

Open

Planning Committee

Agenda

6pm
Tuesday, 8th April 2014
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

	Chairman: Councillor S J Williams
	Vice-Chairman: Councillor G C Yarranton
Councillor J Aston	Councillor C Brewer
Councillor B T Glass	Councillor D R Godwin
Councillor J Greener	Councillor I Hardiman
Councillor P B Harrison	Councillor M J Hart
Councillor H J Martin	Councillor B McFarland
Councillor C D Nicholls	Councillor F M Oborski
Councillor M A Salter	Councillor N J Thomas

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sue Saunders Committee and Electoral Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

WEBCASTING NOTICE

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy.

By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council’s Legal Officer at the meeting.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director of Economic Prosperity & Place before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 110D will always include the case Officer's written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 8th April 2014

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Solicitor to the Council, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 11 th March 2014.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	14
6.	Applications Pending Decision To receive a schedule of planning and related applications which are pending.	181

7.	<p>Planning and Related Appeals</p> <p>To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.</p>	202
8.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
9.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

10.	<p>Live Enforcement Cases</p> <p>To receive a report which lists live enforcement cases as at 26th March 2014.</p>	-
11.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

11TH MARCH 2014 (6.00PM)

Present:

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman), J Aston, C Brewer, B T Glass, D R Godwin, J Greener, I Hardiman, P B Harrison, M J Hart, H J Martin, B McFarland, C D Nicholls, M Price, M A Salter and N J Thomas.

Observers:

There were no members present as observers

PL.75 Apologies for Absence

Apologies for absence were received from Councillor F M Oborski.

PL.76 Appointment of Substitutes

Councillor M Price was a substitute for Councillor F M Oborski.

PL.77 Declarations of Interests by Members

There were no declarations of interests.

PL.78 Minutes

Decision: The minutes of the meeting held on 11th February 2014 be confirmed as a correct record and signed by the Chairman.

PL.79 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 518 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 518 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.80 Applications Pending Decision

The Committee received a schedule of planning and related applications that were pending decision.

Decision: The schedule be noted.

PL.81 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

PL.82 Blakebrook Conservation Area Draft Conservation Area Appraisal Consultation

The Committee considered a report from the Director of Economic Prosperity and Place which informed Members of the proposed draft Conservation Area Appraisal for the Blakebrook Conservation Area, and the proposed arrangements for public consultation.

Members were advised that all owners of businesses and residents within the designated area would be informed of the consultation which would end on 1st May 2014.

Decision:

- 1. A public consultation exercise on the draft Blakebrook Conservation Area Character Appraisal as attached at Appendix 1 be agreed.**
- 2. Delegated powers be granted to the Director of Economic Prosperity and Place to determine the final format and presentation of the Character Appraisal.**

The meeting ended at 6.55 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

11th March Schedule 518 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Development Manager, Wyre Forest House, Fine Point Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

<p>Application Reference: 13/0568/FULL</p>
<p>Site Address: UPPER MOOR SMALL HOLDING, TIMBER LANE, STOURPORT-ON-SEVERN, DY13 9LU</p>
<p>REFUSED for the following reasons:</p> <ol style="list-style-type: none"> 1. The site is located within the West Midlands Green Belt. The development is considered to be inappropriate within the Green Belt which is by definition harmful. There is further harm caused to the openness and appearance of the Green Belt. It is considered that there are no very special circumstances to justify this inappropriate development and as such the proposal is contrary to Policies SAL.UP1 and SAL.DPL10 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, government guidance within National Planning Policy Framework and Planning Policy for Traveller Sites. 2. Due to the topography of the area the site is readily visible particularly from Public Rights of Way and the Leapgate railway viaduct. The proposed development would detract from and harm the character of landscape and the visual amenity of the Green Belt in this rural location contrary to Policies CP06 and CP12 of the Adopted Wyre Forest Core Strategy, Policy SAL.DPL10 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government guidance in National Planning Policy Framework. 3. The location of the residential accommodation fails to accord with: <ol style="list-style-type: none"> a. Housing Policies DS01 or DS04 of the Adopted Wyre Forest Core Strategy, or Policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. b. Gypsy Site Provision Policies contained within Policy CP06 of the Adopted Wyre Forest Core Strategy or Policies SAL.DPL8 and SAL.DPL10 of the Adopted Wyre Forest Site Allocations and Policies Local Plan; or c. Residential Caravans and Mobile Homes Policy SAL.DPL7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan <p>The above policies seek to guide residential development to appropriate locations. To approve the development at the location proposed which lies outside a settlement boundary would be contrary to the strategic approach to development set out with the Development Plan which seeks to protect the</p>

Green Belt and open countryside.

4. The site lies within an area of Flood Risk (Flood Zone 2), it is not considered that the site is sequentially preferable and does not pass the exception test. As such the proposal would result in an unacceptable provision of a site in an area of known flood risk contrary to Policies CP02 and CP06 of the Adopted Wyre Forest Core Strategy, Policy SAL.DPL10 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and national guidance in the National Planning Policy Framework.

5. Access to the application site is from the Hartlebury Road via a modern housing estate which is designed to maintain slow speeds by using bends and tight junction radii. The application proposes 4 pitches for caravans and these would need to be delivered on a long vehicle. It is considered that a large vehicle would not be able to successfully negotiate the existing bends and junctions without overriding the pavements and that the angle of the bridge relative to the Timberland Way will prevent access for larger vehicles. This would have a detrimental impact on pedestrian safety and result in structural damage to the pavements and kerbing. The proposal would therefore cause harm to highway safety contrary to Policies CP03 and CP06 of the Adopted Wyre Forest Core Strategy and Policies SAL.DPL10 and SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan”.

Application Reference: 14/0005/FULL & 14/0006/LIST

Site Address: SEVERN INDIAN CUISINE, 61A, LOAD STREET, BEWDLEY, DY12 2AP

APPLICATION DEFERRED AT THE REQUEST OF THE DEVELOPMENT MANAGER.

Application Reference: 13/0693/FULL

Site Address: CORBESLEY HOUSE, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SD

APPROVED subject to the following conditions:

1. A11 (Approved plans).
2. Materials to be used for extension to match existing.

Note

The applicant is advised that whilst the boundary walls fall within permitted development, the Local Planning Authority consider the materials shown on the approved plan to be acceptable and shall be used for the construction of the wall.

Application Reference: 13/0694/FULL
Site Address: SWAN INN, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SD
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A11 (Approved plans). 2. Armco barrier to be removed within 3 months of the date of this permission. 3. Within 3 months of the date of this permission, the boundary wall shall be altered in accordance with approved plans.
Note Structural stability of wall.

Application Reference: 14/0004/FULL
Site Address: 160 CASTLE ROAD, COOKLEY, KIDDERMINSTER, DY10 3TB
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B3 (Finishing materials to match). 4. Vehicle access construction. 5. Driveway gradient. 6. Access, turning and parking.
Note Alteration of a highway to provide or amend a vehicle crossover.

Application Reference: 14/0025/RESE
Site Address: FORMER BRITISH SUGAR SITE, STOURPORT ROAD, KIDDERMINSTER, DY11 7QL
DELEGATED AUTHORITY TO APPROVE subject to:
<ol style="list-style-type: none"> (i) Satisfactory amendment to the submitted layout which seeks to provide more natural surveillance to the rear courtyard parking areas, and no objections submitted within the re-consultation period by the Crime Prevention Design Advisor; (ii) No objections from any of the other outstanding consultees within the consultation period; and (iii) The following conditions: <ol style="list-style-type: none"> 1. A11 (Approved plans). 2. This form constitutes an approval of matters reserved under Condition 2 of Planning Permission Reference 12/0146/EIA and does not constitute a

- planning permisison.
3. Timing of implementation of NEAP.
 4. Details of maintenance schedule of the NEAP and maintenance regime to be undertaken in accordance with the agreed details.
 5. Landscaping in accordance with approved plan.
 6. Details of tree pits and trees planted in accordance with agreed details.
 7. Site levels in accordance with plans.
 8. The boundary treatments shall be implemented in accordance with the approved drawing prior to the first occupation of the corresponding plot.
 9. No fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway (including a shared surface or footpath) other than other that have been approved under the above Condition.
 10. Drainage to be implemented in accordance with agreed details.
 11. Details of parking for site operatives.
 12. For those plots where sheds are proposed to be provided for the purposes of cycle parking (i.e. plots without garages), the sheds shall be constructed prior to the first occupation of the corresponding plot.
 13. Details of how the approved driveways and vehicular turning areas are to be consolidated, surfaced and drained.
 14. Details of a 'Welcome Pack' to promote sustainable forms of access.
 15. Details of a Habitat Management Plan (HMP), including a timescale of implementation.
 16. Details of proposed lighting including impact upon biodiversity.
 17. Details of noise mitigation and ventilation.
 18. Details of noise assessment prior to occupation.

Application Reference: 14/0027/OUTL

Site Address: CHICHESTER CARAVANS, VALE ROAD, STOURPORT-ON-SEVERN, DY13 8YL

DELEGATED APPROVAL be granted subject to:

- a) the signing of a **Section 106 Agreement** to secure:
 - i. 30% affordable housing;
 - ii. Education Contributions; and
 - iii. Public Open Space Contributions; and
- b) the following conditions:
 1. A1 (Standard outline).
 2. A2 (Standard outline – reserved matters).
 3. A3 (Submission of reserved matters).
 4. A11 (Approved plans).
 5. J1 (Removal of permitted development – residential).
 6. J9 (Open plan frontages).
 7. B1 (Samples/details of materials).
 8. B2 (Sample brick panel).

9. B11 (Details of enclosure).
10. B13 (Levels details).
11. C3 (Tree protection during construction).
12. C5 (Hand digging near trees).
13. C6 (Landscaping – small scheme).
14. C8 (Landscape implementation).
15. C14 (Landscape maintenance).
16. E2 (Foul and surface water).
17. Detailed scheme for accommodating foul and surface water pipes to be submitted.
18. Contaminated land.
19. Noise mitigation scheme.
20. F5 (Construction of noise attenuation).
21. Access closure – occupation – vehicular.
22. Access, turning and parking.
23. Cycle parking (multi unit).
24. Parking for site operatives.
25. Welcome Pack.

Notes

- A SN2 (Section 106 Agreement).
- B SN1 (Removal of Permitted Development Rights).
- C SN6 (No felling – TPO).
- D Private apparatus within the highway.
- E Section 278 Agreement.
- F Design of Street Lighting for Section 278.
- G Temporary Direction Signs to Housing Developments.

Application Reference: 14/0053/FULL

Site Address: 128 MARLPOOL LANE, KIDDERMINSTER, DY11 5HS

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. Details of materials to be submitted.

Application Reference: 14/0061/FULL

Site Address: COLLIERS FARM SHOP, TENBURY ROAD, CLOWS TOP, KIDDERMINSTER, DY14 9HA

APPROVED subject to the following conditions:

1. A8 (Temporary permission – buildings: five years).
2. Opening hours.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

08/04/2014

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
13/0670/FULL	WEAVERS WHARF KIDDERMINSTER	DELEGATED APPROVAL	15
14/0005/FULL	SEVERN INDIAN CUISINE 61A LOAD STREET BEWDLEY	APPROVAL	99
14/0006/LIST	SEVERN INDIAN CUISINE 61A LOAD STREET BEWDLEY	APPROVAL	99
14/0095/OUTL	LAND AT SILVERWOODS (FORMER BRITISH SUGAR) STOURPORT ROAD KIDDERMINSTER	APPROVAL	105
14/0126/FULL	SQUIRREL INN 61 ARELEY COMMON STOURPORT-ON-SEVERN	DELEGATED APPROVAL	141

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
13/0681/FULL	152 CASTLE ROAD COOKLEY KIDDERMINSTER	APPROVAL	149
14/0036/FULL	35 LONG ACRE KIDDERMINSTER	APPROVAL	152
14/0047/TREE	ROUSBINE CARAVAN PARK ROCK KIDDERMINSTER	APPROVAL	156
14/0056/FULL	LAND AT SEBRIGHT ROAD WOLVERLEY KIDDERMINSTER	DELEGATED APPROVAL	159
14/0101/FULL	BARN ADJACENT TO THE KEYS NEW ROAD FAR FOREST KIDDERMINSTER	DELEGATED APPROVAL	167
14/0148/FULL	38 ORCHARD CLOSE ROCK KIDDERMINSTER	DELEGATED APPROVAL	173
14/0026/FULL	LAND AT, SEBRIGHT ROAD WOLVERLEY, KIDDERMINSTER	APPROVAL	176

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
8TH APRIL 2014

PART A

Application Reference:	13/0670/FULL	Date Received:	16/12/2013
Ord Sheet:	383083 276714	Expiry Date:	25/04/2014
Case Officer:	John Baggott	Ward:	Habberley and Blakebook

Proposal: Full planning permission for the redevelopment of land within and adjacent to Weavers Wharf comprising; the demolition of Crown House and buildings between Lower Mill Street and Weavers Wharf (excluding McDonalds); the erection of a retail store (Use Class A1), canal side restaurants and cafes (Use Class A3), retail/restaurants (flexible use within class E for A1/A3/A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure and public realm works, car parking and associated works, including bridges over the Staffordshire and Worcestershire Canal and River Stour

Site Address: WEAVERS WHARF, KIDDERMINSTER, DY10 1AA

Applicant: Henderson UK Retail Warehouse Fund

Summary of Policy	DS01, DS02, CP01, CP02, CP03, CP04, CP09, CP10, CP11, CP13, CP14, CP15 (CS), SAL.PFSD1, SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP3, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) KCA.PFSD1, KCA.DPL2, KCA.GPB1, KCA.GPB2, KCA.GPB6, KCA.GPB7, KCA.CC1, KCA.CC2, KCA.CC3, KCA.UP1, KCA.UP2, KCA.UP3, KCA.UP5, KCA.UP6, KCA.UP7, KCA.WG2, KCA.WG3, KCA.TTC1 (KCAAP) Design Quality SPG Planning Obligations SPD Sections 1, 2, 4, 7, 10, 11, 12 (NPPF) and the new NPPG
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 The application site is located within the primary shopping area of Kidderminster Town Centre, as defined by the adopted Kidderminster Central Area Action Plan (KCAAP). The application site comprises of land within and immediately adjacent to the established Weavers Wharf retail development and beyond to include the existing Matalan car park, on the opposite side of the Staffordshire and Worcestershire Canal. The site also incorporates the Crown House office building and the Bull Ring. For clarity, and the avoidance of any doubt, the site encompasses the following:

13/0670/FULL

- The existing Weavers Wharf car park;
 - The existing Pizza Hut;
 - The access roads of Lower Mill Street, Pitts Lane and Blackhorse Lane;
 - Buildings immediately adjacent to Weavers Wharf, primarily fronting onto Lower Mill Street, which includes the Job Centre Plus; Woolwise; Swinton Insurance; La Brasserie; and a number of other retail/restaurant/cafe uses;
 - Crown House and the Bull Ring;
 - Parts of Crown Lane;
 - Land over the River Stour;
 - Land over the Staffordshire and Worcestershire Canal.
- 1.2 The existing Weavers Wharf development comprises of circa 30,000 sq.m. of retail floorspace and restaurants, and features surface level parking for approximately 400 cars, and is in the ownership of the current applicants, HGI. Crown House and the Bull Ring are in public ownership, (Wyre Forest District Council and Worcestershire County Council respectively), whilst the commercial properties along Lower Mill Street, etc, are in private, third party, ownership.
- 1.3 The application site contains no statutorily listed or locally listed buildings and, with the notable exception of the Staffordshire and Worcestershire Canal corridor, the site does not fall within a designated Conservation Area. There are, however, statutorily listed buildings located in close proximity to the site with Baxter Church and No.13 the Bull Ring to the north and the Slingfield Mill buildings to the south particularly noteworthy.
- 1.4 The majority of the site is located within Flood Zones 1 and 2 as defined by the Environment Agency's flood map data, although a small section adjacent to the canal is indicated as being within Flood Zone 3.
- 1.5 The application proposes the comprehensive redevelopment of this area of the Kidderminster, with the application submission accompanied by the following studies and assessments:
- Planning and Retail Statement;
 - Design and Access Statement;
 - Statement of Community Engagement;
 - Sustainability Strategy;
 - Ecological Surveys and Mitigation Strategies;
 - Flood Risk Assessment;
 - Transport Assessment and Appendices;
 - Archaeological Heritage Assessment;
 - Heritage Statement;
 - Lighting Strategy and Spill Assessment;
 - Environmental Noise Survey;
 - Phase 1 Geotechnical and Geoenvironmental Desk Study;

In some cases, these documents have been supplemented by additional submissions, in response to matters raised through the consultation process.

13/0670/FULL

- 1.6 The proposals were the subject of a public consultation and exhibition, which took place in October 2013, as detailed within the submitted Statement of Community Engagement. No significant or substantive changes were made to the proposed scheme in between the end of the consultation and the submission of the planning application

2.0 Planning History

- 2.1 WF.450/96 – Original outline planning application for what is now known as Weavers Wharf and also included the Tesco store to the south. A condition was imposed capping the retail floorspace at 7,648 sq.m. for food sales and 7,229 sq.m. for retail warehouses.
- 2.2 WF.646/03 – Modification of the original outline planning permission to permit additional retail warehouse floorspace (from the previous 7,229 sq.m. cap, to 9,036 sq.m).
- 2.3 During 2000/2001, a series of subsequent Reserved matters application were submitted and approved, including those relating to the Tesco development.
- 2.4 WF.481/02 – Erection of A3 food and drink establishment (McDonalds).
- 2.5 Weavers Wharf opened in 2004. The current operating restrictions, emanating from the relevant planning permissions, place a limit of food floorspace within the existing units at Weavers Wharf and the Tesco store (with the exception of mezzanines which satisfy the permitted development criteria). The majority of the food floorspace is provided within the Tesco store, with the only other substantial food retail offer in Weavers Wharf being within the Marks and Spencer store.
- 2.6 13/0534/EIASC – Request for Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of the current proposals – Concluded that does not constitute EIA development (05/12/13).

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections, subject to conditions. The applicant has submitted a transport assessment to support their application and in parallel to the determination process the implications of a new 2 way or 1 way bridge connecting the site to Park Lane via the existing Matalan car park have been modelled with a forward projection to 2031. The results of this modelling exercise indicates that whilst there is an increase in vehicle movements at the junction of Castle Road and Park Lane that these are small in the traditional AM and PM traffic peaks with more significant flow increase of less than 4% in the worst case scenario. This junction has good visibility and no accident record worthy of noting so under either traffic flow scenario the impact is considered to be acceptable.

13/0670/FULL

It is considered that the public realm improvements in the Bull Ring will encourage additional pedestrian trips and link trips with the town centre and this scheme which will be implemented by the applicant off sets the need to provide planning obligations to promote sustainable transport.

The applicants attention is drawn to some specific implications of the proposal which they will need to address post any decision and through the detailed design check associated with the Section 278 agreement, these are:

- A significant amount of highway needs to be stopped up and the applicant should apply to the Government Office for the North East to progress this.
- Amendments are needed to Traffic Regulation Orders and this process can take upwards of 6 month and is a publicly objectable process, these orders will have to be progressed in parallel to the section 278 process and implemented along side the proposed highway works.
- The applicant will have obligations under section 167 of The Highways Act 1980 to demonstrate that any structures proposed or modified within 4 yards of a highway will need to be structural sound, this will have particular significance for the proposed retail units in Bull Ring which are located on top of the existing highway bridge which will cease to be highway.

3.2 North Worcestershire Economic Development and Regeneration (NWEDR) and incorporating Planning Policy Manager – This is a major application with a number of complex issues to consider and therefore my comments have been split under the following headings:

- Planning policy position
 - ReWyre Prospectus (Adopted September 2009)
 - Core Strategy (Adopted December 2010)
 - Kidderminster Central Area Action Plan (Adopted July 2013)
 - National Planning Policy Framework
- Proposed demolition of Crown House and properties on Lower Mill Street

PLANNING POLICY POSITION

ReWyre Prospectus (September 2009)

The origin of the proposals that are articulated through this application can be traced back to the ReWyre Prospectus, which was adopted in September 2009 and is a material planning consideration. The prospectus introduced four main 'action areas' within Kidderminster that it considered provided strategic development opportunities. One of these action areas was recognised as Kidderminster Town Centre, which is the location for this particular application. Some of the key opportunities for the Town Centre were identified as:

- *Improving permeability...with defining public spaces and connected streets;*
- *Connecting the town with the canal and river channels;*

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There was also a section identified within the prospectus which relates specifically to Weavers Wharf. The objectives for this area were as follows:

- *Improving accessibility;*
- *Making the most of the canal;*
- *Delivering mixed uses;*
- *Creating a friendly, safer, greener and cleaner canalside;*
- *Adding value and wealth creation opportunities through active waterside renaissance*

It is considered that this application meets a number of these strategic objectives, most notably those associated with improving the interaction with the waterways in the town. Overall, it is and is considered that the application responds positively to vision for the town centre, as set out within the ReWyre prospectus.

Core Strategy (December 2010)

Following the development of the Prospectus, Wyre Forest District Council adopted its Core Strategy in December 2010. In this document a number of strategic policies began to shape the vision for new development within the District, including a focus on town centre regeneration. The Core Strategy identifies the following objectives and policies, which are relevant to the determination of this application, as follows:

- Policy DS01: Development Locations: This policy sets out the hierarchy for considering development within the District. The policy identifies that *“new development will be concentrated on brownfield sites within the urban areas of Kidderminster and Stourport-on-Severn”* The policy then identifies a sequential approach for new development with the primary area being identified as *“key regeneration sites within the Kidderminster Central Area Action Plan (KCAAP) boundary as highlighted in the Kidderminster Regeneration Prospectus”*
- Policy DS02: Kidderminster Regeneration Area: This policy sets out that Kidderminster will be the strategic focus for new large scale development. It is identified as the principle town in the District and identifies that there are significant opportunities for regeneration throughout the town. Specifically this policy states that *“Kidderminster will be the strategic centre for the District and its role in providing new housing, retail, office and leisure development is to be enhanced”*
- Policy CP09: Retail and Commercial Development: In the reasoned justification for this policy it is identified that *“Town centres are crucial to the social, economic and environmental wellbeing of the District.”* The policy is clear that *“Support will be given to safeguarding, maintaining and enhancing the vitality and viability of the existing retail centres throughout the District...and new development for retail and commercial uses should follow a sequential approach and be directed to Kidderminster town centre, as the strategic centre in the District, in the first instance.”*

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- CP15: Regenerating the Waterways: The District has a number of waterways, two of which run through the centre of Kidderminster. This policy identifies that *“In Kidderminster, the opening up and enhancement of the River Stour through the town centre will be encouraged”*. The policy also states that *“Developments and initiatives that contribute positively to the creation of a quality canal-side environment, particularly in the urban areas, will be supported. All new development in areas adjacent to the canal must have a positive relationship to it, providing a strong, active frontage onto the waterside. Developments must contribute towards creating an attractive waterside environment that provides natural surveillance to the area and promotes a high level of activity throughout the day.”* The proposals within this application clearly seek to achieve this aim.

It is clear to see from the above policy position that this application is in conformity with the strategic framework adopted by the District Council. The proposals will provide further development in the central area of the District's main town. The plans will further strengthen the town centre offer and support the social and economic well being of the town. These plans will also ensure that the waterways in Kidderminster, that have often been overlooked in the past, are brought back into the heart of the town through the re-opening of the River Stour that currently is culverted under Crown House and providing new units fronting the Staffordshire and Worcestershire Canal.

Kidderminster Central Area Action Plan (July 2013)

The strategic concepts and objectives highlighted within the prospectus and the Core Strategy were taken forward in further detail through the statutory plan making process and form a key part of the adopted Kidderminster Central Area Action Plan (KCAAP). The policies that are most relevant to the determination of this application are considered to be as follows:

- Policy KCA.GPB1 – Retail Development: This policy identifies that *“retail growth will be targeted within the Primary Shopping Area...the focus for new retail development will be in the following areas:*
 - Western Gateway (Weavers Wharf)
 - Eastern Gateway (Bromsgrove Street)The submitted application is located within the Weavers Wharf area of Kidderminster and therefore conforms to this particular adopted policy.
- Policy KCA.GPB7 – Leisure Development: This policy is clear in its direction for new A3/A4 retail units in Kidderminster, as follows: *“Major new leisure and multiple-unit A3 and A4 food and drink developments will be concentrated towards the waterside environments of the Western Gateway area.”* The application will provide for new A3/A4 units in the waterside area of the Western Gateway, which is in accordance with this adopted policy. Furthermore, the implementation of this application will help to meet the ambitions stated in the Reasoned Justification at paragraph 5.70 which states that: *“The District Council will support proposals to make the most of the waterside leisure environment as a particular area in which to enhance the evening economy of the town centre...The areas around the canal will be particularly suitable in order to stimulate activity here during the evening”*

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- Policy KCA.CC3 – Walkable Town: It is considered that the application meets the provisions of this policy, which seeks to improve the connectivity of Kidderminster Town Centre. The proposals will provide an improved and better defined route from Weavers Wharf to the ‘Traditional Town’ centre. It also offers opportunities for linking the existing Matalan building and areas to the east of the Canal with the wider town centre area. This is in line with this policy which states that *“New developments should contribute to the aspiration for a walkable town centre by providing simple and direct routes that are visually and physically well-connected.”*
- Policy KCA.UP1 – Urban Design Key Principles: The submitted plans include a number of elements that directly conform to the provisions set out within this particular policy. It is considered that, overall, the designs are well conceived and meet a number of the criteria included in this policy but specifically they help to meet the following key points:
 - The proposals help to *“create positive built frontages that provide enclosure and natural surveillance onto adjacent streets, spaces, natural features and water features”*. This is especially true within the Bull Ring element of the scheme where the River Stour is proposed to be exposed and new buildings included to enclose the space. This is also true of the proposed ‘pods’ adjacent to the Canal, as these will help improve the natural surveillance of this area and create an active frontage onto the *water feature*.
 - This scheme clearly meets the criteria of *“contribute to the creation of a quality public realm that is attractive, safe, uncluttered and accessible to all”*. One of the main features of the scheme revolves around a new public realm within the Bull Ring area, which ties in with the work the District Council are due to undertake in relation to improving the public realm within Kidderminster Town Centre.
- Policy KCA.UP2 – Public Realm: The proposals planned for this area are considered to be in direct relation to the provisions within this particular policy, which seeks to radically improve the Public Realm in Kidderminster Town Centre. This policy identifies the Bull Ring as an important Civic Space and the planning application provides a clear opportunity to meet the provisions of this particular policy by demolishing crown house and implementing a space for the community in its place.
- Policies KCA.UP5 Staffordshire and Worcestershire Canal and KCA.UP6 – River Stour: These policies are an important consideration for this application. The proposals will provide for additional development fronting onto the Canal and River through the centre of Kidderminster. This will help to ensure that the proposals meet a number of the criteria in relation to providing *positive relationship to the water’s edge; improving pedestrian links to the canalside; contributing to the improvement of the canalside public realm; and providing opportunities for promenading and interaction with the environment of the River Stour*. It is felt that the opening up of the River Stour in a central location, the development of units to front the waterways and the benefits of improving the public realm around both the River and the Canal provide a clear benefit to the town as a whole.

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The application site is located in an area that benefits from its own site specific policy, identified as KCA.WG3 – Weavers Wharf. This policy identifies the uses that are considered appropriate for development within this area, including A1-A5, which are the uses submitted as part of this application. Therefore, the use classes proposed for development via the planning application are in direct conformity with the site specific policy framework. Policy KCA.WG3 also identifies a number of key criteria which any development on this site should adhere to. These are considered in turn below:

i. Provide an active frontage onto the canal and riverside and enhance their contribution to the green infrastructure and biodiversity network, improving the environment and quality of the waterways.

It is considered that the application responds well to this particular point through proposing new units directly adjacent to both the Canal and River. This will help to provide an active frontage that will be especially beneficial for the Canal, which is currently hidden from view and has been known for being an area that has suffered from anti-social behaviour. By providing units directly fronting the Canal it is felt that the security of the area will be improved significantly and the potential for interaction with the waterways greatly enhanced.

ii. For development involving the existing bus station site, provide suitable alternative provision following a full review of bus infrastructure agreed by the District and County Councils.

This planning application does not cover the existing bus station site and so this particular point is not applicable.

iii. Safeguard and enhance the statutory and local heritage assets and the Staffordshire and Worcestershire Canal Conservation Area.

It is felt that the proposal will enhance the statutory heritage assets, especially Baxter Church, which will become a prominent feature following the demolition of Crown House. There is also the opportunity to reintroduce the Baxter Statue into the Bull Ring, which will also enhance the Heritage aspect of this proposal. Further information relating to the Heritage aspects of the planning application will be provided by the Council's Conservation Officer.

iv. Consider options to reduce the visual impact of surface car parking.

Whilst the proposals seek to introduce some further surface car parking, it is considered that the materials and treatments proposed throughout the scheme will help to reduce the visual impact and will therefore provide a better urban environment than at present.

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v. Subject to design quality, intensify the use of land incorporating development blocks with streets, public fronts and private servicing.

The application seeks to intensify the use of land in this location and the location of the development proposed will help to incorporate development blocks. This is particularly true of the units proposed adjacent to the former TJ Hughes building, as they will provide a clear street frontage to connect the Bull Ring through to Weavers Wharf. These buildings also help to enclose the space within the Bull Ring, in association with the unit proposed next to the River Stour.

vi. Incorporate high quality and well-connected streets and spaces within development proposals.

Please see response to previous point (v.)

vii. Enhance access to the town centre via Exchange Street and Bull Ring and contribute towards links across the Staffordshire and Worcestershire Canal.

This is a key component of the plans. The demolition of Crown House and the introduction of new spaces and walkways will mean that the access from Weavers Wharf through the Bull Ring will be dramatically enhanced. The proposals will also dramatically improve the public realm within Kidderminster and will complement the other proposals for public realm improvements proposed for the High Street and Vicar Street, which are being delivered by the District and County Council.

viii. Contribute towards improvements to the town centre public realm including public square proposals at Town Hall Square and Bull Ring (Crown House).

Please see response to previous point (viii.)

ix. Improve access to the site.

The proposals include the provision of a new road bridge across the Staffordshire and Worcestershire Canal. This, coupled with improved access arrangements for the main entrance to Weavers Wharf, will help to improve the options available for movements within this area.

x. Create a positive frontage to the canal, ring road, links to the town centre and River Stour.

The proposals address all of these points, as identified previously.

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xi. Take into full account any potential flood risk issues on site and incorporate appropriate mitigation measures.

A Flood Risk Assessment has been submitted as part of the application, which seeks to address this particular point.

Overall, it is considered that the planning application responds positively to the policy framework adopted by the District Council both at a strategic level and through site specific requirements.

National Planning Policy Framework

It is also worth noting that the application is considered to have support through the National Planning Policy Framework (NPPF). The NPPF identifies that:

- *“Planning should proactively drive and support sustainable economic development” (Core Planning Principles, p.5)*
- *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system” (Para. 19, p.6)*
- *“Planning policies should be positive, promote competitive town centre environments and set out the policies for the management and growth of centres over the plan period” (Para 23, p.7)*
- *“It is important that needs for retail, leisure and other main town centre uses are met in full and are not compromised by limited site availability” (Para 23, p.7)*

It is felt that the application meets a number of key principles set out by the NPPF, and will provide for new economic development in a central area of the District’s main service centre. Therefore, it is felt that the application is in broad conformity with the main thrust of the NPPF, which is to support sustainable economic growth. Furthermore, the proposals have also been subject to Design Review, which is specifically advocated by the NPPF at paragraph 62, as follows: *“Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design”*

It is apparent, from the above commentary, that there is a clear strategic logic chain for these proposals with in principle support provided from the national policy framework through to the adopted local policies and strategies. Given that there is clear strategic support for the proposals, my comments now turn to some of the other main points of the application.

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DEMOLITION OF CROWN HOUSE AND PROPERTIES ON LOWER MILL STREET

As is normally the case with large town centre redevelopment projects there are often complexities surrounding land ownerships and potential conflicts that arise. In this case the application would result in the demolition of Crown House as well as a number of buildings located along Lower Mill Street. Whilst the demolition of Crown House is warmly welcomed, the loss of the existing buildings on Lower Mill Street is a more complex issue.

In order to implement the proposals the properties that currently comprise Lower Mill Street would need to be demolished. As part of the proposals it is understood that the developers are working with the affected businesses to offer compensation and relocation packages. This will enable the businesses to continue to exist, even if the buildings are no longer available. This is an important aspect to the proposals and it should help to ensure that the businesses affected by the plans are able to relocate and continue to trade within the town. This will be an important element of the proposals

Overall, it is felt that a balance needs to be struck between the benefits of the proposals and the negative aspects that are associated with the plans. In this instance, it is felt that the proposals to demolish Crown House; provide a new public square; open up the river and improved frontages to the Canal side; and provide new units to meet an identified commercial need are clear benefits to this scheme. Whilst the loss of the properties on Lower Mill Street is an unfortunate aspect of the proposals, it is felt that the bigger picture needs to be considered in this application. This project, coupled with the efforts to retain the businesses in the town through relocating the existing operations would mean that the proposals could come forward and businesses wouldn't be lost as a result.

CONCLUSION

The proposals have much to be commended and if implemented would provide a 'step-change' for Kidderminster Town Centre. The above commentary identifies that, on the whole, there is clear policy support for the plans, from the national through to the local level.

There are clearly sensitivities involved in this process and the loss of the buildings that currently provide space for businesses in Lower Mill Street is an unfortunate aspect of the proposal. However, it is felt that, on balance, with the potential for the businesses to be retained in the town, coupled with the many positive aspects of the proposals, that the application should be supported.

- 3.3 **Environment Agency** – Whilst raising objections to the proposal in the first instance, as set out below, the Environment Agency have, following the exchange of additional information, withdrawn their objections.

For clarity, and an understanding of the original objection and the progress made since, the Environment Agency's initial and subsequent comments follow:

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INITIAL COMMENTS

ALTERATIONS TO THE RIVER CORRIDOR

We note that the development would result in the demolition of Crown House and the opening up of the river at this location. However, the proposal also includes extending the culvert crossing downstream with retail units 4 and 5 and a further bridge structure built over the River Stour. We accept that following alterations to the river corridor there is a minimal, net improvement. However, our preference would be to see no buildings being re-introduced (built over) the river. Whilst we understand there may be economic reasons in delivering additional retail footprint, we believe that insufficient consideration has been given to the restoration of this length of the River Stour. There are good examples of such both upstream and particularly downstream of this site. This redevelopment represents a unique opportunity to restore a more natural functioning river, with features such as natural banks, gravel bed and a diverse channel structure. Building a new structure over the river will severely limit the opportunities for achieving a meaningful river restoration and contributing to the delivery of the Water Framework Directive (WFD), discussed further below; and wildlife corridor for otter. Whilst it will clearly be impossible, in this urbanised setting, to completely restore the river to a full natural channel it will be possible to create vital in-channel diversity by adding sinuosity, creating vegetated side berms and riffles, for example.

The plans, as submitted, fail to provide any significant river restoration measures. Specifically, the length of river bank through the development appears too heavily engineered and do not provide any in channel naturalisation.

To overcome the above concern, we would recommend that the applicant reconsiders the need/location (sequential approach) for the new units constructed over the channel. We would also expect to see more details to confirm opportunities to enhance the river corridor. This should include a detailed river restoration plan that maximises the opportunities for river restoration through the site. We would be more than happy to meet the applicant to discuss opportunities for maximising the river restoration potential for this site.

The above approach is supported by our 'Policy Regarding Culverts: Technical Guidance on Culverting Proposals', where we outline our opposition to the additional culverting of watercourses (unless essential for access) and seek the removal of culverts wherever possible. In addition, your Council's Core Strategy (Adopted 2010), supports the 'opening up and enhancement of the River Stour' and states that 'proposals involving the creation of new culverts will not be permitted' (see policies CP02: Water Management and CP15: Regenerating the Waterways).

We also advise that greater consideration is given towards the WFD status for the area as currently for the River Stour it is 'Poor', with the objective to achieve 'Good Status' by 2027 (waterbody ref: GB109054044710). We would expect the proposed development to contribute towards achieving the WFD objective and advise that appropriate opportunities be investigated.

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ECOLOGY

Otters are known to be present in the immediate area (Environment Agency Operatives have observed otters laying up beneath the Crown Building and further records have been recorded immediately downstream). Otters are known to frequent the River Stour in Kidderminster town centre. It is essential that proper consideration is given to the impacts upon otters, in terms of providing an enhanced wildlife corridor and avoiding disturbance.

We note the Otter Mitigation Strategy which recommends the incorporation of working methodologies, a lighting strategy and mitigation works (within the Middlemarch Environmental Ltd report ref. RT-MME-114068-04). This proposes to increase the value of the river corridor for commuting purposes through the incorporation of ledges along the watercourse. The report states that the draft landscaping plan includes for stone filled gabions along the de-culverted section of watercourse. It is unclear if this is still a feasible option. However, as discussed above the river corridor could be further enhanced.

FLOOD RISK

Notwithstanding the above, we have no objections in principle on flood risk grounds. However we are seeking some further clarification on flow impacts (outlined below). Our Flood Map from the River Stour (Main River) shows that the site is located predominantly in Flood Zone 2 (0.1% annual probability risk - 'medium risk') based on the undefended scenario with a small element in Flood Zone 3 (1% annual probability flooding – 'high risk').

The proposed retail developments are classed as 'less vulnerable' (Table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF) within Flood Zone 2. The site does benefit from the flood defences (Kidderminster Flood Alleviation Scheme) which affords 1% standard of protection.

