP12), green infrastructure (CP13) and biodiversity (CP14) it is considered that until such time as the Core

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Strategy has been adopted the policies should be given minimal additional weight.

Layout

- 5.10 A layout is the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside of the development. There are many planning policies which are relevant to one or more of the reserved matters, however the most applicable with respect to layout are in terms of the Adopted Local Plan are D1, D3, D7, D9, D15, D16, D19, CA1, NR5, NR6, NR10, NR11, NC2, NC3, NC4, NC5, NC8, TR6, TR7, TR17 and RT9.
- 5.11 The Adopted Local Plan site specific policy of STC.2 seeks to ensure that the layout of redevelopment proposals safeguards and enhances the natural assets of the site provided by the River Stour.
- 5.12 The Severn Road Development Brief expects that the shape of development schemes including the proposed layout should be designed to relate to existing development and be harmonious with its setting and context. Action 7 of the Development Brief also states that the design should create focal points, open spaces and main pedestrian and vehicular thoroughfares where the most active uses and building entrances should be concentrated. Actions 4 and 8 advise that proposals should incorporate existing assets and create new features. This Action supports part (ii) of Adopted Local Plan Policy STC2 which seeks to retain and use beneficially particular important buildings and structures. The Development Brief identifies the former carpet factory buildings and the screen wall to Stour Lane as these structures with strong group value. Specifically with respect to car parking Actions 30 to 32 seek to ensure that an appropriate level of parking is provided, that the design of parking areas should be to a high standard and that parking areas must incorporate surface treatments other than tarmac, sustainable drainage and provision for the safe movement of pedestrians.
- 5.13 Again the Design Quality SPG seeks to uplift or enrich the public realm in the town centre and improve the quality and setting of the riverside and the frontage to the Severn Road/Mitton Street junction. The overall aim with respect to the guidance for development in all three of the town centres within the district is to promote design excellence.
- 5.14 Officers consider that the priorities for the proposed layout as advised by the layers of planning policy are to ensure that there are pedestrian linkages through site, to address the 'gap' site or the north west corner of the site at the junction of Severn Road and Mitton Street and to make the most of riverside setting.

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- 5.15 The proposed layout is as was shown albeit illustratively at the outline stage with the store positioned towards the northern boundary (as agreed at the outline stage), the petrol filling station to the south of the site close to the internal access road and the majority of parking in between.
- 5.16 A total of 310 parking spaces including 17 disabled spaces and 10 parent and child spaces are proposed together with 15 motorcycle spaces and 32 spaces for bicycles. In terms of car parking (but excluding the number of disabled spaces) the total is 8 less than the maximum parking standard outlined in PPG13 for the gross retail floorspace proposed. The Highways Authority has raised no objections to the layout of the car park or the number of spaces with the exception of the number of motorcycle spaces proposed. Whilst 15 are proposed the highways authority require 17 are required to meet standards. It is not considered that a deficit of two spaces is a robust reason for refusal. The application site is close to the town centre with enhancements to bus services and pedestrian routes to encourage customers to access the site by means other than by motorcycle. The agents have verbally advised that physical barriers could be installed within the car park to prevent joy riding around the car park should the need arise.
- 5.17 A pedestrian link from the south from Severn Road via the new public highway where a bus stop is provided, through the car park to the store has been provided, as has a pedestrian link via the proposed footbridge across the River leading to the store via the riverside footway. Once at the store pedestrians can then gain access to the junction of Mitton Street and Severn Road and the town centre beyond. Such a route is identified in the Public Realm Design Guide.
- 5.18 The layout proposes two entrances to the store. The entrance for users of the car park and pedestrians walking from the south is on the southern elevation of the building, however there is an alternative entrance for pedestrians to the north west corner at a higher level where once inside the foyer customers descend to the shop floor via stairs or a lift. This north west corner of the site is the 'gap' site as referred to in the Design Quality SPG, and by providing a focal point at this location it is considered that the layout complies with the guidance.
- 5.19 The proposed service yard is shown to be sited fronting the River. Whilst this is not ideal in terms of providing the riverside with an attractive active frontage it is considered to be the most appropriate location in terms of its impact upon neighbours. This is because the service yard will be separated from the residential properties on Stour Lane to the north by the frontage to the foodstore. Meanwhile a buffer strip measuring approximately 10m in width of landscaping between the yard and the River is proposed to screen this part of the

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development. Together with the landscape buffer a wall of approximately 4.2m in height is also proposed to screen the yard. The layout proposes minimal conflict between delivery vehicles and users of the car park as service vehicles would be separated from customer traffic after the access roundabout with their own dedicated route to the service area.

5.20 Furthermore in terms of the impact of the proposed layout on the amenity of neighbours conditions regarding the following are to be agreed via conditions attached to the outline consent:

lighting (9);

screening of the refuse area (13);

the enclosure of noise emitting plant and machinery (27);

a scheme for protecting the existing dwellings from noise and vibration during construction (28);

odour neutralising plant (29); and

the suppression of dust during construction (30)

Plus there are conditions to restrict hours of deliveries, opening hours of the store and petrol filling station, hours of work during the construction phase and to prevent car sales, repair, washing and servicing from the petrol filling station.

5.21 The maintenance of a riverside buffer is considered to be in accordance with Policy STC.2 of the Adopted Local Plan, the Design Brief and the Design Quality Supplementary Planning Guidance which requires redevelopment to safeguard and enhance the natural assets of the site provided by the River Stour.

5.22 As illustratively proposed at the outline stage a riverside walkway still forms part of the proposed layout. It is considered that this feature addresses the River in a positive way and promotes foot and cycle access along the River. However in contrast to the previous illustrative layout part of the walkway has been removed to the north of the site where it aligns the boundary to the service yard. This has been done in the interests of biodiversity and security. However with part of the riverside walkway in place there is the potential for a full riverside promenade extending further to the north and south of the application site should the opportunity arise in the future. This ambition for a riverside walkway can be found in the Design Quality SPG.

5.23 Actions 4 and 8 of the Severn Road Development Brief seek to create interesting spaces that are unique in the design by incorporating existing assets or valued features into the design. The particular features located within the application site identified are the previous carpet factory building fronting Severn Road and the screen wall to the River Stour. However since the date that the Development Brief was approved in July 2001 the factory building has been demolished and it

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was not standing at the time of the determination of the outline consent. The same can be said of a landmark chimney located to the south east corner of the site and identified as a prominent landmark building in the Design Quality SPG. The ambitions to retain and reuse these buildings cannot therefore be achieved. Mitigation for the loss of the building is explained later in the section entitled appearance. The screen wall to Stour Lane, also recognised in the Development Brief is proposed to be retained albeit that details of the boundary treatment are to be agreed via condition No. 12 of the outline consent.

- 5.24 The siting of the petrol filling station is considered acceptable as it will be easily accessible for vehicles from the entrance to the site and the separation from the store means that its design will not compete with or detract from the design of the store. Due to the difference in site levels between the forecourt and Severn Road, with the forecourt measuring in excess of two metres lower, it is not considered that vehicle lights would significantly adversely affect neighbours. No objections were raised to the illustrative siting of the petrol filling station at the outline stage. Again the principle of providing a petrol filling station was approved at the outline stage.
- 5.25 Policy D1 of the Adopted Local Plan seeks to ensure that developments are accessible and useable by all members of the local community. The agents on behalf of the applicants have submitted an access statement as required by condition no.33 of the outline consent which requires details of the provision to be made for ambulant disabled people to gain access to and within the development. The statement advises that externally in respect of the car park the walkways are to be maintained with the dedicated disabled and parent and child parking spaces allowing safe, unobstructed direct access to the store. Kerbing around the site and across the front of the store will be flush with the road surface to allow easy access to the main entrance for disabled users as well as able bodied users pushing trolleys and pushchairs. All customer parking will be at grade and laid to a maximum fall of 1:60.
- 5.26 Turning to the store itself an enclosed entrance is proposed to the main pedestrian access from the Mitton Street / Severn Road junction, and due to the level difference between the entrance level and the sales floor of approximately two metres there will be a platform lift for disabled access. It is the retailer's intention to provide spacious large aisle widths on the shop floor which are level throughout. Furthermore customer and staff facilities such as toilets and customer help desks are proposed to be designed to include a wide approach corridor, wide doors, dropped counters and wheelchair accessible toilets. Areas where it is likely that the design of the store will fail to meet standards and guidance have been highlighted and the agents have explained why. One such example is within the petrol filling station where a

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lowered counter is not proposed as it would present a security risk to kiosk staff. However staff are proposed to be available to help those with special requirements. It is considered that sufficient details have been submitted to indicate that the store will be accessible by all to accord with Local Plan policy.

- 5.27 With respect to other matters raised by Local Plan policy floodplain compensation scheme plus a surface and foul water a drainage scheme is to be agreed via conditions attached to the outline consent (Nos.42 and 26). The agreed scheme will provide for surface water drainage limitation and incorporate sustainable drainage principles. A further condition does not permit the infiltration of surface water drainage into the ground without consent (24), whilst remediation of the site's contamination is dealt with via condition number 20, 21, 22 and 23 in order to protect the water environment. The layout is not considered to adversely affect views into or out of the conservation areas or their settings, however this will be discussed in more detail later under appearance. A planning condition (No.48) relating to the design of the vehicular link road will ensure that details of the proposed access to the floodplain and River are agreed. The exact siting and design of the public art feature is required by the Section 106 Agreement. This may include street furniture if appropriate.
- 5.28 In conclusion it is considered that the amount of parking is acceptable and its layout is legible providing a thoroughfare for pedestrians. The proposed layout is considered to respond positively to the elements of the site which make it distinctive such as the focal corner at the junction of Severn Road and Mitton Street and its riverside setting. Furthermore by retaining a riverside buffer it is considered that the layout adequately safeguards the biodiversity and wildlife associated with the River Stour whilst conditions 7 and 8 attached the outline consent will secure measures to enhance the riverside corridor.

Appearance

- 5.29 The second reserved matter is that of appearance or the aspects of a building which determine the visual impression it makes. This includes the external built form of the development, its architecture, materials, decorations, lighting, colour and texture. The most applicable Adopted Local Plan Policies are considered to be Policies D1, D3, D6, D8, D12, D14, LB1, LB5, CA1 and NR12.
- 5.30 Policy STC2 of the Adopted Local Plan highlights the consideration of the impact of the proposal upon the character of the Conservation Areas.

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- 5.31 The Severn Road Design Brief recognises that Severn Road has or had a predominantly industrial character which emanated from the earlier associations with the canal or water sources. As stated earlier Actions 4 and 8 of the Brief identify buildings and structures that it would be desirable to incorporate within a redevelopment scheme. Actions 1 and 2 advise that proposals must have due regard to the Conservation Area Character Appraisals and local distinctiveness and clearly relate to and complement the character of the surrounding area.
- 5.32 The Design Quality SPG builds on the above by stating that new development should conserve and make the most of the heritage townscape. Again it highlights the need to add value to the town of Stourport by enriching public realm.
- 5.34 The application site is currently vacant, the various former carpet factory buildings having been demolished, and the site lies on land approximately two metres lower than Severn Road. Residential properties predominantly two storeys in height are located to the north and west.
- 5.34 Three relatively small parts of the application site fall within the boundary of three Conservation Areas, namely the Stourport No.1 and Stourport No.2 Conservation Areas, and the Gilgal Conservation Area. These comprise a section of the highway in Severn Road (falling within Stourport No.1), and a separate part of the highway in Severn Road extending along and into a section of Mitton Street (Stourport No.2 and Gilgal). For the avoidance of doubt works within these areas are confined to off-site footpath/highway/junction alterations and improvements; no part of the development site itself, i.e. the site of the proposed foodstore and petrol filling station or any of the substantive new roadworks lie within any of these Conservation Areas.
- 5.35 The closest listed building is located at No. 41. Mitton Street which is described in the Gilgal Conservation Area Character Appraisal as a seventeenth century square timber frame building. It lies at a distance of approximately 30m from the footprint of the building. There is also a locally listed building which lies outside of but within approximately 2m of the application site to the south east.
- 5.36 The position of the store measuring approximately 77m (including the canopy) by 67m at its widest point has already been approved at the outline stage, however the appearance of the building plus the petrol filling station is to be considered as part of the current application.

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- 5.37 The complicated roof plan arrangement shows three areas of different roofs. Firstly north lights are proposed to the roof area covering the majority of the retail floorspace. The triangular shaped glazed parts of north lights face Severn Road and the River Stour. Next there is a simple pitched roof above the bulk store and the northern end of the retail floorspace with the pitch running in a north south direction. Finally there is a separate roof to the entrance foyer which fronts the junction of Severn Road and Mitton Street. At its highest point the proposed building would measure approximately 11.8m from the proposed ground level. This is the measurement to the top of the proposed north lights.
- 5.38 The palette of materials proposes a combination of red brick with blue brick detailing, with glazing prevalent to the elevations facing the car park and Severn Road and off white clad panels prevalent to the elevations to Stour Lane and the River. The entrance foyer which bridges the difference in levels between the retail floor and the junction of Severn Road and Mitton Street is proposed to be a mix of glazing and red brick. The entrance foyer has a large oversail and measures approximately 8 metres to the ridge at its highest point which lies closest to the highway junction.
- 5.39 The proposed petrol filling station indicates a total of four pumps under a canopy measuring approximately 22m by 17.5m at its widest point. The canopy would reach a height of approximately 5.3m and would be angular in design with white metal sheeting to the underside, grey metal sheeting to the top and curved white aluminium fascias. The accompanying kiosk would also be clad in white with glazing to the forecourt elevation and measure approximately 7.4m by 10m by 3.3m in height.
- 5.40 The agents have produced an Environmental Sustainability Statement to address the relevant sustainability planning policies and have listed the following enhancements to conserve energy and water:
- design to include canopies to south and west entrances to provide shading preventing solar gain;
 - rooflights are included to help penetration of light and ventilation;
 - efficient lighting to be installed using
 - energy efficient lights
 - LED lights for chiller cabinets
 - PIR activated lighting for selected areas
 - photo cell lighting to turn off lights when daylight levels are sufficient both in store and car parking areas;
 - building to be fully insulated to ensure minimal thermal movement;
 - dual flush toilets allowing users to select the right quality of water required;

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- PIR sensors on urinals;
- Taps with automatic shut off;
- water meters and leak detection system; and
- sustainable Urban Drainage System to be included for external areas

They also advise that the design of the building and its surrounds does not preclude the use of other sustainable methods should these need to be retro fitted. It is considered that the details meet Policy D6 of the Adopted Local Plan and PPS1.

- 5.41 The character of the Carpets of Worth site in the Severn Road Development Brief is described as an industrial area with a large expanse of mostly brick Victorian factory buildings. The townscape to the Gilgal to the north is described in the Public Realm Design Guide as having red orange brick tones. The Gilgal Conservation Area Character Appraisal emphasises that the setting of the conservation area at the junction of Stour Lane, Mitton Street and Severn Road is important to the character of the conservation area and that redevelopment needs to be undertaken particularly sensitively. The Design Quality SPG pays attention to the heritage townscape.
- 5.42 The proposed design of the building is not the first modern or contemporary style of building in a historic part of the town, and it is considered that by virtue of the materials chosen, its linear design and the inclusion of the proposed north lights the building reflects elements of the existing surrounding development together with elements of the past.
- 5.43 One matter that is still outstanding at the time of report preparation is that of the proposed means of closing the pedestrian entrance facing the junction of Mitton Street and Severn Road. Clarification is being sought and it is hoped that it will be received prior to the Committee meeting and reported on the Update and Addenda sheet.
- 5.44 Aside from the building the proposed treatment of the boundaries will have an impact upon how the appearance of the development. Condition 12 of the outline consent requires details to be submitted and agreed to prior to the commencement of development. However the applicants envisage retaining or replacing the walls to Severn Road and Stour Lane.

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- 5.45 It is considered that the proposed appearance of the foodstore and the petrol filling station are appropriate to their context without having an adverse impact upon the character or appearance of the Conservation Areas or the setting of the listed building to the north or the locally listed building to the south. The proposed designs have raised no objections from the Council's Conservation Officer.

Scale

- 5.46 The third and penultimate reserved matter is that of scale which is the height, width and length of the buildings proposed in relation to their surroundings. Again because of the matters of layout, appearance and scale are inter-related many of the Adopted Local Plan Policies are relevant once again, however the most applicable policies are considered to be D1, D3, LA1, LA4, LA6, LB1, LB5 and CA1.
- 5.47 Policy STC2 of the Adopted Local Plan highlights the consideration of the impact of the proposal upon the character of the Conservation Areas and this consideration is reiterated in the Severn Road Development Brief in Actions 1 and 2. In terms of scale Action 6 of the Development Brief indicates that new development should reflect the scale, form and general pattern of existing housing in Lichfield Street, Mart Lane and Severnside. It states that less permeable suburban estate patterns will be resisted.
- 5.48 The Design Quality SPG refers to the heritage townscape of Stourport which can be delineated into scales. These have arisen from the town's differing functions. The domestic scale of the core town creates, "*a fine grain and intimate scale in contrast to the larger mass of several industrial buildings located within the Severn Road area.*" It also goes on to indicate that one of the ten design principles for the town centre is that new development must respond positively to the character and distinctiveness of Stourport in terms of layout, massing, materials and design features. Thereafter it states that development on the Severn Road site "*should be intimate and tight knit reflecting a scale consistent with adjacent streets (particularly Mart Lane).*"
- 5.49 It is considered that the scale of the development has the potential to affect the setting of and views into and out of the Conservation Areas, the setting of the adjacent local and locally listed buildings and the amenity of neighbours. Objections received in respect of these points have been taken into consideration. Further objections received refer to the retail impact of the store upon existing retailers located within the town centre however the size or scale of the proposed store in terms of its retail floorspace was agreed at the outline stage. Furthermore the position and orientation of the store has likewise been agreed.

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- 5.50 The petrol filling station has a gross external area of 75 square metres. Whilst there will be some sale of convenience goods it is considered that, in respect of Policy RT9 of the Adopted Local Plan, due to the size of the building the sales will clearly be ancillary to the main use as a petrol station. Furthermore the floorspace is below the 250 square metres policy threshold and as such it is not considered the sales would undermine the retail strategy of the district.
- 5.51 As considered at the outline stage and in response to Action 6 of the Development Brief it is recognised that the scale of development does not reflect the existing pattern of residential development in Lichfield Street, Mart Lane or Severnside. However the proposed scale does reflect the grander scale of the former industrial development on this part of the Carpets of Worth Site. The footprint of the previous carpet factory is significantly larger than the proposed foodstore. As the Design Quality SPG suggests there are two distinctive areas with respect to scale. First there is the scale of development of the residential areas to the north and west of the application site which is quite separate to development on this east side of Severn Road.
- 5.52 The application site is at a lower level than that of Severn Road with the proposed site level approximately 2m lower. Whilst the building would reach a height of approximately 11.8m it is considered that the difference in site levels together with the proposed north lights to break up the impact of the roof would reduce the overall scale of the development when viewed from outside of the site and conservation areas.
- 5.53 The closest residential properties lie at Nos. 1 and 2 Stour Lane at a separation distance of approximately 21m (excluding the oversail of the roof). Having taken the Council's 45° / 25° guide into account it is considered that there would be no significant loss of light to these closest residential properties. Neither would there be a significant loss of privacy by virtue of overlooking to these properties due to the separation distance and the proposed use of the building which is non habitable. Planning condition (No.9) attached to the outline consent relates to the submission of a lighting strategy which will ensure that the proposed lighting to the building pays due regard to the occupiers of adjacent residential properties.
- 5.54 Although the proposed scale cannot be described as intimate or tight knit it is considered that in recognition of the previous buildings on site it is appropriate. Whilst the proposal does not conform with Action 6 of the Development Brief the proposed scale of the development in terms of its impact upon the character of the area, views into the site, the setting of the listed building and locally listed building and impact upon neighbours it is considered acceptable.

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Landscaping

- 5.55 The final reserved matter is that of landscaping or the treatment of private and public space to enhance or protect the amenities of the site through hard and soft measures. The following Policies are particularly relevant from the Adopted Local Plan - D10, D11, D15, NC2, NC3, NC4, NC5, NC6, NC7 and NC8.
- 5.56 With respect to the Severn Road Development Brief Action 3 states that new development should seek to incorporate existing tree and landscape features to reflect and enhance the adjoining natural corridor of the River Stour. Furthermore Action 10 advises that landscaping schemes must be appropriate which accentuate views and vistas; define public and private spaces, include appropriate use of lighting; optimise natural surveillance and provide a management plan. Action 11 pays particular attention to the application site and advises that landscaping must provide screening to the northern edge of the site and to Severn Road. Landscaping should also have regard to and enhance the biodiversity of the River corridor (Action 14) and involve additional planting at the river edge within the Environment Agency 10m maintenance zone. In terms of enhancing biodiversity the Brief advises the creation of new areas of scrub in areas of low ecological importance by planting hawthorn, blackthorn and alder and suggests that a few female and several male black poplars of approved genetic stock are included in the planting scheme along the River. Actions 26 and 27 advise appropriate planting to the new access road which pays due regard to the Environment Agency's requirements for flood alleviation.
- 5.57 One of the interlocking design objectives of the Design Quality SPG seeks to promote the riverside whilst one of its design principles for Stourport seeks to improve the quality and setting of the River frontage.
- 5.58 A Landscape Masterplan accompanied the outline planning application which indicated the potential for landscape enhancement of the river bank. It also proposed main areas of hard and soft landscaping described as the:
- screen planting to the boundary to Stour Lane to the north;
 - Severn Road frontage;
 - development entrance at the junction of Severn Road and the internal access road;
 - store entrance (adjacent the internal roundabout);
 - pedestrian walkway through the car park;
 - car park;
 - River Stour bank;
 - footpath link across the River Stour; and
 - Mitton Street / Severn Road junction entrance

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- 5.59 The siting of the planting areas as referred to above were considered acceptable as were the size of planting areas in relation to the scale of the development as a whole.
- 5.60 Following consideration of the Landscaping Masterplan together with the relevant environmental, ecological and habitat surveys at the outline stage planning conditions were attached to the consent which require the submission of the following prior to the commencement of development:
- a detailed restoration and mitigation plan for the restoration and enhancement of the west bank of the River Stour corridor (No.7);
 - a detailed Landscape and Biodiversity Plan to improve and enhance the biodiversity of the site (No.8);
 - details of all walls fences and other means of enclosure (No.12);
 - details of both hard and soft landscape proposals (No.15); and
 - a tree survey indicating details of works to trees, proposed alterations to existing ground levels and details of protective fencing (No. 16).
- 5.61 The site is relatively flat with few landscape features. A group of three relatively young sycamores and a leyland cypress are located just off site between No. 41 Mitton Street and the application site. A further four ash trees, one silver birch and a sycamore tree are located within the application site and are shown to be retained. This area between the store and the residential properties at Stour Lane is to be supplemented by an additional 11 extra heavy standard ash trees within an area of woodland block planting containing alder, hazel, hawthorn, black wild poplar, blackthorn and oak trees. The frontage to Severn Road is proposed to be planted with small leaved limes, horse chestnuts, whitebeams, and ornamental shrubs. It is considered that the planting will achieve the aim of screening the development from the north and west.
- 5.62 At the junction of Severn Road and the internal access road twelve extra heavy standard whitebeam trees are proposed with seven Japanese flowering cherry trees adjacent to the internal roundabout. Eight extra heavy standard hornbeams are proposed to align the pedestrian walkway through the car park with small leaved limes, whitebeams, streetwise field maple and horse chestnuts located within the main car park.

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- 5.63 It is intended to create a natural wooded riverside bank with opportunities for otter, nesting birds, commuting and foraging bats on the re-profiled riverbank. A total of 11 wild black poplars are proposed, five common alders and four white willows. This is in addition to seven areas of willow shrub planting and wildflower and grass seed planting. The landscaping either side of the footpath link is to be maintained as grass however five common alder trees are proposed to the east bank of the River adjacent to the footbridge and two white willows to the west bank.
- 5.64 In response to the Environment Agency's comments, at the outline stage it was agreed that enhancement to biodiversity on the development side of the River, i.e. the west bank, was sufficient to meet the Council's requirement under Adopted Local Plan Policy and PPS9.
- 5.65 The area surrounding the entrance to the store at the junction of Mitton Street and Severn Road is to be hard landscaped however it is envisaged that this will be the area where some form of public art is proposed, as required by the Section 106 Agreement.
- 5.66 Whilst the proposed boundary treatment to the site is conditioned to require details prior to the commencement of development it is anticipated that the existing or a replacement wall is proposed to Severn Road and Stour Lane with knee rails to the junction of the access road with Severn Road, the internal access road itself and the riverside walkway.
- 5.67 With respect to Adopted Local Plan Policy D15 whilst there is a predominance of tarmac indicated for the hard surfacing of the car park it is considered that this large expanse will be adequately broken up by landscaping and a treed pedestrian thoroughfare to reduce its visual impact. Lighting of the car park and a drainage scheme for surface water to include sustainable drainage techniques are to be agreed by condition numbers 9 and 26 attached to the outline consent.
- 5.68 It is considered that the proposed landscaping scheme incorporates the few landscape features that exist on the site, would sufficiently screen views from the north into the site and would soften and improve the views of the store from Severn Road and from the east bank of the River. An appropriate mix of predominantly native species is proposed together with an acceptable management plan to meet the policy requirements.

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6.0 Conclusions and Recommendations

- 6.1 The principle of providing a store at this location has been agreed at the outline stage as has the proposed means of access to the store. The current application seeks approval for the remaining reserved matters of layout appearance, scale and landscaping.
- 6.2 The total number of spaces and the proposed layout of the car park are considered to be acceptable and would allow pedestrian routes across the River through the site to beyond. It is also considered that the layout of the site would enhance its riverside setting and by providing a buffer would safeguard its biodiversity and wildlife. Conditions attached to the outline consent will secure measures to enhance the biodiversity of the riverside corridor.
- 6.3 The proposed siting and design of the store will obviously have a great impact upon views into the site and particularly upon the street scenes of Severn Road, Stour Lane together with the vista across the River. However whilst it is acknowledged that the proposed chosen design is modern it is considered that it is acceptable at this location and would not detract from the historic character and appearance of the Stourport and Gilgal Conservation Areas, neither would it be detrimental to the setting of the adjacent listed and locally listed buildings or their settings.
- 6.4 A combination of the lower site levels in comparison to Severn Road and the design of the buildings are such that it is considered that the scale of the development would not adversely affect views out of the Conservation Areas and the proposed scheme would not have a significantly detrimental affect upon the amenity of neighbours.
- 6.5 Finally the proposed landscaping scheme follows the advice of the development brief regarding species and would provide a scheme which would screen the views from north, soften views to the west and improve the appearance of the site in the context of its riverside setting.
- 6.6 The recommendation is therefore for **delegated APPROVAL subject to:**
- I. an acceptable amended landscaping plan taking into account the comments from the Council's arboricultural officer;
 - II. details of an acceptable means of closing the pedestrian entrance to the elevation facing the junction of Mitton Street and Severn Road;
 - III. no new material planning considerations being raised as a result of the consultation exercise; and

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- IV. subject to the conditions listed below. (The listed conditions are in addition to those attached to the outline consent 08/1053/EIA).
1. Notwithstanding the details shown on the approved plans no development shall commence until details of the proposed cycle parking for 32 cycles have been submitted to and agreed in writing by the Local Planning Authority. The store shall not be open for customer sales until the scheme has been implemented in accordance with the agreed details and retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
 2. The 17 disabled spaces as shown on the approved Site Layout shall be retained for disabled parking and no other use at all times.
 3. Prior to the commencement of development large scale sections (1:10) and details of the proposed materials and finish to all windows of the store shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be strictly adhered to.

Reason for Approval

The principle of redeveloping the site for a retail foodstore and petrol filling station has been agreed at the outline stage by virtue of approval of planning application 08/1053/EIA. The means of access to the site together with the location and orientation of the store has also been agreed as has the amount of retail floorspace.

The proposed layout is considered to be legible to pedestrians, to respond adequately to its riverside setting and road frontages and safeguards ecology and biodiversity. Sufficient parking, cycle and motorcycle parking spaces have been provided. It is considered that the proposed layout of the site would not have a significant adverse impact upon the amenity enjoyed by existing residential occupiers.

The building and petrol filling station appear modern in terms of their design however it is considered that they are appropriate to their setting without harming the character and appearance of the Conservation Areas or the listed building to the north or the locally listed building to the south.

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Whilst the scale of the development contrasts to the scale of the existing residential development to the north and west it is considered appropriate in light of the previous carpet factory development on the site. It is considered that the scale of the store and the petrol filling station would not harm the character and appearance or views into or out of the Conservation Areas the setting of the listed building to the north or the locally listed building to the south.

A detailed landscaping scheme has been submitted which incorporates the few existing trees on site and would provide an appropriate setting for the development, whilst screening views to the north and softening views across the River.

For these reasons it is considered that the development accords with the following policies of the Adopted Local Plan:

- D.1 Design Quality** - Requires new development to be designed to meet twelve specified design criteria; applications which fail to demonstrate design quality will be refused.
- D.3 Local Distinctiveness** - Development proposals must have regard to the local distinctiveness of the locality, relate to local character & appearance, seek to incorporate existing trees/landscape features and avoid loss of existing features of local value.
- D.6 Safeguarding of Resources By Design** – New development should save resources by e.g. utilising sustainable energy sources, minimising water consumption and using recyclable building materials.
- D.7 Sustainable Drainage** – Where possible, developments should direct surface water to sustainable drainage systems rather than sewers and watercourses.
- D.8 Designing for Materials Recycling** – Maximum use should be made of existing on-site materials on developments of major brownfield sites.
- D.9 Design for Movement** – Where practicable, layouts should incorporate transport infrastructure in compliance with up to ten identified principles. Suitable innovative layouts will be encouraged
- D.10 Boundary Treatment** – Boundaries must be designed to a high standard, measured against six criteria/design principles.
- D.11 Design of Landscaping Schemes** – Where appropriate, schemes must be designed to accord with a list of ten criteria in order to complement and enhance the proposals and surroundings
- D.12 Public Art** – Works of art will be sought by the Local Planning Authority within major developments; such provision by developers will, however, be on a voluntary basis.

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- D.14 Street Furniture** – Proposals that involve public spaces must make appropriate provision for street furniture in accordance with specific design criteria
- D.15 Car Park Design** – New or modified Surface car parking must pay due regard to a number of design principles and should ensure a secure and safe environment.
- D.16 Designing for Community Safety** – Development proposals should create a safe and secure environment and seek to reduce the opportunities for crime
- D.19 Designing for Adaptability** - Buildings must be flexible in terms of access and use in order to ensure their durability.
- LA.1 Landscape Character** – Development proposals must safeguard, restore or enhance the character of the surrounding landscape. Those developments which would have an adverse impact on landscape character will not be permitted.
- LA.4 The Stour Valley** – Development that would have a significant adverse effect on the landscape quality or character of the Stour Valley will not be permitted.
- LA.6 Landscape Features** – Development proposals should not detract from, or have an adverse impact on identified features within the landscape. Those which do will not be permitted.
- CA.1 Development in Conservation Areas** - Development within a Conservation Area or which affects its setting will not be permitted unless it preserves or enhances the special character and appearance of the area
- LB.1 Development Affecting a Listed Building** – Development that would have an adverse effect on a listed building or structure, its curtilage, setting, or a curtilage building or structure, will not be permitted unless a number of specified criteria are met
- LB.5 New Development Affecting the Setting of Listed Buildings** – New buildings and structures affecting the setting of a listed building must relate well to and otherwise harmonise with it.
- NR.5 Floodplains** – The precautionary principle will be applied to matters of flood risk. A flood risk assessment and sequential test will be required where appropriate.
- NR.6 Development adjacent to Watercourses** – Such developments must ensure that suitable access is provided for maintenance. Proposals should conserve the ecological value of the water environment and open up any converted watercourses where practicable.
- NR.7 Groundwater Resources** – Development proposals which could pollute groundwater resources or prejudice their future use will not be permitted unless provision is made for suitable mitigation measures.
- NR.10 Air Quality** – Development which will or could give rise to air pollution will not normally be permitted unless adequate mitigation measures are included.

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- NR.11 Noise Pollution** – Noise generating developments close to sensitive locations, buildings or activities will not be permitted unless the noise can be reduced to an acceptable level. Neither will noise-sensitive uses be permitted near existing significant noise sources, unless appropriate attenuation measures can be applied.
- NR.12 Light Pollution** – Proposals that involve or require external lighting shall include lighting schemes that do not cause light pollution by according with a number of identified principles.
- NC.2 Areas of Regional, County or Local Importance** – Development which may have an adverse effect on identified protected sites of nature conservation significance will not be permitted unless two criteria are met, i.e. no reasonable means of meeting the need for the development and the reasons for the development outweigh the nature conservation value of the site.
- NC.3 Wildlife Corridors and Stepping Stones** – Development adversely affecting a feature of nature conservation value will not be permitted unless its need clearly outweighs the value of the feature. Where developments are approved, developers will be required to create, enhance and manage such features.
- NC.4 Protected Species** – Development that may have an adverse effect on protected species will not be permitted unless three specific criteria are met.
- NC.5 Biodiversity** – Wherever possible, development should retain, enhance and manage the District’s indigenous biodiversity.
- NC.6 Landscaping Schemes** – Development should include landscaping schemes that retain existing natural and semi-natural features. Vegetation used in landscaping schemes should confirm to five stated principles of good practice.
- NC.7 Ecological Surveys and Mitigation Plans** – Where development may affect Policies NC.1 to NC.5, planning applications must be accompanied by a detailed ecological survey and a mitigation plan.
- NC.8 Public Access** – Development incorporating, creating or enhancing any area, species or feature as identified in Policies NC.1 to NC.6 should make provision for public access.
- TR.6 Cycling Infrastructure** – Development likely to be detrimental to the Wyre Forest cycle route network will not be permitted. Major new developments will be required to conform to adopted cycle parking standards.
- TR.7 Provision for Pedestrians** – All new development should make provision for safe, convenient and easy pedestrian movement.
- TR.17 Car Parking Standards and Provision** – New development will be required to provide on-site parking in accordance with the County Council’s standards and should not be exceeded

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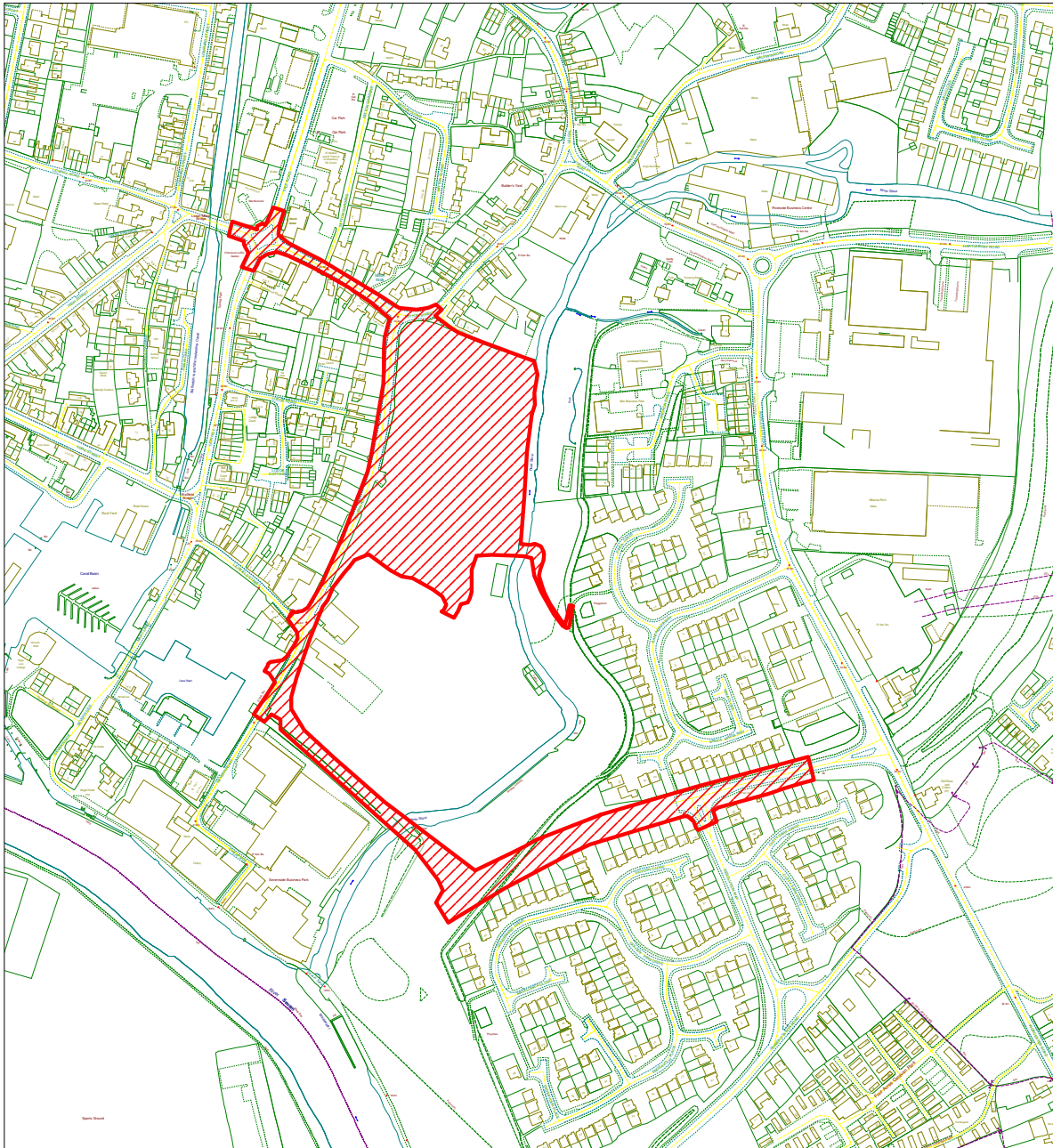
RT.9 Petrol Filling Stations – Proposals involving convenience retailing from petrol filling stations will only be permitted where they are in compliance with five specific requirements, i.e. need, limited size, ancillary to the petrol filling station use, sale of convenience goods and would not undermine the retail strategy.

Date:- 24 September 2010

OS sheet:- SO8171SW

Scale:- 1:4500

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Severn Road
Stourport**



Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556

Agenda Item No. 5

Application Reference: 10/0382/FULL **Date Received:** 05/07/2010
Ord Sheet: 384222 276960 **Expiry Date:** 04/10/2010
Case Officer: John Baggott **Ward:** Greenhill

Proposal: Erection of 26 No. 2 & 3 bedroom affordable dwellings, comprised of 8 flats for shared equity, 8 flats for social rented and 10 houses for social rented

Site Address: CHESTER ROAD BOWLING CLUB, CHESTER ROAD NORTH, KIDDERMINSTER, DY10 1TE

Applicant: Wyre Forest Community Housing

Summary of Policy	H.2, H.5, D.1, D.3, D.4, D.7, D.10, D.11, D16, NR.9, TR.6, TR.7, TR.8, TR.9, TR.17, LR.1, LR.3, LR.9, IMP.1 (AWFDLP) D.6, T.1 (WCSP) Design Quality SPG, Planning Obligations SPD PPS1, PPS3, PPG13, PPG17, Manual for Streets
Reason for Referral to Committee	Major Planning application. Third Party has registered to speak. Application involving proposed Section 106 obligation.
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site is located on the busy A449 (Chester Road North) to the east side of Kidderminster, within a predominantly residential area of the Town.
- 1.2 The site is fairly level, with a slight fall to the rear across the boundary with properties in Tabbs Gardens. With an area of approximately 0.43 hectares, the application site is currently owned and occupied by Chester Road Bowling Club, which is a long established bowling club, with claims to being the oldest bowling club in Kidderminster.

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- 1.3 The site is made up of the existing bowling green, complemented by 7 fairly low level floodlight columns, each with a single light fitted; the single storey clubhouse building, which has been altered over the years, and features 2 further lights on the rear elevation, and screens the bowling green from the public highway; and, associated car parking areas to the front and side of the clubhouse along with a so-called “over flow” area at the very rear of the site along the boundary with residential properties in Tabbs Gardens. Access to the site is directly from the A449, with two access positions evident along the highway frontage. The site features semi-mature trees and hedges along some of its boundaries, along with a wall along Chester Road North frontage, with timber domestic fencing also evident along boundaries with adjoining domestic dwellings.
- 1.4 There is a predominance of two storey residential development within the immediate vicinity of the application site, with a mixture of styles, building forms and roof designs, but generally characterised by good quality traditional detached and semi-detached dwellings along Chester Road North. Smaller, more contemporary, properties are evident to the rear of the site, in particular those properties which lie to the rear of the site in Tabbs Gardens.

2.0 Planning History

- 2.1 09/0601/FULL – Erection of 33 No. 2 & 3 bedroom affordable dwellings comprised of 10 flats for shared equity, 12 flats for social rented and 11 houses for social rented : Refused 17/02/10.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection, subject to imposition of suitable conditions and notes. It is noted that the proposed access road is not up to full adoptable standards. If the road is to remain private (as is the case) the suggested notes and conditions are appropriate to regulate any impact of the development on the adopted highway.
- 3.2 Environmental Health – Following the receipt of the Noise Survey and the recommendations regarding the use of acoustic ventilation, despite some concerns regarding potential noise impact from traffic on Chester Road North, no objections have been raised. (Officer Comment – Suitable conditions are proposed regarding noise attenuation, and further consideration of noise attenuation would be required at the Building Regulations stage).

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- 3.3 Environmental Services Manager – No comments received. However, at the time of the earlier application (09/0601/FULL) concerns were raised regarding vehicle clearance and manoeuvring of refuse vehicles. These were subsequently addressed satisfactorily.
- 3.4 Strategic Housing Services Manager – The scheme will provide much needed rented and shared ownership housing. There are currently 3857 households actively seeking social housing within Wyre Forest and this scheme provides a good mix of housing and tenure types. The units are designed in accordance with the Homes and Community Agency (HCA) and the Wyre Forest District Council Housing Association Partnership agreement.
- 3.5 Cultural Services Manager – No comments received. However, at the time of the earlier application (09/0601/FULL) it was commented that the improvement of bowling facilities mentioned in the application (as referred to with the Design & Access Statement) is dependent upon a separate application for Victoria Carpets. There is therefore no guarantee that these enhancements will take place. I would therefore strongly object to the loss of this key sporting facility within the District with no guaranteed replacement or enhancement.
- 3.6 Countryside and Conservation Officer – No objection. The bat survey is sufficient and confirms that there is a low probability of bats being adversely affected by the development. A condition is suggested that a further bat survey be undertaken should any resulting development not commence until after 30th June 2011.
- 3.7 Arboricultural Officer – No objections subject to the imposition of suitable conditions relating to landscape provision.
- 3.8 Severn Trent Water – No objection, subject to the imposition of a suitable condition relating to foul and surface water drainage.
- 3.9 West Mercia Police (Crime Risk Advisor) – No objection, subject to suitable conditions relating to lighting of the communal car parking to assist in surveillance, and that all gated accesses are capable of being locked.
- 3.10 Worcestershire Wildlife Trust – No comments received. However, at the time of the earlier application (09/0601/FULL) it was confirmed that there were no objections, subject to the imposition of a suitable condition to cover biodiversity enhancement in the form of appropriate native landscaping as well as the provision of bird and bat boxes on the new buildings.