The FRA (Document no. 1006139-RPT-00013 dated 12 December 2013) has taken into account and makes reference to the latest modelling details contained within the Wyre Forest District Council Level 2 SFRA.

SEQUENTIAL TEST

We understand that the sites forming the application site are allocated in the adopted Kidderminster Central Area Action Plan (AAP) (2013) for mixed-use development, which is reflected in the development proposed in this planning application. We would therefore recommend that you are satisfied on the sequential test on this basis. Your Core Strategy also sets out a requirement within the Town Centre for further retail floorspace and specifically Policy KCA.WG3 allocates Weavers Wharf and Bull Ring for new development comprising retail, leisure, hotel, offices etc.

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FLOOD ZONES AND TOPOGRAPHY

The applicant has provided a copy of our Flood Map to show that the site is located predominantly in Flood Zone 2 based on the undefended scenario with a small element in Flood Zone 3. However, we previously stated the FRA would benefit and offer clarity if the defended scenarios were also mapped including the 1% plus climate change extent; and that this data should be superimposed on a topographical map. The FRA provided a map but in a format and resolution which does not allow for any interpretation of the text. The applicant has subsequently submitted (received 16 January 2014) details that can be viewed. These plans include ground levels and finished floor levels which appear to show the development is appropriate. However, they are a rather confused mix of topography based on an initial survey initially carried out prior to the development of Weavers Wharf, with three layers of levels shown.

The mapping does demonstrate that the development is defended during the 1% with climate change event.

FLOOD FLOW ROUTES

Although the proposal has shown the site is protected during the 1% plus climate change event, it may be affected by more extreme events if the river bank upstream is overtopped. We would wish to see a clear plan showing overland flow routes and measures to ensure these are maintained for the lifetime of the development. This should ensure that flood risk elsewhere is not increased and will help inform the Flood Management plan, appropriate access routes and higher risk areas to be left clear of buildings and obstructions as well as additional building protection.

The FRA provides some descriptive text as to the flow route and Appendix 6 plans. However, although these plans do offer some useful detail they indicate an extent of potential flooding rather than the anticipated flood flow route through the site, which should be protected from any street furniture such as raised kerbs and future development. The area of anticipated flood flow is a more significant risk area than some areas of the land which may be more likely to pond if flooding occurred.

Further to discussions, we understand that the applicant's FRA consultant is in the process of writing an addendum to reflect flow routes across the site based on topography and likely spill upstream during extreme events. We would make further comments on receipt of this supplementary information. However, we make the following additional comments and recommendations on flood risk at this time:

FLOOD LEVELS AND FINISHED FLOOR LEVELS

The FRA refers to the Node 08685 (Stou01_08685) immediately upstream of the Bull Ring and the area proposed for development (32.41m Above Ordnance Datum (AOD) in a 1% plus climate change event). We agree this is the correct node to use.

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We note that the proposed floor levels have been set above both the 1% plus climate change and 0.1% events. In the event of a flood 300 mm of overland flooding could occur before affecting the buildings (see section 5.1.1 of the FRA).

Retail units 1 – 5 have been set with a freeboard greater than 600mm, based on the flood level of 32.41m AOD. The three A3 units are set at 33.0m AOD which offers just short of 600mm above the upstream node. However, given the location of these units downstream of the other buildings, and culvert crossings, it is reasonable to reference the node downstream of the culverts on the main river. In relation to Node 08630 (Stou01_08630), the floor level is 760mm above the flood level of 32.14m AOD.

Appropriate floor levels are provided in the Table on page 47 of the FRA. We would recommend a condition to secure this.

FLOOD MANAGEMENT PLAN

Development in a key town centre location which may be impacted upon by extreme flood events should have a flood management plan in place. The applicant has reviewed potential emergency access routes; however, this should be developed into a plan with which all retail units should be familiar.

We therefore recommend that you contact your Emergency Planners at Wyre Forest District Council and Worcestershire County Council to discuss the formation of a sound Flood Management and Evacuation Plan. Due to the location and potential reliance on Flood Warnings, the developer could make a contribution to the provision of this service (perhaps in the region of £5,000 considering the scale and nature of the development).

STRUCTURES OVER THE STOUR

It is acknowledged the proposed soffit levels will mirror the existing bridge structure at 32.72m AOD. Based on the model node this is 300mm above the 1% plus climate change flood level upstream of the culvert and 600mm above the flood level indicated by the node at the downstream end of the existing culvert (32.14m AOD). This provides adequate clearance. We would need confirmation, as part of the required flood defence consent that the existing structure is of suitable structural integrity for the lifetime of the development, the FRA confirms that a visual inspection has been carried out which gives reasonable confidence as to the structural integrity and that a more detailed assessment will be undertaken if approval is gained.

Although the land owner is directly responsible for river maintenance of the river within their boundary, we do have a strategic role in the maintenance of the River Stour and would seek to ensure that there is an appropriate maintenance access to the river, with improvements where possible. The River Stour through Kidderminster is considered as part of our High Risk regime where we would look to ensure any substantial obstructions are quickly removed from the river channel.

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ACCESS AND MAINTENANCE

As part of this application, we would seek for improvements to the access to the watercourse in an area where access is currently considered to be poor. Where the developer proposes a lower access to the river edge and steps down in the square, the developer should give some consideration to long term maintenance and the potential for silts to build up on the lower steps if they are prone to regular river water. This location also offers an ideal location for vertical stepped access down into the river channel; this would need to have restricted access to protect inappropriate use. The management plan for the site should also allow for vehicular access to the river corridor so that access can be more readily gained to remove obstructions in the channel and plant machinery can be situated adjacent to the river. The applicant will be responsible for the maintenance of landscaping features.

SURFACE WATER DRAINAGE

We would recommend you seek the comments of the North Worcester Water Management team, as the Lead Local Flood Authority (LLFA), to consider drainage details.

We note that the strategy confirms that the drainage system will reduce the peak flows from the site by 20% by underground storage and permeable paving for all flood events up to and including the 1% plus climate change event. Where possible we would encourage the use of SUDs and mechanisms to reduce the peak run off further.

GROUNDWATER AND CONTAMINATED LAND

As detailed in the Phase 1 Geotechnical and Geo-environmental Desk Study 1006139-RPT-00007 dated December 2013, the site has a complex industrial history. Former uses include a gasworks (part landfill), iron foundry, canal basin (in filled) and mills/carpet works; all of which have the potential to give rise to contamination. Indeed previous phases of site investigation have revealed such impacts. The proposed redevelopment of the site has the potential to remobilise such contamination. It is also important to note that potential contaminant migration pathways may alter if river banks are to be naturalised and depending upon the foundation methodologies to be adopted. It will be necessary to characterise these issues fully as the site is located on a Principal Aquifer within Source Protection Zone (SPZ) 3 of a public water supply borehole. In addition the groundwater beneath the site is shallow. We would therefore concur with the recommendations for further work detailed in the report as follows: It is recommended that a detailed Phase 2 intrusive ground investigation is undertaken, pre and/or post demolition of structures where necessary. This should confirm/disprove the preliminary findings given in this report. It will also allow a detailed assessment of the geo-environmental and geo-technical conditions prevailing at the site, refinement of the preliminary CSM (if appropriate) and determination of geo-technical parameters for scheme design.

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Pre-demolition assessment would enable early identification of geo-environmental risks to the development and assist with early liaison with statutory consultees regarding what, if any remedial activities may be required. For information it is stated on the planning application form that the land is not affected by contamination. This is clearly not the case.

The FRA (Appendix 11 Drainage strategy) appears to indicate that 'Infiltration is not considered feasible due to the underlying ground conditions and risk of contamination'. Given the sensitivity of this location careful consideration needs to be given to pollution prevention measures for surface water drainage. In addition the type and location of SUDS techniques should be informed by the Site Investigation (see below) and should only be utilised on site where they do not impact on controlled waters i.e. do not mobilise any contamination etc. Suitable measures could be employed such as lined membranes etc for permeable pavement, swales, attenuation ponds, to ensure these systems can be secured on site.

The strategy goes onto say that 'Permeable pavements will be provided in new car park locations to provide further attenuation and improvements in water quality'. We would expect that such systems along with the geo-cellular storage tanks to be fully lined with a final discharge outfall point to the River Stour. We would advise that the long term maintenance and monitoring (adoption) programme for the surface water management system ensures that the scheme remains effective and infiltration does not occur as the materials integrity degrades with time. In order to secure the above groundwater and contaminated land matters, we would recommend the use of suitable conditions.

SUBSEQUENT COMMENTS

With regard to the River Stour restoration and enhancements for otter, linking in with the wider aspirations for the River Stour and historic improvements, we would recommend that you consider:

- The inclusion of boulders/rocks within the river to help provide for a more natural, sinuous, channel with associated ecological benefits. As discussed, these features should be close to the river bank to provide ecological improvement by encouraging sediment behind and vegetation succession, but should not significantly impact upon the flow regime of the watercourse.
- We would recommend you produce an indicative plan showing the possible layout and design of boulder features, perhaps in combination with some of the options below, with some commentary on how this might evolve and be managed appropriately (by the developer/management company/responsible authority). It is suggested that an appropriate design is possible which would not cause significant flood flow impact.
- Slotted battened structures, or similar, set into the existing channel walling to be planted with appropriate flora mix.

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- Other appropriate design with planting improvements. However, we would recommend you avoid gabion structures (as per your draft option/discussion) at this particular location, in this instance.
- Otter refuge perhaps with an appropriate side channel from the river which offers escape above the design flood level (1% climate change or greater).

The future access and maintenance will be critical for the above, particularly to ensure that any debris is removed from the channel.

In relation to the building over of the River Stour, contrary to policy, this is disappointing but we note the reasons provided by the Council to justify this as an essential part of the regeneration scheme.

We would recommend that you consider enhancements in the 'offsite' stretch of watercourse from the downstream end of Crown House. This stretch of the Stour would benefit from the inclusion of the above measures and assist with continuity and wider river Stour improvements. Such off site works would be seen as betterment and could help balance the impact of the new culverting.

With regard to the overland flood flow information which has been presented to address residual flooding, we are happy that you have analysed this in more detail using a Hecras model. This identifies the flood route and depths across the site. The information should also provide some indication of velocities. Looking at the depths and spill we would not anticipate a rate which would cause significant impact, for this residual flooding. The information derived should be used to help inform the evolving flood management plan for the site. As detailed in our previous response, we would advise that the Emergency Planners are satisfied on this aspect.

3.4 English Heritage – Object to the proposal.

The following comments have been made in response to the submission of additional survey information, and helpfully include both original and updated (in italics) comments.

SUMMARY

English Heritage has considered this application for the redevelopment of a large site in Kidderminster, located between conservation areas and incorporating part of the canal conservation area, and adjoining listed buildings, to have many positive aspects, but because of the demolition of non-designated heritage assets and other factors recommends refusal.

ENGLISH HERITAGE ADVICE

The following advice repeats our comments of 16/1/14 with new comments in italics for clarity. The additional information submitted includes an 'Addendum to Heritage Statement' which is a 12-page report from Turley Associates; its purpose is to supplement the assessment of the heritage value of Nos. 5-8 Lower Mill Street contained within the application's Heritage Statement and as such addresses our point in 3b below. There is also a letter from Turley Associates addressing other issues.

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This site is located at the western edge of the centre of Kidderminster, inside the ring road. It adjoins the Staffordshire and Worcestershire Canal Conservation Area to the west while the Church Street Conservation Area is located to its northeastern boundary and the Vicar Street and Exchange Street Conservation Area is located to its southeastern boundary. It was historically a centre of industrial weaving. In the distance to the north is the Grade I listed medieval church of St Mary and All Saints. The proposal is for a large redevelopment of the site, which currently consists of a large car park, the canal, two bridges, McDonalds and Pizza Hut, Job Centre, Lower Mill Street buildings, The Bullring town centre and the Crown House. Listed buildings directly affected include the Slingfield Mill and its associated boiler house and chimney which lie south of the car park, the Baxter United Reform Church and its hall on The Bullring, and No. 13 The Bullring. There are multiple other listed buildings located in the conservation areas. The site at the moment is enhanced by the recent conservation and development of the Slingfield Mill, the good pedestrian linkages across the site and the views offered in all directions.

There is much that we consider positive about this scheme, representing an exciting redevelopment of a key part of the town incorporating civic spaces and the buildings fronting them, opening up the River Stour and addressing the canal. Our comments are outlined in brief as follows:

1. Town centre:

- a. Demolition of Crown House - this large office building was designed by Harry W. Weedon & Partners and opened in 1971, accommodating various government agencies with a post office to the ground floor. While it is clearly a designed building characteristic of its age, and ignoring its neglected appearance, nonetheless it has little heritage value at this point in time. Its location is unfortunate as it looms over the town centre and has quite a negative impact on the centre and on the nearby conservation areas. Removal of this building will also aid in the creation of the new civic space referred to below. Therefore we do not object to its demolition.

This remains our recommendation.

- b. The Bullring - the proposed transformation of this space from a traffic island into a shared civic space is considered very positive. The proposed new form of this space will be closer to the historic arrangement where Vicar Street joined Church Street/ Trinity Lane/ The Bullring, as reflected for example on the 1889 OS map. A modest tweaking of the scheme here to even more accurately reflect the historic junction would serve to 'better reveal the significance' of the area as advised in the NPPF for new development in conservation areas (paragraph 137).

This remains our recommendation.

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- c. While the heritage statement is dismissive of the more recent buildings such as the Swan Centre and Hughes' we consider that these have a certain quality and recommend that the landscaping scheme should try and enhance these buildings rather than camouflage them or be embarrassed about them.

The new information erroneously states that we objected to the positioning of trees. We instead wished to encourage the enhancement of this space and its buildings in a way that would consider the more modern buildings more positively.

- d. Opening up the River Stour - this is a positive proposal serving to highlight the river's key role in the development of a town in this spot and placing it at the centre of the town's retail and leisure life. It would appear as if there was historic access to the river along a slipway to the southeast of the bridge.

This remains our recommendation.

- e. New building across the river (Unit 4) - Depending on the detailed design here which proposes to use the best quality materials we have no issues with this.

This remains our recommendation.

- f. New building facing the river (unit 3) - Depending on the detailed design here which proposes to use the best quality materials we have no issues with this.

This remains our recommendation.

2. Canalside and the Canal Conservation Area:

- a. Demolition of Pizza Hut - we do not have any issues with the demolition of this recent building.

This remains our recommendation.

- b. New canalside buildings - the three proposed single-storey buildings will address the canal and create new spaces overlooking the canal as well as new access points onto the canal. Overall we consider they will have a positive impact on the conservation area and its significance, helping to enhance it and better reveal its significance, in line with the recommendations of the NPPF. They should also assist in reducing the impact of the car parking on the canal conservation area which has been identified as a negative effect. However they still remain slightly too close together and the impact would be more positive if they were further apart without encroaching onto the listed boiler house; therefore they should be slightly shorter in length.

This remains our recommendation.

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- c. McDonalds site - It is not clear from the application why the McDonalds site is not being redeveloped as this building has no heritage value, contributes little to the conservation area and its retention is having consequences that are jeopardising other heritage assets.

This remains our recommendation. We consider this building to be a key factor in the balancing of the substantial harm to the non-designated heritage assets and the harm to the designated heritage assets of demolishing Nos. 5-8 Lower Mill Street whilst retaining this building, which no-one has claimed any heritage value for.

- d. Canal features - there are certain features along the canal, such as the bridge near the Slingfield Mill and the canal wall along the west bank whose conservation is of concern to us. Detailed proposals on the canal section should be sought and approved on the basis of paragraph 128 of the NPPF so that the local authority is in a position to 'understand the potential impact of the proposal on their significance'.

There is reference to detailed comments by the Canal and River Trust dated 7/2/14. We support their comments recommending a condition survey, method statement and schedule of repairs as well as more information on the proposed lighting scheme. We consider that this information is substantial and material and should be submitted as part of this application in order for us to assess the impact on the character and significance of the conservation area. Therefore our recommendation remains the same.

- e. The new bridge across the canal - the application has not adequately justified why this new bridge is a vehicular bridge rather than a pedestrian one. We have no objection to a pedestrian bridge here, on the alignment shown, but do not understand the rationale for a vehicular one. In addition, the style of the proposed bridge here, which may be attractive in itself, however in this newly developed setting will be too busy and add clutter to the historic environment. We do not consider this design suitable for this canal, we think it will cause harm to the conservation area as under paragraph 132 of the NPPF, and would recommend instead a plainer design which would signal its presence in an imaginative but simpler fashion. It is the local authority's duty to seek to minimise any conflict between a heritage asset's conservation and any aspect of a proposal (paragraph 129).

The further information refers to the justification for this but as we stated above we do not find this justification adequate. Therefore our recommendation remains the same on both rationale and design. We support the Canal and River Trust's recommendations here for a high-quality design, using traditional cladding materials.

3. Lower Mill Street.

- a. Demolition of Job Centre - we do not have any issues with the demolition of this recent building.

This remains our recommendation.

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- b. Demolition of Lower Mill Street buildings - the removal of the section of historic buildings fronting onto Lower Mill Street is of concern to us. With their removal will be the loss of a section of Blackhorse Lane which has survived the recent development around it, the loss of the historic linear (possibly burgage) plots, the loss of the historic urban grain, the loss of part of the historic setting to three conservation areas and the loss of the historic fabric itself, which is evident in Nos. 5, 6, 7 and 8. No. 5 has an attractive Art Deco entrance and the highlighted doorway to the music venue. There is obvious historic material in all of the buildings and the paucity of information submitted on them is unsatisfactory.

The additional information submitted is welcome and the interior survey confirms what the exteriors promised - the survival of early fabric, a degree of intactness in the floor plan at upper levels, the loss of most of the original floor plans at ground floor level and the addition of more recent extensions to the rear within quite intact external envelopes.

While the buildings are not formally identified heritage assets nevertheless they could be considered to have local importance, they are on the Historic Environment Record and we consider them to be heritage assets within the meaning of the NPPF. Paragraph 135 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. In this case the 'scale of any harm or loss' is the total loss of the asset, while the significance of the asset is modest, based on inadequate information. Therefore in balancing the two it would seem more appropriate that the heritage assets be retained and integrated into the proposed large new development.

The harm caused to the significance of these buildings by cumulative alterations has already been taken into account as the buildings have not been formally designated. We do not consider this reason to cause substantial harm to them through their demolition. They still remain heritage assets. In response to matters raised in the further information letter we would compound our recommendations above by pointing out that paragraph 126 of the NPPF states that local planning authorities should 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. Paragraph 8 states that to 'achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system'. Furthermore, that the planning system 'should pay an active role in guiding development to sustainable solutions' and, in paragraph 17, planning should 'not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the ways in which people live their lives'.

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All of these support your position to seek an amendment to this current proposal which retains the historic townscape segment so that there is 'joint and simultaneous' benefit.

At the moment the row of buildings in question forms an attractive backdrop to views westward from the town centre at The Bullring, closing the vista with a piece of typical historic streetscape and consolidating the centre as the historic core. They also form part of the setting of the listed Baxter Church and of the Church Street Conservation Area. To a lesser extent they form part of the setting of the canal and Vicar Street conservation areas. The proposed development has as its aim the enhancement of The Bullring thus rendering the Weaver's Wharf site more attractive too and linking them together. The proposed elevation of the new retail unit presents a blank façade onto Lower Mill Street in a very visible location, with much traffic on foot and by car, and this is not an acceptable substitute for the piece of finely-grained historic urban fabric that exists there now, even with its many alterations. Thus we consider that the elimination of these buildings will cause harm to the designated heritage assets of the listed church and the conservation areas, as outlined in paragraphs 132 and 134 of the NPPF.

The heritage statement states that the retention of these buildings would make the scheme undeliverable but there is no justification nor explanation of this statement. There would seem ample space on the site, especially if the McDonalds site were included, to reconfigure the development retaining the historic buildings along Lower Mill Street. The new building could back onto these and rise higher than them. To be clear we do not object in principle to a large footprint building going into Weaver's Wharf but we recommend retaining the historic piece of townscape and incorporating it. The adjacent buildings (occupied by Marks and Spencers, Next etc) which are not in the application site could be redeveloped in time and it is considered that the balance of the site with the remarkable industrial buildings to the southwestern edge, the new canalside treatment and the new large footprint building would be enhanced by the older tightly-grained structures.

The recommendations above remain the same. We take the opportunity to remind you of paragraph 60 that in good design it is 'proper to seek to promote or reinforce local distinctiveness' which we are arguing that retention of this townscape will assist with; what's more it will help to integrate the new development into the existing environment as per paragraph 61. To be clear we are not arguing for the retention of the entire footprint of these buildings as we believe there is scope to retain the front section of the block and eliminate the more modern extensions to the rear.

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In summary there is much that is positive about this application, however *[there is a lack of information on the historic buildings along Lower Mill Street proposed for demolition and - omit]* there is no justification for the lack of options showing retention of these buildings. *A lot of information is missing on the works to the canal and associated structures.* There is inadequate explanation for the need for the vehicular bridge across the canal and we do not consider that the correct design has been chosen, bearing in mind the rest of the proposed development around it. We consider that the newly regenerated town centre would be better served by retaining the historic fabric and setting the new large retail unit behind it, incorporating the McDonalds site if necessary to facilitate this. We consider that the proposal will not only cause substantial harm to the non-designated heritage assets it will also cause harm to the heritage assets of the listed buildings and the conservation areas.

RECOMMENDATION

English Heritage recommends you refuse this application and that you seek amendments to take account of the comments above. If you are minded to approve this application then we would object to it.

- 3.5 Conservation Officer – The application site spans a large area, encompassing the large retail outlet to the west of the Staffordshire and Worcestershire Canal, and the land bounded by the canal, Mill Street, Bull Ring, Pitts Lane and the Weavers Wharf retail park. It is adjacent to, or contains several designated heritage assets including the Staffordshire and Worcestershire Canal Conservation Area to the west, the Church Street Conservation Area to the north, and listed buildings including The Baxter Church and hall, No. 13 the Bull Ring, and Slingfield Mill and its boiler house and chimney. The site also contains a number of undesignated heritage assets.

The proposed development will also impact more widely on the town as a whole, including views across the town from vantage points overlooking the Stour Valley to the west, north and east. Included within these wider views are the Grade I listed St Mary's Church and a number of listed buildings within the town centre, as well as several non-designated heritage assets, and the Vicar Street Conservation Area. The scheme will, if implemented as proposed, have a major impact on the town centre, and, although this is a generally well-conceived scheme, there are some aspects which impact negatively on the historic environment.

(Thereafter, the Conservation Officer goes on to break down his comments into the relevant component parts of the application, and these are set out below).

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1. Town Centre

a) DEMOLITION OF CROWN HOUSE

Crown House is, as evidenced by recent media reports, perhaps the most unpopular building in Kidderminster. It is unclear whether this is entirely due to its dated and neglected appearance, or that its function for many years was as the town's tax and benefits office. Its removal will in my opinion serve to enhance the adjacent Church Street Conservation Area, and will enhance views towards and from several listed buildings. The setting of The Baxter Church of 1884, No. 13 Bull Ring and St Mary's Church will all be enhanced. This accords with Local Policy SAL.UP6 and the P (LBCA) A 1990.

RECOMMENDATION

No objection to the demolition of Crown House.

b) BULL RING

The Bull Ring was a short road leading from Town Bridge to High Street. About half way along its length it opened into a triangular public space, at the centre of which was the statue of Richard Baxter, about which the traffic circulated. Excavations for the foundation of the statue had revealed the remains of the original bull-ring post. This space was smaller than the present road layout and the Baxter Statue was located at the northern extremity of the modern roundabout. The creation of a new public space offers the opportunity, should the Council so wish, for the Baxter Statue to be returned to the Bull Ring from its current location outside St. Mary's Church. The statue was designed to be displayed in the Bull Ring and is suffering the effects of weathering in its exposed location.

Whilst the relocation of the statue itself requires listed building consent, potential locations should be considered now, as this could affect the final layout of the space. I note that a potential location is identified adjacent to the river, and I would offer no objections to this.

RECOMMENDATION

Subject to conditions requiring full details of the hard landscaping I have no objections to the proposal which will serve to enhance the Church Street Conservation Area and the listed buildings in the Bull Ring, in compliance with Policy SAL.UP6.

c) SWAN CENTRE AND T J HUGHES

Whilst outside the application area, these buildings are prominent within the Bull Ring. Any hard landscaping scheme should integrate provision for external seating outside these premises, preferably by a scheme of delineation within the pavement, identifying clearly those area which need to be kept free for pedestrian and emergency vehicular access.

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RECOMMENDATION

Hard landscaping proposals to incorporate provision for and reflect use of pavements in the Bull Ring as outside seating areas.

d) OPENING UP OF THE RIVER STOUR

The River Stour was instrumental to Kidderminster's development as a weaving centre in the Middle Ages. The river has potential to create an active focal point within the Bull Ring. The proposal recreates access down to the river as once afforded by the ford off Trinity Lane. I think generally this will be a positive feature, and one which will contribute to the understanding of the significance of the river in the town's history. By doing this it will better reveal the significance of the Conservation Area in accord with NPPF Policy 137.

RECOMMENDATION

No objections.

e) NEW BUILDING UNIT 4

There are several buildings which currently span the river or its branches within the town centre. Such buildings are typical of the town and whether intentionally or not, have served to hide the river from view, allowing only fleeting glimpses. I welcome the provision of a building which appears to be capable of division into several smaller units as this provides a certain degree of balance with the much larger stores of Weavers Wharf. Provided that the final design and materials are carefully selected and compliment the palette of materials used within the Bull Ring itself, I have no objections to the provision of this unit.

RECOMMENDATION

No objections.

f) NEW BUILDING UNIT 3

This building will enclose the west end of the newly created space in the Bull Ring, and thus the detailed design should use the highest quality materials to ensure that it compliments the location adjacent to and facing buildings within the Church Street Conservation Area. The building is surrounded by public space and this presents difficulties in managing the servicing and bin storage areas which should be well camouflaged and their doors and louvres well-detailed so that they become a positive feature of the design and not an after-thought.

RECOMMENDATION

Revise the internal layout of the building to create a strong visual feature and active frontage facing Mill Street to provide a much better entrance to the Bull Ring both for pedestrians and drivers alike; this to better comply with Policy SAL.UP7. The service access should be relocated further along Pitts Lane.

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(Officer Comment – Amendments have since been made in line with the Conservation Officer’s comments with regard to New Building Unit 3, which address the concerns expressed above).

2. Canal side and the Canal Conservation Area

a) DEMOLITION OF PIZZA HUT BUILDING

RECOMMENDATION

No objections. The opportunity may exist during the demolition phase to augment any previous archaeological surveys undertaken when Weavers Wharf was redeveloped.

b) NEW CANAL SIDE BUILDINGS A3 UNITS 1 - 3

The single storey pavilions overlook the canal which I think is a very positive move, and will create a lively and active frontage facing the canal as well as new access points to the towpath. I think this is essential as the current development appears to have little to offer boaters passing through. The pavilions will act as a buffer to the vehicular activity in Weavers Wharf car park behind, and will thus reduce its impact which has been considered to have a negative effect on the Conservation Area. Overall I consider the proposals will serve to enhance the Conservation Area in compliance with Policy SAL.UP6.

RECOMMENDATION

No objections.

The opportunity may exist during the construction phase to augment any previous archaeological surveys undertaken when Weavers Wharf was redeveloped, particularly around Unit 3 which is to be built on the site of the former gas works basin.

As the towpath here falls within the application site the present unsatisfactory (muddy, potholed, loose gravel) surface should be renewed in materials more suited to the town centre location.

c) CANAL FEATURES

There are canal side features of significance which may be affected by the proposals.

Former bridge over inlet to basin

The redundant bridge (which carried the towpath over the inlet to the Gas Works Basin) is very close to the proposed footprint of unit 3. Bridges of this type are an important indicator of previous uses of the canal side area and their conservation is essential to better reveal the significance of the Conservation Area in accordance with the NPPF paragraph 137.

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RECOMMENDATION

The applicant should provide details of how the bridge structure is to be protected during the construction of Unit 3, and how it may be stabilised.

Historic Inlet on west bank of canal

The historic inlet opposite Gas Works Basin (which is a semi-circular feature used to enable boats to turn) appears vulnerable to future development. Few of the canal-related structures on this length of canal are currently designated heritage assets, although similar structures in other parts of the West Midlands are protected by individual designations. Should in future a proposal be received which could result in substantial harm to those assets I am in no doubt that their statutory designation would be a formality.

RECOMMENDATION

I think the semi-circular inlet has sufficient historic significance to merit statutory protection. Before the position of the three pavilions, Units 1 to 3, is finalised, I suggest that the viability of locating a second bridge across the canal is fully explored, including if necessary an alternative location.

d) NEW BRIDGE ACROSS THE CANAL

The general character of the Canal Conservation Area is particularly difficult to define owing to the wide variety of landscapes, both urban and rural that it runs through between Stourport and Caunsall. A typical canal bridge is a brick arched structure, most dating from the 18th century although some have been rebuilt. Generally those bridges carrying main roads have been entirely reconstructed and usually not with any great design flair, as exemplified by the adjacent “tunnel” under the ring road.

I do fear that a bridge of too simple a design will serve to visually “extend” the ring road tunnel, which is perhaps the least attractive feature within the Conservation Area. Whilst the proposed design is not in keeping with other bridges over the Staffordshire and Worcestershire Canal, historic or modern, I think that any harm to the Conservation Area should be considered less than substantial, as this location has undergone massive transformation over that past 30 years. Although it may impinge on views south towards Slingfield Mill, and north towards St. Mary’s Church the bridge arguably will provide a better and safer viewpoint towards these listed buildings than can be obtained from the ring road.

RECOMMENDATION

No objections in principle, provided that the Council is satisfied that public benefits of the proposal have been demonstrated in accord with Paragraph 134 of the NPPF.

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3. New Retail Store and demolition of properties in Lower Mill Street

e) HISTORIC USE OF THE SITE

The proposal is for the demolition of all those buildings on the south side of Lower Mill Street and their replacement with a new retail store. Whilst much of the site has been redeveloped previously, five historic plots containing four premises of heritage interest remain and these are no's. 5, 6, 7&8 and 9 Lower Mill Street. Outside the development site The Bridge Inn is the only heritage asset remaining on the north side of Lower Mill Street.

Complete demolition of the properties on the south side of Lower Mill Street will remove all understanding of the nature and function of this once important thoroughfare, as has been the case where the ring road required the demolition of much of Mill Street and Park Butts. It is thus important to understand that although these buildings may not be of national significance they are highly significant in the local context, pre-dating the canal and the industrialisation that brought to the weaving industry.

RECOMMENDATION

If approval is granted for the demolition of the buildings on Lower Mill Street I suggest that a full archaeological investigation is undertaken to determine the significance of the plots shown on the early mapping.

4. New Retail Store and demolition of properties in Lower Mill Street

i) LOWER MILL STREET 4

This property appears to have been erected during the 1980's and has no heritage significance.

RECOMMENDATION

No objections in principle to the demolition of 4 Lower Mill Street.

ii) LOWER MILL STREET 5

This building appears to date from c.1900 but may incorporate parts of an earlier structure. Formerly the Bijou Cinema, reputedly Kidderminster's first cinema which closed c.1915, its use from 1915 to 1956 is unclear, however in 1956 it was purchased by Frank Freeman and with the removal of the balcony, became a dance hall, in which use it continued until it closed in the early 1990's following Frank Freeman's death. It has since been converted for use as a restaurant. The building itself is not architecturally distinguished, save for the decorative surround to the doorway which led to the dance hall, now commemorated by a plaque provide by Kidderminster Civic Society. Whilst much of the original early C20 structure survives the comprehensive remodelling, first for the dance hall and subsequently for the restaurant have robbed the building of almost all original internal features. The building's

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principle interest is its association with popular music artistes of national and international repute, mainly but not exclusively, during the 1960's and 1970's.

Much has been researched and written about the performances at this venue which was significant for a town the size of Kidderminster.

Whilst of considerable local interest and heritage significance, features associated with its previous uses have largely been eradicated, and thus I believe it fails to retain sufficient special architectural or historic interest to meet the criteria set out by English Heritage for designation as a listed building.

Notwithstanding its lack of designation no. 5 Lower Mill Street contributes to the setting of both the Church Street Conservation Area and the nearby listed Baxter Church, both designated heritage assets. It also forms part of an historic group of buildings which visually act to terminate views through and beyond the Conservation Area.

iii)

6 LOWER MILL STREET

The plot is narrow and irregular in shape, suggesting that it may be of medieval origin, however the present building, which I have now had the opportunity to inspect, was probably constructed some time between 1730 and 1750 as a house, and was later converted into a shop. The 1861 census records a butcher, his family and staff living on the premises. Whilst of considerable local interest and heritage significance, most internal features associated with its previous uses have been lost and whilst the front range remains virtually intact 6 Mill Street fails, I believe, to retain sufficient special architectural or historic interest to meet the criteria set out by English Heritage for designation as a listed building. Notwithstanding its lack of designation no. 6 Lower Mill Street contributes to the setting of the Church Street Conservation Area and Baxter Church, both designated heritage assets. It is contemporary or earlier than many buildings within the Conservation Area, and has a visual relationship with St Mary's Church, the canal, Baxter Church and Church Street Conservation Area. It features in views from the canal towards St George's Church to the east. It effectively encloses the view from the Conservation Area towards Mill Street, and furthermore contributes to the understanding of the layout of the town in the mid-18th century. For these reasons the building possesses a far greater local significance than its non-designated status might suggest.

iv)

7&8 LOWER MILL STREET

The former Coach and Horses Public House which ceased trading around 1985 is now a restaurant with flats above and occupies two plots of possible medieval origin. Originally the pub occupied no. 8 Mill Street, but merged to incorporate no.7 Mill Street at some point between 1902 and 1910. The frontage was then altered twice leaving the present layout in which the restaurant occupies the ground floor of both plots whilst the flats, accessed independently occupy the first and second floors of both plots.

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7 Lower Mill Street

The plot is narrow and irregular in shape, suggesting that it may be of medieval origin, however the present building, which I have now had the opportunity to inspect, was probably constructed in the late 18th century, as a house, with a workshop to the rear. The 1861 census records a shoemaker living on the premises. The building has local heritage value, although less than 6 Mill Street, in my opinion. Whilst the street frontage is retrievable I believe 7 Mill Street has failed to retain sufficient special architectural or historic interest to meet the criteria set out by English Heritage for designation as a listed building.

Notwithstanding its lack of designation, by virtue of its proximity to 6 and 8 Lower Mill Street it has a group value. 7 Lower Mill Street thus contributes to the setting of both the Church Street Conservation Area and the nearby listed Baxter Church, both designated heritage assets. It is contemporary with many buildings within the Conservation Area, and has a visual relationship with St Mary's Church, the canal, Baxter Church and Church Street Conservation Area. It effectively terminates views from the Conservation Area towards Mill Street.

8 Lower Mill Street

This plot is also narrow and irregular in shape, suggesting that it too may be of medieval origin. The low eaves, (considerably lower than the surrounding buildings in the 1910 photograph) suggests origins much earlier than the 1770's. By the mid-18th century with space at a premium town-centre buildings in Kidderminster were being constructed in brickwork with two or three storeys plus an attic. The most plausible reason for the low eaves height is that this building is a reconstruction of a much earlier structure – probably 17th century and century timber framed. The massive exposed rustic ceiling beam spanning the plot in the first floor front room suggests a date earlier than mid-18th century. Dendrological dating would assist here.

Notwithstanding its current lack of designation, no. 8 Lower Mill Street, like no's 6 and 7 Lower Mill Street, contributes to the setting of both the Church Street Conservation Area and Baxter Church, designated heritage assets. 8 Lower Mill Street features in views from the canal towards Baxter Church and St George's Church, both of which it pre-dates, as well as in views from St Mary's Church. It pre-dates most buildings within the nearby Conservation Area, and because there is a lack of accurate mapping before 1753, it is important to understand its date of construction via dendrochronological dating or a full structural analysis. This will enable historians and archaeologists to better understand the extent to which Kidderminster had developed at the time of construction (probably 17th century). If, ultimately, the building remains unlisted then its total loss should be assessed in accordance with paragraph 135 of the NPPF.

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v)

9 LOWER MILL STREET

Although this building occupies an historic plot it appears to have been completely rebuilt and thus has no heritage value, save for that contained within the former party walls.

RECOMMENDATION

No objection to the demolition of 9 Lower Mill Street.

vi)

10 LOWER MILL STREET

A modern retail unit with no heritage value.

RECOMMENDATION

No objection to the demolition of 10 Lower Mill Street.

vii)

JOB CENTRE PLUS LOWER MILL STREET

Although this building occupies several historic plots it is completely modern and thus has no heritage value.

RECOMMENDATION

No objection to the demolition of Job Centre Plus Lower Mill Street.

Condition: Recording via archaeological excavation if that undertaken prior to construction considered inadequate.

5. New Retail Store and demolition of properties in Lower Mill Street

f) PROPOSED NEW RETAIL STORE

The proposed retail store occupies a large plot bounded on the north side by Lower Mill Street, Pitts Lane to the east, Weavers Wharf to the south and the Staffordshire and Worcestershire Canal Conservation Area to the west. This is a very large building, which if constructed in the location proposed will have a profound impact on the approach to the town centre from the ringway via Lower Mill Street. I have concerns that the orientation of the building facing into Weavers Wharf and its car park is effectively turning its back on the town centre. The blank, inactive facade to Lower Mill Street at pavement level is reinforced by the remainder of the design which creates a strong visual barrier to views towards the site from the north and west (including St. Mary's Church), with little except signage to denote that this is a retail building, and not an industrial one. The only other example of such a blank facade in the town centre is that of the works facing Waterloo Street, which is not a main pedestrian artery into the town centre.