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- 3.11 Kidderminster Civic Society – No comments received. However, at the time of the earlier application (09/0601/FULL) an objection was raised, which read:

Whilst generally supporting the move of the Bowling Club and therefore accepting the need for residential development on this site and accepting that the economic climate has caused a potential change to the dynamics of site development, this proposal is very different to that previously suggested. The Civic Society has therefore considered this proposal and would like to make the following comments:

- *33 dwellings on this restricted site is too dense a development and the overall site plan appears cramped with not enough area for recreation (gardens etc) and parking
(Officer Comment – this latest application now proposes 26 dwellings)*
- *The site is likely to attract families with young children and there is nothing wrong with that, but:*
 - a) *it is near a busy main road with fast moving traffic*
 - b) *since the closure of Lea St School there is no nearby school and any school (except St Ambrose but this is effectively restricted to pupils that are Roman Catholic) will involve the crossing of at least one main/busy road. The catchment area school is St George's C of E School and is already oversubscribed. Probably nearer is Offmore Primary School and this is again oversubscribed as well as shortly to be rebuilt and therefore even less able to accommodate.*
- *Whilst the general design of the buildings is acceptable the height of the three storey dwellings does not "sit well" with the neighbouring buildings which, although having different designs and therefore being individual type buildings, are generally "of a type".
(Officer Comment – this latest application is restricted to two storey development only).*
- *There are too few parking spaces on site and no immediately available street parking - possible dropping off outside the new homes would be a traffic danger - and the only other possible parking spaces are in Linden Avenue which has over the years been the subject of Access Only applications owing to its overuse, Linden Grove which is only short, and Lyndholm Road which is very narrow and has a dangerous junction with Chester Road North. One only has to think of the problems with parking that arise (particularly in Lyndholm Road where there has been insufficient room for emergency vehicles) when Worcestershire CC play at the Cricket Club to see how the local streets cannot cope with extra parking.*

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(Officer Comment – this latest application does allow for on-street parking on the access road).

- *The Traffic statement is extremely subjective and seems to be largely based on guess work as it was carried out over the holiday period. The Chester Road is an extremely busy road and, even though it has been recently de-trunked, the traffic flows do not appear to be significantly different to when this was a trunk road. The existing use does not tend to add to the numbers of cars on the road at busy times whereas 33 extra dwellings tending to need to enter and exit the site at the same sort of time adding to the existing rush hour traffic will lead to congestion, traffic safety risk and environmental concerns (fumes and emissions when stationary etc.*

For all the above reasons we think this proposal should be refused, and a proposal for a less dense development with housing design that will fit in with the neighbourhood be resubmitted.

- 3.12 Sport England – It has been acknowledged that technically the application is a non-statutory for Sport England. Even so, an objection to the application has been made accompanied by the following comments:

The main concern is the lack of certainty and sustainability of the relocation of the bowling club. The worst case scenario is that the club sells the site, it is redeveloped with the benefit of planning permission, and the club are unable to secure another site and cease to exist. There should be at the very least an agreement requiring the bowling club to have obtained not only planning permission for a replacement site, but also have the same surety of tenure which the bowling club currently enjoys before redevelopment starts on their existing site. In the absence of an agreement to secure a sustainable site for the relocation of the bowling club, Sport England raises a non-statutory objection.

- 3.13 English indoor Bowling Association – Offer support for the application, and are supportive of the Bowling Club's quest to improve the indoor and outdoor bowling facilities in the Kidderminster area.

- 3.14 Neighbour/Site Notice – The earlier application for 33 dwellings (09/0601/FULL) generated a significant level of local concern. The originally submitted plans generated objections from the residents of 35 nearby/neighbouring properties (including a letter from a planning consultant on behalf of 6 properties) as well as a 62 signature petition. Subsequently submitted revisions to the layout generated further representations from residents.

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Whilst the numbers of objections to this latest application are somewhat lower at 15 in total (to date), the concerns raised and reasons for objection are again varied and numerous. For practical reasons it is simply not possible to reproduce all of the objections in full within this report (they are available for inspection on the planning file), rather they have been summarised in the following bullet points, in no particular order of perceived priority:

- Density of development – the proposed density does not reflect the character and density of development evident in the surrounding area.
- Access into and out of the site and the associated increased vehicular movements, particularly at peak times, will increase congestion along Chester Road North.
- Inadequate levels of parking to serve the development, which in turn will lead to increased levels of on-street parking on the nearby side roads.
- Inappropriate site for family properties, due to lack of facilities and school spaces.
- Child safety issues due to lack of on site play space. Walks to nearest parks/play areas are along heavily trafficked routes.
- Concerns over future maintenance of the proposed un-adopted highway.
- Proximity of proposed bin store to boundary with adjacent existing property.
- Development would be likely to devalue neighbouring properties.
- Concern regarding removal of existing trees on site along the boundary with properties in Tabbs Gardens and the impact upon privacy and amenity.
- Loss of existing bowling club itself.
- Lack of parking provision for visitors.
- Lack of parking provision for disabled.
- Increased traffic generation and impact upon highway safety.
- The land upon which the Bowling Club sits was donated for recreation use only and is subject to legal covenants restricting its future use.
- The existing storm and foul sewer systems are inadequate and would be unable to cope with additional drainage demands.
- Lack of nearby children's play areas to serve the development which proposes no on-site provision.
- Need for double yellow lines on the surrounding carriageway.
- Detrimental impact upon outlook and amenity of neighbouring residents.
- Removal of open green space (i.e. the bowling green).
- Specific impact upon parking within Linden Avenue.
- Impact upon neighbours' privacy.
- Crime risk due to alleyway adjacent to plot 10.

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Members will have noted that some of the above comments might be considered as duplicating issues, but they have been reproduced for completeness, reflecting the choice of words used by objectors and to demonstrate the level and range of concerns that have been expressed.

4.0 Officer Comments

4.1 As previously described, the site lies to the east of Kidderminster Town Centre on the A449, Chester Road North, within a predominantly residential area. In this regard, the site falls within a wide area which has been allocated for residential use within the adopted Local Plan, and Policy H.2.

BACKGROUND

4.2 Members may recall that Planning Committee considered a previous application (09/0601/FULL), to demolish the existing club house, remove the bowling green and all other associated facilities and features, and erect a 100% affordable housing scheme, earlier this year at the February Planning Committee meeting. The development proposed at that time was for the provision of 33 no. dwellings, broken down as follows:

- 7 x two bedroom dwelling houses – social rented;
- 4 x three bedroom dwelling houses – social rented;
- 12 x two bedroom apartments (for elderly occupants)– social rented;
- 10 x two bedroom apartments – shared equity;

at a density of just under 77 dwellings per hectare, which reflected the fact that the proposed apartments took up a significant proportion of the site.

4.3 The development as proposed at that time consisted of a mixture of two and two and half storey development with a variety of designs, ridge heights, and materials proposed, particularly along the highly visible and all important Chester Road North frontage, in an attempt to reflect the variety of designs, ridge heights, materials and detailing already evident within the vicinity of the application site.

4.4 The application was the subject of a healthy debate, with Members ultimately resolving to reject the officer recommendation to Approve (subject a S106 agreement and conditions), and refuse the application as submitted. In the interests of completeness and clarity, the reasons for refusal are set out, in full, as follows:

10/0382/FULL

1. *Notwithstanding the guidance set out within PPS3 – Housing, which seeks to encourage the efficient use of land, by virtue of the site location, and at a density of residential development of just below 77 dwellings per hectare, it is considered that the proposed redevelopment of the Chester Road Bowling Club would constitute a grossly over intensive development which would result in harm to the character of the area and the appearance of the site within the existing residential context of Chester Road North. As such, the proposed development is considered to be contrary to Policies H.5, D.1 and D.3 of the Wyre Forest District Adopted Local Plan, the aims of the Supplementary Planning Guidance on Design Quality; Policy SD.2 of the Worcestershire County Structure Plan; Policy QE3 of the RSS and the aims of PPS1 and PPS3. Whilst the proposed provision of 100% affordable housing on the site is a material consideration, this does not outweigh the conflict with the aforementioned policies.*

2. *Whilst it is acknowledged that the proposed development accords with the Parking Standards as set out in Annex 9 of the Wyre Forest District Adopted Local Plan, due to the absence of any proposed visitor and disabled parking spaces, and given the nature of the proposed shared surface highway, it is considered that there is likely to be an overspill of parking on the highway and within nearby roads, which would be likely to have an adverse impact on highway safety. As such, the proposed development is considered to be contrary to the aims of Policies TR.9, TR.17 and D.9 of the Wyre Forest District Adopted Local Plan which seeks to accommodate anticipated parking needs in a safe environment.*

3. *The proposed development makes minimum provision for private and communal amenity space to serve the proposed dwellings, with the proposed apartments (plots 12 to 33 inclusive) in particular only benefiting from an area of amenity space which would be equivalent to less than 6 square metres of private amenity space per apartment. Such a level of provision is considered to be inadequate and would be detrimental to the amenity of the future occupiers of the apartments. As such the development is considered to be contrary to policies D.1, D.9 and D.13 of the Wyre Forest District Adopted Local Plan, the aims of the Supplementary Planning Guidance on Design Quality, PPS1 and PPS3.*

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4. *The proposed layout incorporates the provision of a pedestrian alleyway which provides rear access to plots 7 to 11 inclusive. Notwithstanding the fact that it is proposed to gate the aforementioned alleyway, it is considered that this alleyway has the potential to lead to antisocial behaviour and incidents of crime which would harm the amenity, privacy and security enjoyed by the occupiers of the proposed dwellings as well as the occupiers of existing properties to the rear in Tabbs Gardens. As such, the development as proposed is considered to be contrary to Policies D.1, D.9, D.13 and D.16 of the Wyre Forest District Adopted Local Plan and the aims of the Supplementary Planning Guidance on Design Quality.*

5. *The proposed layout indicates that the development will be served by a shared surface, unadopted, highway which does not make provision for a dedicated footway for pedestrians. Taking into account the nature of the proposed development, which is likely to accommodate a significant level of families with young children it is considered that the lack of a footway would have an adverse impact upon the safety of pedestrians, and in particular children, within the application site. As such, it is considered that the proposed layout would be contrary to Policies D.1 and D.9 of the Wyre Forest District Adopted Local Plan and the aims of the Supplementary Planning Guidance on Design Quality.*

CURRENT PROPOSAL

4.5 This latest application proposes an exclusively two storey redevelopment of the site, providing a total of 26 no. dwellings (i.e. a reduction of 7 no. dwellings), which can be broken down as follows:

- 5 x two bedroom dwelling houses – social rented;
- 5 x three bedroom dwelling houses – social rented;
- 8 x two bedroom apartments – social rented;
- 8 x two bedroom apartments – shared equity;

at a density of just over 60 dwellings per hectare.

4.6 As was the case previously, the proposed development consists of a variety of design features, roof detailing and use of materials, in an attempt to acknowledge and reflect the wide variety of existing ridge heights, roof designs, material and detailing evident in the surrounding area.

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4.7 There remain a variety of key issues which it is considered warrant particular consideration in determining this particular application. To assist, these issues have been broken down into the following:

- The loss of the existing bowling club/green;
- The principle of residential development in this location;
- The density of the proposed development;
- The design and layout of the development and its relation with existing residential development;
- Highways issues (to include access and car parking provision);
- Other issues.

THE LOSS OF THE EXISTING BOWLING CLUB/GREEN

4.8 Chester Road Bowling Club is a long established members club, with annual subscription and green fees payable. It is not, therefore, open to the general public. Even so, and in particular for those properties directly adjoining, it does provide some “openness” within what is otherwise a developed area of the town, and in terms of sports provision it must be viewed as a asset. Despite having received representations to the contrary, it would not be unfair to say that the existing bowling club building, which is a single storey flat roof structure, has no immediately obvious aesthetic value. It is a single storey, functional, building fronting onto the A449 Chester Road North, as well as providing significant viewing opportunities to the rear as it faces out over the bowling green.

4.9 It is no secret that the Bowling Club has aspirations to improve facilities and increase membership levels. However, it is not felt that significant levels of improvement can be achieved on the current “land-locked” site and that an alternative site is being considered. However, in order to facilitate the move to an alternative location and generate a capital receipt, the current site would need to be disposed of for alternative development, in this case to Wyre Forest Community Housing, thereby enabling the Bowling Club to reinvest the monies from the sale of the current site into a new site and facilities.

4.10 The submitted Design and Access Statement suggests that there is the potential for the Bowling Club to relocate to the former Victoria Carpets Sports Ground site at the junction of Chester Road South and Spennells Valley Road, which is itself the subject of a separate planning application, which to date has yet to be determined. Whilst it is correct to say that the Victoria Carpets application relies on, and is inextricably linked to, the relocation of the Bowling Club, in terms of this particular planning application the location of any potential alternative site is considered to be irrelevant and it must be for the Bowling Club to decide upon their own relocation plans.

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- 4.11 The application site is not protected within the adopted Local Plan under Policy LR.9, which seeks to safeguard playing fields and sports pitches. The Town and Country Planning (Development Management Procedure) (England) Order 2010, which replaces the previous General Development Procedure (1995) with effect from 1 October 2010, defines a playing field as *“the whole of a site which encompasses at least one playing pitch”*, with a playing pitch defined as *“ a delineated area which, together with any run-off area is of 0.2 hectares or more”* before a wide range of “field” sports, such as rugby, football, cricket, etc are listed as examples of playing pitches. There is no reference made to bowling greens. Furthermore, the site has not been specifically identified upon the Local Plan Proposals Plan as an area of open space which is offered protection by virtue of Policy LR.1 (in fact the site is “washed over” on the Proposals Plan for residential purposes). Whilst it might be desirable to identify an alternative site for the relocation of the Bowling Club at this stage, be it the potential site at the Victoria Sports Ground or otherwise, there is no Local Plan policy to support such an approach. Whilst the concerns expressed by both Sport England and the Council’s Cultural Services Manager are perhaps understandable, it is the case that there is no Local Plan policy to support a refusal on such grounds. Furthermore, if the Bowling Club were simply to cease to operate on the current site, there would be no means of ensuring that the facilities were brought back into use in the future.
- 4.12 Notwithstanding the previous observation, it must be stressed that there is no suggestion that the Bowling Club is likely to cease to operate. There appear to be clear and genuine aspirations for expansion and improvement which simply cannot be achieved on the current site and will be dependant upon the disposal of the current site and the capital receipt generated. Consideration of alternative uses of the site would, given the nature of the surrounding area, inevitably focus upon the potential for residential redevelopment and the benefits that could deliver, which are outlined below.

THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT IN THIS LOCATION

- 4.13 As previously described, the site is allocated for residential use within the adopted Local Plan and therefore policy H.2 is relevant. This policy presumes in favour of residential development within such areas, provided that the site constitutes “previously developed land”.

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- 4.14 A definition of previously developed (or brownfield) land is provided within Annex B of Planning Policy Statement (PPS) 3 – Housing (revised June 2010), and reads:
“Previously developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition includes defence buildings, but excludes:
- Land in built-up areas such private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not previously been developed”.
- 4.15 The site as it stands, with a bowling green, pavilion (club house) and associated land, is, based upon the above definition, not considered to constitute previously developed land and as such would not, normally, be considered as being appropriate for residential development in line with Policy H.2, despite the residential allocation indicated on the Local Plan Proposals Map. However, the fact remains that the site falls within a residential area and is in a highly sustainable location, within walking distance of the Town Centre and Kidderminster railway station and located upon a frequent bus route. Added to this, as confirmed by the Strategic Housing Manager, there is a clear and demonstrable need for affordable housing within Kidderminster and as such it is considered that this site warrants special consideration as an “exception” site which is capable of delivering 100% affordable housing. Members will be well aware that the provision of affordable housing is a District Council priority.
- 4.16 To clarify, in officers’ opinion, it is only the lack of supply of affordable housing and the outstanding need for new affordable housing provision that make the consideration of this site for residential development appropriate, and only then based upon 100% affordable provision, which can be secured via the imposition of a suitable planning condition.

THE DENSITY OF THE PROPOSED DEVELOPMENT

- 4.17 As has previously been identified, the application proposes a mix of apartments and dwelling houses totalling 26 units of accommodation, on this 0.43 hectare site, which equates to just over 60 dwellings per hectare (as opposed to the previously proposed, and subsequently refused, density of 77 dwellings per hectare). PPS3 – Housing (revised June 2010) places great emphasis on the need to make the most efficient use of land, under paragraphs 45 to 51 (inclusive). Members are, however, advised that following the revisions to PPS3 in June of this year the suggested minimum density range of 30 dwellings per hectare previously referred to under paragraph 47 of PPS3 has now been deleted.

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- 4.18 Higher densities of development within the urban areas can assist in reducing the pressure on Greenfield sites and the resulting sprawl. Furthermore, in the right locations such development can be effective in reducing car dependency, with higher density developments providing more support for public transport and, within close proximity of town centres, can lead to more journeys being made on foot.
- 4.19 Policy H.5 “Housing Density” of the Council’s adopted Local Plan identifies a range of densities across the District, which for Kidderminster range from 70 dwellings per hectare within the Town Centre (as defined by the Inset Plan); at least 50 dwellings per hectare within 500 metres of the railway station and town centre (the accompanying reasoned justification makes it clear that this distance relates to either the town centre or the railway); and, 40 dwellings per hectare within 300 metres of a high frequency bus route. In applying the policy, regard is to be had to the local circumstances and the character of the surrounding area.
- 4.20 The application site is located in excess of 500 metres from both the railway station and the Town Centre (as defined by the Inset Plan), and as such the Local Plan seeks for a density of “40 dwellings” per hectare, or more.
- 4.21 However, notwithstanding the wording of Policy H.5, paragraph 50 of PPS3 – Housing, which was published in 2006 and revised in June 2010 (i.e. more recently than the adopted Local Plan policies) states:
“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”.
- 4.22 As previously stated, there are a variety of house types within the vicinity of the application site, with more traditional residential development sitting cheek by jowl with more recent contemporary development, along with a number of in-fill properties. This makes an effective comparison of densities difficult due to the distinctive differences between existing house types. Without doubt given current national and local planning policy there would be no scope for replicating the type of densities already evident within the immediate vicinity of the site, with arguably only the section of the Tabbs Gardens development directly adjoining the site to the rear coming anywhere close to an appropriate density of development (approximately 56 dwellings per hectare) under current national and local policies and guidance.

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- 4.23 A development such as that proposed, which features a significant number of apartments (16 out of a total of 26 dwellings), is an effective means of maximising the land resource available. This is a highly sustainable location and the opportunity presented to make the most effective use of the land, to meet a demonstrable need, has been pursued in an appropriate form by the applicant.

THE DESIGN AND LAYOUT OF THE DEVELOPMENT AND ITS RELATION WITH EXISTING RESIDENTIAL DEVELOPMENT

- 4.24 The existing site, and in particular the single storey club house, result in a gap in the other wise two storey plus urban form of this stretch of Chester Road North. The development of the site provides an opportunity to enhance the appearance of this particular section of the A449.
- 4.25 The proposed layout takes the form of three groups of dwellings; an L-shaped development of 16 apartments fronting both onto Chester Road North and the new access road serving the development; a terrace of 3 dwelling houses facing directly onto Chester Road North; and, a row of 3 terraced and 2 pairs of semi-detached dwelling houses to the rear (west) of the site, facing into the development site and backing onto a relatively new development of residential properties in Tabbs Gardens.
- 4.26 Unlike the previously refused application (09/0601/FULL) the entire development proposed would consist of two storey development, with a mixture of house types and material finishes, designed to reflect the variety of existing development within the vicinity of the site. Each of the dwelling houses features modest fore gardens, but all are provided with private enclosed rear gardens no less than 9 metres in depth, The separation distances between plots 4 to 10 and existing dwellings in Tabbs Gardens, at 22 metres is considered to be acceptable and consistent with separation distances sought elsewhere within the District. Similarly, the relationship between plots 1 and 4 and the nearest existing properties at 239a Chester Road North and 21 Quantock Drive respectively is acceptable, even allowing for an existing side facing window at the latter property.

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- 4.27 Without doubt it was the apartment element of the development that was previously of most concern locally, with the number, design and height of the apartments being primary concerns. These concerns were shared by members also at the February Committee. The current application has sought to address these concerns by removing the upper floor of the apartments, thereby removing 6 no. apartments. The resulting two storey apartments take the appearance of two storey houses, and previous concerns of visual impact, height and massing are in turn addressed. A combination of red brick and rendering is proposed, along with modest variation of window detailing. Contrasting red and grey roof materials are also indicated. The apartments, as with the terrace of three properties, will also feature iron railings along the highway frontage to define the public and “private” realm. It should also be noted that the existing bus stop on Chester Road North is to be repositioned and enhanced.
- 4.28 It is always a challenge for developers when considering the introduction of new buildings within an established area and street scene. The existing Bowling Club building is arguably out-of-keeping with the surrounding area, yet the fact that it has sat relatively unaltered for many years has resulted in it being accepted as part of the street scene. In reality, it is a functional single storey building, which does little to address or add positively to the immediate area. The scheme as proposed has sought to take references from the wide variety of existing building styles in the vicinity of the site, and in doing so officers consider that it stands up to scrutiny when assessed against the Council’s adopted Design Quality Supplementary Planning Guidance.
- 4.29 At a maximum ridge height of 9.1 metres, reducing down to 8.0 metres, the apartments feature some variation in height rather than presenting a single, solid block along the Chester Road North frontage. This variation continues into the site and fronting onto the internal access road, but more critically when viewed from the rear of properties in Linden Grove, which are some 40 metres distant from the proposed apartments. The separation distances between existing properties on the east side of Chester Road North (i.e facing the site) and the apartments is some 26 metres, which is considered to be an acceptable distance.