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As viewed from the Church Street Conservation Area, the bulk of the building will rise above the pavilion-like developments around the Bull Ring. Most unsatisfactory of all is the impact on views from the junction of Church Street and Bull Ring looking towards Baxter Church. At present the view is closed by the row of historic, non-designated heritage assets on Mill Street. Whilst there is little unity in this elevation, it does represent the historic grain of the town. Unlike other areas of town where many premises, both large and small, constructed in previous retail booms of 30 or 40 years ago lie empty, these near-300 year old properties are fully occupied, well maintained and good examples of sustainability. Furthermore their heritage contribution to the town could be enhanced by a scheme of shop front improvements. Most unsatisfactory of all is the gaping vehicular entrance to the HGV loading bays with which it is proposed to replace these heritage assets. Screened by a huge roller-shutter this access is akin to that found on out of town retail parks and is wholly out of scale in comparison to the Bridge Inn and the listed Baxter Church. I note that the section through the Bull Ring omits to show the impact of this entrance, even though this will be the least attractive part of the Mill Street elevation. A tree screen is shown planted conveniently outside The Bridge Inn but in reality it will be many years before the tree reaches the size indicated.

I appreciate that it is necessary to have delivery access to the building, but the location selected (irrespective of the demolition of the heritage assets in Mill Street) is very insensitive. This is in complete contrast to the well-thought out proposals for the Bull Ring which will replace Crown House.

The applicant states that without the demolition of the heritage assets the scheme cannot succeed. This appears to be based on the retention of the drive-through fast food outlet next to the canal, with a revised access being even more tortuous than that which at present causes traffic congestion within the site.

RECOMMENDATIONS – relating to the New Retail Unit 1

1. In respect of the present design for the new Retail Unit 1, this requires the demolition of the non-designated heritage assets at 5, 6, 7&8 Lower Mill Street. At present the significance of at least no.6 and no.8 Mill Street remains not completely understood. I think that in order to properly determine this planning application, further information should be provided by the applicant in the form of a heritage assessment for 6 and 8 Mill Street. This should assess the age of the structures (via dendrochronological dating) as well as fully accessing and assessing the fabric.
2. I appreciate that an in-depth assessment of the non-designated heritage assets may not be feasible as they lie outside the applicant's ownership.

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3. In considering the impact of the present design of New Retail Unit 1 on designated heritage assets, notably The Church Street Conservation Area and The Baxter Church, I think this will have a less than substantial harmful impact on their setting. Nevertheless should the committee be minded to approve the scheme they must be content that the public benefits of the scheme as a whole (which in conservation terms means the demolition of Crown House and the provision of a location for public art in the Bull Ring, but in wider terms includes economic and regenerative benefits) outweigh the impact of, for example, the goods entrance opposite The Bridge Inn. This is to accord with NPPF paragraph 134.
4. In considering the impact of the proposed scheme on the non-designated heritage assets, 5 to 8 Lower Mill Street, if implemented as proposed this will entail a complete loss of significance, which can only be mitigated by recording during a carefully controlled demolition and subsequent archaeological excavation. Again, should the committee be minded to approve the scheme they must be content that the public benefits of the scheme as a whole (which in conservation terms means the demolition of Crown House and the provision of a location for public art in the Bull Ring, but in wider terms includes economic and regenerative benefits) outweigh the impact of the loss of these buildings on the town. This is to accord with NPPF paragraph 135.
5. If the loss of the non-designated heritage assets as per recommendation 4 above is considered in the public interest, then I do strongly urge the Committee to consider the design of the New Retail Unit 1, and to seek revisions to it as follows:
 - a) Relocate the goods entrance further along Lower Mill Street to reduce the harmful impact on heritage assets, and specifically to improve views from the Conservation Area towards the new building.
 - b) Redesign the facade to Lower Mill Street so that a more active street-frontage is created. I suggest provision of shop windows, a pedestrian entrance and interpretation panels which could have a historic, informative theme, or make a positive contribution to the proposed Kidderminster Rock Trail, including acknowledgement of the site of the Frank Freeman Dance Club.
 - c) Enliven the design of the elevation to Lower Mill Street possibly by creating vertical protrusions or slots within the facade to reflect the irregular burgage plot widths on the site.

(Officer Comment – Following the subsequent receipt of the requested Dendrochronological survey, the Conservation Officer has made the following additional observations):

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6 Mill Street Kidderminster

The tree ring analysis puts the date of construction at 1753 which is consistent with the newly constructed building appearing on the Sheraf Map. The confirmation of this date clearly increases the local significance of the building (as one of the very few buildings of this date to survive within the town).

Because the date of the building has been accurately established the building components (purlins, ridge, gable brick walls) will provide a valuable reference resource should the building be demolished and I suggest that conditions are applied requiring these to be carefully dismantled and stored, to be made available for research, particularly into the composition of the lime mortar and the size, source and composition of the bricks.

7&8 Mill Street Kidderminster

The tree ring analysis has not been able to accurately date the timbers within this building which is regrettable because it appears by its form to pre-date 6 Mill Street. My previous comments thus stand.)

- 3.6 County Archive & Archaeology Service – On the whole the principle and benefits of the redevelopment of this site, including the removal of Crown House are understood and to be supported. However as indicated from an early stage, the impact on the historic environment will be an important factor in determining the application.

5-8 Mill Street are undesignated heritage assets representing buildings possibly built from the mid eighteenth century. The document submitted is a basic written account of the building form a visual inspection. While some of these buildings have been heavily altered in the twentieth century, no's.6-8 appear to retain the greatest surviving elements of original fabric. However based on the submitted evidence and conversations with the conservation officer and English Heritage it is clear that it is important to positively establish a scientific date for these buildings before a final decision is made. Therefore the applicant should secure the provision of a formal programme of dendrochronological dating, targeting primary in situ timbers.

Regardless of date, these buildings contribute to the local historic environment especially the Church Street Conservation Area. Their total loss should only be considered if the replacement building provides an equally or better contribution to the setting of the area.

The applicant appears to have only considered a single design scenario, with the rear loading bays of the retail unit 1 facing directly into the conservation area. The statement that the scheme would not be viable without the demolition of Mill Street is not supported by any evidence, yet the recent McDonalds restaurant is retained in preference to the historic buildings on Mill Street. Consideration into exploring alternate design options should be made before the committee makes its final decision.

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It should also be considered that these existing historic buildings have served a viable domestic and commercial function for nearly 200 years and have continually adapted to changing social and economic events. Will the replacement buildings provide the same longevity and flexibility and can this be considered sustainable?

Additional documentation submitted with the application has assessed the wider archaeological potential and impact of the proposals, most of which can only really be addressed as a condition of planning consent.

Given my concerns and comments above, should the planning committee still be minded to approve this application, and that they are satisfied that the benefits of the scheme outweigh the total loss of the undesignated heritage assets and the negative impact the current proposals have on the setting of the Conservation Area, then in order to offset this impact a robust and detailed programme of archaeological work will be required as a condition of any consent given.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 141 and Policy SAL.UP6 from the Site Allocation and Policies Local Plan 2006-2026

3.7 Kidderminster Civic Society – Generally speaking we support the application particularly:

a) The demolition of Crown House.

b) The opening up and improvements of the River in the proposed Town Square and the Canal Frontage including the proposed Bridge over the Canal and the new Food Outlets along the Canal - obviously we would like to be involved in the details on these points in due course.

c) The improved shops etc and opening of more food outlets round the Bull Ring with accompanying employment opportunities are welcomed though again we would like to be involved more in the detail in due course

d) We also think the moving of Baxter Statue to the Bull Ring will be to its benefit bearing in mind that its current site doesn't seem to be doing it any good. Our view is that it should be situated as near as possible to its original site (approx in the middle of the current island) - this should be easiest to justify if there are competing claims. NB 12th November 2015 marks the 400th Anniversary of his birth and there are likely to be celebrations of some sort so we wouldn't really want the statue to be missing for that!!

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We have the following concerns/comments:

- a) Exactly how the new square is to be laid out and that rather than an Open Space it seems that it will be used either for a Car Park or Market. We are keen to be reassured that some will be always available for a general public square.
- b) Also much thought will be needed as to how the traffic into and out of Church Street will be accommodated - large lorries often need to use it and there isn't often the facility to turn round at the end of Church Street. The current businesses in Church St need access for disabled, loading and dropping off (many have no alternative) and there are 2/3 well used Car Parks for the employees of businesses in Church St accessed via the Bull Ring
- c) Parking - there will be many spaces (currently short term and free) in the Bull Ring, Crown Lane and Black Horse Lane that will be lost as a result of this development and need to be re-accommodated with at least as many free spaces - many neighbouring businesses not directly involved and shoppers etc will be adversely affected if this is not dealt with - many cars use the current free parking spaces for dropping into the offices and Shops around Church St, Bull Ring, Swan Centre, Vicar St etc
- d) - The opportunity to create a Heritage Trail with perhaps information boards should be grasped and we should be pleased to assist in this.
- e) Kidderminster Heritage Opportunity Group have been striving for a piece of Public Art in the Bull Ring Vicinity to celebrate the Town's heritage - an Interpretation of the Policeman's Pulpit, which is many people's memory of Kidderminster, won the competition - this was very roughly at the bottom of the High St (roughly at the front of TJ Hughes). This would be an opportunity of realising that.
- f) The opportunity to tidy up the service road/area in Crown Lane for the shops in Vicar St should be taken - we appreciate the different ownership issues but it would be folly if the opportunity was not taken to try and tidy this area which would, of course, also enhance the new development

Finally I come to our main concern which will come as no surprise. We are disappointed and concerned that the development will cause the destruction of the shops and businesses in Lower Mill Street. This is one of the few areas in the Town Centre where there are still independent shops and successful restaurants - and we are sure part of the latter's success is the free evening handy parking. Ideally we would like these to be protected so far as possible by slightly reshaping the proposals. At the very least, with the cooperation of the owners/occupiers, similar alternative accommodation should be found that is long term viable and with sufficient parking arrangements.

13/0670/FULL

There is also the heritage point of view of these and in particular the old Frank Freeman's connection. We are not sure whether the Doorway and surround could be incorporated and information boards provided (on the basis our preferred choice of preservation of the buildings cannot be achieved).

- 3.8 Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes, and no objection is raised. With regard to Protected Species, Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

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3.9 Worcestershire Wildlife Trust – No comments received.

3.10 Countryside and Conservation Officer – I have gone through the ecological surveys and mitigation strategy, put forward for this development and have identified the following issues. In order for this application to be compliant with NPPF in relation to biodiversity the application will need to demonstrate no net loss to biodiversity and where possible include measures for enhancement.

The development has the potential to cause harm to protected species; two local wildlife sites; and, to adversely impact on one of the districts principle wildlife corridors which links the two large, nationally significant, wetland wildlife sites of Puxton Marsh and Wilden Marsh. In addition the proposal has the potential to infringe the wildlife and countryside act by allowing the spread and growth of invasive weeds.

PROTECTED SPECIES

The applicants ecologist have correctly identified that there are 3 areas that need to be addressed.

BATS - a visual and ultra sound assessment of the buildings and river Stour culvert were carried out. This identified that some roost potential existed in the existing buildings but only one roost was identified in the culvert. Mitigation for the loss of this roost has been put forward. The proposed mitigation is fine with my only worry being that for health and safety reasons the ecologist found it difficult to access all the potential roost locations in the culvert so how is it proposed to get round this to put up the one way exclusions which are fundamental to the mitigation strategy?

The mitigation also required the application to keep the River Stour corridor un-light. Looking at the landscaping plan there are several light columns, etc, in proximity to the river. Could we have some assessment from the ecologists as to the likely impact of these on bat activity? Without these assurances we have the potential for the harm to bats in this area.

The survey also suggests that bat friendly planting of native plants should be included throughout the development but there is only a very limited amount of this being shown. Could not coir rolls be included along the canal and river edges and climbing plants be introduced to both sides of the River Stour corridor?

There is a loss of bat roost potential with the removal of the existing buildings this will need some mitigation, possibly in the form of some built in features in the new buildings.

Most worryingly the ecologist has surveyed the River and buildings but no survey or rational is currently offered for the Canal. This is a local wildlife site and has a high potential to be used by bats. This too needs to be surveyed, as there is an unqualified risk of harm to a protected species.

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OTTERS – this protected species has only been briefly dealt with despite the closet record of an Otter sighting to the application site being just 10m away. No Survey effort has been made. We need the rational for this. Otter are known to regularly use near by culverts. Otters are highly mobile and the applicant's ecologist needs to ensure that, post development, Otter will still be comfortable moving through the town centre to access the favourable wetland habitats either side of the town. The ecologist needs to look at the proposal and confirm that the application will not increase disturbance levels so significantly that Otter will no longer be able to utilise the wildlife corridor (both the Stour and the canal). Monitoring of this also needs to be built into the ecological measures. Some mitigation is being offered in the form of an otter shelf, but we need to see detail of this and have some assurances that this is a viable proposal and that the shelf will not be exposed to undue levels of disturbance.

During the development phase, in addition to the measures proposed, thought needs to be given to exclusion fencing as otter are known to be near by and are highly mobile amphibious animals. Lighting in the construction phase also needs to be discussed as this could cause disturbance to both otter and bats.

NESTING BIRDS - there is some potential for loss of nest sites. However, there could be some mitigation in the form of some built in nest boxes around the development.

HABITATS - as well as ensuring the water bodies are not over lit, we need to ensure that the water quality is maintained, both during the development phase and thereafter through an appropriate Construction Ecological Management Plan. This could be conditioned.

INVASIVE SPECIES - the ecological report discusses Himalayan Balsam is present, but both Japanese Knotweed and Giant Hogweed are known to exist further upstream. Some form of monitoring and management plan needs to be produced to ensure that disturbance caused by the construction of the development does not allow these plants to grow and hence cause harm.

3.11 Arboricultural Officer – No objections.

3.12 Canal and River Trust – In regard to this full application consultation, the Canal & River Trust has the following comments to make and advice to offer in regard to the proposals and associated documents:-

PROPOSED BRIDGE CROSSING

The KCAAP (Kidderminster Central Area Action Plan) refers to the provision of a “*new landmark pedestrian bridge*” under policy KCA.WG2. A bridge in this location should therefore be of high quality design. From a heritage perspective, given that the site falls within the Staffordshire and Worcestershire Conservation Area, the proposed bridge cladding materials should relate to the canal, e.g. red/orange bricks or blue engineering bricks and we can provide details of bricks used on canal structures along this flight.

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We believe there was a small canal arm which serviced the Park Wharf Mills on the offside of the canal where the proposed bridge will sit. Although this has now gone the offside walling is still of historic interest. The existing canal walls on the offside of the canal should be retained and where the new bridge is integrated we will need to assess and agree the details.

The use of an overhead structural support to the bridge is positive as it enables the deck of the bridge to be refined, however, we feel there is significant scope for the design of this bridge to be further developed to become an elegant and positive element of the overall scheme and the canal corridor. This is supported by the Design and Access Statement which states *“While the arched concept has been included within this planning application the detail of the design will be developed such that the structural junctions and interface between materials are resolved in an exacting and elegant manner. Particular attention will be paid to the decks leading edge profile and the bridge soffit.”* We therefore consider that it is therefore important that full details are submitted and agreed prior to commencement of development. This information should be secured by the addition of a condition to any approval.

The applicant/developer has sent the Canal & River Trust a number of visuals which do not form part of the main application but are, however, of interest to us. We would like confirmation of the towing path width under the new bridge, as this should feel generous and welcoming and the visuals do not appear to demonstrate this will in fact be the case.

Our previous concerns that the area between the new bridge and the existing road bridge will become a dead space have been considered by the applicant/developer. However, the Canal & River Trust consider additional work could still be undertaken to address this further, such as improving the access point to the canal towpath from Lower Mill Street. Currently there are significant antisocial behaviour issues in Kidderminster which discourages boaters from stopping and mooring. A comprehensive planting and lighting scheme will also support the works required to overcome this important issue of concern to the Trust. We require assurances that the proposals for a new bridge crossing in such close proximity to the existing road bridge will not encourage antisocial behaviour and that appropriate mitigation measures are being provided.

We consider the requirements of Policy KCA.UP5 of the KCAAP supports our view. This policy requires that *“...new development on sites adjacent to the canal should: Where there is an identified need, deliver new bridges to provide greater connectivity. and “Create a safe, secure and crime free environment...”* The justification for the policy states *“Key regeneration sites are present on the canalside, however, and this provides opportunities to enhance the use of the canal and make them safer places to be.”*

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IMPACT ON HERITAGE, CHARACTER AND AMENITY OF THE WATERWAY

The site is located adjacent to the Staffordshire and Worcestershire Canal Conservation Area. Therefore careful consideration should be given to the design of the buildings and associated infrastructure to ensure they do not have a detrimental impact on the setting of the Conservation Area. The NPPF requires new developments to: establish a strong sense of place; respond to local character and history, and reflect the identity of local surroundings and materials; address the connections between people and places; integrate with the historic environment; and promote or reinforce local distinctiveness.

The KCAAP requires developments adjacent to the Staffordshire and Worcestershire Canal to provide an active frontage, and natural surveillance to create a safe environment. We consider that this scheme is emerging into an interesting and positive canalside development. The A3 units are nicely integrated into the waterway corridor and should provide valuable passive surveillance. The parking is arranged so as not to negatively impact on the waterway. We have assessed the application on the basis of the elevations and plans as drawn on the plans. However, the supporting documents appear to suggest the A3 units have not been designed in detail and given that this is a full application it will be necessary to ensure that it is full details are submitted and agreed prior to commencement of development. This information should be secured by the addition of a condition to any approval.

Any works undertaken to the existing walls to the towpath side to undertake repairs and any new work alongside the canal should integrate with the existing historic fabric. A selection of materials which respond to the site will be welcomed. Any works undertaken to the Gas Works Basin Bridge, which is shown as a central feature of the scheme, to repair the copings and wingwalls will also need to be submitted for consideration. This bridge is not owned by Canal & River Trust and this scheme provides an opportunity for works to be undertaken to the bridge and it is included within the application site boundary. We would, however, be happy to offer advice in regards to the works required for the bridge.

IMPACT ON NATURAL ENVIRONMENT AND LANDSCAPE OF THE WATERWAY

The waterways have a rich biodiversity, and the Staffordshire and Worcestershire Canal benefits from SLINC designation. Developments can have an adverse impact on the ecology of the waterways and it is therefore important that this is considered and any impacts suitably mitigated. The Lighting Strategy considers lighting for the canal bridge link and new units, however, it states *"The design of the A3 units is not fixed, furthermore the lighting design will not be completed until the detail design period."* As previously mentioned, given that this is a full application it is unclear why the A3 units have not been designed in detail. Waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. The Trust would require the submission of information in regard to the provision of external lighting including details of foundations etc., to ensure that the integrity of the waterway is not adversely affected, and details of luminance.

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The lighting and level of luminance should only light the areas intended and the lighting should not provide flood lighting to the canal corridor to show consideration for bats. Also a more subtle and uniform approach is ideal for the lighting and signage on the A3 buildings which front onto the canal. Lighting is required to light the towpath areas around the new bridge crossing as a mitigation measure to address potential antisocial behaviour issues. This is particularly important for the area between the new bridge crossing and the existing road bridge which could become an area for congregation due to lower levels of surveillance.

The hard and soft landscaping aspects of development proposals, particularly at the site boundaries adjacent waterways, play an important role in improving the appearance of the site when viewed from the waterway, and also the appearance of the waterway corridor itself. Native species are preferred in order to maintain the appearance and biodiversity of the waterway. The Landscape Plan shows the provision of species such as River Birch *Betula nigra*, Alder *Alnus glutinosa*, Sweet Gum *Liquidambar styraciflua*, Cypress Oak *Quercus robur Fastigiata*. The Staffordshire and Worcestershire Canal is important for nature conservation, but its value is compromised through this heavily urbanised section of Kidderminster, therefore it is important to try and readdress by seizing the opportunities new developments provide. The use of important trees for wildlife, such as Rowan, Cherry, Bird Cherry, and shrub planting offer flowers for bees, moths and Butterflies. We would prefer only attractive native trees along the canal corridor as non-natives offer aesthetics but low to none wildlife value. We therefore request that the tree species to be used in the landscaping scheme be reviewed and either further details submitted or a condition included on any approval.

The planting between the tunnel and proposed bridge (to rear of McDonalds) needs to be comprehensive and unfortunately the plan for this area shows a void in the planting which needs to be complete. We are concerned that the planting will require robust management to keep the plant stock in good order and deter antisocial behaviour. There will also need to be frequent and robust litter picking, and how this will be undertaken needs to be confirmed.

The grassland along the canal towpath could be improved, as part of any resurfacing works, through the introduction of native grass and wildflower seed suitable for flowering lawns, and to have creative mowing regime that allows areas of flowering short meadow for periods. This small narrow area of vegetation could be utilised further by adding climbers to the walls alongside using species such as Grape (good for bees, birds and people), Wisteria (not native but good flowers for bees) and Honeysuckle (if provided with supports). A new wall of Honeysuckle with supports as it doesn't cling to brickwork, would add an attractive element to this hard landscaped section without taking away space, and would be beneficial for bees, butterflies, moths and bats.

There is the potential for introducing bat boxes to the infrastructure along the canal corridor, woodcrete bat boxes on canal walls or under bridges, generally several boxes are required before bats will use the boxes.

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IMPACT ON WATER AND ENVIRONMENTAL QUALITY OF THE WATERWAY

The Phase I Geotechnical and Geo-environmental Desk Study states that a canal basin or dock was present historically in the south west corner of the site. Section 4.3 'Previous Site Investigations' states that surface water testing undertaken detected evidence of contamination migration from the site to the Staffordshire and Worcestershire Canal. The study recommends that a Phase II Assessment is undertaken and this needs to address the potential pollutant linkage. If there is evidence of contamination migration from the site to the canal, we need to understand how this will be dealt with as part of the development.

The Canal & River Trust request that a Phase II Assessment is undertaken, the findings submitted for consideration and any mitigation measures identified completed. This should be secured by condition. During construction and operation of the site, the Trust would require the works, handling, storage and disposal of waste generated by construction and operation to be carried out in accordance with relevant legislation and regulatory requirements. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided.

We understand from the plans and Design and Access Statement that “...*all plant and waste storage space need to be resolved within the building footplates and architectural form.*” This is welcomed as it is important that any proposed waste storage and collection should be designed to ensure the development will not result in pollution of the waterway nor impact on the character and appearance of the waterspace. Given the proposed uses at the site there is the potential for rubbish to end up in the navigation. Therefore details of a litter management plan for the area adjacent to the boundary of the canal, including areas of soft landscaping, should be submitted for consideration.

IMPACT ON STRUCTURAL INTEGRITY OF THE WATERWAY

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution, erosion, increase in water levels etc.

The Phase 1 GeoTechnical and GeoEnvironmental Desk Study considers “*Vibrations caused by non-displacement piling or vibro ground improvement techniques if undertaken in the vicinity of the...canal...*” and the foundations for the proposed buildings, structures etc. Given the proximity of the site to the canal infrastructure, the method of foundation construction of the buildings and bridge could have an adverse impact on the structural integrity of the canal infrastructure. Full details of construction methods are therefore required in order that any impacts can be assessed. The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

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IMPACT ON LAND DRAINAGE AND FLOOD ALLEVIATION

The drainage methods of new developments can have significant impacts both on the structural integrity, water quality and the biodiversity of waterways. The Application Form states surface water is to be discharged to sustainable drainage system and main sewer.

The Flood Risk Assessment states “...*the actual risk to the proposed development is considered low due to the overland flood routes that will take water away from the development to the adjacent River Stour and Canal. It is recommended that the detailed design should address all building access points to ensure surface water is directed away to the overland flood routes.*” However, this submission which is a full application does not appear to include drainage plans. It is therefore important that full details are submitted and agreed prior to commencement of development. Should the applicant wish to discharge into the canal the applicant would require agreement with the Canal & River Trust and we have a process in place to assess the acceptability of surface water discharges. Further advice in regard to this can be provided by the Trust and we shall require details of flow rates etc. for consideration.

PUBLIC ACCESS TO THE WATERWAY

Projects to improve and promote safe access for disabled visitors is an objective of the Canal & River Trust as outlined in the West Midlands Waterway Strategic Plan consultation. Two new access points are proposed to provide access to the towpath from the development. These are in the form of steps and we understand are to be sited on land not owned by Canal & River Trust. Notwithstanding this the canal towpath is not a public right of way therefore any new accesses will require consent from the Canal & River Trust, in the form of a commercial agreement, and the access points must be provided and maintained by the applicant/developer. There appears to be no details of cycle barriers which will be required to prevent access to the towpath for motorcycles.

SUSTAINABLE HEATING & COOLING

The Sustainability Strategy discusses at paragraph 4.5.7 *Water Source Heat Pumps using canal/river water* and the benefits this could bring to the development given that the canal is adjacent. The Canal & River Trust welcome this as in regards to heating and cooling of buildings using canal water, is an initiative that the Trust supports and promotes. The applicant/developer will require agreement from Canal & River Trust for use of canal water.

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PLANNING OBLIGATIONS

As per our comments at pre-application stage, Policy KCA.UP5 of the KCAAP requires that “...*new development on sites adjacent to the canal should: Contribute to the improvement of the canalside public realm.*” The justification for the policy states “*Where appropriate, development should also contribute towards the enhancement of public realm on the waterside.*” With this policy in mind and in regard to the towpath adjacent to the development, in order to mitigate the impact of the development we consider it appropriate for the applicant/developer to provide a more hardwearing towpath surface and the provision of future maintenance would meet the tests for planning obligations, as being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The towpath contributes to making the development acceptable in planning terms as the KCAAP requires (under policy KCA.UP5) development adjacent to the canal to contribute to the improvement of the canalside public realm. The works to the towpath directly relate to the development by ensuring the towpath remains available for use by customers and visitors to enable them to access the site and other local facilities on foot or by cycle. Also the design of the development intends to integrate the site and buildings with the towpath and waterspace thus creating a wider public realm for users of both the development and canal corridor.

Future maintenance for any lighting and planting required as mitigation measures to deter antisocial behaviour shall also need to be provided by the applicant/developer as the Canal & River Trust shall not be responsible for maintenance.

LANDOWNER COMMENTS

The Canal & River Trust can confirm that we shall not take ownership nor maintenance responsibility for a new bridge. In regard to the bridge crossing the developer will be required to enter into agreement with Canal & River Trust for the bridge crossing to obtain the right to oversail the canal and consent will be required from the Secretary of State.

The requirement for consent from the Secretary of State to certain disposals involving Infrastructure Trust Property arises under the Trust Settlement by which DEFRA entrusted the Infrastructure Trust Property to Canal & River Trust to hold as Trustee of the Waterways Infrastructure Trust. The requirements are confirmed in the Transfer Scheme (paragraphs 6(2) and 7) which was made pursuant to the Transfer Order by which British Waterway's undertaking and functions were transferred to Canal & River Trust.

After due consideration of the application details, the Canal & River Trust has no objections to the proposed development, subject to the imposition of suitably worded conditions and the applicant first entering into a legal agreement as outlined above.

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- 3.13 Inland Waterways Association – No comments received.
- 3.14 Severn Trent Water – No objection, subject to suitable drainage conditions.
- 3.15 Worcestershire Regulatory Services – No objections. Parts of the site are known to have a history as a gasworks and as such contamination may be a significant issue. I therefore recommend the use of an appropriately worded condition. There are no adverse comments raised with regard to air quality or noise, although it is advised that the applicant be directed to Worcestershire Regulatory Services “Code of Best Practice for Demolition and Construction Sites” document.
- 3.16 North Worcestershire Water Management (Senior Water Management Officer

FLOOD RISK TO THE DEVELOPMENT SITE

Sequential and Exception tests

The flood zone map shows the site to be partly in flood zone 3, partly in flood zone 2 and partly in flood zone 1. This map does however not take any existing flood defences into account. It is known that the site is currently defended by the Kidderminster Flood Alleviation scheme and the Environment Agency has confirmed in their response that the site falls within flood zone 2, within a defended area (page 72 of FRA). According to the NPPF the Sequential Test should be passed for all developments in flood zone 2 or 3. The FRA states that passing the Sequential Test is not needed as the Council’s SFRA Level 2 has already allocated the site for development. As the development is classed as less vulnerable I agree with the conclusion in the FRA that the Exception test would not need to be passed.

Finished floor levels

I understand that the proposal is that finished floor levels will be situated 150mm above the lowest proposed ground levels on the adjacent overland flood flow routes and 600mm above the upstream 1% AEP plus climate change flood level of 32.41m AOD immediately upstream of the site. I believe this should be conditioned.

Flood Management Plan and Evacuation Plan

I agree with the FRA which states that all units of the development should sign up to the EA’s flood warning system and should develop a Flood Management Plan and Evacuation Plan. The plan should include emergency procedures for flood events, in particular the clear identification of safe routes away in the event of a flood. Is this something that could be conditioned?

Vehicular access / egress route

It is also included in the FRA that access to and from the car park should be improved by raising road levels to the entrance. It is stated that the road will still flood, but only to a level that is passable in an emergency service vehicle. Is this something that could / should be conditioned?

13/0670/FULL

FLOOD RISK ELSEWHERE AS A RESULT OF THE DEVELOPMENT

No increase in discharge from site

I understand that the proposal is to decrease the runoff rate from the site by 20 % up to the 1 in 100 year + climate change event. I agree with this proposed betterment and this is something that needs to be conditioned.

No alteration of flow paths

In addition it is stated that the current three overflow routes will be maintained throughout the sites. The information provided details where the overland flows enter the site (Subway Matalan, Canal Tunnel and Pitts Lane) but as far as I am aware no further information has been submitted regarding these overflow routes. I would welcome further information that details the entire routes throughout the site and the depths that will be encountered before and after the proposed development for the 1 in 100 year + climate change event.

SURFACE WATER DRAINAGE

Discharge rate from site

I understand that the proposal is to decrease the runoff rate from the site by 20 % up to the 1 in 100 year + climate change event. The report states that the 1 in 30 year discharge rate in the current situation is 590 l/s. It is anticipated that 270 m³ of storage will be required for the 1 in 100 yr + climate change event. It is my believe that an agreed surface water rate needs to be conditioned and that it will need to be demonstrated by the applicant that the proposed drainage systems are actually achieving the proposed 20 % betterment. For this Micro Drainage calculations, or similar, will need to be submitted.

Drainage systems

I understand from the information submitted that the following surface water drainage systems are proposed:

- Large Retail Unit: units to conventional piped system, permeable asphalt parking bays, 135 m³ storage, discharge via vortex into existing outfall into the Stour
- Car Park Area: units to conventional piped system, permeable asphalt parking bays, 45 m³ storage, discharge via vortex into existing outfall into the Stour
- Bull Ring: Drainage of units not specified (?), permeable paving car park, 25 m³ storage, discharge via vortex into new outfall into the Stour. I would welcome information how water from units 3, 4 and 5 will be discharged.

Further information will need to be submitted in the DoC phase that demonstrates that the proposed systems are able to provide the agreed discharge rate betterment up to a 1 in 100 yr + climate change event.

I cannot help but to feel disappointed that the developer has not opted to go for more aboveground and inspirational SuDS that could have contributed towards amenity and water quality enhancement at this key location in Kidderminster, as well as limiting the discharge rate from the site to the agreed rates.

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WATER QUALITY AND POLLUTION

Runoff treatment

No information has been submitted that demonstrates that the proposed drainage systems will provide an appropriate level of runoff treatment. I believe that at least 2 treatment stages will need to be provided based upon the draft National Standards for SuDS (Dec 2011). Given the fact that water dependent SSSIs are located downstream of this development it could even be argued that 3 treatment stages would be required.

Pollution prevention during construction

Given the proximity of the site to the Canal and the Stour I believe it would be appropriate to attach a condition to ensure that appropriate measures shall be taken to ensure that the works will not adversely affect (pollution and silt) the watercourse / canal during the construction phase.

Structures over Stour

The Council's core strategy promotes the opening up of culverted watercourses. This application does indeed include opening up a culverted section. However, by providing additional building across the Stour just downstream I feel that the benefits will be minimal. As the Stour is a main river for which the Environment agency has overseeing, consenting and enforcement powers I will expect the Environment Agency to comment upon this aspect of the application too.

CONCLUSION

I understand that the development will not be at risk of fluvial flooding up to the 1 in 100 year event as it is within a defended area. By using the proposed finished floor levels it is expected that flood risk to the buildings from overland flow can be mitigated successfully. At this moment in time more information regarding the flow routes is in my opinion needed before it can be concluded that the proposed development will not result in an increased flood risk elsewhere. I believe the absence of this crucial information is at the moment sufficient to withheld approval of this application on flood risk grounds.

In addition future submissions of information will need to demonstrate that the proposed drainage systems will result in a 20 % betterment in discharge rates from the site up to a 1 in 100 yr + climate change event, but this could be done as part of a discharge of condition application. In order to do this I would ideally agree an allowed discharge rate, so the condition can be made as specific as possible.

3.17 Hereford & Worcester Fire and Rescue Service – No objections.

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- 3.18 West Mercia Crime Prevention Design Advisor – No objections. The application allows for a certain amount of flexibility in the use of the new units, in particular some of the retail units could be given over to A4 use. The number and location of the A4 unit(s) will obviously be of interest to the police as these are going to be the locations that are likely to create extra demand on police resources. Therefore if planning permission is granted it should be subject to the police agreeing to the location of any A4 units and to any extra security measures they may require at these locations.

I do think a certain level of CCTV coverage is required in the area, the amount and location of any cameras will be dependent on the use of the units. Areas I would be looking at monitoring are along the side of the canal and the new public square that will be situated at the side of T J Hughes. It would also be useful to have cameras on the entrances and exits to the car park.

I think the above mentioned square and the area that will be created at the side of the river have the potential to become very attractive gathering points for families during the day; they also have the potential to become gathering points for disorder particularly at night. Therefore the design of this area is particularly important. It needs to be well lit with a level of lighting that is complimentary to any CCTV. Location and design of any seating needs to be such that it encourages responsible use.

- 3.19 Disability Action Wyre Forest (DAWF) – We are pleased with planned new pedestrian route next to McDonalds. Concerned about less disabled car parking spaces than is the current. Totally dislike car park barriers - just look what used to happen at Tesco. No sign of a disabled access down to canal. No sign of disabled access to water area on the River Stour in Bull Ring Square.

- 3.20 Worcestershire County Council (Planning) -

Worcestershire County Council is the Lead Local Flood Authority for Worcestershire (as defined by the Flood and Water Management Act 2010) and not the North Worcestershire Water Management Team (NWWM). The LLFA works in close partnership with both the NWWM and the Environment Agency (EA). It is recognised that this proposals presents a significant opportunity for the economic and environmental regeneration of Kidderminster and the LLFAs would welcome the opportunity for engagement as detailed designs come forward. Our response with regard to surface water management, flood risk and the water environment is described below.

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FLOOD RISK

The River Stour is a main river for which the Environment Agency has strategic and statutory oversight and we would expect the Environment Agency to comment upon on matters pertaining to fluvial risk. However, it is also important to recognise and emphasise that fluvial flooding and any potential dam breaches (as discussed in the FRA) would bring with it very real risks for surface water management in this locality and therefore for the LLFA, not least the risk to life and the impacts on the capacity of the surrounding surface water drainage network. Paragraph 5.1.3 of the FRA states that "overland or pluvial flooding has been identified as a risk in the area. However, the actual risk to the proposed development is considered low due to the overland flood routes that will take water away from the development to the adjacent River Stour and Canal." We would therefore welcome clarification of these proposed overland flow routes before we are satisfied that the proposed development will not result in an increased risk of pluvial flooding elsewhere.

We welcome the proposal in the FRA that "all units of the development should sign up to the EA's flood warning system and should develop a Flood Management Plan and Evacuation Plan. The plan should include emergency procedures for flood events, in particular the clear identification of safe routes away in the event of a flood as detailed in this report. The emergency response plan should be developed in line with the Worcestershire County Flood Plan."

SURFACE WATER MANAGEMENT

Whilst we note that this is a constrained brownfield site the LLFAs preferred approach would be for the surface level attenuation and treatment of surface waters that provide opportunities for water quality improvement and biodiversity gain. The use of sub surface storage as advocated within the submitted drainage strategy e.g. permeable paving and geo-cellular storage can bring with it long term considerations for maintenance (e.g. de-silting, scrubbing of permeable paving) in order to maintain the surface water drainage function. In addition it is our understanding that the Highways Authority does not currently adopt permeable paving. As set out below we would welcome clarification of proposals for long term maintenance.

The submitted Drainage Strategy fails to demonstrate how or where the highways drainage will be managed. In referring to Building Regulations in paragraph 3.2 this will be primarily be for run-off from buildings and not for permeable paving or for the highway. There is no indication as to where the proposed new bridge will drain, nor any indication of how this will be appropriately managed. We would welcome clarification of the capacity of any receiving drainage networks to receive run-off and the inclusion of appropriate treatment measures.

Whilst we currently have no indication of the proposed occupier of the large retail unit we are aware that a number of national retailers are increasingly moving toward models of exemplary water efficiency or sustainability.

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As part of a holistic approach to surface water management across the proposed site we would welcome the inclusion of water capture and storage/recycling as part of the building fabric for the proposed units and the opportunities this may present to go beyond the minimum 20% reduction for brownfield sites.

Nationally and internationally there are many examples of surface water management being used to animate urban environments and public space. Given the opportunity that this proposal presents for the regeneration and environmental improvement to Kidderminster town centre we are disappointed to note that more inspirational opportunities for surface water management as part of the public realm have not been adopted.

FUTURE SUDS ADOPTION

We would welcome clarification of proposals for the long term maintenance and adoption of the SuDS measures identified within the proposed drainage strategy including the permeable paving and geo-cellular storage. Commencement of Schedule 3 of the Flood and Water Management Act is yet to be undertaken. Until commencement the SuDS Approval Body (SAB) are not legally obliged to undertake adoption or maintenance of SuDS already approved through the planning system (either outline or reserved matters). The applicants are therefore advised to agree the principles for future adoption and maintenance with Wyre Forest District Council and the Highways Authority. We are happy for this matter to be addressed through condition.

WATER QUALITY

The current Water Framework Directive status of the River Stour is 'poor' with the objective of achieving 'good status' in 2027. The submitted drainage strategy includes no or limited indications that the proposals will achieve the minimum standard of run-off improvement. This is of particular concern given not only the status of the River Stour but also the location of the SSSI downstream.

We recognise that opportunities for infiltration may be limited on this site given the historic ground contamination concerns and the presence of the underlying principle aquifer. We would therefore expect to see a minimum of two stages of treatment and would be happy for this to be addressed through condition.

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BLUE INFRASTRUCTURE

Whilst welcoming the opportunity to de-culvert sections of the River Stour and the potential that this may present for biodiversity and water quality enhancement we are disappointed to see that this is off-set by introducing culverting elsewhere. This would appear to be contrary to local plan policy which states that: CP02: Water Management

"ii. Open up any culverted watercourse where practicable (Proposals involving the creation of new culverts will not be permitted)"

WASTE

In the Planning Statement accompanying this application, the applicant has addressed aspects of the Development Plan, namely the Wyre Forest Core Strategy (2010), Central Kidderminster Area Action Plan (2013) and Site Allocations and Policies Local Plan (2013). However, they have made no reference to the Worcestershire Waste Core Strategy (WCS) or the saved policies of the Hereford and Worcester Minerals Local Plan which also form part of the Development Plan for the application area. The applicant also addresses the National Planning Policy Framework but noted that Planning Policy Statement 10 (PPS 10) Planning for Sustainable Waste Management (PPS 10) which is still extant. Although they did not set out how the policy context of PPS 10 has been considered in developing the application, we are pleased to note that waste management issues have been considered as part of the Sustainability Strategy.

Whilst the majority of the policies in the WCS relate to applications for waste management development, policies WCS 16 and WCS 17 apply to all types of development in the county and should be considered when determining this application. These policies reflect the relevant aspects of PPS 10.

Policy WCS 16 – New development proposed on or near to existing waste management facilities

Policy WCS 16 aims to safeguard existing waste management facilities by considering the potential impact and design of new development on or near to existing waste management facilities. Developers should consult the web-tool which has been developed to support this policy. In this instance, the web-tool shows that the proposed development site is within 250m of "Stephen Betts & Sons" waste management facility.

Policy WCS 16 states:

Existing waste management facilities will be safeguarded from non waste-related uses where they meet local environmental and amenity considerations in the Development Plan, conform to the pollution control regime and do not pose a risk to sites protected at the European or National level.

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- a) Development on or adjacent to a site with planning permission or existing use rights for waste management development will be permitted:
- i. where the proposed development does not prevent, hinder or unreasonably restrict the operation of the waste development; or
 - ii. in cases where the proposed development could prevent, hinder or unreasonably restrict the operation of the waste development, where:
 - it can be satisfactorily demonstrated that there is no longer a need for the permitted waste management operation; or
 - suitable alternative provision is made for the waste operation at the same or higher level of the geographic hierarchy; or
 - the impacts can be satisfactorily mitigated.
- b) Development within 250 metres of a site with planning permission or existing use rights for waste management that would introduce a new sensitive receptor to the area will be permitted where it is demonstrated that the proposed development would not be unacceptably adversely affected by bio-aerosols or other emissions from the waste management operation.

Where this is not the case the County Council will oppose proposals and will expect District Councils to refuse permission on the grounds that it would compromise the achievement of the Waste Core Strategy.

Any mitigation required will be the responsibility of the developer of the new proposal.

We are pleased to note that the applicant has considered waste management as part of the Sustainability Strategy which accompanies the application. The applicant states that recycling space and dedicated storage will be provided with the aim of recycling as much of the waste produced by the development as possible. We are pleased to see this commitment as we consider provision for waste to be an essential part of the infrastructure necessary for new development to be acceptable and sustainable. Wyre Forest District Council should ensure that the proposed provision satisfies the requirements of Policy WCS 17 and that the facilities for storage and collection of waste are in line with the ADEPT report "Making Space for Waste" (June 2010).

We are also pleased to note the applicant has promoted the use of recycled materials during construction and consideration of recycling of materials at the end of the buildings' life in the Sustainability Strategy (paragraph 5.4). In Section 8, the applicant has also committed to produce a Site Waste Management Plan and suggests that on-site recycling of construction and demolition waste, for example for use as hard-core, will be explored and we welcome this commitment.

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CONCLUSIONS

- There is no discussion of policy WCS 16 in the planning application, and further information is required to determine whether the proposed development would be unacceptably adversely affected by bio aerosols or other emissions from the waste management operation. We would encourage the applicant to demonstrate that this matter has been considered. If this issue is not resolved, in accordance with Policy WCS 16 we would expect the District Council to refuse permission on the grounds that it would compromise the achievement of the Waste Core Strategy. • The discussion of waste management issues is sufficient to meet the requirements of policy WCS 17, but the District Council should ensure that the proposed facilities for storage and collection of waste are in line with the ADEPT report "Making Space for Waste" (June 2010).
- Although the application area overlies a known deposit of solid sand, this is not a formal minerals consultation area and we do not expect any further work to be undertaken to evaluate the resource.

Minerals

The proposed development is not in an area of identified mineral deposits as shown on the Hereford and Worcester Minerals Local Plan Proposals Map, and as such we have no formal comments to make with regard to mineral issues.

(Officer Comment – In response to the matters raised with regard to Policy WCS 16 referred to above, the applicant has commented that: *“The development will not introduce any new sensitive receptors (people or wildlife) into the area. The site is already frequented by people using the car park and shops and there will be no new wildlife introduced into the area. Weavers Wharf already operates without any adverse impact from the identified waste site and so it is concluded that in so far as this policy is relevant, its requirement is met.”*)

3.21 Neighbour/Site Notice – In total, 7 representations have been received objecting to the application. The grounds for objection are summarised as follows:

- Demolition of existing independent business premises on Lower Mill Street;
- With specific reference to the Job Centre Plus premises, objection raised based upon the claimed lack of firm commitment by the applicant to provide suitable alternative accommodation;
- Loss of historical part of the town and buildings of heritage value to be replaced by an over dominant “shed-like” building;
- Objection to provision of bridge across the canal linking to the Matalan site, which should be redeveloped for residential purposes;
- Concerns regarding traffic flows and manoeuvrability of vehicles into and out of Church Street and the impact upon the established businesses;
- Loss of free car parking;

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- Loss of parking lay-by fronting Baxter Church which is used during wedding and funeral services.

In addition, a 2013 signature petition has been received objecting to the demolition of existing independent business premises in Lower Mill Street.

In support of the development, 2 representations have also been received.

4.0 Officer Comments

4.1 This application proposes a comprehensive redevelopment of the Bull Ring/Lower Mill Street area of Kidderminster Town Centre, including significant levels of demolition. In the interests of clarity, in summarising the overall proposed development it is considered appropriate to break the application down into its component parts, briefly describing each significant element in turn, starting with those premises proposed to be demolished.

PROPOSED DEMOLITION

4.2 A number of properties are proposed to be demolished, including Crown House and a group of buildings at Lower Mill Street. None of these properties are listed buildings, nor do they appear on the Council’s Local List. The premises all lie outside of any conservation area designation and their value as heritage assets has been appraised within the accompanying Heritage Statement and addendum. Further specific commentary with regard to heritage matters and the demolition of these buildings will appear later in this report.

4.3 For the avoidance of any doubt, the full list of existing business premises scheduled to be demolished is set out in the following table.

Address	Property Name	Primary Use Class	Floorspace (sq.m. GEA)
Bull Ring	Crown House	B1 (c1)	5,420
4 Lower Mill St (gf)	The Three Shires	A3	320
4 Lower Mill St (ff)	Angelina’s Hair & Beauty	A1	160
5 Lower Mill St	La Brasserie	A3	660
6 Lower Mill St (gf & ff)	Swintons	B1	232
6 Lower Mill St (sf)	Care Watch	B1	116
7 Lower Mill St	Paradise Balti	A3	405
8/9 Lower Mill St	Late Night Pharmacy	A1	245
10 Lower Mill St	Woolwise	A1	315
12 Lower Mill St	Job Centre Plus	A2	900
	Pizza Hut	A3	335
TOTAL			9,108

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4.4 Officers have been advised that the applicant is in negotiations with the freeholders and remaining tenants of the affected properties with regards to acquiring their interest. The applicant is also looking to assist with the identification and provision of alternative premises for those tenants who wish to remain in Kidderminster. In any event, such matters are not relevant to the consideration of the proposals set out within the planning application. It is not unusual for an applicant not to own all of the land within an application site boundary. The only requirement, in planning terms, is that the applicant serves notice upon the owners of properties, as has been the case in this instance. Thereafter negotiations regarding future purchase of properties and land is matter between the relevant parties themselves.

4.5 **PROPOSED REDEVELOPMENT**

The proposed subsequent redevelopment would provide a total of some 7,591 sq.m. new floorspace (Gross External Area - GEA), comprising of the following elements:

New Public Square

With the demolition of Crown House, the proposals for the Bull Ring centre upon the creation of a major new multi-use public square within a pedestrian friendly environment. As part of the creation of the public square, the currently culverted River Stour (beneath Crown House) will be opened up to public access. This will be a significant hard surfaced public space suitable for occasional events, markets and performances as well as providing an area for car parking and will be maintained as public realm. In creating the new square, it is proposed to relocate the Richard Baxter statue currently located close to St. Mary's Church to the square, near to its original position and Baxter Church, for which listed building consent will be sought separately.

Anchor Retail Unit (Class A1)

The proposed Anchor Unit is indicated to be positioned in the north of the site adjacent to the Ringway, with its entrance to the south opposite the car park. The Anchor Unit would consist of 5,552 sq m GEA provided over two floors, which will be capable of sub-division into multiple retail units. This flexibility is proposed as the intended tenant (or tenants) have yet to be confirmed. For a development of this nature, it is not unusual for tenants to be signed up after planning permission has been secured. This floorspace is intended for the sale of predominantly comparison goods (i.e. all types of non-food products), albeit that it is envisaged that up to 1,000 sq m GIA (gross Internal Area) could be used for convenience goods. As convenience floorspace has a slightly higher trip generation, the effects of this flexibility have been modelled in the Transport Assessment. The applicant envisages that the net sales area will extend to 3,886 sq m.

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Three Retail/Restaurant Units (Class A1, A3 or A4)

These are proposed to front and face into the Bull Ring extending to 204 sq m, 284 sq m and 594 sq m (gross) respectively. Flexible use of these within Use Class A1, A3 or A4 is sought to provide for a range of uses (retail, coffee shop/café, restaurant, bar). External seating areas will be integral to these uses.

Three Restaurant Units (Class A3)

Three restaurant/café units are also proposed in an elevated position adjacent to the canal, located to the western extreme of the current Weavers Wharf car park. With west-facing external seating areas facing out onto the canal, each of the three units will extend to 319 sq m of built floorspace, which would be capable of accommodating around 40-45 covers in each unit.

Bridge Link, Access and Other Matters

The proposals also include the erection of a bridge over the Canal to link Weavers Wharf to this redevelopment area. This bridge will provide vehicular access in both directions and will have a narrow footway either side. The bridge is positioned so that level access can be achieved, and it will land on the opposite side of the canal within the current Matalan car park, which in turn would be reconfigured. The existing canal towpath, which falls within the application site boundary, will be improved in line with the surfacing requirements of the Canal and River Trust.

The access into Weavers Wharf, via the public highway along Lower Mill Street will remain unchanged, as too will access to the Matalan unit from Park Lane, although the new bridge over the canal will enable access to the rest of Weavers Wharf from the current access into Matalan. This means that traffic exiting Weavers Wharf will also be able to do so via Park Lane.

The existing Weavers Wharf car park will be reconfigured to promote east-west connectivity from the Bull Ring, through Weavers Wharf and over the new bridge to the Matalan premises. A pay on foot system for the car park will be introduced with barriers at the entrance and exit, replacing the current “pay and display” system. This would allow customers to stay for longer periods (if desired) and removes the need to pre-determine the length of stay at time of entry. The applicant states that this replacement system is proposed in direct response to customer feedback

The existing servicing arrangements at Weavers Wharf will remain largely unchanged, albeit that a new bridge over the River Stour is proposed to provide access to Crown Lane to the rear of one of the proposed new retail units facing into the new public square (Retail Unit 4). There will be an additional service yard that is integral to, and for the exclusive use of, the proposed new Anchor Retail Unit immediately south of Lower Mill Street. Access to this facility will be by means of a one-way arrangement

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- 4.6 In considering the merits or otherwise of this application, there are a wide range of complex issues that need to be highlighted, starting with the principle of the development in terms of planning policy (both national and local). Thereafter, the devil lies within the detail of the proposal, and this will be addressed under a series of headings, as follows:
- The Principle of the Development and Planning Policy;
 - Proposed Demolition and Impact upon Existing Business Premises;
 - Heritage Matters;
 - Scale, Siting and Design;
 - Highways Matters;
 - The River Stour, Flooding and Associated Matters;
 - Ecological Matters;
 - Other Issues.
- 4.7 **THE PRINCIPLE OF THE DEVELOPMENT AND PLANNING POLICY**
The comments of the North Worcestershire Economic Development and the Planning Policy Manager are set out under paragraph 3.2 of this report and provide a detailed explanation of the planning policy position with regard to the application and the site. This being the case, it is not considered necessary to repeat those comments, in full, at this point of the report. However, for clarity and completeness there are specific planning policies that are considered worthy of reiteration and highlighting.
- 4.8 There has been a clear direction of travel in terms of the policy aspirations and expectations of redeveloping this particular area of Kidderminster Town Centre, with its genesis being through the work done within the ReWyre Prospectus (September 2009) which included specific objectives for the Weavers Wharf development, as referred to previously under 3.2 of this report.

Core Strategy (2010)

With the adoption of the Core Strategy in 2010, a number of strategic policies emerged which provided the high-level basis for the consideration of development proposals and shaping the long term vision for development within the Wyre Forest District, including a clear focus upon the regeneration of brownfield town centre sites. A sequential approach to new development is espoused under Policy DS01 - "Development Locations" with priority given to "key regeneration sites within the Kidderminster Central Area Action Plan (KCAAP) boundary as highlighted in the Kidderminster Regeneration Prospectus". Whilst Policy DS02 – "Kidderminster Regeneration Area" confirms that: "Kidderminster will be the strategic centre for the District and its role in providing a focus for new housing, retail, office and leisure development is to be enhanced", with the scale of comparison retailing requirements through to 2026 envisaged as being up to 25,000 sq.m. new development.

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Policy CP09 – “Retail and Commercial Development” of the Core Strategy provides support for proposals that maintain and enhance the vitality and viability of existing retail centres in the District, but re-emphasises that: *“new development for retail and commercial uses should be directed to Kidderminster town centre, as the strategic centre for the District, in the first instance”*. Such development *“will be supported where it does not cause adverse effects on the built and natural environment”*.

Policy CP10 – “Sustainable Tourism” encourages development that assists in promoting the waterways as a tourist attraction, whilst Policy CP15 - “Regenerating the Waterways” supports development that *“... contribute positively to the creation of a quality canal-side environment, particularly in urban areas ...”* and provides *“...a strong, active frontage onto the waterside. Developments must contribute towards creating an attractive waterside environment that provides natural surveillance to the area and promotes a high level of activity throughout the day”*.

Policy CP11 – “Quality Design and Local Distinctiveness” sets out the basic principles and building blocks for successful new developments. The Policy states that: *“Buildings and spaces will themselves need to be well-designed to complement the layout through the appropriate use of scale, mass, proportions and materials ...”*, whilst Policy CP13 – “Providing a Green Infrastructure Network” requires new development to *“... contribute positively towards the District’s green infrastructure network”* (which includes both the River Stour and the Staffordshire and Worcestershire Canal).

As previously stated at paragraph 3.2, it can be demonstrated that the application is in conformity with the strategic framework adopted by the Council.

Site Allocations and Policies Local Plan (2013)

Policy SAL.GPB2 - “Town Centre Retail” reinforces the Core Strategy policies directing new large scale retail development towards Kidderminster town centre as the strategic centre of the District.

Kidderminster Central Area Action Plan (2013)

Moving from the strategic concepts and objectives to the more detailed policies and proposals as set out within the Kidderminster Central Area Action Plan (KCAAP) the starting points must be Policies KCA.GPB1 – “Retail Development” and KCA.WG3 – “Weavers Wharf”. Policy KCA.GPB1 states that: *“Retail growth will be targeted within the Primary Shopping Area ... the focus for new retail development will be in the following areas:*

- *Western Gateway (Weavers Wharf)*
- *Eastern Gateway (Bromsgrove Street).*

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Policy KCA.WG3 relates specifically to Weavers Wharf with the site location boundary for this Policy within the KCAAP encompassing virtually all of the application site boundary, with the exception of some land within Crown Lane and the Matalan car park. This being the case, this policy is entirely relevant to this application, and encourages a range of acceptable uses including, specifically, A1 – A5 uses, which are the very uses proposed within the current application. The Policy goes on to set out a series of 11 key criteria against which any proposed development should adhere. Detailed commentary on each of these has been provided previously, under paragraph 3.2 of the report, and as such there is no requirement to repeat such matters at this juncture.

Also noteworthy is Policy KCA.TTC1 – “*Civic Spaces*”, which specifically refers to the Bull Ring and in doing so states: “*The District Council will promote the improvement of the Bull Ring as a new town centre square with landmark feature. This new space is envisaged to partially comprise of a shared-space. It will also be important to continue to provide vehicular access onto Church Street. Any new space should be designed to protect and enhance the setting of the surrounding Listed Buildings, Local Heritage List assets, and the Church Street Conservation Area*”.

Further detailed commentary is also provided under paragraph 3.2 in relation to other relevant KCAAP policies and it is considered that there is no need to revisit these policies at this point of the report.

National Planning Policy Framework (NPPF)

The cornerstone of the NPPF is the ‘presumption in favour of sustainable development’ which is referred to as the ‘golden thread’ running through decision-taking. This means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The NPPF identifies that there are three dimensions to sustainable development; economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role, contributing to a strong, responsive, competitive economy;
- a social role, supporting vibrant and healthy communities;
- an environmental role, protecting and enhancing our natural, built and historic environment.

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Paragraph 19 of the NPPF states that: *“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”*

Furthermore, paragraph 23 of the NPPF stresses that: “Planning policies should be positive, promote competitive town centre environments and set out the policies for the management and growth of centres over the plan period. Paragraph 23 goes on to emphasise that: “It is important that the needs for retail, leisure and other main town centre uses are met in full and are not compromised by limited site availability”.

At paragraphs 186 and 187 of the NPPF, it is stated that: *“Local authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.... Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible”.*

As has already been highlighted above, the adopted Core Strategy, Site Allocations and Policies Local Plan and the KCAAP provide the local policy framework to facilitate and deliver sustainable economic and retail growth, in accordance with aims and aspirations of the NPPF.

To summarise, there appears to be clear in principle, as well as more detailed and specific, policy support for the development as proposed, underpinned by the specific “Weavers Wharf” Policy as adopted within the KCAAP allied with the aspirations for the Bull Ring as stated within Policy KCA.TTC1. Furthermore, the proposed development meets the key principles set out within the NPPF and will provide new economic development in a central area of the District’s main service centre. This being the case, the success or otherwise of this application will turn upon the matters of detail which are discussed below.

4.9 PROPOSED DEMOLITION AND IMPACT UPON EXISTING BUSINESS PREMISES

As described above, the application involves some significant levels of demolition in order to facilitate the proposed redevelopment. In considering the demolition proposals, there are two clear elements, these being the demolition of Crown House, and the proposed demolition of commercial premises within Lower Mill Street.

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- 4.10 With regard to Crown House, it is fair to say that this building has few supporters and stands as something of an eyesore on the Kidderminster skyline. At ground level, its appearance is little better and is an example of a building whereby function dominates form to the detriment of the immediate locality and Kidderminster town centre as a whole. The removal of this building has been a long held aspiration for the Council, and more recently the removal of the building (and creation of a public square) has been promoted through the Kidderminster Public Realm Design Framework undertaken on behalf of the Council by consultants, Taylor Young.
- 4.11 Unequivocal support for the removal of the Crown House has been expressed through the public consultation exercise undertaken by the applicant prior to submission of the application, as well as in response to the current application. Most notably, support for its demolition has been expressed by English Heritage; Kidderminster Civic Society; and, the Council's own Conservation Officer.
- 4.12 Turning now to the other premises identified for demolition. It is the case that, as evidenced in the table previously provided, that a number of these premises are occupied by independent traders and restaurants, and there appears to be full occupation of the premises in question (i.e. no current vacancies). Given that occupancy levels in other areas of the town centre are not at such levels, this is worthy of note.
- 4.13 In order to deliver the proposed redevelopment, in line with the Council's adopted Development Plan policies, the applicant has identified the demolition of these premises as being essential to the delivery of a viable development. Whilst the applicant does not currently own the premises in question and they remain in private, third party ownership, as previously commented Officers are aware that the applicant is working with the affected businesses to agree suitable compensation and relocation packages, to alternative premises, thereby enabling the business to continue, should they so desire. This is a not unusual approach in cases where significant redevelopment proposals are being promoted. Matters relating to purchase of the premises by the applicant and any agreements in terms of compensation and relocation are not in themselves planning matters or matters for consideration in determining the merits or otherwise of the application as submitted.
- 4.14 Understandably, objections to this specific element of the proposals have been submitted to the Council, as summarised under paragraph 3.21 above, including a the previously mentioned 2013 signature petition seeking to "stop the demolition of Lower Mill Street". It is clear from these submissions, as well as from articles and letters published in the local press, that certain businesses in this location enjoy a loyal customer base, which is acknowledged. However, one might reasonably argue that were these businesses to relocate, with or without any compensatory or relocation package, that the customers are likely to follow the business to its new location.

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- 4.15 A balance needs to be struck between the overall benefits of the proposals to the town centre, and district, against any perceived negative aspects of the development, such as those matters relating to the impact upon existing businesses. Whilst the proposed loss of the business premises in Lower Mill Street is an unfortunate aspect of the proposals, it is relevant and necessary to consider the “bigger picture” in terms of the economic benefits the development could deliver to Kidderminster, in terms of attracting new investment and businesses to the town, as well as retaining existing retail interest, including the relocation of those businesses directly affected. In this regard, the reasoned justification supporting Policy KCA.WG3 of the KCAAP states: “*The ambition is to transform the area from its eclectic state of retail park and low grade urban environments including ... Crown House and poorly defined Lower Mill Street, into a fully integrated extension of the town centre*”. The current application appears to meet the Council’s stated ambitions in this regard.
- 4.16 However, notwithstanding the above there are matters relating to the heritage credentials of some of the premises in Lower Mill Street that require consideration and examination, as follows below.
- 4.17 HERITAGE MATTERS
As previously stated, the application site features no statutorily listed buildings. In addition, there are no locally listed buildings within the application site boundary. Listed Buildings do lie in close proximity to the site however, most notably directly to the north of the site Baxter Church, which faces onto the Bull Ring, and No. 13 the Bull Ring, which sits at the corner of Church Street. Whilst to the south are located the Slingfield Mills buildings, and to the west the rear of 17-20 Vicar Street.
- 4.18 Conservation Areas are located to the west (Vicar Street Conservation Area); to the north (Church Street Conservation Area) and; to the east (Staffordshire and Worcestershire Canal Conservation Area). In this latter case, the application site over-sails (in part) the Conservation Area, in the form of the proposed bridge linking the existing Weavers Wharf with the Matalan car park, and Park Lane beyond.
- 4.19 The application has been supported by the submission of both a Heritage Statement and an Archaeological Statement, which have since been supplemented by an addendum to these statements as well as a dendrochronological survey in response to matters raised by English Heritage; the County Archaeologist; and, the Council’s Conservation Officer in relation to the buildings within Lower Mill Street, and specific commentary relating to this matter will follow.
- 4.20 As has already been identified, the application proposes significant levels of demolition. The proposals relating to the demolition of Crown House have already been outlined as has the overwhelming support for this aspect of the overall scheme and the long held aspirations of the Council in this regard. Associated matters relating to the demolition and resultant opening-up of the existing culvert are addressed elsewhere in this report.

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- 4.21 It is evident from the objections submitted by EH, as well as those comments of the Conservation Officer and the County Archaeologist that the preference would be for the retention of the premises within Lower Mill Street is to preserve them as heritage assets in their own right. In making their respective comments, reference is made to a potential redesign of the scheme to incorporate the existing McDonalds premises, which sits outside of the application site. The applicants have indicated that securing these premises has not proven possible and in any event, the application stands to be determined on its merits in its submitted form.
- 4.22 Objections have been raised to the development by English Heritage (EH), with specific reference made to the demolition of premises in Lower Mill Street, in particular Nos. 5 to 8; the proposed bridge over the Staffordshire and Worcestershire Canal Conservation Area (although it is worthy of note that the Council's Conservation Officer does not share such concerns); the impact of the proposed Anchor Unit (Retail Unit 1) upon the setting of Baxter Church and the Church Street Conservation Area; the road alignment through the Bull Ring; and, the size and siting of the proposed new canal-side A3 Restaurant Units. EH's full comments with regard to the proposal can be found at paragraph 3.4 of the report.
- 4.23 Further commentary on the Heritage implications of the development have been provided by the County Archaeologist; Kidderminster Civic Society; and, the Council's Conservation Officer and their respective comments are set out at paragraphs 3.6, 3.7 and 3.5 of the report.
- 4.24 In considering the implications of the development upon heritage assets, paragraph 129 of the NPPF states that: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal ... taking account of the available evidence and any necessary expertise"*. Whilst paragraph 132 states: *"When considering the impact of a proposed development on the significance of a designated heritage asset The more important the asset, the greater the weight should be"* (Officer's emphasis).
- 4.25 As previously indicated, there are no statutorily listed or locally listed buildings located within the application site boundary. However, Paragraph 135 of the NPPF states that: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*. Paragraph 135 of the NPPF is considered to be particularly pertinent with regard to EH's objections to the demolition of Nos. 5 - 8 Lower Mill Street in particular.

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- 4.26 Whilst acknowledging that Nos. 5 - 8 Lower Mill Street enjoy no statutory protection, EH make the observation that: *"...they could be considered to have local importance, they are on the Historic Environment Record and we (EH) consider them to be heritage assets within the meaning of the NPPF In this case the scale of any harm or loss is the total loss of the asset"*. Although EH do state that: *"... the significance of the asset is modest, based upon inadequate information"*.
- 4.27 As commented by the Council's Conservation Officer: "Complete demolition of the properties on the south side of Lower Mill Street will remove all understanding of the nature and function of this once important thoroughfare, as has been the case where the ring road required the demolition of much of Mill Street and Park Butts. It is thus important to understand that although these buildings may not be of national significance they are highly significant in the local context, pre-dating the canal and the industrialisation that brought to the weaving industry".
- 4.28 The Conservation Officer goes on to state that: *"In considering the impact of the proposed scheme on the non-designated heritage assets, 5 to 8 Lower Mill Street, if implemented as proposed this will entail a complete loss of significance, which can only be mitigated by recording during a carefully controlled demolition and subsequent archaeological excavation.should the (Council) be minded to approve the scheme they must be content that the public benefits of the scheme as a whole (which in conservation terms means the demolition of Crown House and the provision of a location for public art in the Bull Ring, but in wider terms includes economic and regenerative benefits) outweigh the impact of the loss of these buildings on the town. This is to accord with NPPF paragraph 135."*
- 4.29 Whilst additional survey information has been provided, both the Council's Conservation Officer and the County Archaeologist, as well EH, consider it important to establish the scientific date of the original parts of these buildings and have requested additional information particularly with respect to Nos. 6 – 8 Lower Mill Street, in the form of a programme of dendrochronological dating, targeting primary in-situ timbers within the buildings. This additional work has been undertaken and the Dendrochronological Report has been referred to the relevant consultees. Response to this are awaited from EH and the County Archaeologist, however the Council's Conservation Officer's comments in this regard are referred to at the end of paragraph 3.5 of this report.
- 4.30 Paragraph 126 of the NPPF comments that local planning authorities: *".... should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance"*.

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- 4.31 It must be acknowledged that the true significance of these buildings remains somewhat unclear, however the fact remains that they have not previously been deemed as so significant as to warrant statutory listing or for that matter local listing despite what was known about these buildings; the history of this area of the town centre; and, and their appearance on the Historic Environment Record. This is viewed as a significant factor in coming to a “*balanced judgement*” as to the significance of these heritage assets. The definition of significance (for heritage policy) given within the NPPF is given as: “*The value of the heritage asset to this and future generations because of its heritage interest Significance derives not only from a heritage asset’s physical presence, but also from its setting*”. In considering the acceptability of the loss of these non-statutory assets, in accordance with paragraph 135 of the NPPF, a balance needs to be struck against the economic and regenerative benefits that the development will deliver, in line with the Development Plan and sections 1, 2, and 4 (in particular) of the NPPF. The newly introduced National Planning Policy Guidance (NPPG) calls for a proportionate response by local planning authorities, when considering the implications, and in this case, loss of such assets. The development is considered to be of strategic importance to Kidderminster, and the District, and the land uses proposed are in line with the Council’s strategy to strengthen the town centre’s retail base and enhance the night time economy.
- 4.32 In order to deliver this significant, and important, redevelopment of this part of the town centre, the demolition of these premises in Lower High Street are an essential and integral part of the delivery of the overall scheme and it is the Officer’s opinion that the significant public benefits that this development will deliver outweigh the harm that would be caused by the demolition of the premises in Lower High Street.
- 4.33 As identified earlier, there are other matters to which EH have raised concerns and these are referred, in turn, as follows:

Proposed bridge over the Staffordshire and Worcestershire Canal

Conservation Area – EH raise a concern regarding the introduction of a vehicular bridge. Their rationale for this is set out elsewhere in this report, at paragraph 3.4 of this report. Concerns are also raised regarding the proposed design, as have also been by the Canal and River Trust, albeit to a lesser extent. As set out in the EH response, under paragraph 3.4 of the report, EH are of the view that the design of the bridge is such that it will cause harm to the conservation area and as such the proposal would be in conflict with paragraphs 129 and 132 of the NPPF.

Officers take a contrary view. In particular, the Council’s Conservation Officer provides reasoned support for the proposed bridge, as evidenced within paragraph 3.5 (section 2d) of the report. The proposed bridge is seen as a positive and striking addition to the area and a marked contrast to the concrete bridge which carries the Ringway, to the north. Whilst the proposed bridge is not in keeping with other bridges spanning the canal, historic or otherwise, it is considered that the harm to the Conservation Area is less than substantial and can therefore be supported.

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Impact of the proposed Anchor Unit (Retail Unit 1) upon the setting of Baxter Church and the Church Street Conservation Area – EH make the comparison between the current setting, with the premises within Lower Mill Street, and the proposed new unit, and draw the conclusion that harm will be caused to these designated heritage assets, contrary to paragraphs 132 and 134 of the NPPF. In this regard, the Council's own Conservation Officer has assessed the potential impact also and draws a different conclusion that less than substantial harm would be caused, albeit that materials details and landscaping associated with the Anchor Unit will require further consideration.

The NPPG requires a thorough assessment as to the impact on the setting of statutory, and local listed, heritage assets, such as Baxter Church, No. 13 the Bull Ring and the Conservation Area, in this instance. A definition for “*setting of a heritage asset*” is given within the NPPF, while the NPPG states:

“Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

In this regard, with the assistance of the Council's Conservation Officer, a full assessment of on the impact of the setting of these key assets has been undertaken in line with the requirements of the NPPF and NPPG, and it is considered that the proposed new build, and in particular the Anchor Unit (Retail Unit 1), would have no adverse impact upon the setting of Baxter Church, No.13 the Bull Ring and the Church Street Conservation Area.

This, along with positive benefits of the demolition of Crown House and the creation of the new public square, which will actually enhance the setting of Baxter Church and the Church Street Conservation Area, are considered to more than offset the concerns raised by EH in this regard.

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The road alignment through the Bull Ring – EH provide supportive comments with regard to the proposed alterations to the Bull Ring. However they have called for the scheme to be “tweaked” to more accurately reflect the historic junction. Officers do not consider that such alterations are warranted or justified.

The size and siting of the three canal side A3 Restaurant Units – EH are generally supportive of these proposals and see these as having a positive impact upon the Conservation Area. However concerns have been expressed regarding their close proximity to one another, and “encroachment” towards the listed Boiler house building. Officers are satisfied that the design, size and location of these units are acceptable and that they would have no detrimental impact upon the listed buildings in the immediate vicinity.

4.34 SCALE, SITING AND DESIGN

The breakdown of the proposed new floorspace has been set out earlier in this report. The overall layout and scale of development has changed little from the draft layout as made public via the pre-application public consultation exercise undertaken by the applicant in October 2013. That said, the detailed designs have evolved since the initial feasibility scheme, as too has the applicant’s overall appreciation of the role, both current and future, of Weavers Wharf in the Council’s aspirations for this area of the town, and Kidderminster as a whole. To this effect, the submitted Design and Access Statement includes a conceptual Masterplan for Weavers Wharf (including the application site) and beyond, and serves to demonstrate the level of consideration and vision of the applicant in understanding what might be achievable in the short, medium and longer term for this area of Kidderminster.

- 4.35 Kidderminster is fortunate in that traversing the very heart of the town are two stretches of waterway: The River Stour, which was a critical factor in the original establishment of Kidderminster in this location; and, the Staffordshire and Worcestershire Canal, which provided the opportunity for Kidderminster to thrive and grow. It is unfortunate that, until more recently, these dual assets have largely been ignored in the redevelopment of the town, rather than embraced and being positively incorporated into development proposals, as has been the case elsewhere within the UK. One only has to visit nearby Birmingham, and in particular the developments around the Convention Centre and NIA; the Mail Box; and, the surrounding area to understand the positive role that waterways can play in significant redevelopment proposals. While accepting that in terms of overall scale of development comparisons between Birmingham and Kidderminster are difficult, the same principles apply and this has been recognised by the applicant in arriving at the current proposals.

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- 4.36 As reinforced within the Design and Access Statement, the applicant has clearly appreciated the site constraints, but equally has identified the opportunities which can be delivered, not least of which being the removal of Crown House and the associated culvert, enabling the River Stour to become “the centrepiece” of a new public square in the Bull Ring. In recognising the opportunities, the applicant has identified a series of design aims, against which the application stands-up well to scrutiny, these being:

For the Bull Ring –

- Establishing a large open paved space for markets and events;
- Generating a sense of civic “drama” focused upon the River Stour;
- Strengthening the pedestrian link from the town centre to Weavers Wharf;
- Creating a series of coherent routes and connected spaces;
- Providing places to sit and play;
- Defining spaces for on street activity such as tables and chairs;
- Accommodating car parking for around forty vehicles within the Bull Ring;
- Celebrating Baxter Church with an enhanced setting;
- Relocating the Baxter Statue;
- Maintaining vehicular access to Church Street;

For Weavers Wharf –

- Connecting Weavers Wharf to the Matalan site with a pedestrian and vehicle bridge, to create a legible east-west route;
- Maintaining and enhancing the character of the site and fully integrating the new built development;
- Replacing lost trees on a minimum of a one-for-one basis.

- 4.37 As previously identified, the proposed redevelopment comprises of a series of elements, and it is considered appropriate to briefly consider these specific elements in turn, before bringing the pieces of the overall jigsaw together and considering the whole package of proposals.

New Public Square

As previously described, the demolition of Crown House and associated redefinition of the highway around the Bull Ring will deliver a multi-functional public square, centred upon the opening-up of and enhancements to the River Stour. This aspect of the proposal is in line with the Council’s wider aspirations for public realm enhancements within Kidderminster Town Centre, which include the square in front of the Town Hall and the pedestrian environment within the town, as indicated within the Kidderminster Public Realm Design Framework undertaken by Taylor Young on behalf of the Council. The proposed square would feature car parking, but would be a multi-functional area with the provision of public seating as well as lighting enhancements.

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A terrace down towards the River Stour is proposed, as too is enhanced soft and hard landscaping, with the latter using a “golden palette” of materials which will be consistent with the wider public realm enhancements proposed within the aforementioned Taylor Young Design Framework document. The proposal incorporates enhancements to the existing Baxter Church forecourt area, to not only assist with accessibility but also to integrate this area into the public square. Furthermore, the proposed square provides the opportunity to reinstate the Richard Baxter statue close to its original, and some might say “rightful”, location within the Bull Ring and opposite the church bearing his name.

Anchor Retail Unit (Class A1)

The proposed Anchor Unit (Retail Unit 1, and incorporating Retail Unit 2) is the cornerstone of, and catalyst for, the entire development, including the demolition of Crown House and the creation of the public square. As previously identified, the erection of this unit is entirely reliant upon the demolition of those properties already identified, within Lower Mill Street. The proposed building features its active retail frontage orientated so as to address the existing Weavers Wharf, to the south, (that is to say, there would be no active frontage facing onto Lower Mill Street). A secondary active frontage would face towards the McDonalds unit (to the west), whilst the active frontage to Unit 2 (as incorporated into the anchor unit building) would face in a south easterly direction towards the enhanced pedestrian route linking the new public square to Weavers Wharf.