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- 4.30 The layout of the development is undoubtedly dominated by the access road and car parking. The parking court to the rear of the apartments is well overlooked by the apartments themselves. Private amenity space is provided to each of the proposed 10 dwellings houses. The amenity provision for the apartments is claimed to be some 340 square metres, equating to 21 square metres per unit. However, officers do not consider that all areas incorporated into this figure are genuinely useable, and have calculated a lesser figure of 290 square metres, which represents 18 square metres per unit. Members may recall that the issue of communal amenity space was a particular concern previously. Despite the discrepancy in figures, the proposed level of provision whilst is a significant, and in officers' opinion acceptable, improvement upon what was previously proposed. The proposed landscaping of the site centres upon the replacement of existing trees and the strengthening of the boundaries, in particular the northern boundary with the gardens to properties in Linden Grove, along with the provision of the aforementioned private and communal amenity areas.

HIGHWAYS ISSUES

- 4.31 There is no denying that the A449 (Chester Road North) is an extremely busy road. Residential development fronting the road at the back of pavement is evident. Along its length there are significant junctions, in particular the nearby signalised crossroads with the A456 (Birmingham Road), which is some 150 metres to the north of the site. Whilst in recent years the highway has been de-trunked, the volume of traffic which passes along this stretch of the highway on a daily basis is clearly significant, and at peak times in particular queuing traffic is often evident within the immediate vicinity of the site.
- 4.32 The proposed development would remove the two existing vehicular access points into the site along with the existing wall and hedge along the highway frontage, to be replaced by a single access road which would serve the entire development. That is to say, no individual properties would be served directly from Chester Road North in the form of separate driveways. The location of the access has been designed so as to ensure that appropriate visibility splays can be provided in both directions for vehicles exiting out onto the A449.
- 4.33 The basic location and alignment of the access road serving the development has not changed since the original submission. However, the detailed design has evolved in response to concerns previously raised by County Highways colleagues and in response to Members' concerns regarding the previous lack of footpath. This has resulted in the now proposed private, unadopted, road featuring a footpath on the northern side and space for unallocated on-street parking which could cater for visitor parking.

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- 4.34 Parking provision is provided on the basis of 1 space per apartment and two bedroom dwelling, and 2 spaces per three bedroom dwelling (i.e. 31 spaces to serve the 26 units of accommodation). This is fully in accordance with the County Council parking standards which are incorporated into the adopted Local Plan, under Appendix 9. Members are advised that the current adopted parking standards do not require specific visitor parking provision to be made, although as stated previously such parking could be accommodated on the access road itself. Parking for the dwelling houses is either adjoining or in the immediate vicinity of the properties. The parking to serve the apartments is provided in the form of a communal car park to the north of the site.
- 4.35 Previous concerns regarding the manoeuvring of refuse and emergency vehicles have now been addressed. Cycle stands and storage have been provided and are considered to be acceptable in terms of numbers and their location. In light of all of the above, County Highways have now confirmed that, whilst the access road will not be adopted by the County Council and will remain as a private drive, the layout is acceptable in design terms and as such no objections are raised, subject to the imposition of suitable conditions and notes.
- 4.36 The non-adoption of the highway following development, whilst unusual, is not unacceptable. Whilst it is perhaps more common in respect of smaller developments of up to 5 dwellings, it is worthy of note that to the rear of the application site lies the residential development of Tabbs Gardens which, despite serving 46 dwellings, is actually served by a private (i.e. unadopted) drive. Clearly in such instances this places an extended burden of maintenance upon the applicants in the future, but this has been recognised by Wyre Forest Community Housing (the applicants).

OTHER ISSUES

- 4.37 A number of representations as received from local residents made reference to alleged covenants upon the land, claiming that the land was donated on the basis that it would always be retained for recreational use. The current land owners have advised that they know of no such restriction. Regardless of this claim, this would not in itself be a planning consideration. Any covenant that may, or may not, exist would need to be removed legally.
- 4.38 There are no objections to the proposed development in terms of biodiversity, as confirmed by the key consultees in this regard. Requests for the provision of bird/bat boxes and the use of native species within the landscape scheme can be delivered via the imposition of suitable conditions.

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- 4.39 Concerns expressed regarding the proposed storm and foul sewers and the potential impact upon the existing system have been assessed by Severn Trent Water and no objections have been received. A specific concern expressed by an immediate neighbour who claims that the drains cross their land is acknowledged. During any future construction it would be incumbent upon the developer to ensure that the integrity of the neighbour's drainage is protected and maintained.
- 4.40 Objections have been received from a number of residents expressing concern at the lack of primary school spaces locally and the lack of children's play areas. These observations are acknowledged. It is known that school spaces are in short supply and in many cases officers are aware that children are actually accommodated, out of necessity, at outlying schools.
- 4.41 The Council's adopted Supplementary Planning Document (SPD) on Planning Obligations sets out thresholds for development in respect provision of, and/or contributions towards such provision. However, the size of the development falls short of the thresholds in terms of any on-site provision of play equipment with only a financial contribution required towards existing facilities in the area. Furthermore these contributions are reduced in the case of affordable housing schemes such as this. Contributions towards educational facilities are waived entirely for affordable housing schemes and as such there is no basis for seeking financial contributions towards existing schools within the area.

SECTION 106 AGREEMENT

- 4.42 In accordance with the Planning Obligations SPD, the proposed development could require contributions towards the following:
- Public Open Space and Play Areas;
 - Biodiversity;
 - Sustainable transport;
 - Education;
 - Sustainable development;
 - Public realm.
- 4.43 Taking each of these matters in order, there would be a requirement for a financial contribution towards existing public open space and play areas, which would be calculated as being £6,766.68. This figure takes into account the 50% reduction given to affordable housing schemes such as that which is proposed.
- 4.44 In terms of biodiversity, as previously outlined, the proposed scheme is acceptable and no further mitigation or financial contribution is required. Suitable planning conditions are suggested.

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- 4.45 The site occupies a highly sustainable location, in close proximity to existing high frequency bus stops and within walking distance of both the Town Centre and the railway station. Cycle stands and storage are also provided. The County Council have not, therefore, identified a need for a contribution.
- 4.46 The proposed development consists of 100% affordable housing provision and on that basis, and in accordance with the Planning Obligations SPD, no contribution towards Education is warranted. With regard to sustainable development, appropriate levels of bin storage are provided to serve each property in order to accommodate recycling and green waste bins; the properties will be constructed in accordance with Category 3 of the Code for Sustainable Homes; and, a SUDS drainage scheme is proposed to deal with surface water drainage. In light of this, no further requirements are considered necessary or warranted in this case.
- 4.47 In terms of the public realm, the proposed development would address an existing gap in the predominant street scene, with the replacement of the single storey functional building. This in itself is considered to be a positive contribution to the public realm. On that basis, a further contribution is not considered to be warranted on this occasion.

5.0 Conclusions and Recommendations

- 5.1 Any new development within an established and relatively unaltered area such as this is inevitably going to generate concerns from local residents, which is entirely understandable. The concerns expressed in this case are varied and are outlined within the main body of the report. A balanced view, which weighs up all of the key issues, must be sought.
- 5.2 In assessing the merits of this application, the potential gain in terms of providing much needed affordable housing, which is a District Council priority, in a sustainable location is a primary consideration, however this must be weighed against all other considerations. As reported, the application site does not satisfy the definition of previously developed land as set out within Annex B of PPS3 – Housing (revised June 2010). The fact that Chester Road Bowling Club is looking to relocate and improve facilities has presented an opportunity to deliver 100% affordable housing on the site by way of an “exception” site. Furthermore, the sale and subsequent development of the site would enable the Bowling Club to reinvest in an alternative and improved site elsewhere. Whilst acknowledging both Sport England and the Cultural Services Manager’s concerns regarding the relocation of the Bowling Club, Local Plan policies provide no means of securing an alternative site via this application.

10/0382/FULL

- 5.3 The scheme as presented is of higher density than that of immediately adjacent, established, development, which has seen little change over the years. Both Local Plan policy H.5 and PPS3 – Housing (Revised June 2010), encourage greater density of development and seek to make the most effective and efficient use of an existing site.
- 5.4 The design of the properties, and in particular the apartments, has sought to take its influences from the variety of existing development in the vicinity of the site. There exists a wide variety of house types; materials; and, ridge heights, which have been similarly incorporated into the development. The internal layout has, as with the previous proposal, generated concerns in terms of highway and pedestrian safety as well as in terms of parking. The level of amenity/play space within the scheme has also been cited. The parking provision is in full accordance with the adopted car parking standards as they appear within the adopted Local Plan. As for the amenity space provision, in terms of the dwelling houses the level of provision is acceptable. In terms of the apartments, the amenity provision is greatly improved from the original proposal.
- 5.5 Regarding those representations made, following neighbour notification, regarding issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1, and Article 8 of the Human Rights Act 1998 have been considered and assessed against the scope of the proposed development. No potential breach has been identified.
- 5.6 In light of all of the above, and being mindful of all relevant considerations, on balance, it is considered that the scheme as submitted for 26 affordable homes would be acceptable, and **delegated authority** to **APPROVE** the application is therefore recommended, subject to:
- i. Conclusion of the Departure advertising process and no new issues being raised, that have not already been addressed within this report; and,
 - ii. the signing of a **Section 106 Agreement** to secure a **£6,766.68** contribution towards Public Open Space; and,
 - iii. The following conditions and notes:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved Plans)
 3. B1 (Samples of materials)
 4. B13 (Levels details)
 5. Provision of bird/bat boxes
 6. C7 (Landscaping)

10/0382/FULL

7. C8 (Landscape Implementation)
8. C14 (Landscape Maintenance)
9. 100% Affordable Housing only
10. E2 (Foul and Surface water)
11. F4 (Noise Insulation of Flats)
12. F5 (Construction Site/Noise Vibration)
13. Construction Method Statement – Construction hours and parking.
14. F7 (Completion of Noise Attenuation)
15. F12 (No burning of materials)
16. F13 (Control of Dust)
17. Construction traffic – wheel wash
18. H13 (Access, Turning and Parking)
19. J1 (Removal of Permitted Development – Residential)
20. Cycle parking provision.
21. Closure of existing access points
22. Lighting details.
23. Security measures – lockable access gates

Notes:

- A. SN2 (Section 106 Agreement)
- B. SN1 (Removal of Permitted Development Rights)
- C. HN1 (Mud on Highway)
- D. HN4 (No Laying of Private Apparatus)
- E. HN7 (Section 278 Agreement)
- F. Protection of visibility splays
- G. Design of street lighting

Reason for Approval

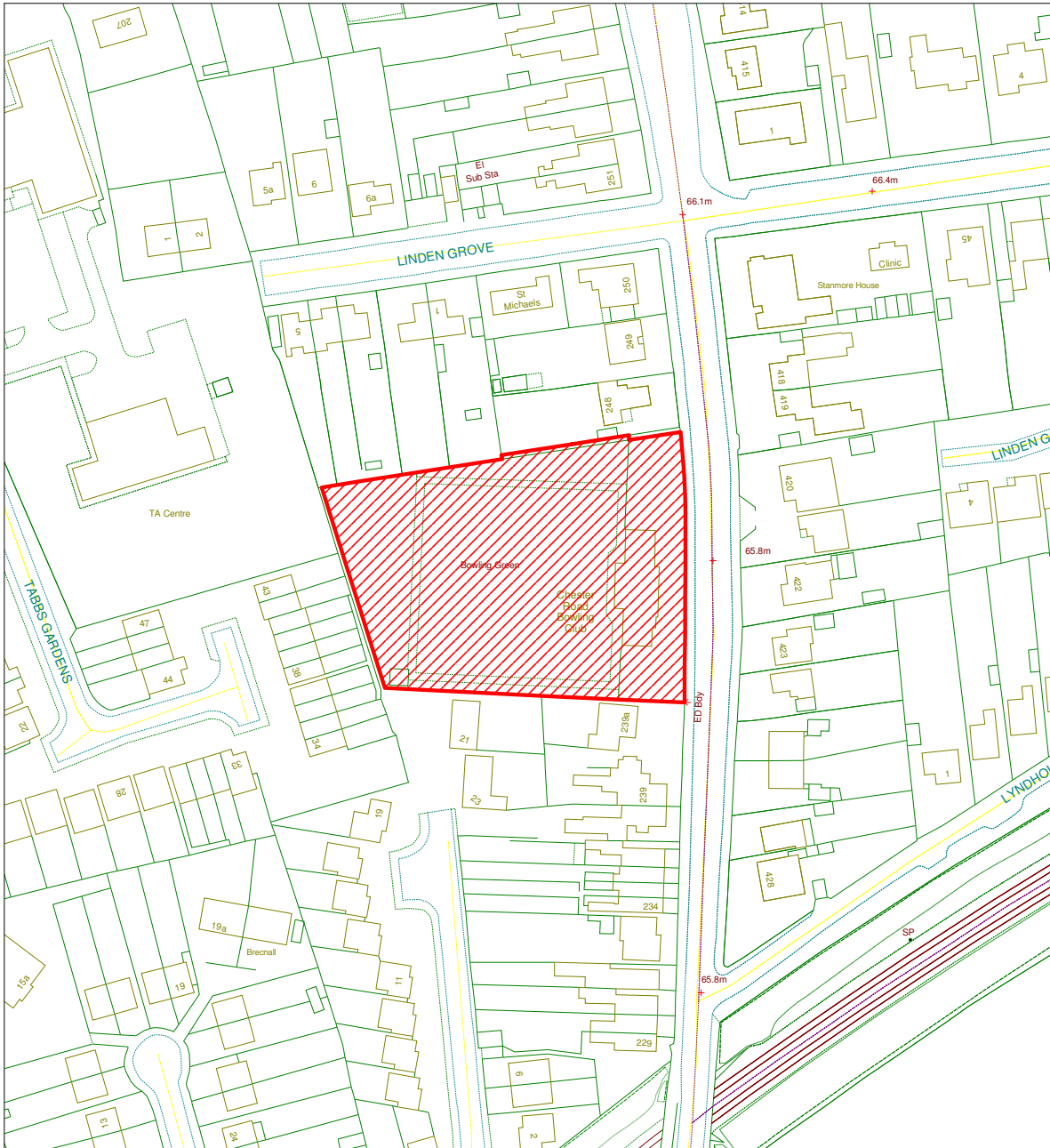
The proposed development has been assessed against relevant national, regional and local guidance. The application site does not constitute previously developed land, based upon the definition given in Annex B of PPS3 – Housing. However, whilst Policy H.2 of the adopted Wyre Forest District Local Plan presumes against development which is not previously developed land, the site is located within a predominantly residential area which is washed over by residential land as allocated upon the Local Plan Proposals Plan. There is a clear and demonstrable need for affordable housing within Kidderminster and on that basis, and given the sites location, it is considered that there are appropriate and exceptional circumstances which outweigh the requirements of Policy H.2 in respect of previously developed land these being the delivery of 100% affordable housing on the site, within a residential area and in a sustainable location. The development itself has been assessed in terms of the potential impact upon neighbouring properties and other properties within the vicinity of the site, particularly in terms of the design and height of the proposed scheme, in particular the apartment block. In these regards it is considered that there will be no adverse impact caused by the development. The impact upon the existing highway network has been assessed and no adverse impact has been identified. The density of the development has been carefully assessed, with particular reference to Local Plan policy and PPS3, and whilst it is accepted that the density of the development exceeds the density of development within the immediate vicinity of the site, it is considered that the proposed development makes an efficient and effective use of the land available and thereby is in accordance with the aims and aspirations of PPS3. Adequate provision has been made for foul and surface water drainage, with a Sustainable Urban Drainage System proposed. In light of the above, and being mindful of all other relevant considerations it is considered that whilst the application is a departure from Policy H.2, it is compliant with Policies H.5, D.1, D.3, D.4, D.7, D.10, D.11, D16, NR.9, TR.6, TR.7, TR.8, TR.9, TR.17, LR.3 IMP.1 of the Adopted Wyre Forest District Local Plan.

Date:- 24 September 2010

OS sheet:- SO8476NW

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

Chester Road Bowling Club
Chester Road North
Kidderminster DY10 1TE

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Application Reference: 10/0409/FULL	Date Received: 15/07/2010
Ord Sheet: 382604 277085	Expiry Date: 14/10/2010
Case Officer: Paul Round	Ward: Franche

Proposal: Variation of condition 2 of Planning Permission WF 108/96 to allow the sale of pets, pet food and pet related products and the provision of an ancillary pet care and treatment facility

Site Address: UNIT C, CROSSLEY RETAIL PARK, CARPET TRADES WAY, KIDDERMINSTER, DY116DY

Applicant: Chester Properties Ltd

Summary of Policy	RT.5, TR.9, TR.17 (AWFDLP) D.33 (WCSP) PPS1. PPS4
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site constitutes the former MFI unit on the Crossley Retail Park, which is accessed off Carpet Trades Way to the north of Kidderminster Town Centre. The retail park accommodates a number of retail units which are fettered by a bulky goods condition.
- 1.2 The proposal seeks for a relaxation of the bulky goods condition to allow the operation of Pets at Home, so that the condition accommodates the sale of pets, pet food and ancillary items. In addition they are seeking for the condition to allow ancillary pet care in the form of dog grooming and veterinary surgery linked with the store. Pets at Home are a national brand with 3 stores already in Worcestershire at Redditch, Blackpole and Evesham.
- 1.3 The application is supported by Planning Statement and business model. The applicant's agent states that the proposal will create approximately 22 employment positions.

2.0 Planning History (of relevance)

- 2.1 WF.108/96 (outline) – Erection of retail units – Refused – Allowed on Appeal
- 2.2 WF.0269/99 – 10 Retail units – Approved
- 2.3 WF.0270/99 – Variation of condition to allow retailing of pets and pet products – Withdrawn

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- 2.4 WF.627/99 - Variation of condition to allow retailing of pets and pet products from one unit - Withdrawn

3.0 Consultations and Representations

- 3.1 Highway Authority – No Objections

- 3.2 Planning Policy & Regeneration Manager – This application seeks to vary a condition of a previous application to allow the sale of pets, pet food and pet related products as well as providing an ancillary care and treatment facility at Crossley Retail Park, Kidderminster.

The key considerations from a policy perspective are considered to be that the sequential approach is followed, the impact of the development is assessed and whether the type of goods being proposed to be sold can be classed as ‘bulky goods’, which is a key consideration for this particular retail park.

The key policies to consider therefore are RT.5 of the Local Plan and Government Guidance in PPS.4: Planning for Sustainable Economic Growth. Policy RT.5 identifies that proposals in out-of-centre retail locations must demonstrate the need for the change and that a sequential approach has been followed. Although the needs test no longer applies since the publication of PPS4, the general approach and requirements as set out by national policy still focus on the sequential approach and impact test, and therefore provide the main basis for consideration of this application.

In terms of the sequential approach, the applicants have identified and discounted a number of stores in sequentially preferable locations. The reasons for the discounting of these stores refers to the size of units available and the format that the units provide, which do not fit the business model for this particular retailer. Generally, there are limited alternative options for consideration in sequentially preferable locations. Furthermore, the business model of this particular retailer is not found in town centre locations elsewhere in the country, which reflects the needs of this business and the sequential issues faced.

The applicants have also considered the impact of the proposed development on the town centre and particularly the existing pet retailers. The applicants outline that the major impact will not be on the town centre per se but on existing pet stores, which is considered to be a reasonable assumption. The existing pet retailers within the town, with the exception of one store, all trade from an out-of-centre location. This provides an important context and highlights that this type of retailer generally seeks larger format stores with associated parking, which doesn't lend itself to town centre locations. The impact of the development is likely to be felt primarily by the existing pet retailers, rather than the town centre itself. PPS4 indicates that it is not in the interest of planning policy to restrict competition and this would not be an appropriate basis to refuse an application.

10/0409/FULL

The type of goods being proposed to be sold from this location is also considered to be a key material consideration. The applicants outline that the proposed goods will generally be bulky in nature and have similar characteristics to other DIY stores, and indeed the stores that are currently operating from Crossley, such as The Range. They contend, therefore, that the business model is based on 'bulky goods' and would be acceptable in this particular area. Furthermore, the business model of the applicants is for large format, lower value floorspace, which this particular retail unit provides. From assessing the accompanying information submitted as part of the proposal it is accepted that the business model for this particular retailer is considered to be primarily bulky in nature. It is also important to note that the applicants have provided information relating to recent planning approvals and appeal decisions from other local planning authorities that were found in favour of the applicants approach (i.e. as a bulky goods retailer) and mirror the proposal being presented here.

The final element which needs consideration is the pet care and treatment facility which is proposed to be included within the store. The two functions are considered to be mutually supportive and the treatment facility will only be accessed whilst the main store is open, which strengthens the intrinsic links. Therefore, subject to the treatment facility remaining ancillary to the main operation, it is considered that this is an acceptable element to the proposal.

If you are minded to approve the application, it is considered that the permission should be for this particular store to avoid any dilution of the retail offer within this location.