This is a significant building and the design presents a robust urban edge at the entrance to the town along Lower Mill Street. At a height of two commercial storeys (in this case, 11.6m in height), the Anchor Unit is so designed as to track the sweep of the highway along its northern elevation thereby disguising the full extent of the building. The external appearance will be dominated by sections of full height glazing (mixing clear and opaque glass) along the relevant active frontages (facing into Weavers Wharf), with more modest single storey fenestration serving the associated Retail Unit 2. The materials throughout will consist of a combination of vertical cladding and contrasting horizontal detailing bands, in the form of a shingle plinth. A lighting scheme for the Anchor Unit has been suggested to provide additional visual interest and, if considered appropriate, this would be deliverable by condition. As indicated previously, Retail Unit 1 is designed so as to be capable of occupation by a single “Anchor Store”, or subdivision into separate retail units.

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As has been particularly highlighted by the Conservation Officer, the challenge of servicing the Anchor Unit, and to a lesser extent Retail Unit 2, has been a difficult one. The proposed design makes provision for a fully integrated, enclosed, service yard accessed from Lower Mill Street, with service yard gates at either side of the building. The applicant has, at the request of the Conservation Officer considered a number of possible alternative options for servicing, as evidenced within the options discussed within an addendum to the Design and Access Statement, with the Conservation Officer's preferred relocation of the service yard simply not practical or achievable. This is unfortunate, as Officers do appreciate the concerns being expressed, in terms of the potential impact upon the north elevation of the Anchor Unit, and the potential views out from the public square, past Baxter Church towards Lower Mill Street. That said, the proposals for soft landscaping in the public square and along the north elevation of the Anchor Unit do provide an opportunity to address these matters further. However, it will be imperative that in considering and agreeing the full extent of materials for the development the appropriate materials are identified and sourced to mitigate any concerns regarding the service yard gates. This may be an opportunity to consider the options and positive impact that appropriately located public art, as discussed later in this report, might be able to deliver.

Three Retail/Restaurant Units (Class A1, A3 or A4)

The three retail/restaurant units are those labelled as Retail Units 2, 3 and 4 on the proposed plans. Retail Unit 2 is actually incorporated into the Anchor Retail Unit building (Retail Unit 1), and acts as the east boundary/screen to the integrated service yard serving Retail Unit 1, and has previously been discussed, above. Retail Units 3 and 4 are located to the west and south of the proposed public square, and in particular the newly "opened-up" (de-culverted) River Stour.

Retail Unit 3 would adopt a riverside location with the de-culverting of the River Stour and will be one of the first buildings that car borne visitors will see when they approach the town centre and specifically Weavers Wharf. With a seating terrace making the most of the location above the River and facing eastwards towards the public square beyond, the building as proposed features a taller drum element, clad in red sandstone bands, with a glazed pavilion opening out on to the aforementioned terrace, in a manner not dissimilar to the Starbucks cafe adjacent to Husum Bridge. In response to concerns expressed about the elevation when viewed by approaching vehicles, the originally submitted elevations (and internal layout) have since been revised, following consideration of a number of alternative options, to create more interest and active detailing along that critical elevation, without diluting the visual appearance and impact of the building when viewed from the public square.

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Retail Unit 4 will occupy a strategically important location on the southern side of the new public square, bridging over the River Stour. Matters relating to the related culvert are discussed later in this report. Unit 4 will help define the public square, and also the enhanced pedestrian route linking east to west. Sitting adjacent to the former TJ Hughes building, Retail Unit 4 will be of a two storey design, with three bays located beneath a pitched tiled roof, along with an expressed western corner feature. This proposed building features upper floor fenestration which would provide an elevated position for diners to view across the public square and the River Stour. The building, being of brick appearance, will help screen an existing electrical sub-station structure, as well as the west elevation of the TJ Hughes building.

Three Restaurant Units (Class A3)

The three canal-side restaurant units take the form of freestanding single storey pavilions, consisting of cedar and glass detailing, with the extent of the glazing maximised along the canal side to make the most of the elevated position and the views on the canal conservation area. Terraced areas are also proposed, again facing the canal.

In each case, the roofs are designed so as to over sail the building footprints, resulting in a sweeping appearance. Whilst only single storey, they have a presence and scale sufficient to enable them to sit comfortably in the presence of the proposed new bridge over the canal and the historic Slingfield Mill buildings.

Bridge Link, Access and other matters

As previously highlighted, concerns have been raised by English Heritage and the Canal and River Trust with regard to the design and appearance of the proposed bridge, linking Weavers Wharf with Park Lane, via the existing Matalan car park. It is not proposed to revisit those concerns at this juncture. The bridge as proposed is of a contemporary design and incorporates an arch feature which not apart from forming an integral part of the bridge design, will assist as a “way finding” feature or reference point within the Weavers Wharf development and for the future further development of the Western Gateway. The walls of the bridge abutments and beneath the bridge deck (i.e. in those locations adjacent to the canal towpath) will be primarily brickwork to be sympathetic with the traditional canal environment in this location. The main bridge structure is indicated as a tubular steel construction, with glazed sides to assist with views from and of the bridge, although the finer points of the design and materials will be subject to the approval of further details to be submitted to discharge the suggested relevant planning condition.

The proposed bridge would be striking, and admittedly unlike any other bridge along this stretch of the canal. When viewed from the south west in particular it will provide interest and be a welcome relief from the purely functional concrete road bridge beyond which carries the traffic around the Ringway and into Crossley Retail Park, as well as Lower Mill Street.

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As previously described, the actual access to Weavers Wharf along Lower Mill Street would remain unchanged. However, the introduction of the proposed two way vehicle bridge over the canal provides an alternative access and egress opportunity, and this element of the proposal has been fully assessed by the Highways Authority and has been found to be acceptable, without detriment to highway safety and junction capacities.

The creation of the public square and the alterations to the Bull Ring will remove the existing traffic island, but in terms of traffic flows and access into and from Church Street, these would in no way be prejudiced by the proposal. The creation of the square, and the alterations to the highway will incorporate the use of new highway surfacing, based upon the palette of materials suggested by the applicant and as described within the Kidderminster Public Realm Design Framework study. This will see a move away from traditional “black-top” surfacing in this area, which is viewed as a positive step in defining the new public square and creating the right environment for people to want to stop, sit and use the space and the retail/cafe’s around the periphery of the square.

With any redevelopment proposal of this scale, the servicing of the proposed units can sometimes appear to be something of an after thought. That is certainly not the case in this instance. Matters relating to the servicing of the proposed Anchor Store (Retail Unit 1) have been identified above. The existing units within Weavers Wharf will be serviced as at present, albeit with the introduction of a new service bridge over the River Stour linking to Crown Lane. The canal side restaurants will be serviced, out of hours, from the reconfigured Weavers Wharf car park; Retail Units 2, 3 and 4, out of hours, from Crown Lane, to the rear of Retail Unit 4. Again, there have been no objections raised to the proposed servicing arrangements from the Highways Authority.

The proposed development will result in the removal of a significant number of trees, many semi-mature, however these will be replacement trees at a minimum ratio of one for one, and as already identified the Council’s Arboricultural Officer is supportive of the scheme and the proposed soft landscaping. Of particular note is the proposed use of “street trees” to enclose the perimeter of the public square, and to define the pedestrian routes, primarily from east to west. It is proposed that the public square trees will be illuminated by up-lighters. Further significant lighting proposals are presented to enhance the public square, including the use of recessed LEDs on the handrails and nosings of the proposed terrace facing towards to River Stour. A small area of woodland habitat is proposed within a triangle of land on the Matalan site located between the existing highway bridge and the proposed bride link over the canal.

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As a whole, the proposed development represents an exciting and pivotal opportunity in the long term redevelopment and future prosperity of Kidderminster, given that it is the focus for strategic economic investment and growth within the District. The development proposes the creation of a long aspired for public square and wider public realm enhancements. The proposed buildings are of a strong and high quality design, which will redefine this area of the town. Every opportunity to make the most of the physical assets of the canal and River Stour has been taken, and the enhancements to the overall environment are noteworthy. Pedestrian and vehicle linkages are enhanced and the overall benefits are that visitors to the town, and not just Weavers Wharf, will find more on offer and a better quality of environment such that their stay within the town is generally likely to be longer than at present, which brings with it the economic boost for existing and new businesses alike.

4.38 HIGHWAYS MATTERS

The application relies almost entirely upon the existing highway layout and access arrangements to access the development. The notable exceptions to this are the changes to the public highway in respect of the Bull Ring; the creation of a new service link over the River Stour to Crown Lane; and, the proposed new two-way bridge over the Staffordshire and Worcestershire Canal, linking the current Weavers Wharf car park with the Matalan car park, and Park Lane beyond.

4.39 As previously indicated, the application has been accompanied by a Transport Assessment (TA) which demonstrates that there will be a negligible increase in vehicle movements on the local highway network during the weekday PM peak times and Saturday peak times. As a result, whilst further modelling and capacity assessments have been undertaken, the TA concludes that no additional junction capacity works are required in order to accommodate the proposed development. In this regard, the NPPF makes it clear, at paragraph 32, that: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.

4.40 In this town centre location, the application site is highly accessible by other means of transport other than the car. The Kidderminster bus station is within a short walking distance, as too are other bus stops and routes. Walking, and cycling, within the town is relatively easy, with the canal towpath in particular part of the national cycle network. The Kidderminster railway station is located approximately 1km to the south-east of the application site. An accompanying Travel Plan Framework sets out sustainable travel options for the staff of future occupiers of the development, and this can be refined once the occupiers of the various units have been secured.

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- 4.41 With regard to car parking, the actual overall number of spaces to be provided will not increase the number currently available. That said, the currently under-utilised Matalan car park will be more readily available thanks to the new link bridge over the canal. The new development, when added to the current offer within Weavers Wharf and the town, is anticipated to generate customer demand for longer stays within the Weavers Wharf car park, and in recognition of this, as previously identified, the payment system for the Weavers Wharf car park will change. This change, in itself, however, would require no formal planning consent, but rather is a management issue for the applicant/owner of Weavers Wharf.
- 4.42 Servicing arrangements for Weavers Wharf, with the exception of the previously mentioned bridge over the River Stour, will remain largely unaltered. However, the introduction of the proposed new Anchor Store (Retail Unit 1) brings with it specific servicing requirements in the form of an integral service area, with shuttered entry and exit doors. A one-way delivery system is proposed, utilising a deliveries management plan, to ensure that there would be no requirement for delivery vehicles to wait on the public highway. The servicing of the proposed new smaller retail units would be from the existing Weavers Wharf service yard and out of hours servicing, the avoid conflict with customer vehicles. The restaurant uses facing onto the canal would be serviced via the Weavers Wharf car park, again out of hours.
- 4.43 As confirmed under paragraph 3.1 of the report, the Highways Authority have raised no objection to the proposed development. Furthermore, it is stated that the proposed public realm improvements in the Bull Ring will encourage additional pedestrian trips and link trips with the town centre and provision would off-set any additional need to provide planning obligations to promote sustainable transport. Officers are satisfied that the application is compliant with the aims and objectives of the NPPF with regard to sustainable transport.
- 4.44 **THE RIVER STOUR, FLOODING AND ASSOCIATED MATTERS**
The demolition of Crown House and the opening-up of the existing culvert beneath provide an opportunity to enhance the quality of the River Stour, and access thereto, in this location. Indeed the benefits that this would bring in terms of the proposed public square are to be welcomed. That said, there remain issues, and conflicts, in terms of the ecological impact of the development, especially in terms of protected species, which are addressed later within this report.
- 4.45 The opening up of the existing culvert is welcomed by the Environment Agency (EA), however as identified at paragraph 3.3 above, the EA had previously raised objections to the proposal due to the introduction of a new culvert, beneath the proposed new retail unit (Retail Unit 4, on the submitted plans), but have since withdrawn this objection.

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- 4.46 It is accepted that by introducing a new section of culvert (beneath the proposed Retail Unit 4) that the development is in conflict with Policy CP02 of the Core Strategy, which amongst other things seeks to deter the introduction of new sections of culvert. However, other factors must be considered and weighed-up against this divergence from the Policy in this instance. Firstly, the section of culvert proposed is significantly less than the existing culvert (beneath Crown House) which is proposed to be removed and as such an overall betterment can be demonstrated in this regard. Secondly, the position of the proposed Retail Unit 4 is such that it defines the southern extreme of the proposed public square framing this public space, and also provides an effective visual screen when viewing from the square in a southerly direction, by blocking views of the servicing yard at the rear of the existing Weavers Wharf premises and is therefore considered to be an appropriate urban design response in this location. Whilst having originally raised objections to this element of the development, the EA have since withdraw their objection to the new culvert (beneath Retail Unit 4).
- 4.47 No objections have been raised with regard to potential Flood Risk, by either the EA or the Watercourse Officer. Issues relating to flow impact and overland flow routes have been the subject of additional information and Officers are aware that discussions are ongoing between the applicant and the relevant consultees, with the likelihood that such matters can be satisfactorily resolved. Further comments in this regard may need to be reported via the Addenda Sheet in advance of the Planning Committee meeting.
- 4.48 Associated matters relating to drainage, and being particularly mindful of the historic use of part of the site (and the potential for contamination), have been satisfactorily addressed, albeit that suitably worded conditions are deemed appropriate.
- 4.49 **ECOLOGICAL MATTERS**
As stated within the EA's response to the application, and notwithstanding the issues already discussed regarding the culvert proposals, there are opportunities to further enhance the River Stour corridor in this location. Such matters have also been stressed by the Council's own Countryside and Conservation Officer and in response the applicant has commissioned additional works to address such matters, and the submission of further details in this regard is awaited.
- 4.50 In addition, further details have been requested with regard to both Bat and Otter mitigation in respect of both the River Stour and the canal. Otter are known to be present in the immediate area, and it is therefore essential that full and proper consideration be given to Otter, both during the construction phases as well as the long term impacts. Suitable, and more detailed, mitigation measures have been sought and details are awaited. Further mitigation measures are also awaited with regard to bats.

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OTHER ISSUES

- 4.51 Richard Baxter Statue – The proposed redevelopment would offer the opportunity to relocate the statue of Richard Baxter, which previously stood in the Bull Ring but is currently located in close proximity to St Mary’s Church beyond the Ringway, to the north. The creation of the new public square offers the opportunity to return the statue to its rightful position, within the square and in a position opposite the Baxter Church. This would be particular merit-worthy given that 2015 will mark the 400th anniversary of Richard Baxter’s birth.
- 4.52 Cultural Heritage – Whilst much reference has been made within this report to heritage matters, these have so far focused on matters relating to historic assets (i.e. the status of the premises in Lower Mill Street; the Staffordshire and Worcestershire Canal Conservation Area; and, statutorily listed buildings in the vicinity of the application site, etc). However, in addition to these matters, there is the cultural and social heritage associated with No. 5 Lower Mill Street. Whilst the building has no real historic building interest, and has undoubtedly been the subject of various changes and alterations over the years, this was an extremely popular local venue, with clear links to popular music culture.

No.5 Lower Mill Street, now occupied by the popular “La Brasserie” restaurant, was the venue for Frank Freeman’s Dance Hall. A blue plaque erected by Kidderminster Civic Society is evident on the building commemorating the presence of the venue and some of the noteworthy music acts that appeared there, before going on to enjoy worldwide acclaim. Even after this, the Dance Hall was an extremely popular local venue, and holds special memories for many locals. It closed as a dance hall/venue in the early 1990’s, following the passing of Frank Freeman. The blue-tiled, art-deco style, doorway arch remains visible on the Lower Mill Street elevation of the building.

Whilst of considerable local interest, features associated with the previous uses of the building have largely been eradicated and as such, other than the local interest and affection for the building, and the memories made therein, there appears to be insufficient special architectural or historic interest to warrant special or statutory protection of the building.

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That said, there does appear to be an opportunity to promote the musical heritage associated with this building, and the town, and commemorate it by reinstating the blue plaque in an appropriate location upon the proposed new Anchor Store (Retail Unit 1), along with the aforementioned blue-tiled arch. Further commemoration also appears achievable, through the incorporation of additional public art within the development, possibly in the form of a photographic mural or similar, either on or within the development, for instance as part of the decor of one or more of the Retail/Cafe Units facing into the square. This could become an attraction in itself, and given the aforementioned links to musical heritage, this appears entirely suitable in the immediate proximity of the new public square, which will itself feature special events, including possible music events. At this stage, the details of exactly what form of public art might be appropriate in this location has yet to be identified, but its delivery, in whatever form, can be achieved via the imposition of a suitably worded planning condition.

- 4.53 Sustainability – The application has been accompanied by a Sustainability Strategy which sets out in detail the range of strategies which have been considered, and the reasoning why those selected relating to energy consumption; water consumption; CO2 emissions, etc, have been identified. The applicants themselves, HGI, have a corporate responsibility requirement to achieve at the least a BREEAM rating of “Very Good” for all new developments. Protection and enhancement of biodiversity is a key consideration, and as discussed these matters have been and continue to be addressed. The use of a SUDs drainage scheme, insofar as is possible has been identified, although matters relating to potential contamination of the land by the previous uses on the site (not least of which being the gas works) restrict just how far such a scheme can be advanced.
- 4.54 Economic Impact – As identified earlier, one of the three dimensions of sustainable development as defined within the NPPF is “*an economic role*”. The development represents a significant economic investment by the applicant in the town, and the benefits to existing and new businesses, and the boost to the overall economy of Kidderminster and Wyre Forest is predicted to be significant. In this regard, the proposal appears to sit hand-in-hand with the economic development aspirations of the KCAAP. However, to quantify this, the approximate level of investment being made by the applicant exceeds £11M, resulting in a productivity uplift of £9M during the two year construction phase, and approximately £4.5M per annum once completed and occupied. In terms of jobs, it is anticipated that 70 FTE jobs will be created during the construction phase, with as many as 300 FTE permanent jobs once operational. Furthermore, such a level of investment in the town centre, and the associated public realm improvements, may prove to be the catalyst for further investment in surrounding buildings, to the benefit of existing, and possible future, traders in for instance vicar Street and the Swan Centre.

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Without the level of investment highlighted, the removal of Crown House could not realistically be achieved. Without its removal the aspirations for improving the overall environment within this part of the town centre are likely to be stymied. It is Officers opinion that the positive economic impact and growth that the development is capable of delivering should be afforded significant weight in the consideration of the application.

- 4.55 S106 Obligations – Given the nature of the development proposed, and in accordance with the Council’s adopted Planning Obligations SPD, such a development might be expected to make contributions with regard to Maintaining and Enhancing Biodiversity; Sustainable Transport; the Public Realm.

As has been outlined above, the opportunities to open-up the River Stour, via the removal of the existing culvert beneath Crown House, and the associated mitigation measures are such that these proposals are considered to be of such a level as to make any further provision, either on site or by way of additional contributions, unnecessary and inappropriate.

As confirmed by the County Council, as the relevant Highway’s Authority, the public realm improvements in the Bull Ring are likely to encourage additional pedestrian and linked trips within the town centre, and the full extent of the scheme as proposed is such that its implementation would deliver improvements such that they will off set any perceived need to provide additional sustainable transport obligations.

From the public realm perspective, the removal of the eyesore that is Crown House might, in itself, be considered to be positive enough a contribution, but added to this is the creation of the new public square and all that brings; the opening-up of and enhancements to the River Stour; the improvements to the canal towpath; the new “landmark” bridge over the canal; and, more. Such provision is to be welcomed, but at the same to it should be acknowledged that this represents significant investment in the public realm. As such, and notwithstanding the previously mentioned further enhancements through public art, as yet to be finalised, further contributions through a S106 Obligation are considered unwarranted.

To summarise, for the reasons above, no S106 Obligations are considered necessary or appropriate in this instance

5.0 Conclusions and Recommendations

- 5.1 The application proposes a comprehensive redevelopment of the Bull Ring/Lower Mill Street area of Kidderminster, and with it an expansion of Weavers Wharf which would deliver retail and restaurant type uses, within the use class range of A1 to A5, along with significant public realm enhancements centred upon the demolition of Crown House and the creation of a new public square.

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- 5.2 As set out above, there is clear and demonstrable planning policy support for the principle of the development, at both national and local level, with further more detailed site specific policy support set out, in particular, within the adopted KCAAP under policies KCA.GPB1 (“Retail Development”); KCA.WG3 (“Weavers Wharf”); and, KCA.TTC1 (“Civic Spaces”, as it relates to the Bull Ring).
- 5.3 The consideration of the application, therefore, turns on matters of detail, and in this regard the application has been accompanied by a full suite of supporting submissions, as detailed earlier in the report. These have been assessed, with the assistance of the relevant consultees, and their respective responses are set out under Section 3 of this report.
- 5.4 As with any application for the redevelopment of an area of this scale and nature, there will always been conflicting interests and representations which need to be fully assessed before coming to a balanced decision on the merits, or otherwise, of such a development. In this instance, as previously described, the majority of objections submitted in opposition to the development, by statutory consultees and third parties alike, centre upon the proposed demolition of the existing properties in Lower Mill Street, as detailed above. As a counterweight to these objections, there is clear support for the demolition of Crown House; the opportunity to deliver River Stour enhancements; and, the creation of the new public square.
- 5.5 The status of, and impact upon, the non-statutory heritage assets has been fully considered, with specific reference to paragraphs 134 and 135 of the NPPF. Balanced against these considerations are the wider economic and regenerative benefits that the proposed development will deliver, in accordance with the presumption in favour of sustainable development as promoted through the NPPF, and the delivery of development in a location and at a scale promoted through the Council’s adopted Local Plan, as detailed earlier in this report.
- 5.6 As previously stressed, the development represents a significant economic investment in the town, and the boost to the overall economy of Kidderminster and Wyre Forest is predicted to be significant. In this regard the proposal sits hand-in-hand with the economic development aspirations of the KCAAP.
- 5.7 The proposed development is an exciting, and arguably pivotal, one in the long term redevelopment and future prosperity of the town, and in turn District. The development incorporates the creation of a long aspired for public square and wider public realm enhancements. The proposed development is of a strong and high quality design, which will redefine this area of the town. Every opportunity to make the most of the physical assets of the canal and River Stour has been taken, and the enhancements to the overall environment are significant. Pedestrian and vehicle linkages are enhanced and the overall benefits are that visitors to the town, and not just Weavers Wharf, will experience an enhanced offer and a better quality of environment such that their stay within the town is generally likely to be longer than at present, which brings with it the economic boost for existing and new businesses alike.

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5.8 Notwithstanding the objections raised by English Heritage, with regard to the non-statutory heritage assets identified within Lower Mill Street, and the objections raised by occupiers of some of the independent business premises also within Lower Mill Street (and the support they have received from customers and other signatories of the submitted petition), it is considered that the proposed development is appropriate in this location.

5.9 It is therefore recommended that **delegated APPROVAL** be granted subject to:

a). the submission of additional details relating to the proposed enhancements to the River Stour, and Staffordshire and Worcestershire Canal, to include Otter and Bat mitigation measures, and the subsequent confirmation that such details are acceptable from the Environment Agency and the Council's Countryside and Conservation Officer;

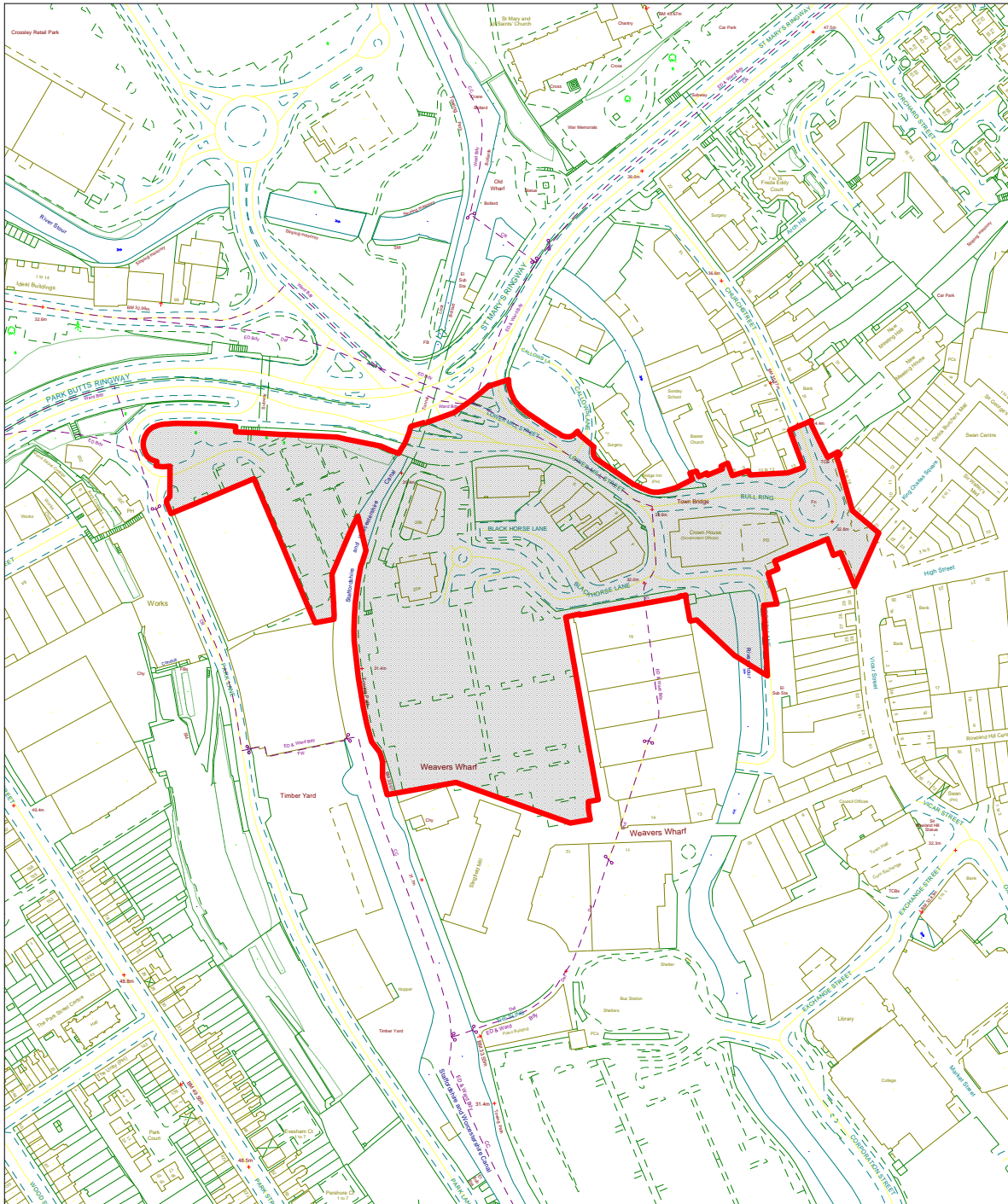
and,

b). the following conditions:

1. A6 – Full with No Reserved Matters.
2. A11 – Approved Plans.
3. Restriction on food retail floorspace, to be capped at 1,000 sq.m.
4. Contaminated Land – Tiered condition commencing with preliminary risk assessment and incorporating site investigation and remediation as required.
5. Foul and Surface Water Drainage details to be submitted and agreed.
6. B1 – Samples/Details of Materials.
7. HC40 – Highway improvements.
8. HC25 – Access, turning and parking (consolidation, surfacing and drainage).
9. Programme of archaeological work and methodology to be submitted and agreed in writing.
10. No demolition to take place prior to agreement of archaeological programme and methodology.
11. Retention of blue plaque and archway detail, to be incorporated into the proposed development in accordance with details to be submitted and agreed.
12. Details of public art to be agreed.
13. Relocation of Richard Baxter Statue, in accordance with timetable to be agreed.
14. Details of all aspects of lighting scheme for development to be submitted and agreed in writing.
15. Delivery vehicles operations strategy to be submitted and agreed in writing.

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16. Details of contractor's compound, to include wheel wash facilities.
17. Scheme of protection for existing premises from noise/vibration during construction phase.
18. Control of dust during construction phase.
19. HC51 – Parking for site operatives during construction phase.
20. HC53 – Travel plan to be agreed.
21. HC36 – Cycle parking details.
22. Management plan to control invasive plant species.
23. Implementation of Otter and Bat mitigation measures in accordance with details to be submitted and agreed in writing.
24. Provision of bird and bat boxes in accordance with details to be submitted and agreed in writing.
25. Submission of landscaping details.
26. Submission of landscape implantation and management plan.
27. Details relating to the detailed design of the bridge over the canal to be submitted in accordance with the design indicated within the application submission.
28. Details of proposed resurfacing of the canal towpath to be submitted and agreed in writing.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Weavers Wharf
Kidderminster DY10 1AA**

Date:- 25 March 2014 Scale:- 1:2500 OS Sheet:- SO8276NE Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7FB Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	14/0005/FULL & 14/0006/LIST	Date Received:	02/01/2014
Ord Sheet:	378593 275346	Expiry Date:	27/02/2014
Case Officer:	Julia McKenzie-Watts	Ward:	Bewdley and Arley

Proposal: Forming new catering kitchen area to the rear of the building (not listed within this area), reinstating external door into existing opening and installing new extraction ductwork within the new kitchen area, the external ductwork to be clad in brickwork to form a mock chimney

Site Address: SEVERN INDIAN CUISINE, 61A, LOAD STREET, BEWDLEY, DY122AP

Applicant: SEVERN INDIAN CUISINE

Summary of Policy	CP11 (CS) SAL.UP6, SAL.UP7 (SAAPLP)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Number 61A Load Street is a Grade II Listed Building located within the centre of Bewdley town and the Bewdley Conservation Area. A full and a Listed Building application have been submitted which propose the formation of a new catering kitchen to the rear of the building, reinstating the external door into existing opening and installing new extraction ductwork within the new kitchen area, the external ductwork is to be clad in brickwork in order to form a mock chimney.

2.0 Planning History

2.1 Various relating to the site

3.0 Consultations and Representations

3.1 Bewdley Town Council – No objection, recommend approval

3.2 Worcestershire County Council Countryside Service (Footpaths) – No objection subject to Public Right of Way note

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- 3.3 Worcestershire Regulatory Services – The kitchen extract ventilation proposed appears technically acceptable for reducing the odour and noise levels to acceptable limits.
- 3.4 Conservation Officer – I have no objections to the proposed works, including the flue, and would recommend a condition that all external materials require approval from the Local Planning Authority.
- 3.5 Neighbour/Site Notice – 2 letters have been received as a result of the neighbour consultation exercise:

Neighbour 1 - Firstly, it is unclear from the plans exactly where the extractor fan is going to go, including the upright tower. There is a possibility from looking at the plans that it will go over our property and in eyesight of our window. We would like someone to come and meet us to show us exactly where the extractor fan and duct work will be placed. The proposal of the new fire exit door is right below our property (our lounge goes over the existing seating area part of the restaurant which does become very noisy, particularly at the weekends.) During the summer months the restaurant has previously opened their windows, which has increased the noise in the alley way and in our property. We are concerned that this fire door will be left open and noise, cooking fumes and smells will affect our property internally. We are mostly concerned about a kitchen being built directly underneath our lounge. We are concerned about fire regulations; this has been ongoing since it was turned into an Indian restaurant. We are concerned about the extra noise that having a kitchen underneath us will make as we have a daughter who sleeps on the same level as our lounge and we are concerned about her being kept awake as well as the noise pollution to our home.

Neighbour 2 – I am glad that this new application will create a solution to the poorly installed extraction method currently in the alleyway. Considerably reducing/eliminating the noise and eradicating the odours from the current flue is good news, but of course the appearance of the new chimney is critical as it must blend in with surrounding properties. From what I hear, a great deal of attention will be given to the appearance of the brickwork so that it closely matches the brickwork of surrounding properties, which is a very positive and important move.

The proposed area for this chimney/flue will be directly looked at by a number of flats. The chimney will appear in the main line of vision from the windows of at least 2 of these flats. Many other flats will also be able to see it from their windows. The chimney will also be visible from a wide surrounding area to people on foot etc as I believe it rises up between 2 roofs.

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The chimney is certainly not hidden, it is very visible and anything less than a brick chimney surrounding the metal flue using very similar brick to surrounding buildings, I believe will have a negative impact on the area, an impact on the future of the surrounding listed buildings and also set an poor precedent for Bewdley.

I trust the relevant people can find a material that does not draw attention to the chimney. While we have the opportunity to protect the future of these buildings, we should make sure that we don't miss these opportunities.

4.0 Officer Comments

- 4.1 The applications propose the relocation of the current catering kitchen from its current basement position to the ground floor, the reinstatement of a door into the existing opening which is currently a window in order to provide a fire escape from the new kitchen area and the provision of a new extraction ductwork clad in brickwork to form a mock chimney.
- 4.2 In the submitted supporting statement it contains details of complaints that have been received regarding the current extraction system in the alleyway next to the restaurant which is surrounded by residential flats. The proposed mock chimney and ductwork proposes a solution to the current situation by way of a new extraction system to the kitchen area with new ductwork terminating at high level externally away from residential dwellings. It is argued that the current extraction arrangement contravenes Policy SAL.GPB2 in that the system is creating an adverse effect on the neighbours with the levels of noise and odour pollution. It is not proposed to increase the number of covers at the restaurant.
- 4.3 The proposed extraction flue would be housed within a glass reinforced plastic mock chimney which would be clad in reclaimed brick slips to match the existing brickwork. The lightweight construction of the chimney would be supported and fixed back to the roof trusses. The flue itself would not be readily visible from the Conservation Area and its impact on the Listed Building minimal as it would appear as a chimney with a chimney pot which is a common feature within the immediate vicinity. It would read well against the surrounding buildings. The Conservation Officer has no objections to the proposal.

14/0005/FULL

14/0006/LIST

- 4.4 The description of development refers to number 61A Load Street, which was listed Grade II in 1970. Reference to maps dating from that time, indicate that the principal building facing Load Street was linked by outbuildings to a rear annexe (now in residential use). The District Council has assumed that the listed building comprises the principal building (the ground floor of which houses the restaurant) and the rear two storey annexe – now flats (which it is assumed sat within the curtilage of the listed building at the date of listing). The outbuildings which may have stood on the site in 1970 appear to have been replaced by a single storey block where it is proposed to install the new chimney. As this block may not have been in existence in 1970 it should be considered not to form part of the listed building (even though it links the two components of the listed building).
- 4.4 The applicant requires planning permission for the works. The applicant has also applied for listed building consent because firstly, the plot in which the proposal sits is within the curtilage of the listed building and secondly because there is an element of doubt as to the precise nature of the single storey block; it may contain parts of the earlier structure. In order to avoid inadvertently undertaking works to a listed building without consent, the applicant has thus applied for both forms of consent. Hence the “unlisted” reference within the planning and listed building applications.
- 4.5 With regard to the concerns raised by the neighbour in relation to noise and fire regulations, the re-location of the kitchen would require extensive internal works which would include stripping back the ceiling to install the new canopy, at such time, the existing ceiling is to be upgraded with new sound and fire insulation to current building regulations requirements, however, the agent states and the plans show that the specification would be over the minimum requirement in order to obtain the best noise reduction that can be achieved in an existing old building. Worcestershire Regulatory Services are fully supportive of the proposal.
- 4.6 It is considered that the proposed relocation of the kitchen and associated ductwork and chimney would result in an improved situation for the neighbour as extensive sound proofing and fire insulation works are to be carried out.

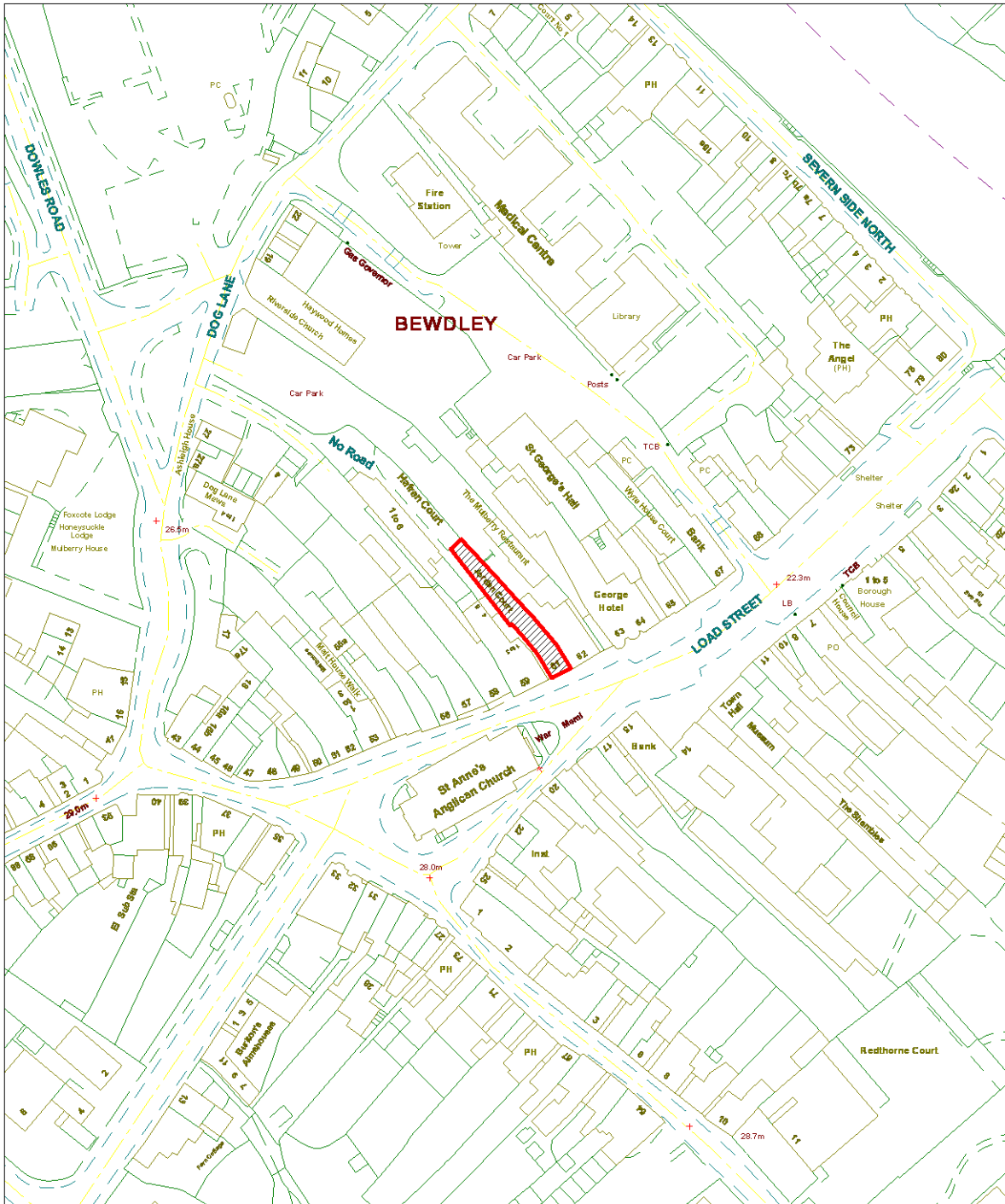
5.0 Conclusions and Recommendations

- 5.1 The proposed relocation of the catering kitchen, reinstatement of the external door, new extraction work within the kitchen area and brick mock chimney are considered to be acceptable in terms of their scale, design and location; they will not have an undue impact on local amenity and would not have a detrimental impact on the appearance of the Conservation Area or the special architectural or historic interest of the listed building.

14/0005/FULL
14/0006/LIST

5.2 It is therefore recommended that:

- a) **Application 14/0005/FULL** is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Within 3 months of the first use of the extraction system the chimney shall be clad in materials which shall have been previously agreed in writing.
 4. The extraction equipment shall be installed in accordance with the plans and specification as submitted
 5. The fire exit door hereby approved shall only be opened when required for an emergency
- b) **Application 14/0006/LIST** is **APPROVED** subject to the following conditions:
1. A7 (Listed Building/Conservation Area Consent)
 2. A11 (Approved plans)
 3. Within 3 months of the first use of the extraction system the chimney shall be clad in materials which shall have been previously agreed in writing.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Severn Indian Cuisine, 61A Load Street
Bewdley DY12 2AP**

Date:- 25 February 2014

Scale:- 1:1250

OS Sheet:- SO7875SE

Crown Copyright 100018317 2014

Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7FB Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	14/0095/OUTL	Date Received:	19/02/2014
Ord Sheet:	382497 274844	Expiry Date:	21/05/2014
Case Officer:	Julia Mellor	Ward:	Oldington and Foley Park

Proposal: Outline Application for a New Leisure Centre and Associated Works with some Matters Reserved

Site Address: LAND AT SILVERWOODS, (FORMER BRITISH SUGAR), STOURPORT ROAD, KIDDERMINSTER, DY117BW

Applicant: WYRE FOREST DISTRICT COUNCIL

Summary of Policy	DS05, CP01, CP02, CP03, CP07, CP08, CP09, CP11, CP12, CP14 (CS) PFSD1, DPL11 GPB1, CC1, CC2, CC3, CC6, CC7, UP5, UP7, UP9, SK1, SK2 (SAAPLP) PFSD1, GPB3, GPB5, GPB7 (KCAAP) Planning Policy Guidance Notes Re-Wyre Prospectus South Kidderminster Local Development Order Supplementary Planning Obligations SPD Sections 2, 4, 7, 8, 10, 11 (NPPF)
Reason for Referral to Committee	'Major' planning application The application is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site has an area of 1.94 hectares and is located within the centre of the Former British Sugar Site which has been re-branded as 'Silverwoods'. The application site lies within the centre of the wider Silverwoods site which has an overall area of over 27 hectares and extends from the Stourport Road to the west to the Staffordshire and Worcestershire Canal to the east. The Canal forms part of the Staffordshire and Worcestershire Canal Conservation Area. All of the trees within the wider site are subject to a Tree Preservation Order (TPO).
- 1.2 The former British Sugar Site has been divided into two phases. Phase 1 (19ha) received outline planning consent for a range of uses together a railway halt, ancillary roads, footpaths and cycleways, open space and the first part of the Hoobrook Link Road in December 2012 (Ref. 12/0146/EIA). Subsequent reserved matters applications have been approved, as detailed in the planning history below. Construction of the approved section of the Hoobrook Link Road has been completed and implementation of some of the residential plots has commenced.

14/0095/OUTL

- 1.3 The current application site straddles the boundary between Phases 1 and 2 and lies to the north of the route of the Hoobrook Link Road. It has a highway frontage of approximately 100m and incorporates a retaining embankment which rises to the adjoining, and as yet undeveloped site to the west. To the rear lies a tree lined strip of land between the Former British Sugar Site and the Severn Valley Railway beyond which are established commercial and employment premises in Lisle Avenue. The site accommodates the area formerly occupied by the silos which have since been demolished.
- 1.4 The current application is in outline form with only access and scale to be determined at this stage. The remaining details comprising of appearance, layout and landscaping are reserved for future consideration. In terms of the proposed scale whilst the layout and design of the scheme is illustrative it is proposed that the leisure centre element would not exceed 5,900 square metres of gross floorspace. Access to the site is proposed via an existing junction with the Hoobrook Link Road approved previously under the Phase 1 outline consent.
- 1.5 The suggested mix of facilities is as listed below, and follows a consultation exercise undertaken to understand the public’s aspirations:

Facility
Reception, Foyer & Entrance
Cafe and seating/viewing area
25m Competition Pool
Learner Pool
Pool Spectator Seating
Wet Changing Facilities
Climbing Wall
Sports Hall
Sports Hall Changing Facilities
Fitness Suite
Fitness/Dance Studios
Fitness Suite/Dance Studio Changing Facilities
8 x 5/7 a-side Outdoor pitches
Car Park

- 1.6 The following reports have been submitted to accompany the outline application:

- Design and Access Statement
- Planning Statement
- Arboricultural Assessment
- Update Phase 1 Habitat Survey & Protected Species Survey
- Flood Risk Assessment
- Drainage Strategy
- Transport Statement
- Framework Travel Plan

14/0095/OUTL

2.0 Planning History

- 2.1 12/0146/EIA (Outline) - Redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space : Approved 07.12.12
- 2.2 13/0110/RESE - Redevelopment of part of development block A(ii) within phase 1 of Former British Sugar Site for 4no. Residential dwellings. Reserved matters approval for scale, appearance, landscaping and layout and internal access with the development block following outline approval 12/0146/EIA : Approved 03.07.13
- 2.3 13/0111/RESE - Redevelopment of part of Development Block A(ii) within Phase 1 of the Former British Sugar Site for 30no. residential dwellings including 6no. affordable units. Reserved Matters approval for scale, appearance, landscaping and layout and internal access within the development block following outline approval 12/0146/EIA : Approved 03.07.13
- 2.4 13/0134/RESE - Provision of 2no. Service housings to serve mains electricity and gas for the redevelopment of phase 1 of the Former British Sugar Site. Reserved matters approval for scale, appearance, landscaping and layout : Approved 25.07.13
- 2.5 13/0227/RESE - Redevelopment of development block A(iii) within Phase 1 of the Former British Sugar Site for 29no. Residential dwellings including 9no. Affordable units. Reserved matters approved for scale, appearance, landscaping and layout including internal access within the development block following outline approval 12/0146/EIA: Approved 31.07.13
- 2.6 13/0418/RESE – Redevelopment of part of Development Block B(iii) within Phase 1 of the Former British Sugar Site for 19 no. residential dwellings and children's play area. Reserved Matters approval for scale, appearance, landscaping and layout and internal access within the development block following outline approval 12/0146/EIA : Approved 28.01.14

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- 2.7 13/0579/WCCR – Phase 2 of the development of Hoobrook Link Road. A proposed 600m extension to the development access road through the former British Sugar Site, which will complete the link from the A451 Stourport Road to the A442 Worcester Road : No objection 17.01.14. 13/000060/REG 3 - County Council application : Approved at Committee 11.02.14
- 2.8 14/0089/FULL – Retrospective application for the Detention Pond serving the Former British Sugar site and Hoo Brook link road to accommodate surface water storage as approved under the surface drainage scheme and provision of amended footway linkage and landscape areas to accommodate the Hoo Brook link road; Variation of existing S.106 agreement associated with planning application Ref 12/0146/EIA : Awaiting determination
- 2.9 14/0025/RESE - Redevelopment of part of Development Block B(iii) and part of Development Block C within phase 1 of the Former British Sugar Site for 75No. Residential dwellings including 9No. affordable units and children's play area. Reserved Matters approved for scale, appearance, landscaping, layout and internal access within the Development Blocks following Outline approval 12/0146/EIA: Delegated Authority to Approve given at Committee on 11.03.13

3.0 Consultations and Representations

- 3.1 Highway Authority – Recommends that any permission which the District Planning Authority may wish to give includes a condition which requires the submission of a Travel Plan.

Note to Planning Officer - I note that car parking is a matter reserved for future consideration and access to the site is already established from the outline planning application for the Former British Sugar works. Therefore the only consideration for the Highway Authority at this stage is the wider transport impact of the application and accessibility by non car modes.

The peak hours of operation of the proposal is not at the traditional peak traffic hours and therefore the impact is less than when the network is operating at its normal capacity. In addition the Transport Assessment has taken a robust assessment of not netting off trips generated by the land users initially considered for this area of land, consequently the Assessment presents a worse traffic situation that will be expected on the ground.

Access to the bus network is further than what would be considered desirable, however the additional walking distance is not significant and a direct route is being provided within the Silverwoods development and therefore is considered acceptable. In addition the future of the passenger transport network has yet to be developed considering the new opportunities the Hoobrook Link Road provides.

The site is accessible by a considerable residential catchment by walking and bicycle considering the normal walking and cycling isochrones.

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The site therefore only needs to provide details of the potential to reduce car trips where possible through a travel plan. The application has been supported by a travel plan, but this requires refinement. Therefore a condition is recommended which requires that to occur prior to commencement, the options are fully explored and a detailed travel plan provided prior to the first opening of the leisure centre. The Travel Plan should support a future reserved matters application.

3.2 Environment Agency –

OPERATIONAL DEVELOPMENT (+1HA) WITHIN FLOOD ZONE 1: We recommend consultation with the Lead Local Flood Authority (LLFA) and/or your Land Drainage section, to provide information to support the production of and review of the Flood Risk Assessment (FRA).

Technical Guidance to the NPPF provides advice on the impact of climate change. Table 5 of the Technical Guidance indicates that surface water FRAs should include for an increase of 30% in peak rainfall intensity for developments to be still in existence by 2085 (20% for developments with a life expectancy which ends prior to 2085).

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

SUDS seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible.

SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SUDS techniques available means that a SUDS approach in some form will be applicable to almost any development.

Government policy set out in paragraph 103 of the NPPF expects LPAs to give priority to the use of SUDS in determining planning applications. Further support for SUDS is set out in chapter 5 of the Planning Policy Statement (PPS) 25 Practice Guide. It is a requirement of the Water Framework Directive (WFD) that there must not be any overall deterioration in water quality or the ecological status of any waterbody. The inclusion of SUDS can help deliver the aim of 'good status' by 2027.

Local Planning Authorities should ensure their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage. Approved Document Part H of the Building Regulations 2010 establishes a hierarchy for surface water disposal, which encourages a SUDS approach beginning with infiltration where possible e.g. soakaways or infiltration trenches.

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Where SUDS are used, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Provision for long-term maintenance should be provided as part of any SUDS scheme submitted to the LPA.

Under the Floods and Water Management Act 2010 a SUDS Approval Body will be set up in Unitary or County Councils to approve drainage systems in new developments and redevelopments before construction begins.

Where it is intended that disposal is made to public sewer, the Water Company or its agents should confirm that there is adequate spare capacity in the existing system taking future development requirements into account.

DESIGNING FOR EXCEEDENCE: For on/near site flooding, the PPS25 Practice Guide at paragraph 5.51 states that:

“For events with a return-period in excess of 30 years, surface flooding of open spaces such as landscaped areas or car parks is acceptable for short periods, but the layout and landscaping of the site should aim to route water away from any vulnerable property, and avoid creating hazards to access and egress routes (further guidance in CIRIA publication C635 Designing for exceedence in urban drainage - good practice). No flooding of property should occur as a result of a one in 100 year storm event (including an appropriate allowance for climate change). In principle, a well-designed surface water drainage system should ensure that there is little or no residual risk of property flooding occurring during events well in excess of the return-period for which the sewer system itself is designed. This is called designing for event exceedence.”

For off-site flooding, the PPS25 Practice Guide states at paragraph 5.54:

“For the range of annual flow rate probabilities up to and including the one per cent annual exceedence probability (1 in 100 years) event, including an appropriate allowance for climate change, the developed rate of run-off into a watercourse, or other receiving water body, should be no greater than the existing rate of run-off for the same event. Run-off from previously-developed sites should be compared with existing rates, not greenfield rates for the site before it was developed. Developers are, however, strongly encouraged to reduce runoff rates from previously-developed sites as much as is reasonably practicable. Volumes of run-off should also be reduced wherever possible using infiltration and attenuation techniques.

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OTHER FLOOD RISK ISSUES TO CONSIDER FOR DEVELOPMENT IN FLOOD ZONE 1 - DRY ISLANDS: There are some areas within Flood Zone 1 that are surrounded by areas at a higher risk of flooding i.e. areas falling within Flood Zones 3 and 2. In certain cases development within such 'dry islands' can present particular hazards to public safety and risks such as those risks associated with maintaining safe access and exit for occupants during flood events. The distribution of dry islands and risks posed by them in terms of access/exit vary considerably across the country.

IS THE PROPOSAL PART OF A LARGER DEVELOPMENT SITE?: LPAs should be aware that some applications for smaller scale developments in Flood Zone 1 might be part of larger sites which already have outline permission. In such cases, the LPA should ensure that any conditions which were applied to the larger site, in relation to surface water drainage, are complied with in order to prevent a 'piecemeal' approach to SUDS/drainage schemes.

- 3.3 Sport England - The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this consultation to be on a non-statutory basis.

The application proposes a new leisure centre and it is noted that it has been submitted in outline form with design, appearance and layout reserved for subsequent approval. We are aware of the strategic sports facility planning work undertaken by the Council which provides a context to this planning application. This work included use of Sport England's Facility Planning Model tool to consider different options for the delivery of leisure centre provision within Wyre Forest.

In the context of this work, the principle of new leisure provision in this general location within the District is supported by Sport England.

Should this outline application be permitted, we would anticipate that the detailed design of the leisure centre to be subsequently submitted would demonstrate accordance with relevant Sport England and Sporting National Governing Body technical guidance.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

- 3.4 Severn Trent Water – No objections subject to condition

- 3.5 Natural England - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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WILDEN MARSH AND MEADOWS SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI) - No objection. This application is in close proximity to Wilden Marsh and Meadows. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

DEVILS SPITTLEFIELD SSSI - No objection. This application is in proximity to Devils Spittlefield. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

RIVER STOUR FLOOD PLAIN SSSI - No objection. This application is in proximity to River Stour Flood Plain. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

GREEN INFRASTRUCTURE POTENTIAL - We note that the proposed application forms part of the wider masterplan and incorporated green infrastructure (GI) for the former British Sugar Beet Factory site. The GI will help ensure that the proposed development is better able to be accommodated within its landscape setting and as an extension to the town of Kidderminster. We recognise that multi-functional green infrastructure is important to underpin the overall sustainability of the development of the former British Sugar Beet Factory Site by performing a range of functions including the provision of accessible green space, climate change adaptation and supporting biodiversity.

OTHER ADVICE - We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

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If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

PROTECTED SPECIES - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

BIODIVERSITY ENHANCEMENTS - This application may provide even more opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

- 3.6 Worcestershire Regulatory Services (Land Contamination) - I recommend that the full contaminated land condition is applied to the application.
- 3.7 Worcestershire Regulatory Services (Noise & Light) - I have undertaken a review of the documentation for the above application which at this stage has been submitted in an outline form. I note that matters of noise and light will be submitted as reserved matters in due course and therefore have no comments at this stage.

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- 3.8 Crime Prevention Design Advisor - The police do not have any objection to it going ahead. As this application is for outline permission only, at this stage it is not appropriate to make any detailed observations, however I do ask that the following be taken into account. The existing leisure centre has had its problems with crime and disorder in the past and I am keen to ensure that the chances for crime and disorder are kept to a minimum for the new centre; therefore security of the premises will be extremely important. I would like consideration to be given to making it a condition that the centre be built to Secured by Design standards and certificated as such. In my opinion by advertising the fact that every effort has been made to create a crime free environment it will encourage the public to use the centre.

If it is considered that full Secured by Design accreditation is not appropriate it is still essential that every effort is made to reduce the opportunity for crime and disorder, therefore when a developer is appointed they should liaise with the police to ensure that the layout, external and internal security is commensurate with the crime risk.

- 3.9 Hereford & Worcester Fire and Rescue Service - I confirm with reference to legislative fire safety requirements, the Fire and Rescue Service have no comments to make at this stage with regard to the proposed development. Full consultation will take place under Building Regulations following a full plan submission.

- 3.10 Disability Action Wyre Forest – No comments received

- 3.11 Worcestershire Wildlife Trust - No comments received

- 3.12 North Worcestershire Water Management - I have read the Flood Risk Assessment (FRA), drainage strategy, planning statement and design and access statement submitted for this application. I understand that this application is submitted in outline form at this stage, with only scale and access to be agreed. Notwithstanding this, some information has already been included regarding the proposed drainage for the site. I understand that fundamental considerations and drivers have already been embedded within the project brief which will in turn be adopted and incorporated into the final detailed design. I therefore deem it appropriate to comment on the wider information submitted and not to restrict my comments to scale and access issues.

I understand that the site is not in an area that is known to be at fluvial flood risk. With proper design of the site the risk of surface water flooding should be minimal anyway, but to further mitigate any residual risk the finished floor levels will I understand be set a minimum of 150 mm above ground levels.

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Infiltration into the ground is always the preferred method. In the FRA it has been stated that no infiltration of surface water to the ground would be allowed in accordance with a previous planning condition on the Silverwoods development. I disagree with this statement. The condition concerned states that no infiltration is permitted without written consent of the LPA but that consent might be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

I understand that the current proposal is to not infiltrate at all and to instead connect the entire plot to the piped drainage network that is present in the spine road. The proposal is to limit the discharges to the rates agreed in the overall Silverwoods drainage strategy, as amended. A discharge into this system would be allowed of 250 l/s in the 1 in 5 year event and 350 l/s in the 1 in 100 year event + climate change allowance. In paragraph 4.1.4 of the FRA the various elements of the drainage system are described briefly. This includes the use of a sub-base storage SuDS system under the sport pitch areas, French drains around the perimeter of the site, standard highway gullies, channel drains and pipe work, a rain water harvesting tank, oil interceptors and hydrobrakes. In addition, in the design and access statement the possible use of a living / sedum roof is included. Although these elements are all welcomed, there is no information regarding the interaction of these elements or evidence that the proposed elements together will provide the agreed runoff rates. Equally it has not been demonstrated that a sufficient level of water quality treatment will be provided.

Given the apparent willingness to incorporate a wide range of SuDS techniques, I believe that a SuDS strategy can be drawn up that will be able to deal with surface water in an appropriate way. By embracing more 'green' SuDS in the final design it will be possible to more closely follow the original intentions for Phase 2 of the Silverwoods site and increase amenity. This would in my opinion be an important contribution towards the delivery of "a *high profile and sustainable Leisure Centre that the residents of the District can be proud of*", as the final line of the design and access statement states.

I believe there is no reason to withhold approval of the proposed development based upon flood risk grounds. I would normally recommend attaching a drainage condition to any future approval.

- 3.13 Countryside and Conservation Officer - The ecological report has identified two protected species issues on site that will need consideration. Firstly bats. Bats are known to use the railway line corridor and there is a nearby bat roost. Not to negatively impact on this, the leisure centre must produce a lighting plan that demonstrates that the railway corridor will not be over lit. In addition the site must have a robust Construction Environmental Management Plan (CEMP) that demonstrates how the construction works needed will also not allow the rail corridor to be lit.

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If this is not achievable then additional ecological work will be needed to detail what ecological mitigation measures will be needed to mitigate this harm and form the basis for an application to Natural England for a protected species licence. Assuming the need for further works is avoided then the application also recommends that some bat features are built into the design of the leisure centre.

Secondly Reptiles. Reptiles have been recorded immediately adjacent to the site and the survey has also identified that some suitable and ecologically connected reptile habitat now exists on site at its northern boundary. If this area is to be affected by either the construction works or landscaping then there is likely to be a good potential risk to reptiles. An ecologist will need to be engaged to safely remove the reptiles from this area. Once the animals have been removed then a reptile proof fencing will need to be put in place immediately to prevent their return. If the area is being retained then reptile fencing will need to go in place as soon as possible, to prevent reptiles from migrating into the construction environment and being killed.

The site is showing signs of re-vegetation. If this vegetation is allowed to establish, additional habitat is likely to develop quickly and given the connectivity of the site will result in a multiplication of the reptile measures, and mitigation needed to develop this site. (there is also potential other ecological issues that could develop).

Hence the submitted report has a very short shelf life, expiring at the end of June 2014. The site will then need to be re surveyed and additional ecological measures implemented if development has not commenced by this date.

- 3.14 Arboricultural Officer - I have had a look at the above application and have no objections as there are no trees on the site.
- 3.15 Planning Policy Manager - My comments relate to a number of issues raised in the applicant's submitted Planning Statement. To summarise these focus on:
- The current allocation of the proposed site for mixed uses under Adopted Policy SK.2. Former British Sugar Site.
 - Conformity with Adopted Core Strategy Policy DS02 (Kidderminster Regeneration Area).
 - Conformity with the Adopted KCAP Policies (Policy KCA.EG5 – Bromsgrove Street Area).
 - The National Planning Policy Framework's (NPPF) recognition that suitable sites for leisure facilities may not be readily available within the traditional town centres and adoption of the sequential approach.
 - The requirements for a town centre impact assessment.

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- The standards for the provision of leisure and open space facilities as set out in the Open Space, Sport and Recreation Assessment and the Playing Pitch Strategy.

CONFORMITY WITH CORE STRATEGY POLICY DS02 (KIDDERMINSTER REGENERATION AREA)

Adopted Core Strategy Policy DS02: Kidderminster Regeneration Area identifies Kidderminster as the District's strategic centre which will provide the focus for new housing, retail, office and leisure development. This policy seeks to focus regeneration opportunities on identified brownfield sites in the Kidderminster Central Area Plan and the Site Allocations and Policies Local Plan. The Silverwoods (former British Sugar) site is identified as a brownfield regeneration site within both the Adopted Core Strategy (DS02) and the Site Allocations and Policies Local Plan (SK2).

CONFORMITY WITH SITE ALLOCATIONS POLICY GPB.1 EMPLOYMENT LAND ALLOCATIONS

This policy allocates the Silverwoods (former British Sugar Site) for approximately 12 hectares of employment land as part of a mix of uses.

CONFORMITY WITH SITE ALLOCATIONS POLICY SK.2 (FORMER BRITISH SUGAR SITE)

This policy states that proposals for this site should provide a mixed use development incorporating a significant number of residential units and employment generating uses including:

- B1, B2 and B8 development
- Ancillary commercial uses
- Community facilities
- Tourism and non town centre leisure uses

The key issue relating to conformity with these policies is whether a leisure centre use would contribute towards economic development on the site and if it can be interpreted as an employment generating use. 0.44ha of the B1/B2/B8 land identified within Phase 1 of the site's development is to be taken up by the proposed leisure centre.

It is estimated that the new leisure centre will provide around 50 jobs. There are also likely to be spin offs and benefits to the surrounding employment uses and this would help bring investment to the Stourport Road Employment Corridor. The Oldington and Foley Park Ward is the most deprived ward within the District and a new leisure centre in this area would bring benefits and opportunities for the local workforce and provide easy access for residents within a deprived ward. On balance it is considered that the leisure centre will contribute to the overall attractiveness of the South Kidderminster Enterprise Park and will help to encourage further businesses to locate here in the future. Subsequently it is considered that overall the proposed use complies with those uses specified for the site within policies GPB1 and SK2.

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CONFORMITY WITH POLICY KCA.EG5 (BROMSGROVE STREET AREA)

The Kidderminster Central Area Plan (KCAP) was also adopted in July 2013.

Section 10 of the KCAP sets out a series of policies for the KCAP. The current Wyre Forest Glades Leisure Centre location on Bromsgrove Street falls within the identified Eastern Gateway which represents a series of significant development and investment opportunities and projects. Policy KCA.EG5 covers the Bromsgrove Street Area. In particular paragraphs 10.28-10.30 of the reasoned justification outline that following the leisure centre review, the closure of the Glades Leisure Centre would provide a significant redevelopment site in the area and could assist with the ambition for the comprehensive regeneration of Bromsgrove Street. A feasibility study has identified that this area is capable of accommodating a 40,000 sq.ft supermarket store, which will help to increase footfall within this area of Kidderminster.

SEQUENTIAL APPROACH

Paragraphs 6.13-6.36 of the Planning Statement examine the appropriateness of the site with regard to the sequential test. I note that 14 potential sites were assessed including the application site. These included a mix of town centre, edge of centre and out of centre sites. There are considered to be a number of significant issues associated with the alternative sites which mean that they are not readily available. These issues include significant remediation costs, accessibility and transport network constraints, size and shape of site(s) and the consequential ability to accommodate the new leisure centre. There are also significant planning constraints associated with some of the sites including Green Belt designation, flood risk, proximity to the Air Quality Management Area and longer term regeneration proposals as identified in the Kidderminster Central Area Plan.

Therefore on balance it is agreed that the Silverwoods site is the most appropriate and available site of those assessed, despite being located outside of the town centre. It is readily available and able to accommodate the range of facilities that are required by the new leisure centre. Furthermore, the site already benefits from planning permission for a mixed use development, and the Hoobrook Link Road will open up the site to the east of Kidderminster and help ease congestion in the area.

Whilst the site is not readily accessible by all modes of transport (most notably walking), it is very well located for access by bus to and from the town centres of both Kidderminster and Stourport on Severn, being located on a high frequency bus route. Paragraph 24 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. I also note the preparation of a Travel Plan Framework which would encourage sustainable travel alternatives.

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The proposed site would also serve the wider District's needs and it is noted that the Open Space Study sets a 15 minute drive time standard for access to a swimming pool and synthetic turf pitches. The site would therefore largely accord with this standard.

TOWN CENTRE IMPACT ASSESSMENT

It is considered that the impact assessment on the town centre rightly focuses on the longer term regeneration plans which are identified in the emerging Kidderminster Central Area Plan (KCAP). It is recognised that the development of a new leisure centre at an alternative site is imperative to assist with the Council's detailed regeneration plans for the Eastern Gateway.

Moreover, it should be noted that the KCAP has undergone a detailed production process, including several stages of comprehensive public consultation at Issues and Options, Preferred Options and Publication stages. The Kidderminster Rewyre Regeneration Prospectus has also gained significant public and private support for the Eastern Gateway proposals.

Although the proposal involves the loss of a town centre use (leisure) it brings with it substantial facilitating benefits for the regeneration of this area and for this reason I consider that it accords with Paragraph 26 of the NPPF. In particular, it has positive benefits for planned public and private investment in Kidderminster town centre.

OPEN SPACE, SPORT AND RECREATION ASSESSMENT AND PLAYING PITCH STRATEGY STANDARDS

The Playing Pitch Strategy (2012) which covers the 2012-26 period and forms the basis for policy requirements set out in Policy SAL.UP4, specifies that there is a need for high quality multi pitch sites which are able to cater for all ages. It states that new sites should be developed in Kidderminster if the opportunity arises, but these must be of high quality.

The Open Space Study (2008) which also forms the basis for policy SAL.UP4 sets out a number of standards for future provision. These are based on extensive surveying and consultation which was undertaken by consultants PMP, to inform the Council's planning policy development. The study included standards and future provision requirements for both swimming pool and playing pitch provision. The following pertinent to this application:

- There are sufficient swimming pools to meet current and future demand in quantitative terms. Pools are ageing and focus should be placed on improving the quality of facilities and providing public transport linkages.
- In particular swimming pools were identified as having poor changing facilities, especially family changing and as suffering from poor maintenance.

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- The majority of residents (67%) expect to drive to a swimming pool. Based on the District wide 75% threshold level, residents would be prepared to travel for up to 15 minutes to access a swimming pool.
- For outdoor sports facilities the quality standard is 1.91ha per 1,000 persons, this is set at the existing level of provision. It is considered that this will allow the Council to focus on improving access to existing/new facilities and identify any locational deficiencies that may exist. This will help the Council in achieving increases in participation in line with national targets, but allow an overall focus on improving the quality of outdoor sports facilities.
- The Study sets a 15 minute drive time access standard for synthetic turf pitches, bowling greens and golf courses.

It is considered that the proposed new leisure centre would help to address these quality standards. In particular, it will give the opportunity to provide a quality swimming pool with a higher standard of changing facilities. The provision of MUGA pitches which are suitable for 5-a-side football will also help to meet the quality standard specified for the provision of outdoor sports facilities. More generally the mix of facilities included within the proposal will help to increase participation in the longer term.

- 3.16 North Worcestershire Economic Development & Regeneration – Awaiting comments
- 3.17 Neighbour/Site Notice / Press Notice – 1 letter of objection has been received. The comments raised, in summary, are as follows:

Crazy idea moving the leisure centre out of the town. All other towns (Stourbridge, Worcester, Coventry) have their sports centre in town. Easier for parents to drop off. How are young children from Horsefair, Broadwaters, Comberton, Franche, Greenhill and Offmore suppose to walk that far? People come from all over to use Wyre Forest Glades and there is loads and loads of parking.

4.0 Officer Comments

BACKGROUND

- 4.1 The submission of the current application follows a strategic review undertaken by this Council of how it can best meet the future leisure centre requirements within the District. A strategic options appraisal commenced in 2011, acknowledging that the leisure centre buildings and facilities were coming to the end of their useful life with increasing capital and revenue finance required to ensure that they remain fully operational and fit for purpose. When the strategic options appraisal commenced the then leisure management contract with DC Leisure, who currently manage the existing leisure centres in Kidderminster, Bewdley and Stourport, was due to expire in March 2013. It has since been extended and will now expire in March 2016.

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4.2 In January 2012 Cabinet resolved that the future leisure needs of the District would be achieved by:

- a) Closing the existing Wyre Forest Glades Leisure Centre in Kidderminster and constructing a new leisure to serve the District;

It was also agreed that closure will occur the earliest of:

- i) When a new leisure centre is complete; or
- ii) If the site needs to be vacated in order to allow its development by any purchaser of the site; or
- iii) the end of the 3 year extension to the DC Leisure contract which is now due to expire in March 2016.

- b) Ceasing the operation of Stourport Sports Centre by the District Council;
Stourport Sports Centre will cease to be operated by the Council when the new leisure centre is complete or at the end of the 3 year extension to the current contract in March 2016 if an asset transfer has not been possible.

- c) The transfer of Bewdley Leisure Centre out of the District Council's control.
At present the operators of the proposed new leisure centre will also be required to manage the Bewdley Leisure Centre due to the ongoing dual use agreement allowing use by Bewdley High School. However, the Council has the ability to terminate this arrangement at any point giving a minimum of six months notice as discussions with various parties are ongoing in relation to this site and it is hoped that the operation of the Leisure Centre will be taken on by those parties.

4.3 In order to implement part (a) above an assessment of a number of sites where a new leisure centre could be provided was undertaken. The originally preferred site was the Former Victoria Sports Ground at Spennells Valley Road. Members will recall that an outline application for a new leisure centre was submitted in March 2013 and reported to Planning Committee in May 2013. The application received delegated authority to approve. Since the date of the meeting however extensive due diligence prior to acquisition revealed that purchasing the site would no longer be economically viable for a leisure centre use. In October 2013 Cabinet Members resolved to pursue negotiations with respect to acquiring an alternative site, the current application site at Silverwoods, due to the significant progress in the delivery of the Hoobrook Link Road.

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PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 4.4 Published in March 2012 it sets out the Government’s planning policies for England. It emphasises the presumption in favour of sustainable development, which it defines as consisting of three dimensions, namely an economic role; a social role; and, an environmental role. The Framework is broken down into sections which relate to specific topics and provides guidance on how to deliver sustainable development in accordance with the overarching aspirations of the NPPF.
- 4.5 Section 2 is specific to seeking to ensure that the vitality of town centres is maintained during the Local Development Framework (LDF) process and the determination of planning applications. It promotes competitive town centres and advises that plans should allocate suitable sites for retail, leisure, offices, tourism, cultural community and residential uses. Paragraphs 24 to 26 advise when local planning authorities should apply a sequential test and require an impact assessment, in respect of planning applications for town centre uses.
- 4.6 Under Section 4 entitled ‘Promoting Sustainable Transport’ the NPPF advises that when preparing plans local authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable transport. It recognises that transport policies have an important role to play in contributing to wider sustainability and health objectives.
- 4.7 The NPPF indicates that all developments that generate significant amounts of movement should be supported by a Transport Assessment and, in order to maximise the use of sustainable transport modes be required to provide a Travel Plan.
- 4.8 Section 7 refers to design. The NPPF advises that good design is a key aspect of sustainable development and is indivisible from good planning. It emphasises the need to make places better for people through the achievement of high quality and inclusive design. Great weight should, it is advised, be given to outstanding and innovative design whilst permission should be refused for development of a poor design.
- 4.9 Under Section 8 the NPPF promotes healthy communities stating that, *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.”*

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- 4.10 Meeting the challenge of climate change, flooding and coastal change is the title of Section 10. The Framework seeks to encourage reductions in greenhouse gas emissions and the provision of resilience in terms of the impact of climate change. Development proposals are required to demonstrate energy efficiency measures and it promotes the use of suitable materials to maximise the sustainability credentials of a new building.
- 4.11 The Framework also advises that development should be sited in areas at least risk from flooding, but where the development is deemed to be necessary it should be made safe without increasing flood risk elsewhere.
- 4.12 Finally with respect to the NPPF, Section 11 seeks to ensure that the natural environment is conserved and enhanced by protecting existing valued assets; minimising impacts on biodiversity; providing net gains in biodiversity where possible; and remediating and mitigating despoiled and contaminated land where appropriate.
- 4.13 It advises that local planning authorities should refuse permission if significant harm from a development cannot be avoided, adequately mitigated or compensated.

PLANNING POLICY GUIDANCE NOTES

- 4.14 On 6th March 2014 the Government issued a set of Planning Practice Guidance notes to support the NPPF. The Notes cover 40 topics ranging from 'Determining a Planning Application' to 'Rural Housing' to 'Use of Planning Conditions', and are material to the consideration of planning applications. The Guidance notes break the Sections within the NPPF into smaller parts and provide answers in response to specific questions.
- 4.15 With respect to the topic of design the Note acknowledges that achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.
- 4.16 Turning to the topic entitled 'Ensuring the Vitality of Town Centres', the Note advises that it may not be possible to accommodate all forecast needs in a town centre as there may be physical or other constraints which make it inappropriate to do so.

“In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise...”

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- 4.17 With respect to the topic of leisure the Note gives additional advice on how Local Planning Authorities can to establish what the level of need for sport and recreational facilities is.

ADOPTED WYRE FOREST DISTRICT COUNCIL CORE STRATEGY (2006 – 2026)

- 4.18 The Core Strategy, Adopted in December 2010, highlights the key issues and challenges facing the District both now and in the future up to 2026 and it shapes these into a Vision and Objectives for the District's future development. The Development Objectives include the continuing development of Kidderminster as the strategic centre for the District; the diversification and growth of the District's economy emphasising development of the service sector, high technology, industry and sustainable tourism; and the fostering of healthy lifestyles in the District.
- 4.19 The Strategy sets out five strategic core policies relating to the broad location of future development, the role of the District's settlements and the phasing and implementation of new development. There are then a further fifteen policies to deliver the Development Strategy which are grouped together into four themes.
- 4.20 The strategic policies which explain the Development Strategy for the District are labelled DS01 to DS05. Policy DS05 advises the adoption of a sequential approach to the location of new development. Key regeneration sites within the Kidderminster Central Area Action Plan (KCAAP) are the preferred location followed by other major sites within the urban areas of Kidderminster and Stourport on Severn.
- 4.21 The first theme is entitled 'Adapting to and Mitigating Against Climate Change'. Policy CP01 states that consideration will be given to the design, layout, siting and orientation of a proposed development together with the proposed construction methods and materials in order to deliver a sustainable development which maximises energy conservation and reduces waste.
- 4.22 Policy CP02 refers to flood risk and advises that new development should incorporate a sustainable urban drainage system (SuDS).
- 4.23 Policy CP03 promotes an integrated transport system and enhancing accessibility. In doing so the Policy acknowledges that development proposals should have full regard to the traffic impact on the local highway network and provide a travel plan to demonstrate that accessibility by all modes of transport has been fully considered.
- 4.24 Policy CP07 seeks to resist the loss of existing community facilities and promotes opportunities to expand, enhance or maximise existing community uses.