3.3 Neighbour/Site Notice – Three Letters of Objection received from Local Businesses. One letter of objection from Harris Lamb who represents the above objectors and five other businesses. The objections are summarised as follows:

1. Precedent - will allow other retailers to move affecting the town centre.
2. There is no need for another pet retailer, the town is already well served. RT.5 requires a need based assessment to be carried out
3. Concern over mix of sick pets and those to purchase.
4. The requirements under PPS4 for sequential test and impact assessment have not been carried out.

4.0 **Officer Comments**

4.1 The condition as imposed by the Sectary of State on appeal reads:

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The premises shall not be used otherwise than for the sale of bulky household goods, that is goods consisting of building and DIY products; garden products and plants; furniture, carpets, floor coverings and household furnishing; electrical products; vehicle accessories and parts; bicycles; office supplies; caravans, tents, camping and boating equipment; unless the prior approval in writing of the LPA has been obtained.

Out of centre proposals including variation of conditions are governed by policy RT.5 of the Adopted Wyre Forest District Local Plan, which is replicated below:

Out-of-centre proposals involving the removal of conditions, the development of a new store, or extension to an existing large out-of-centre retail premises (A1), must first demonstrate that there is a need for the development or alteration. It must also be demonstrated that such proposals cannot be accommodated within the Primary Shopping Area or Edge-of-Centre locations. Proposals involving a change of use to a use falling outside Class A1 will be considered on their individual merits.

- 4.2 Whilst the retailing policies of the Local Plan remain up to date and continue to provide the necessary framework for development, it is clear that consideration must be given to any new Government Policy on retailing. The Government issued new guidance in 2009 under Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) which replaced previous guidance on town centre planning. PPS4 sets out how Local Planning Authority's should consider planning applications whilst Development Plan Documents are being brought in line with the guidance set out in PPS4. Essentially the new guidance takes away the requirement for Applicant's to demonstrate a need whilst still maintaining the requirement to prove that the site is sequentially preferable and that no significant impacts with occur to the town centre.
- 4.3 On this basis with the removal of the sentence in respect of need, Policy RT.5 requirement mirrors Government advice in PPS4.
- 4.4 The Applicant's have submitted a detailed supporting statement demonstrating Pets at Home requirement for this unit and reasoning why the business cannot be located within the town centre or edge of centre vacant units.
- SEQUENTIAL TEST
- 4.5 The former MFI unit consists of 1,170 sq.m (12,600 sq.ft) of retail floor space. The Applicant's agents have flexibly considered vacant premises within and adjacent to the town centre namely:

10/0409/FULL

- 1-3 Worcester Street (former Woolworths)
- 5 Worcester Street
- 19-22 High Street (Pavers Shoes / former Marks & Spencer)
- 62-63 Worcester Street

- 4.6 The Business Model Statement included as part of the application, provides full details of the nature of the retail operation, sharing its operating characteristics with other more traditional 'bulky' retailers. A significant number of products sold by Pets at Home are bulky, many products are low value and there are above average areas of non-sales generating floorspace. All of these characteristics drive a requirement for large format, low value floorspace. There is also a requirement for direct and level customer car parking and access provision for HGV service vehicles (44 tonnes). Pets at Home now operates from in excess of 220 locations within the UK and these are almost exclusively (over 95%) from locations outside town centres, in retail parks.
- 4.7 In view of this business model and the floorspace requirement need for the retail format, I am persuaded by the applicant's claim that there are no other units that are available that are more sequentially preferable than the unit at Crossley retail park.

IMPACT ON KIDDERMINSTER TOWN CENTRE

- 4.8 PPS4 states that permission should be refused where there is clear evidence that the proposal is likely lead to significant adverse impact. At present there are no pet retailers within the Town Centre (Primary Shopping Area) and only one (Pet Deli) located edge of centre, two others located within the Town Centre Inset are located in mixed use areas. The key thrust of retail planning policy is to minimise impact on the primary town centre area as such consideration must be given to the one store (i.e. Pet Deli) within the town centre (edge of centre).
- 4.9 The Applicants Agents state that: *Owners will typically undertake large purchases (be it 20kg bags of food or large bulky purchases) from large superstores or online. Online sales are popular as many bulky ranges are not typically stocked from town centre stores (e.g. a range of kennels or aquaria) given the limitations they have in space. This is true within Kidderminster. The pet store within the town centre does not offer a wide range of bulky pet goods, however it does sell smaller items. Smaller pet goods however, be it toys, accessories, smaller food packets, are all sold and frequently purchased from local pets stores (located within town or local centres). These stores are used by owners in between main trips to large superstores for 'top up' purposes. The decision to visit these stores is based on convenience. Furthermore, given the generalist nature of the Pets at Home offer (it offers a number of products for a wide range of species) it cannot meet the requirements of experienced pet owners. It follows that many independent retailers will specialise in certain species and offer a comprehensive product range and knowledge that Pets at Home does not (e.g. aquatics or equestrian goods). Such stores complement the offer of a large superstore.*

10/0409/FULL

Rather than have an adverse impact on the overall vitality and viability of Kidderminster, we believe that the proposed development will enhance the overall retail provision within the town. It will provide additional choice (particularly in respect of a wider range of bulky pet products) and competition (almost exclusively with out of centre retailers), which will result in lower prices for customers. This accords with one of the main objectives of PPS 4 is to increase competition between retailers to provide more consumer choice. Furthermore, the proposed development will help to reduce expenditure which is currently leaking out of Kidderminster to competing towns (e.g. the existing Pets at Home store in Worcester). This has a positive economic impact as well as helping to achieve more sustainable forms of development in accordance with PPS1.

- 4.10 The objectors main concern is that the impact on the existing businesses. Members will be aware that the planning system is not a medium to stave off competition; but it is a vehicle for preserving the vitality of the town centre. Having fully considering all representations put forward I find myself agreeing with the applicants agent on this occasion. When looking at the business model and the type of goods sold, it is evident that this is large scale retailing that cannot be accommodated within available units within the town centre, as shown by the sequential test, and that will not have a serious adverse impact on the town centre.
- 4.11 I have great sympathy with the objectors in respect of their fears for their businesses, however on the evidence available it is not clearly evident that serious adverse impact will occur to the town centre. In this regard the proposal is in accordance with PPS4.
- 4.12 Other Issues
The proposal includes a veterinary surgery and dog grooming operation as part of the business model and ancillary to the main use of the shop for retail trading. Numerous other authorities have issued certificates of lawfulness confirming that ancillary nature of these elements on the basis that they are wholly incorporated into the store with no separate entrances and that they occupy less than 15% of the total floor area. I am satisfied that this is the case on this occasion. Even if the alternative view were to be taken I consider that these elements complement the use as a whole and are acceptable in this location for these same reasons as set out above.
- 4.13 There are no external alterations proposed and the level of car parking remains acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposed variation of the condition has been considered having fully taken account of the submitted sequential test and the impact of the proposal on the vitality and viability of the town centre. It is concluded that the site is sequentially preferable and that no serious adverse impact will ensue to Kidderminster Town Centre.

10/0409/FULL

5.2 I therefore recommend **APPROVAL** subject to the following conditions:

1. The premises shall not be used otherwise than for the sale of bulky household goods, that is goods consisting of building and DIY products; garden products and plants; furniture, carpets, floor coverings and household furnishing; electrical products; vehicle accessories and parts; bicycles; office supplies; caravans, tents, camping and boating equipment; with the exception of Unit C which may also be used for the sale of pets, pet food, and all pet related products with up to 15% of the floor area being used for ancillary pet care and treatment.
2. None of the retail units shall consist of less than 930 square metres (10,000 sq.ft) gross floorspace, except for unit G (as outlined in red on the approved plan), which if subdivided shall not include any units of less than 465 square metres (5,000 sq.ft) gross floorspace
3. The areas approved under application reference WF.108/96 for the manoeuvring, parking, loading and unloading of vehicles shall be retained and kept clear and available for those uses at all times.
4. No external flues or extractor equipment shall be installed at the premises hereby permitted without the prior written consent of the Local Planning Authority.

Notes

- A) Drawings
- B) SN5 (No advertisements)

Reason for Approval

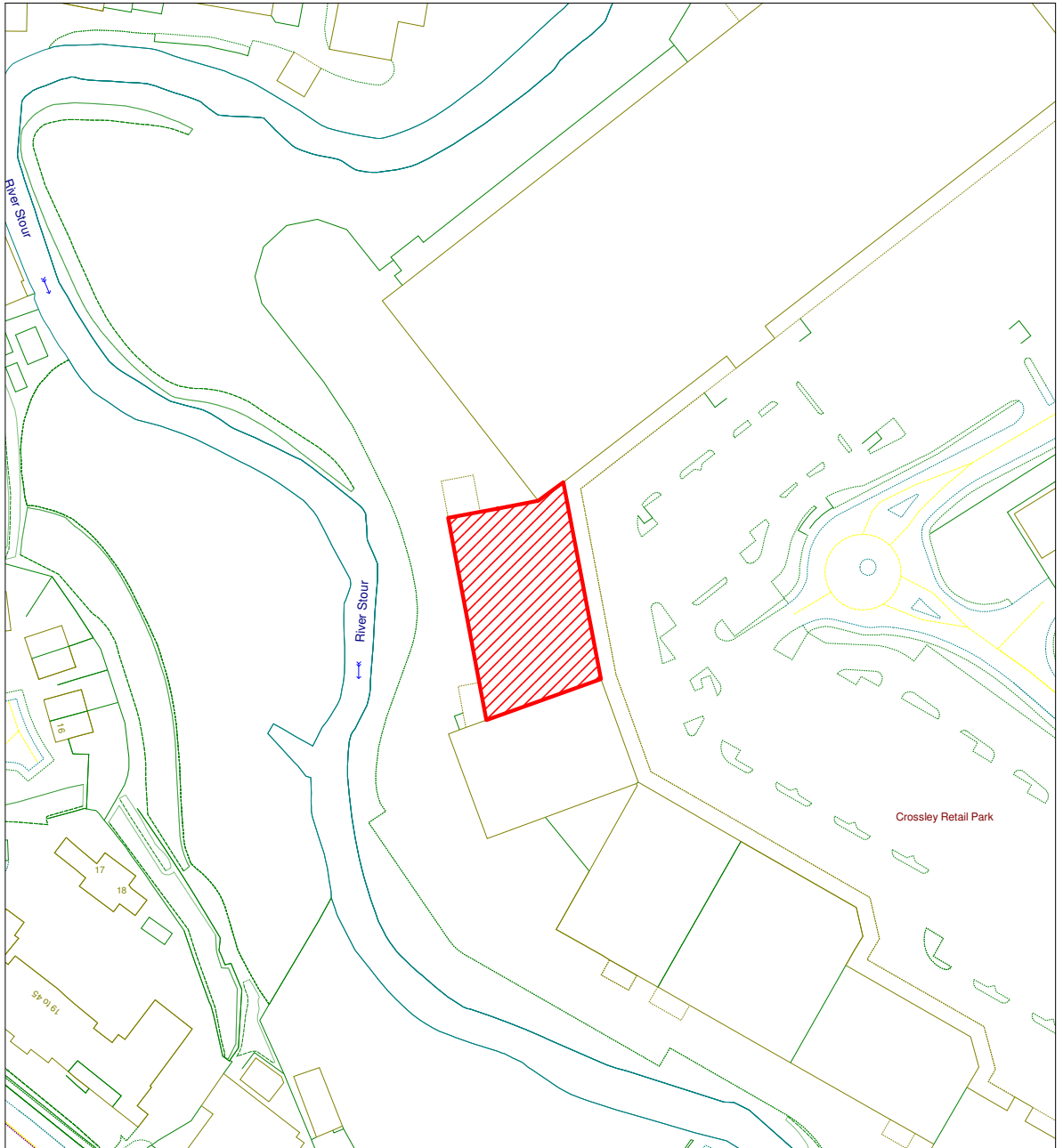
The variation of condition allow the sale of pets and related products and care has been considered against the relevant policies of the Adopted Wyre Forest District Local Plan and Government Guidance in PPS4. It is considered that the Unit C at Crossley Retail Park is sequentially preferable and that no serious adverse impact will occur to Kidderminster Town Centre. There are no other issues in this case. As such the proposal is in accordance with policy RT.5 and Government Guidance in PPS4.

Date:- 24 September 2010

OS sheet:- SO8277SE

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Unit C, Crossley Retail Park
Carpet Trades Way
Kidderminster DY11 6DY**

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Agenda Item No. 5

Application Reference: 10/0448/FULL **Date Received:** 09/08/2010
Ord Sheet: 373220 275355 **Expiry Date:** 08/11/2010
Case Officer: Paul Round **Ward:** Rock

Proposal: Change of use of farm to a Holistic Therapy Centre and the erection of 10 chalets

Site Address: SUGARS FARM, SUGARS LANE, FAR FOREST, KIDDERMINSTER, DY149UW

Applicant: Mr J Knapper

Summary of Policy	D.1, D.3, D.4, D.5, D.7, D.10, D.11, NR.4, NR.6, RN.8, NR.9, LA.1, LA.2, LA.6, NC.1, NC.2, NC.3, NC.5, NC.6, NC.7, TR.9, TR.17, TM.1, TM.5, TM.7 (AWFDLP) SD.1, SD.2, SD.8, CTC.1, CTC.5, CTC.8, CTC.9, CTC.11, CTC.12, CTC.14, CTC.15, RST.14, RST.16, RST.17 (WCSP) PPS1, PPS7, PPS9, Good Practice Guide Planning for Tourism
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The site forms a 3.7 ha (9 acre) site located to the north of the settlement boundary of Far Forest, close to the Wyre Forest and accessed off Sugars Lane.
- 1.2 Sugars Farm consists currently of a dwelling, which is used for holiday purposes, fishing pools and it has an extant permission for pony trekking.
- 1.3 The proposal seeks for the use of the existing dwelling as a holistic centre and the erection of 10 chalets within existing conifer woodland.
- 1.4 The site lies within the Landscape Protection Area, which has been defined by the Worcestershire County Landscape Character Assessment as falling within the Forest Smallholdings and Dwellings landscape character type. To the north-west lies the Wyre Forest Site of Special Scientific Interest (SSSI) and to the north and east lies the Wyre Forest Special Wildlife Site (SWS).

10/0448/FULL

2.0 Planning History

- 2.1 09/0533/FULL – COU to holistic centre and erection of 10 chalets - Withdrawn

3.0 Consultations and Representations

3.1 Rock Parish Council – Recommend Refusal –

1. Lack of detailed information
2. Inadequate parking
3. No sewage details or provision
4. Road access inadequate
5. Damage to SSSI site
6. Green Belt (*Officer Comment – the site does **not** fall within the Green Belt but falls within the Landscape Protection Area*)

3.2 Highway Authority – Recommend Refusal - The proposed introduction of the Holistic Centre will act as a separate trip generator which is proposed to be independently operated from the proposed chalets. The application will increase the vehicle movements to the site along a narrow lane with limited opportunity to pass side by side.

The junction into Sugars Lane from New Road offers acceptable visibility when exiting, the visibility turning right into Sugars Lane is severely impeded due to the alignment of the carriageway. Sugars Lane also has a sharp bend which has to be negotiated that offers no forward visibility and is not wide enough to allow two vehicles to pass.

The additional vehicle movements associated with this application will increase the likelihood of an incident occurring and the narrow carriageway will result in vehicles overriding the verge damaging the Public Highway.

Given the level difference between the road and the site, the proposed positioning of the buildings brings into question the future integrity and stability of the adjacent highway. The applicant should be requested to provide additional information in the form of cross sections / calculations / ground conditions etc, to demonstrate that no detrimental affect will be caused to the public highway.

It therefore is recommended that the application be refused in the interests of Highway Safety.

3.3 Countryside Conservation Officer – There is currently a reptile and badger survey and proposed mitigation which shows there will be no impact if they carry out sensitive construction methods, however no mitigation for the loss of habitat being used by grass snake and frog is offered and I still have the issues raised in the previous report (below) that will need to be addressed

10/0448/FULL

1. dormouse survey to include mitigation measures (may to sept) - this could be negated if the development is not to impact on the hazel lined wet flush but we don't know this
2. cray fish survey (July to September) - as above
3. document showing measures put in place to prevent silt run off pre, during and post the development- required
4. drawings and statements showing the design and appropriate location of the SUDS scheme and a future management and monitoring plan to be conditioned- this we have, but it just states that the run off will be collected into the lake system, which is fine but the natural drainage would be via the brook. If the water was to go via the brook we would need a filtration system otherwise there would be biological harm hence we need more detail on how they will design the drainage system to ensure it uses the pool route. In addition where is the foul water system to be situated and does this discharge into the stream?
5. conformation of a pre development ecological walk through to remove vulnerable taxa - this is addressed in their report
6. drawings and working practices statement required to show how the native broad leaf trees will be safe guarded as part of the development
7. a Japanese knottweed removal strategy is required
8. the production of a information leaflet for chalet occupants on biodiversity and conservation is required - this is mentioned in the design and access statement
9. measurers – required to insure that all contractor formally agree to maintain the quality of the environment
10. the production of a formal nature conservation management plan for the whole Sugars Farm to be conditioned - this is mentioned in the design and access statement
11. a site plan showing the location of all the ecological enhancements including
 - a the location a spillage of all lighting
 - b the reinstatement of the spring line to a natural state on the surface and implement measures to allow this to develop into a wet grassland flush
 - c the locations and nature of bat, bird and mammal boxes
 - d the proposed native planting

10/0448/FULL

- 3.4 Natural England - Natural England objects to the proposed development on the basis that there is a reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason we recommend that you either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies. Our concerns relate to the likely impact upon bats, dormice and white clawed crayfish. The protection afforded these species is explained in Part IV and Annex A of *Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.'* Natural England initially objected to this application due to inadequate ecological surveys. The original Phase 1 Habitat Survey recommended further surveys for bats, dormice, crayfish and reptiles. These had not been carried out at the time. However, of these recommended surveys only the reptile survey has been undertaken in support of this re-submission. If additional assessments or the developments footprint, design or impacts negate the need for the other surveys, this needs to be stated. Natural England had previously recommended that the application included an Ecological Mitigation Strategy and a Nature Conservation Management Plan, neither of which have been supplied. As well as having the potential for protected species, the site is in an ecologically sensitive area, abutting the Wyre Forest Site of Special Scientific Interest to the north-west and a Special Wildlife Site to the east, making this information all the more important. The recommendations of the reptile and badger surveys should be integrated into these documents. Please see the advice note provided as an annex to this letter for further information. 2
Given the direct hydrological connection to the Wyre Forest SSSI via the Dowles Brook, we are pleased to note the Sustainable Drainage Scheme proposal.
Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences.
- 3.5 Wildlife Trust – Defer consideration to Natural England and Council's ecologist
- 3.6 Severn Trent Water – No Comments Received (*officer comment – drainage is proposed to be non-mains*)
- 3.7 Ramblers Association - We cannot see that there will be any material effect upon Rock FP 526 and we have no objection to the proposal.
- 3.8 Planning Policy and Regeneration - The application seeks a change of use of a farm and land located in the Far Forest area of the District. The main issue which appears to require the most consideration, from a policy perspective, is the erection of 10 chalets and the subsequent impact this may have. In considering this proposal, policies TM.1, TM.5 and TM.7 appear to be the most pertinent.

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Policy TM.5 provides the policy framework for considering new chalet sites within the District. The policy places a presumption on refusing proposals which will adversely affect the landscape quality or character of the countryside. Given the location of the proposed development it is considered that the impact of the proposal on the landscape and the countryside is the main policy issue. Policy LA.2 provides further information on considering the effect of development in Landscape Protection Areas and places the emphasis on considering the impact of development within these areas.

It is also worth highlighting that the reasoned justification for TM.5 identifies that the District Council takes the view that given the existing numbers of chalets and caravans in the District catering for this sector of the tourism market, no further development is desirable. This will therefore need consideration when determining this application.

Notwithstanding the above comments, the proposal needs to be balanced alongside the support for farm diversification and tourism development, provided by policies TM.1 and TM.7. There still remains the need to consider the impact of development on the countryside and landscape but these policies outline the Council's support for sustainable and suitable tourism proposals, which this application may be considered to be.

If you were minded to approve the application then the final element of Policy TM.5 which restricts the use of new sites for short stay occupation will need to be implemented.

Furthermore, although not directly included within the site owner's boundary; the proposed development site sits between two SSSI's and it is felt that this should also be considered as part of the decision making process, taking into account advice included in Policy NC.1.

- 3.9 Arboricultural Officer - The site for the proposed development is rural in nature. There are a number of individual and groups of trees and wooded areas as well.

This application is to erect 10 chalets within a small conifer plantation within the farm site.

The trees are predominantly pine and spruce and are early mature in age. A number of these trees will need to be removed to facilitate the development, which I am not too concerned about. The application doesn't require all of the conifer woodland to be removed and the trees left will act as good screening for the road.

From the submitted plan, no other trees will be affected by the development.

10/0448/FULL

I have no objections to the principle of erecting 10 chalets. However I would like to ensure that a number of trees within the conifer plantation are retained to act as screening. Therefore a detailed landscaping plan should be submitted showing which trees are to be removed and which retained, if they cannot be retained I would object to the proposal.