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- 4.25 Policy CP08 promotes a diverse economy and recognises that major new employment development will be located within the urban area of Kidderminster within the Stourport Road Employment Corridor (SREC).
- 4.26 Support is given to maintaining and enhancing the vitality and viability of existing retail centres under Policy CP09. The Policy advises that new retail and commercial uses should follow a sequential test and be directed to Kidderminster town centre as the strategic centre in the District in the first instance.
- 4.27 The final theme is entitled 'A Unique Place' and the creation of successful places is encouraged by Policy CP11 which seeks to ensure that developments connect sensitively to their surroundings, improve sustainable transport and reflect design quality. Policy CP12 seeks to ensure that the unique character of the landscape is protected and enhanced wherever possible.
- 4.28 CP14 states that new development will be required to contribute towards biodiversity by enhancing opportunities within the site or by making a contribution to off-site projects. The opportunity to increase biodiversity by conserving and enhancing existing trees is recognised.

ADOPTED WYRE FOREST DISTRICT COUNCIL SITE ALLOCATIONS AND POLICIES

- 4.29 The Adopted Site Allocations and Policies Local Plan allocates areas of land for particular uses to meet the requirements set out in the Adopted Core Strategy. It includes Development Management Policies which apply across the whole of the District and are used for determining planning applications together with policies for specific sites identified for future development within the District, including the Former British Sugar Site. The Local Plan is set out under the same headings or themes as the Adopted Core Strategy and it reiterates the Development Strategy.
- 4.30 Policy PFSD1 advises that the Council will view development proposals which accord with the overarching Development Strategy and reflect the principles of sustainable development positively.
- 4.31 As per Policy CP07 of the Adopted Core Strategy, Policy DPL11 seeks to resist the loss of community services and facilities.
- 4.32 The Former British Sugar Site is allocated for approximately 12 hectares of economic development as part of a mix of uses under Employment Land Allocation Policy GPB1
- 4.33 According to Policy CC1 development should safeguard and enhance the existing cycle route network, not adversely affect bus priority routes and provide shared surfaces with an emphasis on connected and legible layouts which give priority to pedestrians over vehicles. Proposals which would lead to the deterioration of highway safety will not be allowed.

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- 4.34 Policy CC2 seeks to ensure that new developments meet the parking standards set out in the Worcestershire County Highways Design Guide.
- 4.35 The route of the Hoobrook Link Road is safeguarded under Policy CC3 which advises that development along or adjacent to the safeguarded route should not prejudice its delivery.
- 4.36 Policy CC6 highlights the desire for the incorporation of renewable technologies within new development, and gives guidance with regard to roof orientation to maximise the potential for solar technologies.
- 4.37 The implementation of SuDS schemes is promoted by Policy CC7.
- 4.38 The retention and enhancement of biodiversity is the subject of Policy UP5. All new developments should take steps to enhance biodiversity. Furthermore the Policy advises that development which would have a significant adverse impact upon protected or priority species or habitat will be refused unless the impact can be adequately mitigated or compensated for.
- 4.39 Policy UP7 seeks to achieve development which is of the highest design quality. In attempting to do so it seeks to ensure that development demonstrates compatibility with a list of 15 criteria. These include integrating well with the street scene, incorporating existing trees and delivering well designed parking solutions.
- 4.40 Policy UP9 seeks to ensure that proposed landscaping schemes and boundary treatment are appropriate.
- 4.41 Within Part B, the Local Plan offers site specific Policies with respect to those sites that have been identified for future redevelopment.
- 4.42 The South Kidderminster Enterprise Park (SKEP) is an area to the south of Kidderminster town centre and, as suggested in the Local Plan, provides genuine development opportunities. The SKEP includes the Stourport Road Employment Corridor (SREC) and the Worcester Road Employment Corridor together with the Former British Sugar Site. The SREC, recognised as being located predominantly within one of the most deprived wards within Worcestershire, is identified as being a key strategic area within the District for economic development.
- 4.43 Policy SK1 is a strategic policy which is applicable to the whole of the SKEP. It provides a list of nine criteria which development should adhere to. The list includes a positive contribution to the economic well being of the District; ensuring that the development does not prejudice the delivery of the Hoobrook Link Road; and safeguarding and promoting 'enterprise units' for start up businesses.

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- 4.44 In addition Policy SK2 specifically relates to the Former British Sugar Site. It sets out the land uses which would be appropriate and provides a framework for future development proposals. The framework includes the consideration of a connection to the Severn Valley Railway; the provision of a cycle and footpath network through the site; and the provision of a multi functional sustainable drainage network (SuDS) and an appropriate drainage strategy.

ADOPTED KIDDERMINSTER CENTRAL AREA ACTION PLAN (KCAAP)

- 4.45 The Adopted KCAAP provides detailed planning policy for the development and regeneration of the central area of Kidderminster. It is acknowledged that the application site lies outside of the KCAAP boundary and therefore its policies are not directly relevant, however a summary of the policies with respect to the proposed leisure provision within the Kidderminster town centre area are considered to be useful to the consideration of the current proposals.
- 4.46 Policy PFSD1 replicates the same Policy within the Site Allocations and Policies Local Plan which highlights a proactive approach towards sustainable development.
- 4.47 Policy GPB3 encourages a flexible approach to areas not designated as a primary or secondary shopping frontage but within the Primary Shopping Area. The Policy permits a range of land uses including leisure.
- 4.48 Policy GPB5 encourages health and educational development and uses including leisure within specific parts of the town known as the Traditional town centre; the Eastern Gateway; Heritage Processions; Churchfields; and the Western Gateway. These areas are considered in greater detail in Part B of the KCAAP which provides site specific policies.
- 4.49 Major new D2 leisure uses are promoted by Policy GPB7 within the waterside environments of the Western Gateway area of the town. Furthermore the Policy encourages development that enhances the evening and night time leisure offer of the town centre.

RE-WYRE PROSPECTUS

- 4.50 The Re-Wyre Initiative was launched in September 2009 with the publication of the Regeneration Prospectus for Kidderminster. The Prospectus highlights the importance of four 'key action areas' for regeneration. One of these action areas is 'The Beet' or the former British Sugar site which is earmarked as a major employment site with a number of key opportunities including:

- Transport Opportunities;
 - Hoobrook Link Road
 - Severn Valley Railway Halt Station
 - Reduced congestion on the Stourport Road
 - Improvements in public transport

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- The possibility of up to 2,000 jobs in industry and commerce;
- One of the largest employment sites west of Birmingham;
- Mixed uses including business hotel and conferences; education; and car showrooms

SOUTH KIDDERMINSTER ENTERPRISE PARK LOCAL DEVELOPMENT ORDER

- 4.51 The site lies within the much larger area of approximately of approximately 277 hectares designated as the South Kidderminster Enterprise Park Local Development Order. The Order came into force in August 2012 and will remain in force for three years. The Order gives greater permitted development rights to new and existing development over and above those granted nationally by Government, with the aim of promoting business growth within this part of the District. It allows development for industrial B1, B2 and B8 uses together with car and vehicle hire without the necessity of acquiring planning consent, subject to certain restrictions.

PROPOSED LOCATION & POLICY DESIGNATION

- 4.52 As detailed previously the application site lies within the Former British Sugar Site, now rebranded as Silverwoods, within the South Kidderminster Enterprise Park (SKEP). The Adopted Site Allocations and Policies Local Plan has a specific policy SK2 relating to this site and area.
- 4.53 A leisure centre and associated sporting facilities fall within Use Class D2. According to Policy SK2 the Former British Sugar Site should,

“Provide a mixed use development incorporating a significant number of residential units (C2/C3) (approximately 320 dwellings), and employment generating uses (approximately 12ha) including:

- *B1, B2 and B8 development*
- *Community Facilities (Use Class D1)*
- *Ancillary commercial uses*
- *Tourism (inc. Hotel) and non town centre leisure uses (Use Class D2)*

Subject to the sequential test and the impact of the proposals being considered and comprehensive masterplan being agreed.

- 4.54 Clearly, the proposed use accords with the uses as advised in the Policy, it does however acknowledge that full compliance is subject to the consideration of the sequential test and the impact of the proposals. This part of the Policy refers to Section 2 of the NPPF, and in particular to paragraphs 24 and 26 which seek to ensure that proposals for main town centre uses, of which a leisure centre is one such use, do not affect the vitality and viability of town centres.

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- 4.55 First, the sequential test or approach seeks to direct development towards locating within existing strategic and town centres to contribute to their regeneration, reduce the need to travel and promote sustainable communities. Its principles are adhered to within the Development Objectives and Policies DS01, DS02 and CP09 of the Core Strategy; and within the Vision together with Policy GPB2 of the Site Allocations and Policies Local Plan.
- 4.56 As part of the application an assessment has been submitted to establish whether any alternative, sequentially preferable, sites within Kidderminster town centre or at the edge of the town centre, are capable of accommodating the development as proposed.
- 4.57 In undertaking such an assessment, for an alternative site to be considered sequentially more preferable it would need to be:
- immediately available, or likely to become so within a reasonable time period;
 - suitable for the proposed development, in terms of location, size, accessibility and physical characteristics;
 - genuinely viable.
- 4.58 The submitted sequential test has considered the following sites:

	Site Name	Summary of reason(s) for rejecting or accepting
1	Former Sladen School site	The current surrounding highway network is unsuitable without significant levels of investment; likely to have adverse impact upon Air Quality Management Area (AQMA)
2	Former British Sugar site	<p>The site could clearly accommodate the size of Leisure Centre envisaged and is centrally located within the District, added to which public transport connections are good. The current planning policy for the overall former British Sugar site would provide support for the proposed Leisure Centre Previously there had been concerns due to the significant infrastructure requirements and remedial works which would have been required, added to the unknown long term aspirations of the landowner.</p> <p>However, buoyed by successful funding to help deliver the full extent of the Hoobrook Link Road and interest from other partners, the site owners have undertaken significant and costly site remediation works resulting in a "shovel ready", accessible, viable, and immediately available site.</p>

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3	Land at Stourport-on-Severn sports club and Stourport-on-Severn secondary school	Area of land appears to fall short of the minimum requirement; the site falls within the Green Belt and from a planning policy perspective, exceptional circumstances would need to be demonstrated to justify such a development
4	Green Street (Council) Depot	The site falls well below the minimum size of site required to facilitate the new Leisure Centre development.
5	Land at Crossley Retail Park	The shape of the site is somewhat irregular and as such will limit the range of facilities that can be delivered on the site; the site is at risk from flooding with cost implications; the site is already earmarked as part of a wider redevelopment regeneration aspiration for the wider Churchfields Masterplan area; a Leisure Centre development in this location may prejudice future development opportunities and linkages
6	Churchfields Business Park	The current surrounding highway network unsuitable without significant levels of investment to cater for increased vehicular movements; likely to have adverse impact upon Air Quality Management Area (AQMA)
7	Former Victoria Sports Ground (i.e. the application site)	This site has been previously considered and an outline application for a Leisure Centre on this site was received favourably by the Council's Planning Committee in 2013. Whilst in private ownership, the site is available. The size and shape of the site would provide the required scope and flexibility to accommodate the range of facilities proposed to be delivered by a new leisure centre development. However, following a detailed appraisal of the site, it has since been dismissed due to potentially costly on site, and off site works which would be required to enable the successful development of a Leisure Centre
8	Former school site, Habberley Road	No longer available
9	Romwire site	Remediation costs are likely to be significant and prohibitive.
10	Chainwire site	Unlikely to be readily available; the site falls within the Green Belt and from a planning policy perspective, exceptional circumstances would need to be demonstrated to justify such a development
11	Eastern Gateway/Bromsgrove Street	Would mean a gap in leisure centre provision of 18-24 months; planning policy aspirations for retail redevelopment (see below)
12	Cheshires site	Not currently available; level changes could have implications for viability; insufficient space to accommodate full desired mix of leisure facilities
13	Former Rock Works site;	Site too small; land assembly would be required; access poor due to narrowness of the highway in the immediate vicinity of the site
14	Matalan and Timber Yard site.	Access poor; shape of site constrains delivery of proposed sports hall and outside pitches

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15	Former Sealine Premises, Kidderminster	Planning policy would presume against a leisure centre; potential flooding issues; cost of site clearance is not viable
16	Comberton Place, Kidderminster	Linear in shape and dissected by public highway therefore would not be able to deliver a suitable layout or appropriate car parking
17	Weavers Wharf, Kidderminster	The likely costs of acquiring the site would be prohibitive; currently the subject of a major planning application
18	Mill Street Mixed Use Area, Kidderminster	Shape and size of the site is not considered appropriate; multiple owners which would make land assembly difficult; the site is dissected by the public highway
19	Blakebrook School and County Buildings, Kidderminster	Site is not allocated for leisure use and planning policy seeks to retain listed building on the site compromising the provision of a suitable layout; located at a 'pinch point' on the highway network and the associated traffic implications are not considered favourable in this location
20	Tan Lane and County Buildings, Stourport	A 'split site', with the public highway separating the two sites; the size and shape of the two sections would restrict development; issues regarding ownership and availability
21	Civic Centre, Stourport	Size of the site is too small, even allowing for the proximity to existing Council owned car parking; issues relating to accessibility to the site
22	Swan Hotel and Working Men's Club, Stourport	Size and shape of the site is inappropriate; planning policy steer to providing A1 retail along the High Street frontage
23	Load Street Redevelopment Area, Bewdley	Site is too small; poor access; issues regarding availability; aspirations to provide new Health Care facilities within Bewdley Town Centre
24	Lax Lane, Bewdley	Site too small; poor access; issues regarding availability due to multiple occupancy

4.59 The sequential test has assessed a number of town centre, edge of centre and out of centre sites. As the summary information in the table indicates there are a range of physical, highway and planning issues associated with the alternative sites which mean that they are not suitable or readily available. One issue highlighted with respect to the rejection of a number of the sites is that they are too small in size to accommodate the range of uses proposed. In contrast the NPPF advises that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. In response the applicant has advised that

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“In considering the suitability of sites, a fundamental consideration has been the desire to ensure that all facilities associated with the proposed new Leisure Centre can be accommodated on a single site. ‘Splitting’ leisure facilities onto separate sites would bring with it additional costs in terms of duplication of associated facilities (e.g. car parking; changing facilities; staffing of facilities etc). A single site would deliver economies of scale; ease of management of the site; and, reduce potential costs when considered against ‘multiple’ site alternatives.”

- 4.60 Therefore on balance with the size of the site defining its suitability and the availability of the site driving the sequential test forward to ensure that a new facility is completed by March 2016, in order to avoid the under provision of leisure facilities within the District, it is agreed that the application site is the most appropriate site.
- 4.61 The second test required to be undertaken to accord with Policy SK2 is an impact assessment. The NPPF states that this should consider the following,
- *“the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.”*
- 4.62 In response reference has been made to the site known as the Eastern Gateway; a town centre site which incorporates the existing leisure centre and, it has been acknowledged, is well located in terms of accessibility. However the redevelopment of this site for a new leisure centre would result in a gap in provision within the District of up to 24 months, as any proposed new build on the existing Glades Leisure Centre site could not be undertaken at the same time as vacation and demolition. Furthermore by vacating the current site of the Glades Leisure Centre and building a new facility on the application site, this prepares the way to unlock the regeneration of this town centre site which is promoted within the Eastern Gateway section of the Adopted Kidderminster Central Area Action Plan (KCAAP).
- 4.63 It is envisaged that the Bromsgrove Street Area, of which the current Glades Leisure Centre is a key site (KCAAP Policy KCA.EG5) could be delivered at an earlier phase in the plan period and would provide a major opportunity to regenerate this part of Kidderminster and provide a significant new retail development. The submitted Planning Statement indicates that,
- “The development of a new leisure centre at an alternative site is critical to the delivery of Bromsgrove Street in the short- term and the wider Eastern Gateway in the medium to long term, which will see significant public and private sector investment in Kidderminster town centre.”*

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- 4.64 It is anticipated that the proposed redevelopment of Bromsgrove Street for a new retail development would promote additional footfall to Worcester Street and act as a counter weight to the retail development at Weavers Wharf in the Western Gateway. As such this would improve the overall retail offer within Kidderminster town centre, increase connectivity between Bromsgrove Street and Worcester Street and would enhance the vitality and viability of the traditional town centre and, it is argued, bring an even greater benefit to the evening economy of the town centre.
- 4.65 Therefore whilst the provision of a new leisure facility at the Eastern Gateway site accords with Policy EG5 it is considered that it would be at the cost of the opportunity to facilitate the redevelopment of the Eastern Gateway for retail floorspace which would drive footfall to this side of the town centre and strengthen its overall vitality and viability.
- 4.66 It is therefore considered that the potential impact upon the town centre, in terms of the matters highlighted within the NPPF as set out above, would be acceptable.
- 4.67 Separately, whilst it is considered that the proposed leisure use (Use Class D2) accords with the list of Use Classes deemed to be acceptable within Policy SK2 of the Adopted Site Allocations and Policies Local Plan, it could be argued that the proposed development would be at the cost of a B1, B2 or B8 employment use on the site; at a location which is described as a key strategic area within the District for economic development. It should be acknowledged that the current application site straddles the boundary between phases 1 and 2 of the Former British Sugar Site and the proposed development would remove 0.44 hectares of land approved for B1, B2 and B8 employment uses within Phase 1.
- 4.68 However Policy SK2 refers to the acceptance of employment generating uses, and it has been estimated that the proposed development would create approximately 50 jobs. To refer to the comments of the Forward Planning Manager it is considered that the proposed development would be likely to bring spin offs and benefits to the Stourport Road Economic Corridor and the residents of the Oldington and Foley Park Ward. On balance it is considered that the development of a leisure centre at this location would contribute to the overall attractiveness of the South Kidderminster Enterprise Park and would help to encourage further businesses to locate here in the future. The proposed development is therefore considered to comply with GPB1 and SK2.

DESIGN, SCALE AND LAYOUT

- 4.69 As stated previously the proposed gross external floorspace is 5,900 square metres. A previously approved and constructed access to the site has been incorporated into the current proposal and this, allied with the shape of the site, has influenced the current "indicative only" plans which accompany the outline planning application.

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- 4.70 The illustrative layout shows that the frontage to the Hoobrook Link Road would comprise of car parking and the proposed sports hall, with the proposed entrance plaza and swimming pool in the middle of the site and the proposed outdoor sports pitches to the rear, closest to the Severn Valley Railway line.
- 4.71 The indicative plans suggest that a central core, at 3 storeys in height, be provided, flanked on either side by the swimming pool and the sports hall. In terms of heights of the respective sections of the building, it is suggested that the minimum height (above the swimming pool) would be 7m, with the maximum height for the sports hall section of the building standing at 11m in height. In addition, a small section of the building, housing the proposed climbing wall, would rise to 15m in height. The illustrative layout shows that the leisure centre building would be used as a physical buffer or screen both in terms of lighting and noise to future residential development and users of the highway. Whilst a height of 15m may seem excessive it should be recognised that the plot lies at the base of a sandstone embankment, with land to the west or top of the slope on land approximately 4 to 5m higher.
- 4.72 The elevations, albeit illustrative, shown a modern building comprising of distinct component parts, flat roofs and sharp edges. Whilst the finer points of detailing finishes and materials have yet to be finalised the applicants have advised that it is aimed that the proposed Leisure Centre would achieve at least a “Very Good” BREEAM rating, with a further aspiration to achieve an “Excellent” rating.
- 4.73 It is considered that the proposed tiered approach to the layout is appropriate and that an attractive development could be achieved subject to conditions to control the proposed materials and lighting. The proposed outline application therefore accords with Policy CP11 of the Adopted Core Strategy and Policy UP7 of the Adopted Site Allocations and Policies Local Plan.

HIGHWAYS AND ACCESSIBILITY

- 4.74 The application has been submitted with a Transport Assessment (TA) and a Framework Travel Plan. For the purpose of assessing the traffic impact of the proposed leisure centre the TA has considered the following three junctions in terms of their highway capacity;
- Leisure centre access onto Hoobrook Link Road (this access point was previously approved under the Phase 1 outline consent Ref. 12/0146/EIA)
 - Hoobrook Link Road / A451 Stourport Road
 - Hoobrook Link Road / A442 Worcester Road
- 4.75 The analysis of the three junctions has been based on vehicular trip rates derived from the recognised TRICS database. To reiterate, it is anticipated that the full length of the Hoobrook Link Road will be open and available for public use prior to the opening of the proposed leisure centre. However the TA advises that in order,

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“...to provide a robust assessment, the key junctions have been tested under the assumption that 100% of the new trips arrive and use each of the new junctions with the A451 Stourport Road and A442 Worcester Road. In reality, trips accessing the leisure centre will utilise both junctions and therefore the impact would be spread.”

- 4.76 The results of the analysis indicate that all three junctions have been shown to operate well within their capacity with only minimal increases in queues and delays due to the proposed development.
- 4.77 In terms of public transport, whilst there is no bus provision within the Former British Sugar Site there are five bus services which run along the Stourport Road, a high frequency bus corridor. The stops located on the Stourport Road are within 500m of the proposed leisure centre which is considered to be a walkable distance. It should also be noted that with the completion of the Hoobrook Link Road it is possible that public transport links may be diverted to utilise this strategic link and as such bring public transport facilities closer to the development.
- 4.78 Notably the layout of the wider Former British Sugar Site as approved under the outline consent (re: 12/0146/EIA) includes a dedicated off road cycleway footway which leads from the Stourport Road through the middle of Phase 1 to the Hoobrook Link Road, and lies in close proximity of the entrance to the application site. Cycleways are also located along the Stourport Road and there is a proposed link for pedestrians and cyclists from the wider site down to the canal towpath to the east.
- 4.79 It is also worthy of note that the aforementioned outline planning permission made provision for the reinstatement of the Foley Railway Halt to the north west corner of the Former British Sugar Site, which would also incorporate passenger car parking facilities. It is understood that negotiations between the relevant parties are ongoing, with a view to providing a link to the mainline railway at Kidderminster Station, which if successful would further enhance accessibility to the application site by public transport.
- 4.80 It has been indicated that there will be 180 to 200 parking spaces accommodated within the site. However as yet the detailed design of the leisure centre is unknown and therefore consequently a strict parking standard to floorspace calculation cannot be applied, however based on the estimated figures the proposed meets the County Council parking standards and a further assessment will be made at the reserved matters application stage.
- 4.81 As advised previously a Framework Travel Plan has also been submitted, the purpose of which is to summarise the sustainable transport initiatives which could be incorporated within the management of the proposed development and additional measures which could reduce reliance on the private car.

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4.82 The Travel Plan (TP) states that a survey of staff travel behaviour will be undertaken within six months of the opening of the leisure centre and, based on the information gained from the initial survey, the overall aims of the TP would be to:

- Reduce single occupancy car travel by 5% within 2 years of the leisure centre opening; and
- Reduce single occupancy car travel by 10% within 6 years of the leisure centre opening.

4.83 This would be achieved by the appointment of a Travel Plan Co-ordinator who would seek to reduce the reliance on the private car by a range of initiatives including the provision of:

- travel information, including local cycle network maps;
- cycle stands;
- changing / washing facilities for cyclists;
- secure lockers;
- free transport home for staff using public transport in the case of an emergency;
- promoting a 'walking buddy' scheme; and
- car sharing.

4.84 After taking into account the results outlined within the TA together with the TP it is considered that the proposals accord with Policy CP03 of the Adopted Core Strategy and Policies CC1, CC2 and CC3 of the Adopted Site Allocations and Policies Local Plan.

LANDSCAPING AND TREES

4.85 As stated previously the wider Former British Sugar Site is encompassed by a Tree Preservation Order, however the land subject of the current application currently features no trees. Trees are located to the north, beyond the site boundary, alongside the Severn Valley Railway track, however these will not be impacted upon by the proposed development

ECOLOGY AND BIODIVERSITY

4.86 The application site lies within 2km radius of the following statutory and non statutory designated sites:

- Wilden March and Meadows Site of Special Scientific Interest (SSSI) - 400m east
- River Stour Flood Plan SSSI – 500m south
- Devil's Spittleful SSSI – 800m west
- Burlish Top Local Nature Reserve (LNR) – 11m west
- Spennells Valley LNR – 1,2km east
- Staffordshire and Worcestershire Canal Special Wildlife Site (SWS) – 360m east

14/0095/OUTL

- River Stour SWS – 380m east
- Vicarage Farm Heath SWS – 800m west

- 4.87 An extended Phase 1 Habitat Survey and Protected Species Survey Assessment has been submitted as a separate supporting document. Following survey work undertaken on site to assess its potential to support protected species it has been reported that there was no evidence of badgers; it is unlikely that the site supports notable invertebrate populations or amphibians; the site is unsuitable for reptiles and birds; and unlikely to provide important foraging habitat for bats.
- 4.88 The survey does however acknowledge that there is the potential for individual reptiles to be killed or injured if vegetation along the northern boundary of the site is cleared or disturbed and that the use of light again long the northern corridor would be likely to cause disturbance to bats. It is however considered that the impact could be adequately controlled via a suitably worded condition to ensure that the proposals accord with Policy CP14 of the Adopted Core Strategy and Policy UP5 of the Adopted Site Allocations and Policies Local Plan.

FLOOD RISK

- 4.89 Whilst the application site lies within flood zone 1, which has a low probability of flooding, the NPPF requires that a Flood Risk Assessment (FRA) should be submitted with all planning applications which have an area greater than 1 hectare. This is in order to determine the risks of flooding from all sources including rivers, sewers and groundwater.
- 4.90 A drainage strategy has been designed for the wider Former British Sugar Site. This includes the provision of a detention pond for surface water drainage in the event of a 1 in 100 year storm. The detention pond is the subject of a current planning application which is awaiting determination (Ref: 14/0089/FULL).
- 4.91 As part of this strategy the application site has been given an allowable surface water discharge total, and in order to reduce surface water run off to help meet this total it is proposed that the sports pitch area will be constructed with a sub base Sustainable Drainage System (SuDS) to store storm water. It should however be acknowledged that the detail of this SuDS scheme has yet to be finalised but the detail could be secured via a suitably worded condition.
- 4.92 The consideration of drainage, and the intention to provide a SuDS scheme accords with Policy CP02 of the Adopted Core Strategy and Policies CC7 and SK2 of the Adopted Site Allocations and Policies Local Plan.

S106 OBLIGATIONS

- 4.93 According to the Adopted Supplementary Planning Document on Planning Obligations a scheme of the size proposed is above the threshold for possible contributions towards the following:

14/0095/OUTL

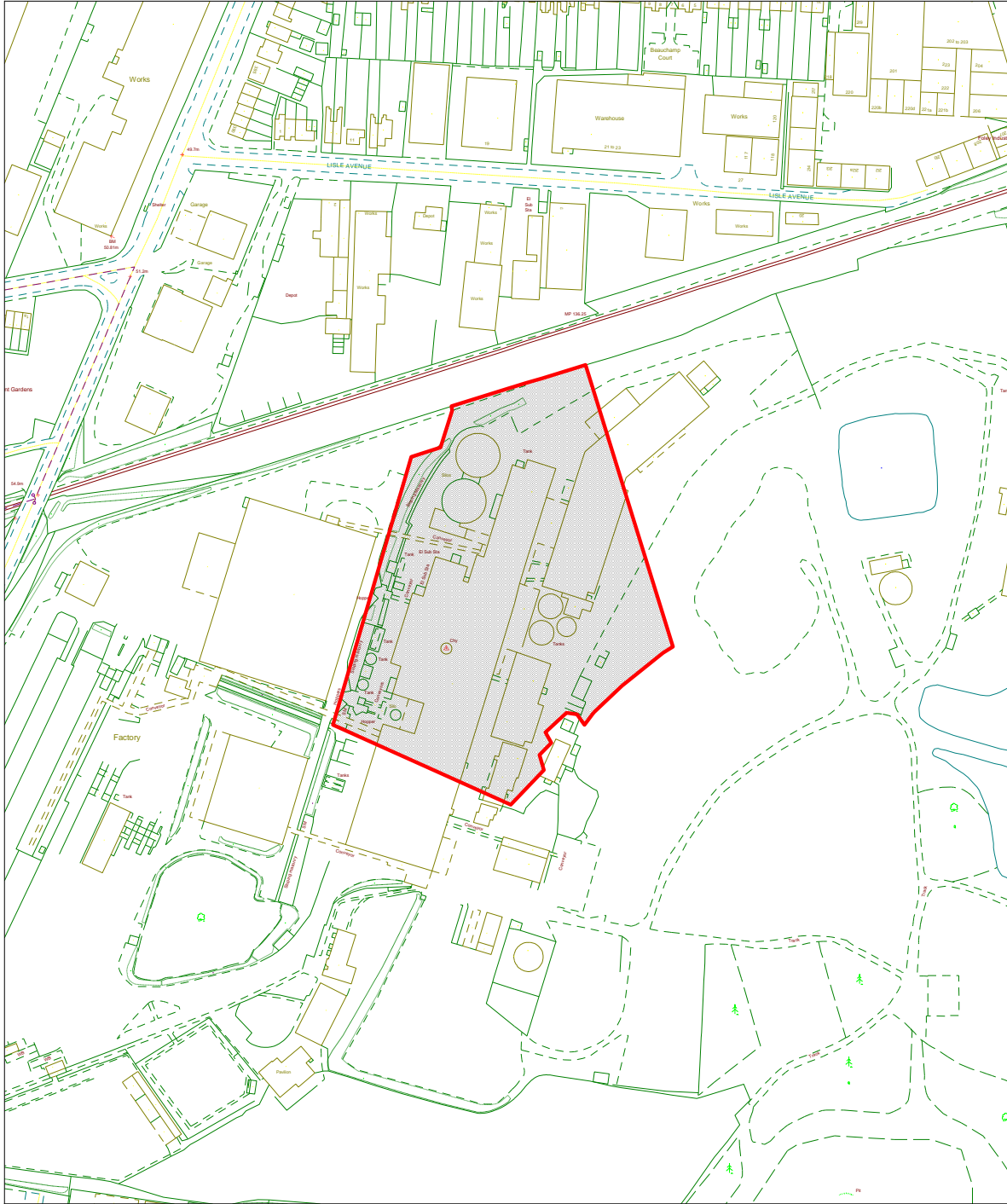
Biodiversity	It is considered preferable to secure enhancements on site
Sustainable transport	None are requested from the Highways Authority.
Travel plan	A preliminary Travel Plan has been provided and it is considered that a refined version could be secured by a suitably worded condition
Public Realm	It is considered preferable to secure an improvement to the public realm through the design of the proposed new building(s).

5.0 Conclusions and Recommendations

- 5.1 The site specific Policy SK2 within the Adopted Site Allocations and Policies Local Plan advises that the proposed leisure centre use would be appropriate at this location. This is however providing that consideration has been given to the sequential test and an assessment of the impact upon Kidderminster town centre.
- 5.2 Whilst the site lies at an out of centre location it is considered that the sequential test that has been carried out satisfactorily demonstrates that there are no sequentially preferable sites which are suitable or available. Furthermore by providing the proposed new facility at the Former British Sugar Site it would support the retail aspirations for the more centrally located Eastern Gateway site, and would enable the significant public and private investment required to enhance the viability and viability of not only this part of the town but of the centre as a whole.
- 5.3 The proposed use is not a strict B1, B2 or B8 employment use, however it is an employment generating use and it is considered that it would promote the economic regeneration of the South Kidderminster Enterprise Park and the Stourport Road Economic Corridor, and the aspirations for this site within the Adopted Site Allocations and Policies Local Plan and the Re-Wyre Prospectus.
- 5.4 Whilst not a town centre site it is considered that the location is sustainable with access by pedestrians, cyclists and by public transport. It lies within close proximity to a high frequency bus corridor and there is the potential for greater accessibility by bus and by train in the future.
- 5.5 The application has been submitted in outline form with only access and scale to be determined at this stage. It is however considered that the submitted illustrative layout indicates that an acceptable and attractive form of development could be achieved on the site.

14/0095/OUTL

- 5.6 The impact upon ecology would be acceptable subject to conditions, whilst the site lies in flood zone 1 and due consideration has been given to the inclusion of a SuDS drainage scheme.
- 5.7 The proposed new Leisure Centre, which will feature both indoor and outdoor leisure facilities in accordance with Sport England standards, will serve the District as a whole. The development would deliver a wide variety of sports facilities, accessible to all, which would be of attraction to a wide cross section of the residents of the district.
- 5.8 The proposed development satisfies the appropriate planning policy requirements at the national and local levels and therefore the recommendation is for **APPROVAL** subject to the following conditions:
1. This permission shall enure for the benefit of the applicants only (In accordance with Regulation 9 of the Town and Country Planning General Regulations 1992).
 2. A1 (Standard outline [Development shall be begun either before the expiration of 3 years from date of outline permission or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later])
 3. A2 (Standard outline - Reserved matters [appearance, layout, landscaping])
 4. A3 (Submission of reserved matters within 3 years)
 5. A5 (Scope of outline permission (maximum gross floorspace 5,000 sq.m.
 6. First reserved matters application to be accompanied by the following:
 - a) Noise assessment to demonstrate the impact of the proposals upon residential amenity;
 - b) Details of lighting including a luminance plan and details of the potential impact of the lighting upon ecology;
 - c) Methodology for resurveying the site for reptiles and details of mitigation to be agreed
 7. A11 (Approved plans)
 8. Any further reserved matters application submitted on or after 1 July 2014 shall be accompanied by an update to the submitted Phase 1 Habitat Survey & Protected Species Survey Assessment;
 9. Details of travel plan prior to be agreed prior to first opening
 10. Site contamination
 11. Drainage scheme to be submitted to accord with details agreed under condition 38 of outline consent Ref. 12/0146/EIA and agreed
 12. Existing and proposed site levels
 13. All clearance works within the site between September and January only unless otherwise agreed
 14. Details of construction lighting.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Land at Silverwoods (former British Sugar)
Stourport Road, Kidderminster DY11 7BW**

Date:- 26 March 2014

Scale:- 1:2500

OS Sheet:- SO8274NW

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Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7FB Telephone: 01562 732928. Fax: 01562 732556



Application Reference: 14/0126/FULL **Date Received:** 05/03/2014
Ord Sheet: 380180 270030 **Expiry Date:** 30/04/2014
Case Officer: Paul Round **Ward:** Areley Kings

Proposal: Demolition of existing outbuildings and porch on front entrance, erection of single storey extension (189 sq m gross) to rear of existing public house, installation of plant and enclosure, replacement shopfront to front elevation and external alterations

Site Address: SQUIRREL INN, 61 ARELEY COMMON, STOURPORT-ON-SEVERN, DY130NG

Applicant: Tesco Stores Limited

Summary of Policy	DS03, CP03, CP09, CP11(CS) SAL.PFSD1, SAL.GPB4, SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7, SAL.UP8 (SAAPLP) Paragraphs 14, and 123, Sections 1, 2, 4, 7, 12 (NPPF) Sections on Conserving and Enhancing the Historic Environment; Design; Ensuring Vitality of Town Centres; Noise; and Use of Planning Conditions (PPG)
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 Squirrel Public House is located on Areley Common within the Areley Kings area of Stourport surrounded by residential properties. The site of 0.19 ha also consists of a car park, beer garden and ancillary grassed areas.
- 1.2 The Site is within an area allocated primarily for residential purposes and within the Areley Common neighbourhood/village centre. The building itself is included within the Local List of Buildings of Architectural and Historic Value.
- 1.3 The proposal seeks to extend the existing property to the rear and carry out external alterations in relation to the permitted change to retail shop.

2.0 Planning History

- 2.1 None of relevance

14/0126/FULL

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited

3.2 Highway Authority – Views awaited

3.3 Worcestershire Regulatory Services (Noise) – Views awaited

3.4 Worcestershire Archive & Archaeology Service - The proposed conversion of the inn to a convenience store will affect a building of local historic significance. Built in the mid nineteenth century, the Squirrel Inn represents a phase of development of the common land. The building shows a number of developmental phases and as a condition of planning consent I advise that a programme of historic building recording be carried out prior to and where appropriate, during development.

3.5 Conservation Officer – No objections subject to conditions. The Squirrel appears on the Local Heritage List due to it being of “local interest”, being a good example of a small mid-19th century inn, which has since expanded to occupy several adjacent cottages. Its principal architectural interest is the elevation to the main road, although the survival of some of the cellular interior features also contributes to its overall interest. It is acknowledged that the revisions to the fenestration and the extensions to the rear reduce the interest of this part of the building.

The design and access statement and heritage statement outline the process of refinement of the existing design with respect to the principal elevation. I think that the current proposed shop-front design not only allows the retention of more of the original fabric but also harmonises with the remainder of the elevation.

I welcome the retention of the timber sash windows and suggest that these receive a suitable window film on the interior which will serve to obscure the glazing and conceal those partitions and other elements within the store which would otherwise clash with the windows: in particular I refer to the partitioning within the wc area.

Whilst the retention of the facade is to be welcomed, it is regrettable that virtually all other features of the building are to be removed to accommodate the new store. To mitigate this loss I think that a scheme of recording of the interior should be made prior to commencement of the works, in accordance with the NPPF at paragraph 141.

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3.6 Neighbour/Site Notice

At the time of writing 35 letters of objection have been received which raise the following issues.

- Areley Common has 7.5T weight limit, lorries will be 18T;
- Already a convenience store within close proximity – could cause other stores to close;
- Major congestion a real issue on Areley Common with parked cars on street. Additional traffic will add to congestion;
- Inaccessibility of delivery lorries;
- Close to zebra crossing used by children from local school who will be put at risk;
- Noise issues due to refrigeration equipment and general disturbance off deliveries and car parking;
- Light pollution;
- Possible anti-social behaviour;
- ATM machine will result in short stay visits and possible increased parking on the road;
- Loss of public house as community security.