3.10 Neighbour/Site Notice – 103 Letters of Objection and a 258 signature petition have been received. In addition an 'Objections Document' has been provided on behalf of objectors which summaries the objections as follows:

1. Over intensification of caravan/chalet accommodation.
 - Area is already well served with holiday accommodation: Of the 192 static caravans licensed on Sugars Lane, 175 belong to the applicant and are underutilised. Additional accommodation is not necessary and conflicts with the local plan paragraph 11.85 and Policy TM5.
 - Change to residential: Concern over future intention to change the use of chalets to residential as permitted for older chalets under Policy CH3.
 - Illegal use of holiday caravans: 11 month license means some are used as residential, which could occur with the chalets if unchecked.
2. Highways/access/traffic.
 - Passing places proposed on Sugars Lane may permit faster driving, knowing there are additional places to pull in. The speed limit is 60mph. There is no footpath. It is used as a footpath to access the forest.
 - Current parking is insufficient: The site has 12 existing parking spaces. Policy TR17 which requires 1 space per peg for fisheries, which means a minimum 35 spaces are needed.
 - Proposed parking is inadequate. Chalets are 3 beds, disguised as 2 beds. 2 x parking spaces are required for 3 beds as per Policy TR17. Only 1 per chalet, 10 in total are proposed. No additional parking is planned for the holistic centre visitors or staff. If highways have made their decision based the additional parking spaces, the car journeys generated by the development may be underestimated.
 - Proposed spaces will not fit: Of the 10 additional parking spaces proposed for the parking area, only 7 including a disabled space could possibly fit when applying Policy TR17 on parking standards, assuming the existing gate is removed.
 - Restricted view when exiting the proposed car park to Sugars Lane is dangerous, contravening Policy TR9.
 - Current traffic: Transport infrastructure in Far Forest is already at full capacity, recent increases due to changes to the school and change of caravan parks license to 11 months have increased traffic loads. Has this been considered in calculating the amounts of existing traffic? Has a traffic survey been carried out?
 - Access to and from the proposed development, on a single track lane will overload the roads further and potentially cause further hazards to pedestrians, cyclists and wildlife, contravening Policy TR9.

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3. Disabled access

- Mobility impaired: Development is on a steep slope. To access the higher and lower level of chalets via the proposed access route will mean many steps, and is unsuitable for the mobility impaired in contravention of Policy TR7.
- Parking: No allowance has been made for disabled parking as required by Policy TR17.

4. Environment.

- Wildlife corridor: The proposed development area is in a wildlife corridor (policy NC3), bordered by a SSSI and two wildlife areas. The conifers in the proposed site provide shelter for the deer.
- Ecological survey: The survey submitted with the application covered only herpetofauna (reptiles) and badgers. This was based visits in July 2010. This is not a comprehensive survey. A survey covering all seasons is needed to assess all mammals, birds, insects, that appear, or are active, in the different seasons of the year. It therefore fails to meet policy NC7 which requires a “detailed ecological survey undertaken at an appropriate time”.
- Protected species are known to be close to the proposed site, so may also be on site, policy NC4 Protected Species.
- Biodiversity Action Plan habitats were identified in a previous survey for the applicant on Sugars Farm. No part of the current application refers to these or how they should be managed as per policy NC5.
- Road stability: Plans show that to level areas on the valley side for the chalets an excavation down 4.44 metres within 5.0 metres of the road is required, creating a very steep embankment. This would undermine the stability of the road and may shift spring emergence points causing slumps.
- Hydrology: The Sustainable Drainage report suggesting the lower pond could deal with the run-off from the chalet roof, is based on inaccurate estimate data, when actual rainfall figures for the area are available. It is questionable therefore whether the lower fishing pond is capable of retaining the chalet run-off.
- Foul water treatment: The package treatment works proposed needs to be within 30 metre vehicle access for de-sludging and maintenance. No details on any plan regarding its location. The chalets furthest point is 40 metre from the road. Assuming it must be below the chalets, and therefore access would be greater than 40 metre, it does not appear to be a feasible option.
- Pollution : As the discharge to the stream will be within 500m of a SSSI, a standard permit will need to be obtained from the Environment Agency. One of the criteria is that the stream must have a dilution ratio of 8:1. The stream runs dry in prolonged drought contravening policy NR9 Sewage disposal. The applicant has submitted a photo in the herpetofauna and badger survey, showing the stream as nearly dry. As the stream flows through a SSSI the effluent would have an adverse effect contravening policy NC2.

10/0448/FULL

- Smells: Package treatment plants require steady flow of sewage to keep the micro-organisms alive, if they die the plant will smell. Flow from holiday accommodation would be erratic, resulting in smells.
 - The development is likely to have a material adverse effect on the wildlife and watercourses in contravention of Policies NC2, NC3, NC4 & NC5.
5. Landscape protection.
- Not necessary for local needs: The proposed development does not meet the requirements of Policy LA2, landscape protection area, as the development is not necessary to local needs, Policy CY2, and would change the landscape quality and character.
 - Alternative locations: The applicant has alternative locations and scope to provide accommodation at his two caravan parks located on Sugars Lane.
 - No screening: Due to the extensive ground works required, much of the dense conifer woodland, which the proposed chalets would be built in, would have to be removed. There would be no screening.

4.0 Officer Comments

- 4.1 Within the Adopted Wyre Forest District Local Plan and County Structure Plan there is wholesale encouragement for tourism development outside of Green Belt areas. Such encouragement is couched with caveats that any tourism development be compliant with other policies of the development plan.
- 4.2 The Government's Good Practice Guide on Planning for Tourism sets three main considerations for determining tourism proposals being
- i. **where the development is located** – developments need to be located where they are accessible to visitors (and for many, but not all developments, by means other than just by private car) and where they do not have an adverse impact upon sensitive environments;
 - ii. **how they are designed** – developments should be attractive to users, they need to work well in functional terms and they need to use natural resources in an efficient manner; and
 - iii. **how they fit into their surroundings** – developments need to respect their environs and complement them rather than detract from them. They should be designed to have a positive impact upon landscape, the historical setting and upon ecology.

It is proposed to adopt this format in considering this application, with the addition of Other Issues, within the following paragraphs.

10/0448/FULL

WHERE THE DEVELOPMENT IS LOCATED

- 4.3 It is proposed to utilise an existing vehicular access which currently give access to garages associated with the dwelling. The proposal seeks to provide 10 car parking spaces for the Chalets. The Holistic Centre will be accessed from the access point further to the north which is currently used for the fishing pools.
- 4.4 It is clear that the combination of the 10 chalets and holistic centre will result in additional trip generation over and above that of a single dwelling house. Sugars Lane is a notoriously difficult road to navigate due to its lack of passing places, width, alignment and blind bends. Whilst the Highway Authority is happy with the visibility when traversing from Sugars Lane into New Road, significant concern is expressed over the lack of visibility when turning right into Sugars Lane from New Road. In addition due to the width, of the highway blind bend along Sugars Lane and limited passing places it is considered by the Highway Authority that the increase in vehicle movements will result in a deterioration of highway safety. I agree with this conclusion especially as the lane is regularly used by pedestrians where there is no footway.
- 4.5 The Highway Authority has also raised concern over the stability of the highway in the proximity to the development site due to the substantial grounds that would be required. Additional information is required. However in light of the concerns expressed above I do not think it is reasonable to request this information; it will form a further reason for refusal.
- 4.6 The car parking provision has not been called into question by the Highway Authority. I note the concerns of the objectors, which have been forwarded on to the Highway Authority. At the time of writing I consider that the provision of parking is possible to achieve bearing in mind the ability to choose between two car parking areas that are available. Should any further information be submitted by the Highway Authority these will be updated via the Addenda and Corrections Sheet.
- 4.7 On the basis of the comments above I have to conclude that the location of the development on this scale is unacceptable.

HOW THEY ARE DESIGNED

- 4.8 There are no external changes proposed to the dwelling for its use as a holistic centre.
- 4.9 The proposed chalets comprise of a 'log cabin' style design measuring approximately 12.5m x 6.5m and approximately 4m in height. They are proposed to be constructed of wood with cedar shingle roof. They comprise two bedrooms, bathroom, shower room, built in external store and combined kitchen lounge with a verandah to the front.

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- 4.10 The actual design of the buildings complies with the design requirements of the Adopted Wyre Forest District Local Plan being of appropriate materials and minimal height. The question of the number and impact will be considered under the next heading.
- 4.11 I do consider that the buildings proposed are of attractive design which might be considered appropriate in a countryside setting.

HOW THEY FIT INTO THEIR SURROUNDINGS

- 4.12 Notwithstanding the comments in the previous section on the acceptability of design in its own right, consideration must be given to how they fit into their surroundings. I consider this falls into two aspects, firstly the impact on the Landscape Protection Area and the Countryside and secondly on biodiversity and protected nature.
- 4.13 The site falls with the Forest Smallholdings and Dwellings landscape character type as defined by the County Council's Landscape Character Appraisal. The character type is defined as an intimate, densely settled landscape characterised by strings of wayside cottages and associated smallholdings. These nestle within a small-scale matrix of pastoral fields and narrow lanes, often defined by overgrown hedges. This is a landscape which is described as being of human scale, with a strong sense of unity and purpose. The key message of this landscape character type is based on the conservation of the distinctive, small scale, settled, rural character of the landscape.
- 4.14 Whilst the change of use of the existing dwelling has no additional impact careful consideration needs to be given to the proposed chalets. The submitted plan shows the chalets to be sited wholly within an existing conifer woodland, which was originally planted for Christmas tree sales but never harvested, and screened on all four sides. Access would be gained on foot via an intimate access through the trees.
- 4.15 An additional levels plan has been submitted to show how the chalets will be sited taking into account existing levels. The chalets will be sited in a row a six and a row of four. The six that are closest to the road would have floor levels that would be between 4.5m and 2m difference from the level of the Sugars Lane and difference of 6m longitudinally across the row of chalets. The objectors have taken the opportunity in providing cross-sections in order to justify their concerns. At the time of writing no alternative design has been put forward by the Applicant's agent. Whilst I take the view that the drawings supplied by the objectors are the worst case scenario, it does highlight concerns over the proposed retention of trees to screen the development as required by the Arboricultural Officer and is critical in reducing the impact on the Landscape Protection Area and the open countryside.

10/0448/FULL

- 4.16 Whilst it may be possible to retain the trees to the south and west which would screen the development from public vantage points, being public rights of way that are too close to the south boundary and across the valley to the west, the potential loss of trees to the north and east would leave the development extremely exposed. If this were the case the development would be visually intrusive within the landscape and fail to harmonise with the intimate landscape character type as described above.
- 4.17 Even if it could be demonstrated that the trees were to be retained, a detailed landscape management plan would need to be submitted to ensure that trees were managed and that screening remained indefinitely, especially in view of the need to provide light to the chalet buildings. Without such information I conclude that the inadequate information has been provided to demonstrate that the protected landscape character will not be adversely affected by this proposal, and that trees have been fully taken into account.
- 4.18 In respect of biodiversity, Members will see detailed comments from Natural England and the Council's Countryside Conservation Officer in respect of submitted surveys. There remains concern that the full ecological picture has not been fully described, the harm identified and the any losses mitigated against. Additional information has been submitted which is being assessed, however at the time of writing no formal comments have been received. A precautionary approach needs to be taken over matters of biodiversity and ecology. Therefore based on the information and advice currently available I conclude that insufficient information has been provided to demonstrate that no harm will ensue to the biodiversity of the site or the Wyre Forest SSSI or the Wyre Forest SWS.

OTHER ISSUES

- 4.19 Residents have raised a number of issues many of which have been covered through the headings above. Other issues raised include details of drainage proposals and access for disabled persons, which could be dealt with by way of conditions.
- 4.20 The need of the development has also been brought into question. Planning policies and Government advice on Tourism does not involve a needs based criteria as such there is no requirement to call into question the need of the development.

5.0 Conclusions and Recommendations

- 5.1 The scheme is considered to be unacceptable resulting in additional trip generation that cannot be accommodated within the surrounding highway network, significant changes to levels that may undermine the integrity of the public highway and, may result in loss of trees adversely affecting the character of the Landscape Protection Area; and fails to provide sufficient information to ensure that areas of nature conservation are not harmed.

10/0448/FULL

5.2 I therefore recommend **REFUSAL** for the following reasons:

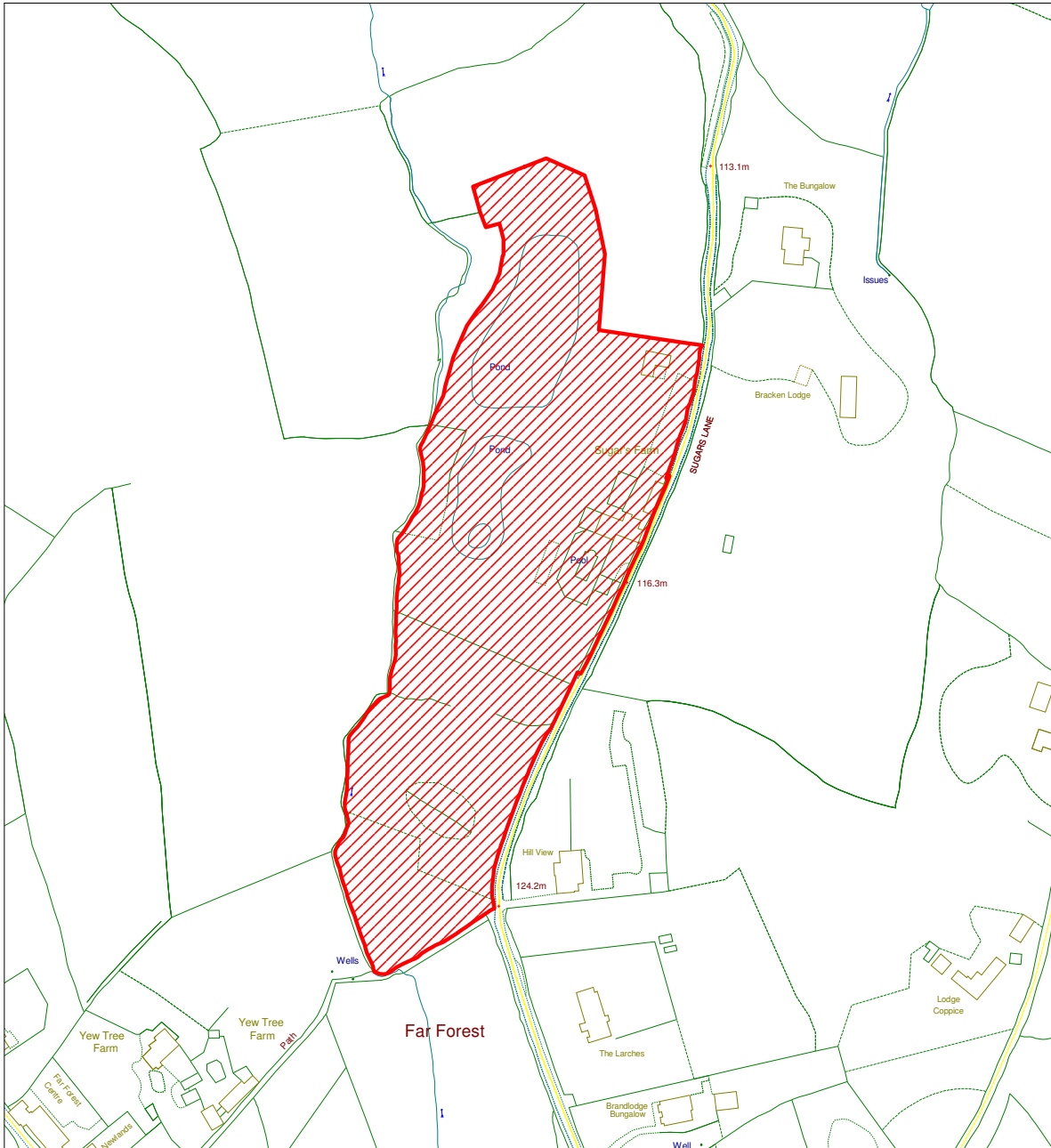
1. The proposed introduction of the Holistic Centre will act as a separate trip generator which is proposed to be independently operated from the proposed chalets. The application will increase the vehicle movements to the site along a narrow lane with limited opportunity to pass side by side and where visibility turning right into Sugars Lane is severely impeded due to the alignment of the carriageway. Sugars Lane also has a sharp bend which has to be negotiated that offers no forward visibility and is not wide enough to allow two vehicles to pass. The additional vehicle movements associated with this application will increase the likelihood of an incident occurring and the narrow carriageway will result in vehicles overriding the verge damaging the Public Highway. To approve the development in these circumstances would be in direct conflict with policy TR.9 of the Adopted Wyre Forest District Local Plan.
2. Given the level difference between the road and the site, the proposed positioning of the buildings brings into question the future integrity and stability of the adjacent highway. Insufficient information has been submitted in the format of cross sections / calculations / ground conditions, in order demonstrate that no detrimental affect will be caused to the public highway. To allow the development without such information would be contrary to TR.9 of the Adopted Wyre Forest District Local Plan.
3. Insufficient information and survey data has been submitted to provide an adequate ecological description of the site, the impact of the proposed development and sufficient mitigation and enhancement. It therefore has not been fully demonstrated that no adverse impact will occur as a result on the development to the Wyre Forest Site of Special Scientific Interest, the Wyre Forest Special Wildlife Site and the biodiversity of the site itself. As such to allow the development in these circumstances would be conflict with policies NC.1, NC.2 , NC.5 and NC.7 of the Adopted Wyre Forest District Local Plan and Government Advice in PPS9.
4. The information as submitted in support of the application does not clearly define whether the screening to the north and east of the site can be retained for the life of the development as shown on the submitted plans. The loss of trees would expose the site which would appear visually incongruous within the countryside and would fail to adhere to intimate landscape character type as defined by the County Landscape Character Assessment. The potential failure to fully take account of trees within the site and the potential harm to the Landscape Protection Area would be in direct conflict with policies D.4, D.5, LA.1, and LA.2 of the Adopted Wyre Forest District Local Plan and Government Advice in PPS7.

Date:- 24 September 2010

OS sheet:- SO7375SW

Scale:- 1:2500

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Sugars Farm
Sugars Lane
Far Forest DY14 9UW**

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Application Reference: 10/0468/FULL **Date Received:** 13/08/2010
Ord Sheet: 382600 277139 **Expiry Date:** 12/11/2010
Case Officer: Paul Round **Ward:** Franche

Proposal: Installation of mezzanine floor and amendment of Condition 3 of Planning Permissions WF1139/02 and WF1140/02 to enable occupation by a toy retailer

Site Address: P C WORLD, UNIT 1 (A/B), CARPET TRADES WAY, CROSSLEY RETAIL PARK, KIDDERMINSTER, DY116DY

Applicant: DSGi PLC

Summary of Policy	RT.5, TR.9, TR.17 (AWFDLP) D.33 (WCSP) PPS1. PPS4
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site constitutes the PC World unit on the Crossley Retail Park, which is accessed off Carpet Trades Way to the north of Kidderminster Town Centre. The retail park accommodates a number of retail units which are fettered by a bulky goods condition.
- 1.2 The application seeks to allow a variation of the bulky goods condition attached to the consent given in 2002 to allow a toy retailer to occupy the unit, it also seeks to allow the provision of a mezzanine floor for storage and staff facilities.
- 1.3 The operator Smyths Toys would look to operate from this unit which is likely to be vacated by PC World, following the grant of permission for a mezzanine at the Currys Store allowing a combined Currys/PC World store. The combination of these stores, which come under the same ownership, is an approach that has been taken at other sites throughout England and Wales.
- 1.4 Smyths Toys are an expanding business within England and Wales. Currently there are 26 stores in Ireland and 18 stores within England and Wales. There are 3 stores currently in the West Midlands at Birmingham, Walsall and Telford. The proposal will create 30 full time jobs, with up to 30 additional temporary positions at peak times.

10/0468/FULL

2.0 Planning History

2.1 Various none of relevance

3.0 Consultations and Representations

3.1 Highway Authority – No Objections

3.2 Planning Policy and Regeneration – This application seeks to vary a condition of a previous application to allow occupation by a toy retailer, as well as increasing the retail floorspace in this unit, through construction of a mezzanine floor.

The key considerations from a policy perspective are considered to be that the sequential approach is followed, the impact of the development is assessed and whether the type of goods being proposed to be sold can be classed as 'bulky goods', which is a key consideration for this particular retail park.

The key policies to consider therefore are RT.5 of the Local Plan and Government Guidance in PPS.4: Planning for Sustainable Economic Growth. Policy RT.5 identifies that proposals in out-of-centre retail locations must demonstrate the need for the change and that a sequential approach has been followed. Although the needs test no longer applies since the publication of PPS4, the general approach and requirements as set out by national policy still focus on the sequential approach and impact test, and therefore provide the main basis for consideration of this application.

The applicants have provided a sequential test as part of the submission, outlining why this particular unit is the most suitable for their needs. The applicants have considered the available units and potential development sites in sequentially preferable locations within the town but have discounted these primarily on size and format related issues. Generally, officers agree with the conclusions in the assessment. Key to the applicants argument regarding their need for this particular location is para 6.31 of the PPS.4 practice guide, which identifies that *"the size and bulk of goods (of the retailer) will influence the size and type of store required...In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations."* Therefore, the applicants argue that their 'bulky goods' retailing is particularly suited to this location and they would not be suited to trade from any other sequentially preferable sites.

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It needs to be considered, however, whether or not this particular retailer can be classed as a 'Bulky Goods' business, and therefore whether it would be suitable to trade from this particular location. The applicants identify that approximately 70% of the floorspace in their stores is dedicated to the display of bulky goods, which highlights the nature of the stores. In assessing the information provided with the application it appears that the retailer generally deals with goods that could be classed as 'bulky' in their use, this is supported by the photographs included within the submission and the information provided on their website. The applicants have also included as part of their submission, recent permissions from other authorities relating to toy retailers which indicate an assumption that they are predominantly bulky in nature. Furthermore, the applicants identify that some of the categories that would be sold from the store are already being sold in Crossley Retail Park, which again adds weight to their argument.

In terms of the impact on the town centre, the applicants have provided an assessment in line with PPS.4 provisions. The retail impact assessment identifies that there is a need for this type of retailer within the town, with only specialist retailers such as the Early Learning Centre providing the main toy offer currently within the area. The applicants identify that the benefit of this application would be to retain spend in the local area by providing a larger offer for customers and minimising trips to Merry hill and other competing centres. Furthermore, a large element of the goods to be sold are already traded in this location, and therefore the applicants identify that the store would sit comfortably on the park and would only impact in a similar way to the current operations that are trading from this area. As with any retail development which is located outside of the town centre there will always be an element of impact. However, what needs to be considered in this instance is whether or not the impact on the town centre is too great to warrant a refusal of permission. Furthermore, the impact will need to be balanced with the potential economic benefit of the proposal, which is proposing to provide additional jobs, as well as retaining spend within the District.

If you are minded to approve the application, it is considered that the permission should be for this particular store to avoid any dilution of the retail offer within this location.

3.3 Neighbour/Site Notice – No Comments

4.0 **Officer Comments**

4.1 The bulky goods condition as imposed reads:

The premises shall not be used otherwise than for the sale of bulky household goods, that is goods consisting of building and DIY products; garden products and plants; furniture, carpets, floor coverings and household furnishing; electrical products; vehicle accessories and parts; bicycles; office supplies; caravans, tents, camping and boating equipment; unless the prior approval in writing of the LPA has been obtained.

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- 4.2 Out of centre proposals including variation of conditions are governed by policy RT.5 of the Adopted Wyre Forest District Local Plan, which is replicated below:

Out-of-centre proposals involving the removal of conditions, the development of a new store, or extension to an existing large out-of-centre retail premises (A1), must first demonstrate that there is a need for the development or alteration. It must also be demonstrated that such proposals cannot be accommodated within the Primary Shopping Area or Edge-of-Centre locations. Proposals involving a change of use to a use falling outside Class A1 will be considered on their individual merits.

- 4.3 Whilst the retailing policies of the Local Plan remain up to date and continues to provide the necessary framework for development, it is clear that consideration must be given to any new Government Policy on retailing. The Government issued new guidance in 2009 under Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) which replaced previous guidance on town centre planning. PPS4 sets out how Local Planning Authority's should consider planning applications whilst Development Plan Documents are being brought in line with the guidance set out in PPS4. Essentially the new guidance takes away the requirement for Applicant's to demonstrate a need whilst still maintaining the need to prove that the site is sequentially preferable and that no significant impacts will occur to the town centre.
- 4.4 On this basis with the removal of the reference in respect of need, the policy requirement mirrors Government advice in PPS4.
- 4.5 The Applicant's have submitted a detailed supporting planning and retail statement demonstrating Smyths Toys requirement for this unit and reasoning why the business cannot be located within the town centre or edge of centre vacant units and any impact that will arise to the town centre.

SEQUENTIAL TEST

- 4.6 Smyths Toys have a requirement for a store of approximately 2,100 sq.m (22,600 sq. ft), the unit at Crossley Park fits this requirement being 2,200 sq.m. The applicants have considered the available units within and at the edge of the town centre namely:
- 1-3 Worcester Street (former Woolworths)
 - 19-22 High Street (Pavers Shoes / Former Marks & Spencer)
 - 40 Oxford Street (Former Morrisons)
- 4.7 The format for Smyths Toys offers a very wide range of products that includes a substantial element of bulky goods. The format is similar to Toys R Us selling from large format stores on retail parks with need for level access and trolley use.

10/0468/FULL

- 4.8 Having carefully assessed the sequential test and the available units I am persuaded that the site at Crossley Retail Park is sequentially preferable at this time.

IMPACT ON KIDDERMINSTER TOWN CENTRE

- 4.9 PPS4 is clear that permission should be refused where there is clear evidence that the proposal is likely lead to significant adverse impact. There is limited toy retailing in Kidderminster, especially with the demise of Woolworths. Within the town retailers such as Early Learning Centre and Argos provide retailing in this sector. Outside the town centre there are various model and specialist shops, along with other larger retailers and supermarkets who sell the typical goods on offer at Smyths Toys.
- 4.10 It is evident that the offer available by Smyths Toys is different to other existing toy retailers, especially Early Learning Centre that serve younger children. The applicants agent has provided case studies where large scale toy retailer such as Smyths or Toys R Us can exist along side Early Learning Centre.
- 4.11 The nearest broad range toy retailer is Toys R Us located at Merry Hill (approximately 10 miles) and Oldbury (approximately 15 miles). The opportunity to have such a retailer within Kidderminster may lessen the migration of Wyre Forest residents away from the Town.
- 4.12 On the basis of these arguments and having regard to the advice in PPS4, I am satisfied that the applicants have been able to demonstrate that there will be no serious adverse impact on the vitality and viability of the town centre. The proposal is thus in accordance with the development plan and advice in PPS4.

OTHER ISSUE

- 4.13 There are no external alterations proposed and the level of car parking remains acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposed variation of the condition has been considered having fully taken account of the submitted sequential test and the impact of the proposal on the vitality and viability of the town centre. It is concluded that the site is sequentially preferable and that no serious adverse impact will ensue to Kidderminster Town Centre.

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I therefore recommend **APPROVAL** subject to the following conditions

5. The premises shall not be used otherwise than for the sale of bulky household goods, that is goods consisting of building and DIY products; garden products and plants; furniture, carpets, floor coverings and household furnishing; electrical products; vehicle accessories and parts; bicycles; office supplies; caravans, tents, camping and boating equipment; with the exception of Unit 1 (A/B) which may also be consist of toys, play equipment, children's/family products, wheeled products fro children and associated items.
6. None of the retail units shall consist of less that 930 square metres (10,000 sq.ft) gross floorspace.
7. The areas approved under application reference WF.1139/02 and WF.1140/02 for the manoeuvring, parking, loading and unloading of vehicles shall be retained and kept clear and available for those uses at all times.

Notes

- a) Drawings
- b) SN5 (No advertisements)

Reason for Approval

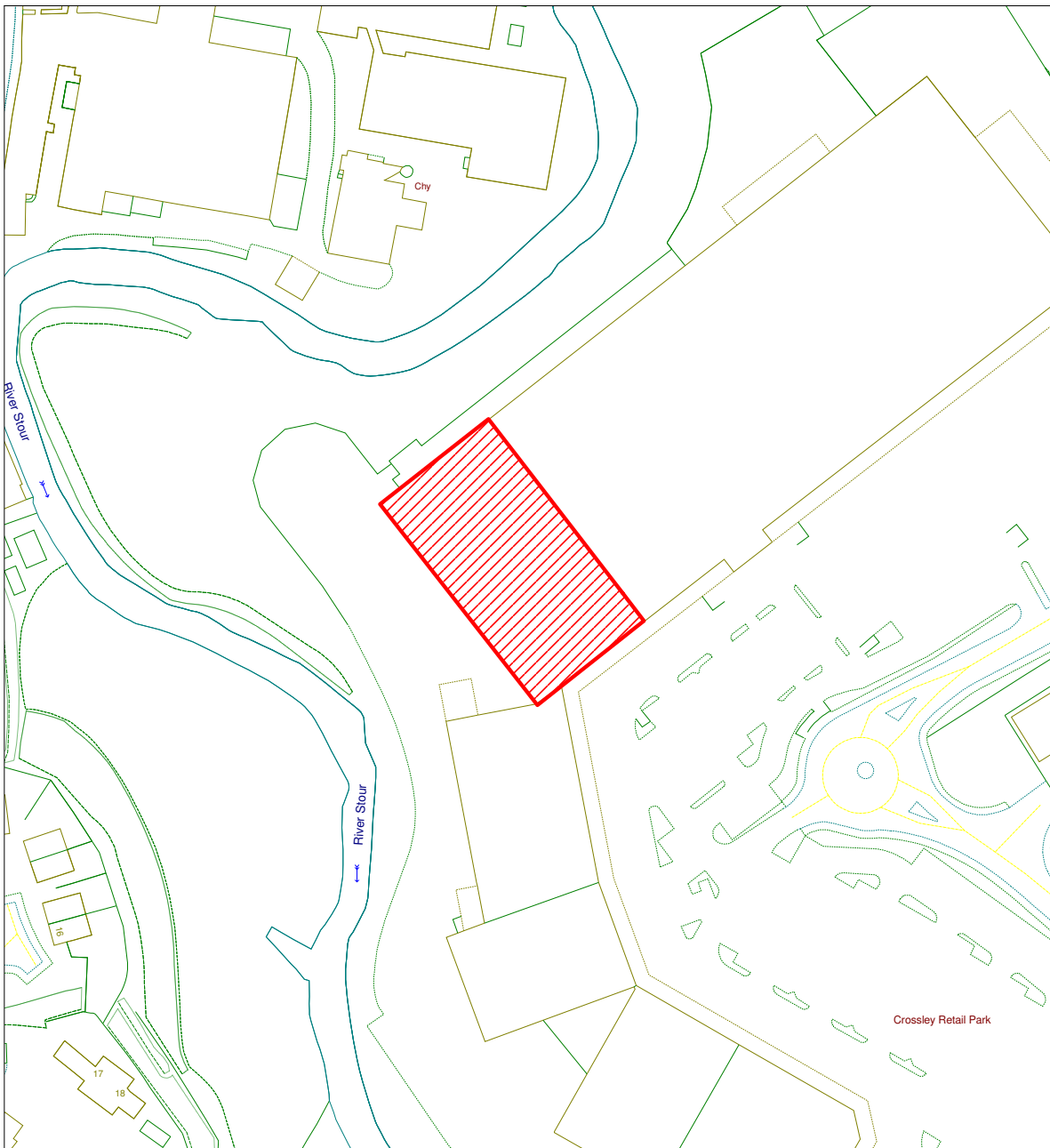
The variation of condition allow the sale of toys has been considered against the relevant policies of the Adopted Wyre Forest District Local Plan and Government Guidance in PPS4. It is considered that the Unit 1 (A/B) at Crossley Retail Park is sequentially preferable and that no serious adverse impact will occur to Kidderminster Town Centre. There are no other issues in this case. As such the proposal is in accordance with policy RT.5 and Government Guidance in PPS4.

Date:- 24 September 2010

OS sheet:- SO8277SE

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

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Carpet Trades Way, Crossley Retail Park
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Agenda Item No. 5

Application Reference: 10/0500/FULL **Date Received:** 26/08/2010
Ord Sheet: 390544 275923 **Expiry Date:** 21/10/2010
Case Officer: Emma Anning **Ward:** Blakedown and Chaddesley

Proposal: Re-Erection of former pig-sty in form previously approved under consent 10/0323 for use as an outdoor bar area

Site Address: ROBIN HOOD, DRAYTON ROAD, BELBROUGHTON, STOURBRIDGE, DY9 0BW

Applicant: Mr G Attwood

Summary of Policy	GB.1, GB.2, GB.6, D.1, D.3, D.4, RB.1, RB.2, RB.3, RB.5 (AWFDLP) D.39 (WCCSP) PPG 2
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee Statutory or non-statutory Consultee has objected and the application is recommended for approval. Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The Robin Hood is a public house located within the settlement of Drayton off Drayton Road. The property occupies a site which is washed over by Green Belt and the site has trees which are subject to a Tree Preservation Order.

2.0 Planning History

2.1 10/0323/FULL - Change of use and alterations to existing outbuilding to form outdoor bar area and toilet provision - APPROVED

3.0 Consultations and Representations

3.1 Chaddesley Corbett Parish/Town Council – Objection. The Parish Council considered the above application at their Planning Committee Meeting held on Monday 6 September 2010, and taking into account the views of local residents, would like to object to this application on the following grounds:-

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1. Drayton is unusual in that 99% of residents all live within 100 yards of the Robin Hood pub. The Robin Hood is in an elevated position so that sound from an outside bar or band music is easily carried to adjacent properties. The noise from an outside bar and live music not only affects residents in Drayton, but the noise reaches Bluntington, Chaddesley Corbett and Belbroughton. We have evidence of this because the Robin Hood recently held an outside event in a marquee on Sunday afternoon between the hours of 3.00 and 6.00 p.m. The noise was so loud residents complained that it was like a rock concert in their living room. As a result of this the 29 residents of Drayton have all signed a petition objecting to the building of an outside bar and licences to play loud music in the garden area.
2. This is now a new development in the green belt and is therefore inconsistent with the Parish Design Statement.
3. At a recent site visit by members of the Parish Council they received misleading information that the unit would be used for patrons to sit quietly watching their children at play and having a drink. They denied it would be used for outside music.
4. It is understood that an outside play area and a smoking room have also been erected on the site without planning permission.
5. The Parish Council do not feel that an outside bar would be appropriate development in this quiet hamlet which would cause light and noise pollution for residents

The comments of the Parish Council were submitted along with an accompanying petition against the application with 62 signatories.

- 3.2 Highway Authority – Views awaited
- 3.3 Environmental Health – Informally the Principal Licensing officer has confirmed that they do not propose to raise any objections on noise grounds. This will be confirmed formally and added to the update sheet.
- 3.4 Crime Risk Advisor - 'I have visited the location and spoken with the licensee of the public house where this development is proposed. The building is situated in a large garden at the rear of the public house. The area is not overlooked by any houses, I am therefore satisfied that its impact will cause minimal noise and nuisance to surrounding residents. I am satisfied that sufficient thought has been given to the security of this building. The existing public house has a high standard of security and I am satisfied that this high standard will be continued through to this building.

I do not have any concerns with or objections to this planning application.'

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- 3.5 Severn Trent Water - No comments received, however, in response to the previous application Severn Trent water had no objections subject to a drainage condition.
- 3.6 Neighbour/Site Notice – 26 letters received, comprising 24 objection letters and 2 letters of support. One of the 21 objection letters is from Friends of the Village Association which is stated, represents 160 members from various parts of the parish of Chaddesley Corbett including Drayton.

The main objections raised can be summarised as follows;

- The old shed and foundations have been destroyed. Therefore this should be a new build application and not a re-erection and change of use application.
- The proposal constitutes inappropriate development as defined by both local and national planning policy as the use of the building is not for any of the uses listed in paragraphs 3.4 of PPG2. Furthermore as a "re-erection" this development cannot be considered to be a reuse of a building within the scope of paragraphs 3.7-3.10 of PPG 2 or within policy GB.4. In addition the applicant has failed to advance any 'very special circumstances' as required by paragraph 3.1 and reinforced by longstanding case law.. It is therefore clear that this development is contrary to development plan policy and must be refused planning permission in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- The application does not conform to PPG 2 as it is a new building in a Green Belt Area
- This is green belt land and building consent should be denied for all planning applications.
- The owners have continued to build the outside bar against the instructions of the enforcement officers.
- The recent license application indicates that the outside bar and potential marquee (as recently advertised in Worcestershire life) will be used for a variety of functions and not just as an outside serving area. The public house already has a significant outside serving area and I do not see the necessity to extend this further.
- The application, when looked at in conjunction with the license application, will impact on property values.
- The proposal to erect a marquee is totally inappropriate to the area.
- The Robin Hood pub has already applied for a licence variation application citing this outdoor bar area and is advertising locally as an outdoor bar/restaurant area which would be a significant change of use.
- The increased customer volume has already exceeded the capacity of the car park (32 cars as stated in section 10 of the planning application), with vehicles parked dangerously on a number of occasions in and around the entrance to the public house and also on private land. Due to the position of the car park entrance on a bend and the brow of a steep hill, it is not if but when an accident will occur.

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- As the village has no street lighting this can only increase the impact at night and make driving and moving around the village more problematic. Many cyclists and horse riders use the roads on a daily basis and during the summer evenings.
- It is a rural location with no public transport and so will encourage drink driving.
It is a commercial proposal that adds no value to the local community.
- The health and safety implications are significant
- It will significantly change the nature of the village
- It will lead to complaints and put pressure on Police resources.
- There are many other businesses which already offer this service within the surrounding areas.
- The community is already well served by licensed premises.
- The safety of residents and children must be paramount and this would also be compromised if permission for this variation in planning is granted.
- The proposal will attract the wrong sort of people to the village and will lead to underage drinking which will be difficult to monitor.
- The new bar would adversely affect the privacy of residents of Rose Cottage, Drayton Bank as it would be within 30 yards from the boundary and can only increase the level of disturbance.
- Patrons and their children (using a playground again built without planning permission) screaming and shouting is preventing us enjoying what used to be the evening silence.
- The mention of a marquee in the planning application makes clear the applicant's intention to create a canvas-thin 'function room' which will not benefit from the natural noise insulation provided by masonry and double glazing.
- We would remind you that the Human Rights Act, particularly the right to the use and enjoyment of our properties and the respect for family life, of the residents of Drayton will be seriously infringed if this building is built.
- The bar is being built on one of the highest points of the pub land and village. Therefore, noise will carry through the majority of the village, especially late at night during the summer months. This will be compounded by the application to vary the license to play music and serve alcohol until 11pm in the evening and a dancing license until 2am!
- The Robin Hood is not an appropriate setting for an open air bar, by its very nature, more suited to one of the larger surrounding towns.
- The Institution of civil engineers planning policy guidance 24 'noise' general principles states that noise is a material consideration in determining planning applications; avoid locating noisy developments in previously quiet areas; planning authorities must ensure that the development does not cause an unacceptable degree of disturbance

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The 2 letters of support raised the following points:

- Our property lies opposite the Robin Hood. The proposed development is located within an enclosed property and will not have any adverse effects on either our own property or the wider location.
- I have no problems with what is proposed. With 50 pubs per week closing it is good to see one being revitalised. I live very close to the pub and have never had a problem with it.

4.0 Officer Comments

4.1 Planning permission is sought for the re-erection of a former pig-sty in a form previously approved under consent 10/0323/FULL for use as an outdoor bar area. It should be noted that this application is submitted after the District Council's enforcement team were alerted to the fact that the pig sty, which was to be converted under the previous consent, had been demolished completely and was in the process of being re-built. Given that permission was granted for a conversion only and not for the construction of a replacement building then the works undertaken were not in accordance with the planning permission and as such a fresh planning application was required. The planning permission is, however, considered to be a material consideration which to take into account when determining this current application. Having visited the site it is possible to confirm that a new building is partly constructed and therefore this application is part retrospective.

PRINCIPLE OF DEVELOPMENT

4.2 In considering the principle of development, the key policy considerations in determining this application differ from those which were relevant when determining the previously approved application. The former pig sty building has now been removed from site, the application therefore relates to the construction of a new building as opposed to the conversion of an existing building as was previously the case. The relevant policy considerations are the Green Belt policies of the Adopted Local Plan and Government guidance contained in Planning Policy Guidance 2: Green Belts. Both documents set out the types of development which are considered appropriate in the Green Belt, however none of which would cover the development proposed. The proposal therefore constitutes inappropriate development in the Green Belt which is harmful by definition. With this in mind it remains to be considered whether there are any material considerations which would amount to 'very special circumstances' which, when considered individually or cumulatively, would clearly outweigh the harm caused by virtue of inappropriateness.

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4.3 The agent has provided reasoned justification as to why the former pig sty building could not be retained namely:

- The foundations were shot and in a state of collapse having been thoroughly undermined by rats.
- The roof was spreading, and most vertical supports of the roof were rotten. It was not physically capable of alteration as not enough sound wood remained for that to be able to happen

(which would not have been apparent when considering the previous application).

4.4 Whilst it is unfortunate that the building ultimately could not be converted and it was felt necessary to demolish it, it is acknowledged that the proposed replacement building would be identical in every respect to that already approved.

4.5 On balance and in considering the issue considered in this report it is considered that the planning permission for an identical building, the fact that no harm would be caused to visual amenity or openness and that the agent has provided sufficient justification for the demolition of the former pig sty then it is felt that there are sufficient material considerations that, when considered together, do amount to very special circumstances, which, in this instance, would clearly outweigh the harm caused by virtue of the inappropriateness of the proposed building. It is therefore concluded that the principle of the development is acceptable as it would accord with the requirements of Policy GB.1 of the Adopted Local Plan and advice contained in PPG 2: Green Belts

SCALE, SITING AND DESIGN

4.6 In considering the previous application the Local Planning Authority was satisfied, despite the alterations proposed which involved a slight increase in height of 0.4m, that the resultant building, because of its siting and design, would not be harmful to visual amenity or openness of the Green Belt. In this instance, despite the fact that the building is a new build, given that it would be finished in an identical form as the building previously approved then it is considered that there would be no harm to visual amenity and no more harm to openness than was previously considered acceptable. In conclusion therefore the siting, design and scale of the proposed outdoor bar area are felt to be acceptable and would not therefore cause any additional harm over and above that caused by virtue of inappropriateness.

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IMPACT ON AMENITY

- 4.7 The proposed plans show that the building would benefit from a large seating area with a bar, a gents w.c, a ladies/disabled w.c and a small store room. Parts of the north east and north west elevations would be open sided to allow users to observe the public house's surrounding amenity land. Details submitted by the applicant state that the use of the building would be restricted to 10:00 to 22:00 hours seven days per week from 1st April to 31st September in any calendar year. The agent has confirmed that the applicant would be happy to accept a condition restricting the use of the building to these times.
- 4.8 Whilst the re-building a building in the green belt would not normally be considered acceptable it is felt that, because the building is of temporary construction and is a seasonal structure to be used only in association with the existing public house that its replacement is acceptable.
- 4.9 A number of the neighbour letters received have raised concerns that the building would be used as a live music venue, for functions such as weddings and would be used for such purposes without restriction. There is no mention in the application that this would be the case, the proposal is presented as an outdoor bar area. It is acknowledged that there has been a recent music event at the site which caused significant disturbance to local residents and as such the advice of the District Council's Principal Licensing Officer has been sought. Officers are advised that an application was submitted recently which sought for a variation of a premises licence to allow activities including the following;
- Live and recorded music to be played outdoors between 12:00 and 23:00hours on standard days, Christmas day 11:00 to 23:00 and New Years Eve 10:00 until terminal hour New Years day.
- Permit the sale and supply of alcohol from an outside bar between the hours of 12:00 and 23:00 on standard days, Christmas day 11:00 to 23:00 and New Years Eve 10:00 until terminal hour New Years day.
- 4.10 That this application has been withdrawn/amended and is now submitted in a form which omits any reference to music events. The application now seeks only consent for the retail sale of alcohol from the external bar area between the hours of 12.00 and 21.30 daily.
- 4.11 Notwithstanding the above Members are reminded that the application submitted should be considered on the merits of the considerations outlined above and with respect to amenity, concerns over noise disturbance can only be taken into account where they form an integral part of the application. In this instance they do not and as such it is felt that the provision of the covered outdoor bar area which would be used in an incidental manner to the existing public house and garden would not, in itself, give rise to problems of noise pollution. Were the owners of the premises minded to seek to introduce music or events to the premises then they would be required to apply for a licence

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for such activities and as part of that application it would be the responsibility of the District Council's Environmental Health Officers to ensure that those activities would not compromise the amenity of local residents. In conclusion, and being mindful of the comments of the Principal Licensing Officer, officers are satisfied that, the use of the building as proposed would not, subject to appropriate hours conditions, give rise to a situation which would compromise neighbour amenity.

- 4.12 Concern has been raised by neighbours that the amenity of occupiers of Rose Cottage would be adversely affected by this proposal, however given that Rose Cottage is some 150m from the site of the outdoor bar it is not felt likely that this would be the case.
- 4.13 Given that the building is located well within the grounds of the public house and is not highly visible from outside of the site I consider that the alterations would not cause harm to the visual amenity of neighbours and as such it is not felt that the proposal would be contrary to the Human Rights Acts as it would not prevent or impinge upon the ability of neighbours to enjoy their property.
- 4.14 Other matters raised as being likely to impact negatively on the amenity of neighbours, including the impact of property values, commercial viability, health and safety implications, additional pressure being put on Police resources and a potential increase in drink driving are not material planning considerations which could carry any weight in justifying the refusal of this application.

HIGHWAY IMPLICATIONS

- 4.15 Numerous neighbour letters made reference to the potential highway implications of the proposal and raised concerns that the amount of car parking is not sufficient and that the increase in patronage at the pub would lead to highway safety issues due to persons parking outside of the pub site and due to the entrance to the pub being on a bend and the brow of a steep hill. The views of the Highways Officer are awaited and will be added to the update sheet, however it should be noted that Worcestershire County Council Highways did not offer any objections to the previous application. Given that the nature of the applications has not altered in terms of the size or type of building proposed and that the proposed facility is a season ancillary addition to the main use of the pub then it is felt that the site offers sufficient car parking provision and that there would be no harm caused to highway safety as a result of this proposal. The proposal is considered to comply with the requirements of Policies TR.9 and TR.17 of the Adopted Local Plan.

OTHER

- 4.16 The District Council are aware that a wooden play area and smoking shelter have been erected on site without the benefit of planning permission. This matter is in the hands of the Council's Planning Enforcement team and will be looked at independently of this application.

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- 4.14 References made to the publicans intention to erect a marquee and to hold weddings and other similar events does not form part of this planning application and will be controlled through the Council's licensing function.
- 4.15 Despite not having received any formal feedback from Severn Trent Water, it would be considered necessary to apply a drainage condition to any approval given that the building proposed would be identical to that already approved and that such a condition was deemed necessary when the previous application was considered.

5.0 Conclusions and Recommendations

- 5.1 The proposal represents inappropriate development in this green Belt location however it is felt that very special circumstances do exist which would clearly outweigh the harm caused by virtue of inappropriateness. The design, scale and siting of the proposed outbuilding are considered to be acceptable. The proposal would not give rise to a situation which would be detrimental to highway safety or neighbour amenity. It is therefore recommended that the application be **APPROVED** subject to the following conditions;

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1a (Materials)
4. Hours of opening
5. Drainage condition
6. Use ally in association with Robin Hood

Reason for Approval

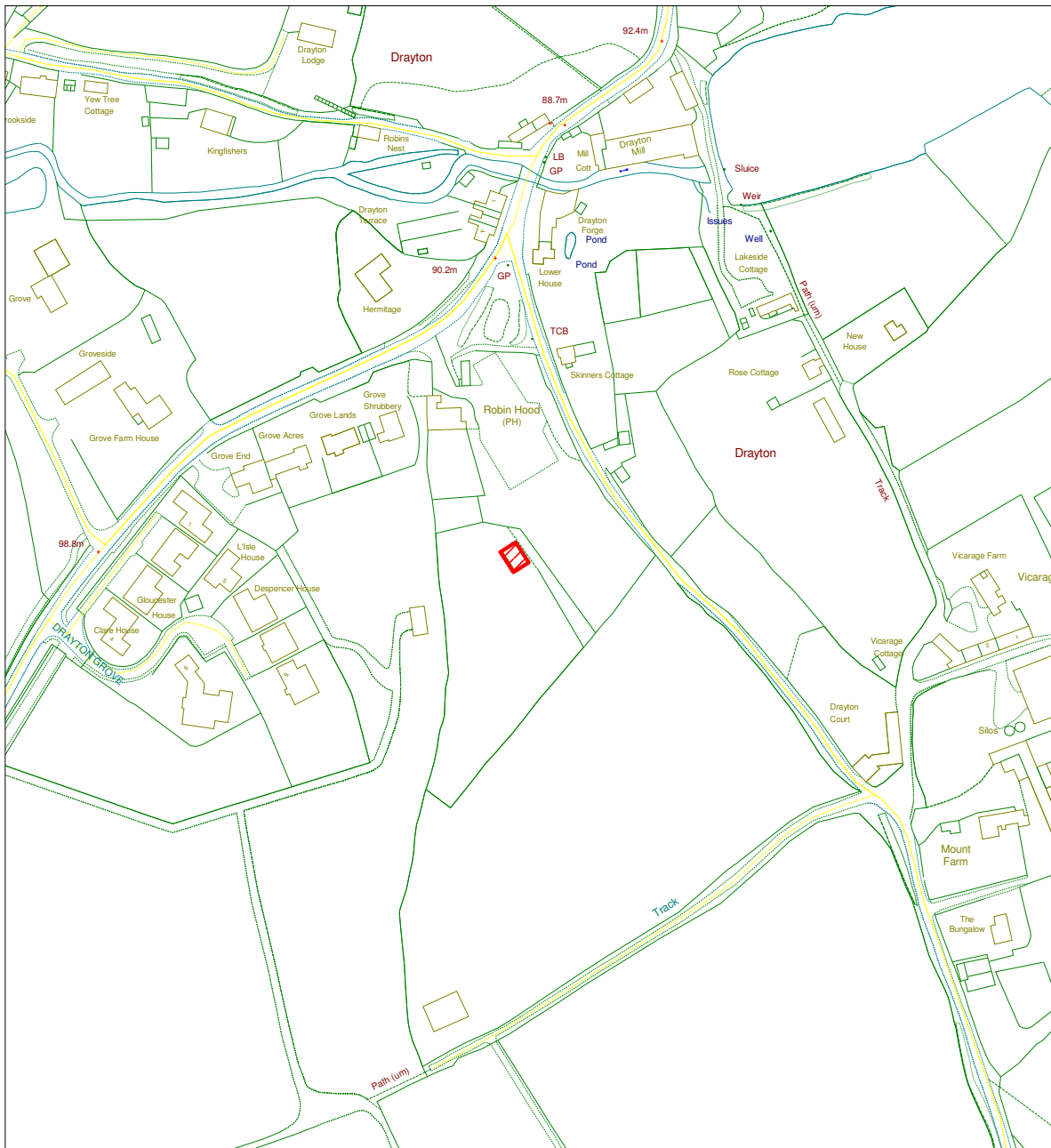
The proposal represents inappropriate development in this green Belt location however it is felt that very special circumstances do exist which would outweigh the harm caused by virtue of inappropriateness. The design, scale and siting of the proposed outbuilding are considered to be acceptable as they would not cause harm to openness or visual amenity. The impact of the proposal on neighbour amenity has been carefully assessed and it considered that there would be no undue impact. The proposal would not give rise to a situation which would be detrimental to highway safety. Te proposal therefore satisfies the polices of the Adopted Local Plan below;

Date:- 29 September 2010

OS sheet:- SO9075NE

Scale:- 1:2500

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Wyre Forest District Council

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
12TH OCTOBER 2010

PART B

Application Reference:	10/0383/FULL	Date Received:	02/07/2010
Ord Sheet:	373021 273954	Expiry Date:	27/08/2010
Case Officer:	Emma Anning	Ward:	Rock

Proposal: Erection of conservatory

Site Address: ALTON COTTAGE, GIBBETT BANK, ROCK,
KIDDERMINSTER, DY149DQ

Applicant: MR & MRS MASON

Summary of Policy	D.1 D.5 D.17 LA.1 LA.2 (AWFDLP) CTC.1 (WCSP) PPS 1
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

THIS APPLICATION WAS DEFERRED FROM THE 14 SEPTEMBER 2010 PLANNING COMMITTEE MEETING TO ALLOW OFFICERS TO PREPARE A FICHE

1.0 Site Location and Description

- 1.1 Alton Cottage is an attractive stone cottage situated in a remote rural location just south of Far Forest village and just west of the crossroads at Pound Bank.
- 1.2 The site is within the Landscape Protection Area falling within the Forest Smallholdings and dwellings Landscape Type. The application seeks permission for a single storey conservatory to the rear of the property.

2.0 Planning History

- 2.1 WF/0890/92 - Home extensions and garage : Approved
- 2.2 WF/0086/04 - Retention of single storey extension to the rear : Approved
- 2.3 05/1201/FULL - Conservatory : Refused

10/0383/FULL

2.4 09/0016/FULL - Conservatory : Refused

3.0 Consultations and Representations

3.1 Rock Parish Council – No objection and recommend approval.

3.2 Highway Authority – No objection

3.3 Applicant's Representative - The officer is correct in the percentage increase by numerical assessment although rather an over simplistic method of assessment of impact whether singly or cumulatively. The officer accepts in design terms the style would relate satisfactorily to the architectural characteristics of the dwelling and would not cause harm to its character. Furthermore its siting is such that the conservatory extension cannot be seen from public viewpoint except possibly from distant views where, from such views, the extension would appear lost against the house.

The officer recommendation to refuse is therefore based purely on percentage calculation and the concern that approval would undermine policy D17 and cause irrevocable harm to the policy. There is no percentage increase given in the policy therefore allowing each extension to be judged on its merits thus a decision to approve one application does not automatically undermine the entire policy.

I would draw the officer and the committee's attention to expressed views on following interpretation:

i - The potential for undermining policy D17

The officer should note the view that (Preserving the scale and character of the original farmhouse as particular criterion of D17) have already been lost even without the extension and its removal would not restore either attribute. Therefore further extension does not irrevocably undermine the policy objectives.

ii – Over simplistic assessment of impact based purely on percentage increase

The view is that the Councils argument of percentage increases does not reflect the lack of harm caused to the openness of the green belt by the small site of the proposed conservatory. Rather than being a balance approach it would effectively freeze the dwelling at the current size and this was a 'simplistic' view. A more analytical approach that examined the effect of the conservatory was required and taking a pragmatic line it can only be concluded it would be a modest extension (even taking into account previous enlargements), and would not be a disproportionate addition.

When considered with the above in mind the proposed conservatory extension is on balance appropriate development and therefore should be supported for conditional approval.

3.4 Neighbour/Site Notice – No representations received

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4.0 Officer Comments

HISTORY

- 4.1 This is a re-submission in identical form of the conservatory extension scheme refused in 2005 and refused again in 2009 as referred to under paragraphs 2.3 and 2.4 above.
- 4.2 Alton Cottage has been the subject of previous extensions that were granted planning permission in 1992 and 1994. Historic records show that the original property was very modest in size and possibly had only one bedroom. The extension granted in 1992 has already added significantly to this property and now dominates the original building particularly on the north, east and western elevations. It is considered, based on plans submitted with the 1992 application, that the original property occupied the footprint of what is shown on the current plans as the dining room. It is calculated that the footprint of the original property was approximately 32 sq.m., the footprint of the property as it currently stands is 80 sq.m., therefore the property has already been extended by around 150%.
- 4.3 There are two material policy changes which will have a bearing on the determination of this application which were no material considerations when the previous applications were considered. At the County level the reference to Areas of Great Landscape Value no longer is relevant as Policy CTC4 has now been lost and there has been the introduction of the Landscape Character Assessment, which helps inform the character of the Landscape Protection Area.

SCALE AND DESIGN

- 4.4 Policies contained within the Adopted Local Plan relating to residential extensions state that extensions to properties should be in scale and in keeping with the form of the original building and must remain subservient to and not overwhelm that building which should retain its visual dominance.
- 4.5 The proposed conservatory, when considered together with the previous additions, would result in the cumulative increase (in footprint) being around 200% larger than the original dwelling. The Local Planning Authority does not consider that amount of extension to be in scale with the size of the original building which would further be overwhelmed by these further additions and would fail to conform with the design of the original dwelling. The proposal therefore fails to respect the scale and characteristics of the original property as is required by Policy D.17 of the Adopted Local Plan. The Council has consistently maintained this position refusing applications of similar nature to the one proposed and successfully defending this appeal.

10/0383/FULL

- 4.6 In addition, because the property sits within the Landscape Protection Area, it is essential that the requirements of Policy LA.1 of the Adopted Local Plan are met. Policy LA.1 states that proposals must be appropriate to and integrate with the landscape character and should safeguard the components of landscape character with particular regard to the scale, layout, design and detailing of the proposal and its relationship to existing buildings. As detailed above, at a countywide level, the Landscape Character Assessment (LCA) tool is now relevant. The LCA is a tool for identifying the features that give a locality its 'sense of place', it also identifies commonalities in landscapes, recognising repeating patterns of natural and cultural attributes which contribute to the landscape character of that area. The site falls within the Forest Smallholdings and Dwelling Landscape Character Type to which one of the key concerns of this landscape character type is the pattern and character of individual dwellings to expansion, amalgamation and modification to an urban character it is important for Local Authority's to conserve, the character, particularly the scale and detailing of the cottages and small holdings and their pattern and setting and development should respect the traditional materials, scale and design of the area. In view of cumulative increase of existing and proposed alterations over and above the original dwelling it is considered that the visual appearance and character of the Landscape Protection Area would be exacerbated if this proposal were to be approved.
- 4.7 Officers are of the opinion that notwithstanding the above comments, in design terms, the style of the conservatory is acceptable therefore it is not considered necessary to formulate a refusal reason on this basis.
- 4.8 Officers have assessed whether there may exist an argument that the previous extensions have so overwhelmed the original property as to make further extensions warranted as the current, extended, property already bears little resemblance to the original form. However, officers conclude that such an argument would be without foundation; would seriously undermine the creditability of Policy D.17 and would, if accepted, be likely to set a precedent which would be difficult to defend. In addition it would allow the possibility of unending expansion which would further degrade the character of the protected landscape, urbanising the open countryside.

5.0 Conclusions and Recommendations

- 5.1 The proposal fails to satisfy the requirements of the relevant Adopted Wyre Forest District Local Plan policies and therefore it is recommended that the application be **REFUSED** for the following reason:
1. The proposed extension, when considered together with previous extensions and alterations, would result in a disproportionate addition over and above the size of the original dwelling. The proposal, by virtue of its scale, would be detrimental and create an urbanising effect to the established landscape character in this locality. The development is therefore contrary to Policies D.17 and LA.1 of the Adopted Wyre Forest District Local Plan and Policy CTC.1 of the WCCSP.

Application Reference: 10/0440/FULL Ord Sheet: 383018 273244 Case Officer: Julia McKenzie-Watts	Date Received: 02/08/2010 Expiry Date: 27/09/2010 Ward: Mitton
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Proposal: Erection of detached garage with integral workshop, storage and utility room

Site Address: THE UPLANDS, HILLARY ROAD, STOURPORT-ON-SEVERN, DY139JP

Applicant: MR R GILLESPIE

Summary of Policy	D.1, D.3, D.17, GB.1, GB.2, GB.6 (AWFDLP) D.39 SD.2 (WCSP) PPS1, PPG2
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The Uplands is a large detached property accessed off Hillary Road Stourport. It is located to the north east of Stourport Town Centre.
- 1.2 The site lies within the West Midlands Green Belt
- 1.3 Planning permission was given for a detached house and garage in 2005. A subsequent approval was given in 2010 for the erection of a detached garage /workshop, storage & utility room.
- 1.4 The current application seeks for approval to increase the height of the garage roof from that which was approved in July 2010 from 4.72m to 6.39m.

2.0 Planning History

- 2.1 WF1145/04 Proposed detached house & garage with detached workshop / store & utility room Approved 10/2/05

- 10/0245 Erection of a detached garage with integral storage and utility room Approved 30/7/10

10/0440/FULL

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Objection to the proposal and recommend refusal on the grounds that the pitch of the roof adversely affects the openness and visual amenity of the Green Belt
- 3.2 Ramblers Association – No objection
- 3.3 Worcestershire County Council (Footpaths) – the development is adjacent to a public right of way as recorded on the Definitive map and therefore notes need to be added to any approval.
- 3.4 Neighbour/Site Notice – No comments received

4.0 Officer Comments

- 4.1 Approval was given in 2005 for the erection of a detached house and garage. The garage itself would be located 20 m to the south east of the house itself. The height of the approved garage building was 4.22m with a roof pitch of 15 degrees.
- 4.2 A subsequent application (10/0245/FULL) sought approval for a detached garage building on the same footprint as the previous approval, however the roof height had increased by 2.17m to a height of 6.39m. Negotiations with the agent resulted in revised plans being submitted showing a reduced height of 4.72, an increase of 0.5m on the previous approval. This was considered to be acceptable within the locality as the structure would not have an adverse effect on the Green Belt. The eaves were also dropped slightly from 2.45m to 2.30m in order that a roof pitch of 22.5 degrees could be achieved thus allowing a greater choice over roof tile in the future.
- 4.3 The current proposal seeks for a further increase in the height of the garage to 6.39m as originally applied for earlier this year. The letter submitted by the Applicant's Agent states that the approved local sand faced Dreadnought blue blend tile was only suitable for roof pitches of 35 degrees or more and as the approved garage roof was at an angle of approximately 22.5 degrees. The roof tile would not be suitable for use due to the shallowness of the pitch. Whilst there are proprietary roof liner systems available on the market that sit below the roof tiles to provide necessary weather protection, the roof tiles becoming more of an aesthetic roof cladding than an effective means of weather protection themselves. However, the client is reluctant to use this approach due to the reduction in life span of these proprietary roof systems when compared to that of the roof tiles if they were installed at the required minimum pitch. Due to the proximity of the garage block to the new dwelling it is understandable that the client's desire is to use the same roof tile choice on both the dwelling and the garage.

10/0440/FULL

- 4.4 The size of the garage would stay as approved earlier this year. There would be two garage doors to the front, two upvc double glazed doors and 4 double glazed windows. Due to its large size and to prevent its future conversion to living accommodation, a condition was attached to the 10/0245/ FULL approval in order to ensure that the garage remains as a garage at all times.
- 4.5 Policy GB.1 makes it clear that extensions to dwellings are allowed in the Green Belt; however the erection of detached buildings within the grounds of existing dwellings is not mentioned and would be considered to constitute inappropriate development. Paragraph 3.4 of PPG.2 (Green Belts) as reinforced by paragraph 2.11 takes a similar stance. The development would be considered inappropriate in the Green Belt and harmful by definition. In this instance, as the principle of development has already been allowed it falls only consider the increase of the height of the roof.
- 4.6 Policy GB.6 states that proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design. PPG2 stresses that the most important attribute of Green Belts is their openness. The increase in height of 1.67m is considered to increase the dominance of an outbuilding which was originally intended to be of small scale so as not to harm the Green Belt. This increase in height will harm the openness of the Green Belt.
- 4.7 Having established that harm would ensue by virtue of inappropriateness and loss of openness if falls to consider the Very Special Circumstances, which have been defined by the Courts as being "...not merely special in the sense of unusual or exceptional, but very special." The justification by the Applicants Agent as set out in paragraph 4.3 above has been considered. Whilst it may be desirable to match the pitch of the dwelling to allow similar roof tiles to be used this is not essential and as an argument does not constitute Very Special Circumstances and defined above. The increase in height cannot be justified through Green Belt policy. PPG2

5.0 Conclusions and Recommendations

- 5.1 Notwithstanding the previous approvals for the site the proposal to increase the height of the garage/outbuilding represents inappropriate development in the Green Belt and affects its openness, substantial harm should be apportioned to such an impact. The considerations put forward by the Applicant's Agent have been fully considered however they do not clearly outweigh the harm and as such no Very Special Circumstances exist therefore it is recommended that the application be **REFUSED** for the following reason:

Agenda Item No. 5

1. The application site lies within an area designated as part of the West Midlands Green Belt. The development proposed is considered to constitute inappropriate development, creating substantial harmful by definition and would also harm the openness of the Green Belt. No very special circumstances have been demonstrated that clearly outweigh this harm. To approve the development in these circumstances would be contrary to the provisions of Planning Policy Guidance Note 2 Green Belts, Policy GB.1 and GB.6 of the Adopted Wyre Forest District Local Plan and to Policy D.39 of the Worcestershire County Structure Plan.