4.0 Officer Comments

- 4.1 The application seeks Approval for extensions and alterations to the building along with changes to the rear area to provide car parking and service yard. The application does not include the change of use of the premises to A1 retail as this is ‘permitted development’ granted by virtue of Class A, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and does not require separate permission. Public meetings have taken place with local residents and the applicant to highlight the proposals.

PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

- 4.2 The existing premises provides approximately 168 sq m of floor space at ground floor level. The proposed single storey extension will increase this to approximately 357 sq m extending 13.5m to the rear. The frontage of premises will be mainly refurbished with the existing previous modern porch extension removed being replaced with a traditional timber shop front. The existing garage will be removed to allow a re-configured car park and a ‘one way’ access arrangement to be provided.

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- 4.3 Policy SAL.GPB3 of the Adopted Wyre Forest Site Allocations and Policies Local Plan sets out how the Council will protect and enhance local centres. The policy sets out that *“support will be given for new retail development in neighbourhood or village centres comprising of the conversion or extension of existing facilities, providing that the floorspace proposed does not exceed 280 sqm net.”* The Applicant’s agent has confirmed the net floor space to be provided is 280 sq m in line with the policy requirement and the definition of a “small shop” as part of the Sunday Trading Act 1994. Although policy SAL.DPL11 seeks to retain community facilities, including public houses as the loss of the use cannot be controlled by the Local Planning Authority and this policy cannot be invoked on this occasion. Based on the proposed net retail floorspace the extension is acceptable in principle and is not considered harmful to the Local Centre or Stourport Town Centre.

HIGHWAY IMPACT AND PARKING PROVISION

- 4.4 The main concern that has been raised by third parties is highway access. The centre of Areley Kings, along Areley Common is fairly narrow and is restricted in parts by legal on street parking for residential properties and other services. A Transport Assessment has been submitted with the application which demonstrates that use of the property for retail, allowed under permitted development, would attract on average approximately 169 cars per day and at the busiest peak time of 1800 to 1900 during weekdays, predicts that there will be approximately 17 cars visiting the site.
- 4.5 The addition of the extension to create an additional 112 sq m of trading area has been quantified to show an additional 19 vehicles per hour at the busiest peak time and on average an additional 151 cars per day. This equates to less than one additional vehicle every three minutes.
- 4.6 The figures given are based on a worst case scenario and show an estimated number of vehicles visiting. The Transport Assessment goes on to show that only a small proportion, approximately between 10% and 30%, will be ‘diverted’ traffic with the remainder already being on the network. On this basis the proposed extension will result in 5 additional cars on the network during busiest periods and an additional 35 cars per day on the network. The views of the Highway Authority are awaited and are considered to be critical to this consideration.
- 4.7 Access into the store car park will be from the existing northern entrance which will lead through to a one way system and will exit via the existing southern entrance. Provision is made for 16 car parking spaces to the rear, including 1 disabled space, and 6 cycle spaces. The County Council standards require a maximum provision, of 1 space per 25 sq m (GFA) which would suggest a maximum requirement of 14 spaces. Members will note that the proposal results in a slight over provision however given the nature of the use and its location this is judged as acceptable, notwithstanding any possible comments to the contrary that may be received by the Highway Authority.

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- 4.8 Additional concerns have been expressed over access by delivery vehicles, particularly at busy times. The Applicant's Agent has suggested the following condition in order to structure delivery times:

"Other than in respect of newspaper deliveries/pick-up, no deliveries shall be received at the site except between the hours of 07:00 – 08:00, 10:00 - 15:00 and 17:00 – 20:00 Monday to Friday, 07:00 - 19:00 on Saturdays and 08:00 – 17:00 on Sundays and Bank Holidays. Delivery vehicles must not exceed 10.35m in length"

The transport assessment has demonstrated, via vehicle tracking, that the size of vehicles specified can enter and exit the site without causing difficulties. This analysis has included parked cars on Areley Common and shows that access and egress is still achievable. It is difficult to say how many additional delivery vehicles would be as a result of the proposal for extensions, however it should be noted that as the change of use is permitted development delivery vehicles could still visit the premises, without the access improvements or delivery area proposed by this application. Again, the advice of the Highway Authority will be key to this consideration.

- 4.9 A number of residents have raised the weight restriction on Areley Common of 7.5T. Whilst the delivery vehicles may well be in excess of this limit this restriction is subject to an 'except for access' allowance. This is not a consideration for the Local Planning Authority.

NOISE AND DISTURBANCE

- 4.10 The consideration of noise and disturbance falls under two main aspects, the car park, and the associated plant and machinery. Any associated noise and disturbance from persons or cars must be considered in the context of the existing use as a Public House and the fact that the retail is allowed under permitted development. In respect of deliveries the noise consultants have responded as follows:

As part of the assessment of noise from the proposed air conditioning plant, background noise levels were measured within Vawdry Close. The quietest part of the day (07:00 - 20:00) was measured at 35.5 dB.

Given this background noise level, and the distance from the delivery vehicle to the garden perimeter, I would conclude that the general noise from deliveries will be largely masked by the level of background noise that already exists in the area. Furthermore, the position of the delivery vehicle in front of the back door, may further mask noise from delivery activities, (e.g. from moving roll cages etc).

In addition to the above, I am aware that Tesco has a strict 'Good Neighbour' policy at their Express stores and normally operate a management plan for deliveries, which requires staff to actively minimise noise.

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Based on deliveries being made within the times suggested above, I believe they will not cause unreasonable noise disturbance

I do not feel that there will be significant additional noise and disturbance associated with this proposal over and above the existing or permitted use. The noise associated with deliveries can be controlled via condition as suggested above.

- 4.11 The application also includes the installation of three air conditioning units and one large condenser unit enclosed by a 2.2m high close board fence within the defined service yard. A noise assessment has been submitted to support this element of the proposal. Background noise levels have been taken from the closest residential property which has been used to assess the additional noise levels associated with the plant proposed. The air conditioning units will only be operational during opening hours, whereas the condensing unit will be operational 24 hours a day. The assessment shows that the noise levels associated with the plant will be below marginal significance. The report concludes that “...*the proposed plant will be unlikely to give rise to complaints for local residents.*” Worcestershire Regulatory Services have been consulted and their views are awaited.

HERITAGE AND DESIGN ISSUES

- 4.12 The building is included on the Local List of properties of architectural and historic value. The comments of the Worcestershire Archived Archaeological Service and Conservation Officer are set out above.
- 4.13 The major impact to the property is to the rear with the addition of the large extension constructed of matching facing bricks and a cement slate mansard roof. From the main public vantage point the building will retain its current form and appearance. The traditional timber sash windows will be repaired and a new traditional timber shop front installed following removal of the modern porch structure.
- 4.14 The works in totality help to provide an active use for this historic building which will save it from loss, in the long term. The proposed alterations are sympathetic to the building and are acceptable to the Conservation Officer. The proposed extension has been designed and positioned so as to not result in loss of light or amenity to the two adjacent residential properties. Overall the proposal is acceptable in terms of design and the impact on the heritage asset.
- 4.15 The building still retains some heritage aspects, including the original water pump and building plaque. These are proposed to be retained, which can be secured via a condition to ensure long term preservation. These add to the acceptability of the scheme in heritage terms.

14/0126/FULL

OTHER ISSUES

- 4.16 A number of neighbours have highlighted concerns over the need for another convenience store. Members will be aware that competition is not a matter for the Local Planning Authority. In any event the proposal for consideration is for extensions and alterations and not for the change of use of the premises. Matters of lighting can be controlled by condition in respect of type and hours of usage, however it is understood that these will be low level lights.

5.0 Conclusions and Recommendations

- 5.1 The proposed extensions and alterations are considered to be appropriate in size, scale and detail to this heritage asset and is of a size that is policy compliant within this identified local centre. The increased traffic generation associated with the extension is being assessed by the Highway Authority whose views are awaited. Noise generation associated with the proposed plant and machinery has been subject to a noise assessment which is under review by Worcestershire Regulatory Services and again their views are awaited. Subject to a no objection response from these external consultees the scheme is considered to be acceptable.

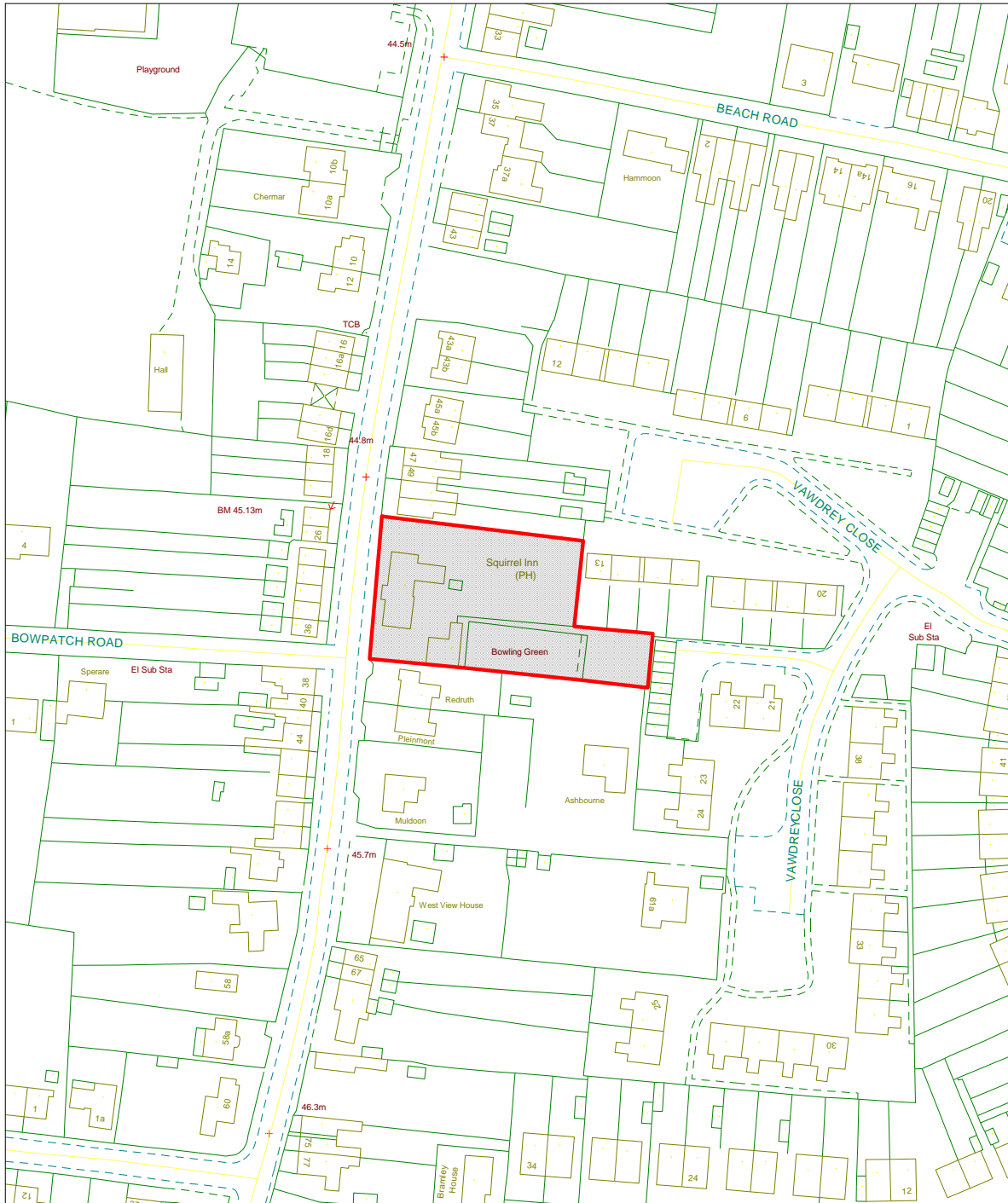
- 5.2 It is therefore recommended that **delegated** authority be given to **APPROVE** the application subject to:

- a) A 'no objection' response from the Highway Authority;
- b) A 'no objection' response from Worcestershire Regulatory Services; and
- c) the following conditions:

- 1. A6 (Full with no reserved matters)
- 2. A11 (Approved plans)
- 3. B1 (Samples/details of materials)
- 4. Details of window treatment
- 5. County Archaeology Building recording
- 6. Delivery hours
- 7. Lighting scheme to be submitted.
- 8. B11 (Details of enclosure)
- 9. Hours of operation for air conditioning units
- 10. G5 (Features retained)

Note

SN5 (No advertisements)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Squirrel Inn, 61 Areley Common
Stourport-on-Severn DY13 0NG**

Date:- 25 March 2014 Scale:- 1:1250 OS Sheet:- SO8070SW Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7FB Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

8TH APRIL 2014

PART B

Application Reference:	13/0681/FULL	Date Received:	23/12/2013
Ord Sheet:	384325 280180	Expiry Date:	17/02/2014
Case Officer:	Julia McKenzie-Watts	Ward:	Cookley

Proposal: Two storey rear extension

Site Address: 152 CASTLE ROAD, COOKLEY, KIDDERMINSTER, DY103TB

Applicant: Mr M England

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Section 7 (NPPF)
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Number 152 Castle Road is a detached property set back from the road, located in the residential area of Cookley. It has residential properties located to the side and rear.

1.2 It is proposed to erect a two storey extension at the property in order to enlarge the existing living accommodation at the property.

2.0 Planning History

2.1 None

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – No objections

3.2 Neighbour/Site Notice – One letter received from a neighbouring property raising the following issues:

13/0681/FULL

- Our living room faces to the west side of our property which we use for both dining and recreational purposes would have the level of light in there significantly reduced. This is already a dark room which we have to light consistently to use. Last year this was the reason that we removed all of the green foliage in our garden to allow more light to be filtered in through the windows.
- Our kitchen area which follows on from the living room and is on the same side of the house would also be affected in the same way as stated above. This would mean that from the perspective of looking out of the windows from downstairs should this extension be built the results would be that all that could be seen would be brick wall and a feeling of enclosure would be made.
- Our bathroom which is on the 1st floor on the same side of the house and is directly above the living room would also be affected in the same way as the living room should a second storey be built to the extension, as proposed. We would again lose light in which at present is a fairly bright room and also there is the aspect point of view. At the moment we are able to look out across to open countryside, again should this second storey be constructed we would be greeted by brick wall on looking out and the feeling of enclosure.

4.0 Officer Comments

- 4.1 The application is for the erection of a rear two storey extension at the property in order to enlarge the current living accommodation. The extension would project to the rear by 2.5m, extending across the entire width of the house to a maximum height of 7.6m. The property is within close proximity of the adjacent semi detached property at number 150. This property has a dining room window which is classed as a habitable room and faces the side elevation of number 152 Castle Road.
- 4.2 Policy SAL.UP8 of the Site Allocations and Policies DPD requires that residential extensions should accord with the 45 degree code as set out in the within the Council's Adopted Design Quality SPG (2004), be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape, not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers.
- 4.3 The adopted Supplementary Planning Guidance document on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene. The guidance also sets out the 45 degree code and how it should be applied on site. It states that the code is used to assess the impact that a proposed development would have on neighbour's daylight.

13/0681/FULL

- 4.4 After a site visit to the neighbouring property at number 150 it was observed that the property is at a slightly lower level than number 152. On the north elevation which faces the neighbour, the property benefits from a dining room window and an entrance door. The dining room window currently has minimal outlook and is quite a dark room as it faces a boundary fence. The view from the dining room window is of the side of number 152 with an approximate separation distance of 4.69m between the two side walls. The extension would be visible from this side window and the 45 degree code infringed, however, due to the northerly orientation of the property, the additional impact of the extension on this window in terms of light loss would be minimal. With regard to the impact of the extension on a rear kitchen window, this would be unaffected and the first floor bathroom is not a habitable room and therefore could not be taken into account when considering light loss.
- 4.5 The extension is acceptable in terms of design as it would be constructed in matching materials and as such would create an aesthetically pleasing addition to the property.

5.0 Conclusions and Recommendations

- 5.1 I have considered the neighbours rights in consideration of Articles 1 & 8 of the Human Rights Act 1998. However, it is considered that the proposal would be acceptable development in the locality and no harm would result to the surrounding area. Whilst it is accepted that the 45 degree rule would be infringed the additional impact of the extension upon the neighbouring property at number 150 would be minimal due to the orientation.
- 5.2 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. B3 (Finishing materials to match)

Application Reference:	14/0036/FULL	Date Received:	16/01/2014
Ord Sheet:	383530 277246	Expiry Date:	13/03/2014
Case Officer:	Paul Round	Ward:	Broadwaters

Proposal: Erection of new 2 bedroom dwelling

Site Address: 35 LONG ACRE, KIDDERMINSTER, DY102HA

Applicant: WESTDEANE CONSTRUCTION LTD

Summary of Policy	DS01, DS02, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP7 (SAAPLP) Design Quality SPG Paragraph 14 and Sections 4, 6 and 7 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a gap between 35 and 33 Long Acre near to the junction with Hurcott Road and to the west of Kidderminster Town Centre.
- 1.2 The site previously occupied a dwelling which has been demolished and utilised for garden land. Indeed it is noted in the supporting statement that storage buildings and latterly a garage have stood in this location for the last 22 years. The site is allocated for residential purposes within the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 1.3 The proposal seeks approval for the infilling of the gap with a residential dwelling.

2.0 Planning History

- 2.1 WF.631/02 – Residential Dwelling : Approved 03.09.02
- 2.2 07/0823/FULL – Residential Dwelling : Approved 08.10.07
- 2.3 10/0598/FULL – Residential Dwelling (Renewal) : Refused 29.06.12

14/0036/FULL

3.0 Consultations and Representations

- 3.1 Highway Authority – Recommend refusal. The application proposes a 3 bedroom dwelling which requires a minimum provision of 2 car parking spaces to be provided within the curtilage of the site. The application site is an infill plot which cannot provide off road parking and is reliant on of carriageway parking to make up for this shortfall. The applicant suggests the site has local amenities, but this is not considered to be a substitution for the provision of car parking and the application does not take the extra step to build in measures to ensure that the site is a car free development. The application does not meet the requirements of the local transport plan and the application will displace 2 vehicles onto the publicly maintained highway which will create an obstruction and occupy more road space in an environment where on street car parking is already experienced.

I note that the applicant has suggested that provision will be made for cycle provision at the rear of the proposed dwelling. No details of the minimum provision of 4 sheltered and secure cycle spaces are provided which is also a requirement of the local transport plan.

(Officer Comment – The application has since been amended to now proposed a two bedroom property, which would reduce the level of parking required to one space).

- 3.2 Severn Trent Water – No objections subject to conditions
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 Members will note from the planning history above that this particular site has been the subject of a number of applications for residential development including two approvals. The latest application in 2010 was refused for the following reasons:

1. The application site does not constitute previously developed land as defined by Annex 2 (Glossary) of the National Planning Policy Framework. To allow the development in these circumstances would conflict with the strategic aims of the District Council in focusing development to Brownfield sites. It is considered that there are no material circumstances in this case that would outweigh these objectives, particularly given the Council has in excess of the requisite 5 year supply of housing land. The proposed development of this site is therefore contrary to Policy H.2 of the Adopted Wyre Forest District Local Plan and Policies DS01 and DS02 of the Adopted Wyre Forest Core Strategy.

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2. The application proposes a 3 bedroom dwelling with no parking provision which is considered to generate the need for 2 car parking spaces which will be displaced on to the street. This will result in obstruction of the highway in an area that already experiences high levels of on-street car parking. In addition, the scheme does not provide for the minimum requirement of 4 sheltered and secure cycle parking facilities contrary to the aims of promoting sustainable access. The development does not comply with Worcestershire County Council's adopted design guide and the consequence of the development will be that it will result in obstruction and impact on highway safety

- 4.2 Since the determination of this application the Council lost a planning appeal at Leswell Street in Kidderminster (12/0443/OUTL), with the Inspector confirming that the non conforming position of the building on part of non-previously developed land should not take precedent over sustainable development particularly where the development would constitute infilling. Whilst this decision does not allow the Council to open the gates to all development on garden land and run rough shod over established policies, it does call for a more flexible approach to development of vacant gaps.
- 4.3 Clearly this site once was occupied by a dwelling and although the building has been demolished and the remains have blended in garden land, structures have occupied the site and as such it not purely garden land. However, I have to take the view that the site is non-previously developed land for the purpose of this consideration.
- 4.4 The design of the property would infill the gap between 33 and 35 Long Acre completing the terrace as originally intended when constructed in the 1900's. The design picks up on the form, architectural characteristic and scale of the adjacent properties. To the rear the scheme has been amended to having a two storey wing which can be accommodated without causing harm to the amenity of adjoining residential properties.
- 4.5 An objection has been raised by the Highway Authority as the property does not provide off street parking. The proposal has been reduced from a three bed property to a two bed property reducing the need to one car parking space. Whilst this could be provided by setting the dwelling back by approximately 6m, this design solution would not be acceptable and would result in an unacceptable appearance in the street scene. The Council's adopted Design Quality SPG provides advice, stating that:

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“There may be locations where traditional terraced streets are located at the back of the footway. Resistance to matching these traditional building forms will not be acceptable in contextual terms; with good design properties at the back of footway can work perfectly well...There will be a general presumption in favour of a continuation of existing car parking arrangements – where there is a tradition of back of footway development or on street parking and where access/courtyard parking arrangements are not practical in physical or design terms, the design imperative will take precedence over Local Adopted Plan Policy...” (paragraphs 3.26 and 3.33)

- 4.6 Notwithstanding the previous refusal, I have taken in to account the reduced need, the town centre location including the close nature to services and public transport options. On this basis, I do not consider that a single dwelling in this location and the addition of a single vehicle to the existing on street parking will result in a reduction in highway safety in this location.
- 4.7 The acceptability of the proposal in all other respects results in the proposal only being contrary to policy by virtue of not being wholly previously developed land. The NPPF and policy SAL.PFSD1 give precedent to the presumption in favour of development and, along with the design improvements to the street scene, on this basis I consider that the application should succeed.

5.0 Conclusions and Recommendations

- 5.1 The proposal for infilling is considered to be acceptable taking into account the presumption in favour of development and the design improvements to the street scene. Notwithstanding the recommendation for refusal by the Highway Authority, it is considered that the traditional back of pavement design should take precedence and that the addition of one extra car to the on street parking provision will not result in a loss of highway safety.
- 5.2 It is therefore recommended that **APPROVAL** be given subject to the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B1 (Samples/details of materials)
 - 4. B10 (Window detail)
 - 5. B12 (Erection of fences/walls)
 - 6. Cycle Parking (Multi Unit)
 - 7. E2 (Foul and surface water)
 - 8. F9 (details of extraction equipment)

Note
Severn Trent Water

Application Reference: 14/0047/TREE	Date Received: 24/01/2014
Ord Sheet: 374081 274022	Expiry Date: 21/03/2014
Case Officer: Alvan Kingston	Ward: Rock

Proposal: Fell Two Oaks

Site Address: ROUSBINE CARAVAN PARK, ROCK, KIDDERMINSTER,
DY149DD

Applicant: Mr Moule

Summary of Policy	CP14 (CS)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The two English Oak trees within this application are located in the grounds of the Rousbine Caravan Park, Callow Hill, Rock and are situated close to the dwelling known as Silverdale.

2.0 Planning History

2.1 09/0855/TREE – Reduce height and reshape two oak trees : Approved 08.02.2010.

3.0 Consultations and Representations

3.1 Rock Parish Council – Objection received:

‘The Parish Council object to the removal of these mature oaks. They are natural trees in the Wyre Forest and they should not be sacrificed and removed’.

3.2 Ward Members – No objection as long as two replacement trees are planted to mitigate for the loss.

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4.0 Officer Comments

- 4.1 The current application seeks approval to fell two Oak trees. As highlighted in the planning history, approval was previously granted to reduce their crown height by 3 and 4 metres respectively and to re-shape them in 2010 (reference 09/0855/TREE).
- 4.2 An Arboricultural Report submitted with the current application has advised that the northern buttress of T1 has been cut in order to install a fence on the boundary. Unfortunately this has resulted in decay entering the root and base of the tree, making the tree a potential hazard. In addition, the Arboriculturalist has advised that there is concern about damage to the driveway at the property known as Silverdale caused by both trees, which has increased since it was assessed in 2010. In the opinion of the applicant's Arboricultural Report T1, it is considered to be an "*actionable nuisance*" as "*the owner of the caravan park has clearly allowed the roots of the trees to escape his land and is therefore liable for negligence*".
- 4.3 This is an interesting viewpoint given that restricting roots from a tree is very difficult to do. However as they are clearly causing damage, action is required to resolve the issue.
- 4.4 In the Arboriculturalist's report to accompany the current application, it details the results of a Tree Preservation Order evaluation of the two trees. The results show that as the trees are not clearly visible from public vantage points, have been pruned excessively in the past and in the case of T1 in a poor condition, they are not worthy of legal protection.
- 4.5 Although it would be regretful to lose two mature trees, I agree with the Consultant's opinion that neither tree has a high public amenity value.

5.0 Conclusions and Recommendations

- 5.1 The concerns of the Parish Council about the removal of mature Oak trees have been carefully considered. However as the trees have a low public amenity value and are clearly causing damage to the neighbouring property, it is considered that there is not a strong case to recommend refusal for their removal.
- 5.2 It is therefore recommended that **APPROVAL** be granted, subject to the following conditions:
1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice')
 2. C16 (Replacement Trees) [x 2]
 3. C17 (TPO Schedule of Works)

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Schedule of Works

Only the following works shall be undertaken:

Fell two English Oaks in the grounds of Rousbine Caravan Park, on the boundary with Silverdale.

Application Reference: 14/0056/FULL **Date Received:** 28/01/2014
Ord Sheet: 381987 279203 **Expiry Date:** 29/04/2014
Case Officer: Emma Anning **Ward:** Wolverley

Proposal: Construction of 12 affordable dwellings in land adjacent to Sebright Road, Wolverley, Kidderminster

Site Address: LAND AT, SEBRIGHT ROAD, WOLVERLEY, KIDDERMINSTER,

Applicant: Wyre Forest Community Housing

Summary of Policy	DS01 CP03 CP04 CP11 CP12 (CS) SAL.PFSD.1 SAL.DPL1 SAL.DPL2 SAL.CC1 SAL.CC2 SAL.UP1 SAL.UP7 SALUP.9 (SAAPLP) Sections 6, (NPPF)
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

1.1 The application site comprises a 3890sq.m area of greenfield land which sits to the rear of phase one of the Sebright Road affordable housing scheme. The site is within the settlement boundary of Fairfield.

2.0 Planning History

2.1 10/0550/FULL - Erection of ten dwellings : Approved 29.03.12

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council –. The Parish Council were delighted to see the revised layout including two bungalows instead of the four flats and therefore a reduced number of dwellings to 12. The Council are more than happy to proceed with Phase 2 in line with the revised plans but have re-iterated they require written confirmation that the local letting policy, ensuring the dwellings are given to people with a local connection, as in Phase 1 will be the same for Phase 2. The Parish Council require confirmation of this and also this to be included in the formal planning application.

3.2 Highway Authority – Awaiting comments

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- 3.3 Arboricultural Officer – No objection subject to landscaping plans and details of long term management.
- 3.4 Countryside and Conservation Officer - This application comes with an ecological report that has identified a variety of measures that the applicant can implement to enhance the biodiversity. We need to see evidence of these in a landscaping plan which should also include the location of the various bat and bird features. Will should encourage that these bat and bird features be built into the fabric of the development to ensure longevity rather than stand alone boxes which can be subsequently removed and or deteriorate over the lifetime of the development. We will also need to be satisfied that all the bat features will be located in a manner as not to be affected by over lighting.

Most importantly the ecological report describes the floristic value of the habitat as poor but does identify the presence of badger and recommends the applicant conduct a badger survey prior to any works we need to condition this.

There are no features that would attract most protected species. But there is no discussion related to this and I have some concern that the site may harbour some habitat suitable for reptile. We will need to get some more information either to why the ecologist feels there is no suitability for reptile or they will need to carry out a reptile survey and potential a reptile translocation program and mitigation. These needs to take place before any development work progresses.

- 3.5 Planning Policy Manager - No objection on the basis that the proposals are based on a robust housing needs assessment and have been discussed and agreed with the Parish Council. It is considered that this scheme conforms to the requirements of Policy SAL.DPL.2 Rural Housing
- 3.6 Strategic Housing Services Manager - The Strategic Housing Services Team support the recent revised plans for the construction of 12 affordable housing dwellings in Sebright Road. The mix of property types and sizes matches the housing needs data and has been supported by the Parish Council. We have agreed the single tenure due to issues with the availability of mortgage finance for individuals wishing to purchase shared ownership and the Registered Providers own financial restrictions as an exception to our usual policy of either a tenure mix based on local housing needs or a 70/30 split.
- 3.7 Worcestershire Regulatory Services – No adverse comments
- 3.8 Crime Prevention Design Advisor - Awaiting comments
- 3.9 Disability Action Wyre Forest - Awaiting comments
- 3.10 Severn Trent Water - No objection subject to drainage condition

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- 3.11 Worcestershire Archive & Archaeology Service - Archaeological investigation work was carried out to satisfy pre-start conditions on the phase one development in 2010. No deposits or evidence of significant archaeological remains, deposits or finds were identified. We were contacted on the current scheme and informed the applicant that given the results and the scale of the current proposals that no further works will be required.
- 3.12 Neighbour/Site Notice – Two letters have been received. The matters raised are summarised as follows:
- Building works will cause a disruption for existing residents in particular with regards to highways safety as the Sebright Road entrance is not suitable for access and egress of plant machinery and heavy goods vehicles. An access of Lowe Land would be much more appropriate.
 - The increase in the number of properties proposed and the change in the accommodation mix is a concern as no bungalows have been allowed for which were a major success in Phase1 (demand driven) , the first to be let and released 2/3 bed backfill properties in the adjoining estate. Lack of consultation is also a real concern.

4.0 Officer Comments

PROPOSAL

- 4.1 It is proposed to erect twelve affordable dwellings on site. The dwellings proposed are a mix of property types as set out below, all are proposed as being affordable rent tenure:

- 6 x 2bed houses
- 4 x 3bed houses
- 2 x 2bed bungalows

PRINCIPLE OF DEVELOPMENT

- 4.2 New housing in the rural areas of the District is guided by Policy CP04 of the Adopted Core Strategy and Policy SAL.DPL2 of the Site Allocations and Policies Local Plan. Both policies support new residential development in the rural settlements where it strictly to meet local housing needs established through Parish Housing Needs Surveys and where the proposed site is identified by the relevant Parish Council as an exception site. The policy requirements of SAL.DPL2 state that the affordable housing must remain so in perpetuity and the number, size, type and tenure of properties must not exceed the identified local need.

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4.3 The applicants have worked with the Parish Council and officers of the District Council to establish the exact nature and level of local housing need. As originally submitted, this application proposed 14 dwellings including 4 one-bed flats, however concern was raised by the Parish Council that the mix of units proposed did not best meet the local need in Wolverley and suggested that bungalows would be more appropriate. Accordingly the applicants submitted revised plans reducing the overall number of units to 12 and substituting the flats for bungalows. As detailed above both the Parish Council and the Council's Strategic Housing Services Manager are satisfied that the number and mix of units proposed would meet the identified local housing need in Wolverley. The Parish Council are fully supportive of the proposed housing on the application site. As with phase one of the development, clauses set out in the S106 Agreement would require the properties to be for affordable rent only and be available only to qualifying persons with a local connection to Wolverley.

4.4 The Planning Policy Manager has no objections to the proposal and is satisfied that the requirements of the development plan are met, On this basis, Officers are satisfied that the principle of the proposed development on this site is sound.

SCALE, SITING & DESIGN

4.5 The proposed dwellings would be of a modern design in keeping with the properties erected in the phase one development of this site. The buildings would be mostly two storey in nature, complementing the phase one properties, with the exception of the bungalows. The scale of development relative to adjacent properties is considered to be complementary to the existing development providing a cohesive design, with the mix of house types and designs to the benefit of visual amenity. The pattern of the proposed development mirrors that which has already taken place fronting Sebright Road insofar as the footprint of buildings would seek to create active frontages on corner plots and would avoid the creation of 'dead space' within the development layout.

4.6 Each property would benefit from private amenity space with garden lengths no less than 10m (for two storey dwellings) and 5m (for each bungalow). The proposed layout allows for window to window distances between the proposed and existing properties fronting Sebright Road of at least 20m which is considered to be acceptable and would not give rise to issues of a loss of amenity due to overlooking. Plots 17 and 19 have side elevations which face on to rear amenity areas of properties built during phase one. No windows are shown in these elevations and therefore no overlooking can occur.

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- 4.7 The application site sits adjacent to Knight Court, a development of apartments which overlook the site on the eastern boundary. Officers were concerned that the proposed plans show that two storey dwellings would be sited just 8.5m from the side facing windows of the Knight Court apartments. With many of the windows serving principal habitable rooms there would be the potential for those, particularly at the first floor, to lose considerable amounts of light if two storey properties were constructed. It has been suggested to the applicants that the terrace of three two-storey properties against the eastern boundary effectively be 'swapped' for the two bungalows proposed on the western boundary. Officers are suitably satisfied that the reduced scale of the bungalows against the eastern boundary would preserve the light to existing windows of Knight Court and would therefore not result in a loss of amenity for existing residents. The switch of property types would also have benefits for the general layout as it would ensure that the proposed development, in terms of the scale of buildings, would mirror the existing phase one massing. Officers therefore consider that revised plans to show the above changes would provide a footprint of buildings and spaces which would create an attractive development, in keeping with the established pattern of development in this locality and would not lead to a loss of amenity for existing residents or future occupiers. The applicants have agreed with the changes suggested and revised plans in accordance with these officer comments are awaited.

LANDSCAPING & BOUNDARY TREATMENTS

- 4.8 The site layout plan provides some detail of hard and soft landscaping proposed for the site which would mirror the approach taken on phase one, with boundary treatments being a mix of 0.9m hoop-top railings (to frontages), 1.8m close boarded fencing between rear gardens and 1.8m brickwork walls to private boundaries with public space. Officers consider these proposed boundary treatments to be acceptable as they would complement the approach used in phase one.
- 4.9 The proposed plans also show a 1.35m stock fencing to the site boundary to the south. However the Ecological report submitted with the application recommends a new hedgerow be planted on this boundary in order to improve the ecological merits of the site. Officers consider this would not be unreasonable as it would enhance the ecological value of the site and would provide a softer, more visually appropriate boundary to the rural landscape beyond. Full details of soft landscaping have not been provided however officers are satisfied that this could be suitably controlled by condition.
- 4.10 The layout of the scheme would, following construction and first occupation, allow for alternative boundary treatments to be installed in cul-de-sac style areas, particularly to the front of Plots 11-16, such boundary treatments could comprise 2m high fencing to the front which could cause significant harm to the visual amenity of the development. Officers consider it reasonable therefore to remove 'permitted development rights' for new means of enclosure on this site in order to protect the visual amenity of the development and to preserve its character.

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HIGHWAY SAFETY

- 4.11 It is proposed that access to and egress from the development site would be via the existing roadway leading to Sebright Road. The Highway Authority did not raise any concerns regarding the proposal during the pre-application stage. Formal consultation has taken place and comments are awaited. Provided that no adverse comments are received, Officers are satisfied that the proposed access offers a suitable, safe means of access to and from the site.
- 4.12 Concerns have been raised by residents that the site access via Sebright Road is not suitable for heavy vehicles and plant and was, during phase one of development, a cause of considerable nuisance to existing residents. With any development project of this scale there will inevitably be some disturbance caused during the construction process, Officers would propose conditions to be added to any permission which would control hours of working and noise generation (in accordance with Worcestershire Regulatory Services advice), in order to limit the degree of disturbance caused. It is not possible for the applicants to gain access from Lowe Lane to the site as they have no land ownership which would enable them to do so and there is no vehicular access already present.
- 4.13 Worcestershire Local Transport Plan 3 sets the required car parking provision for developments in the District, for two bed properties one car parking space is required and for the three bed units two spaces are needed. The proposed layout show that these requirements would be met along with provision of cycle storage. Officers are satisfied that there would be adequate car parking provided for the development.

ECOLOGY, BIODIVERSITY & GROUND CONDITIONS

- 4.14 The application is submitted with a full ecological survey which suggests there may be some badger activity on site and recommends that should this prove to be the case then the applicants must act in accordance with the Protection of Badgers Act 1992 and written confirmation of this be provided to the Local Planning Authority. The District Councils Countryside Officer recommends that a full badger survey should be carried out on site prior to any other works commencing, officers are satisfied that this could be secured by an appropriately worded condition. There is an identified need for three bat boxes and two bird boxes to be installed on site. These are clearly shown on the proposed site layout plan. The report also makes recommendations for the types and amount of soft landscaping required on site for the development to be considered acceptable. Officers consider that a condition requiring the proposals set out in the Ecological Survey to be carried out prior to first occupation and the carrying out of additional surveys for reptile activity on site, in accordance with the Council's Countryside officer's comments, would be reasonable.

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- 4.15 A ground investigation report has been submitted with the application which covers geotechnical considerations and an assessment of contamination and concludes with no major issues being raised. Worcestershire Regulatory Services have been consulted and comments are awaited.

SECTION 106 AGREEMENT

- 4.16 In accordance with the District Councils Planning Obligations Supplementary Planning Document the following financial contributions have been sought through a S106 Agreement:

- £3816.96 Public Open Space to be allocated to Brown Westhead Park

- 4.17 Biodiversity and public realm contributions are also required and officers are satisfied that this requirement would be met through the provision of all ecological enhancements as set out on the 'Ecological Appraisal' document and by the benefits to the public realm of the development itself.
- 4.18 No contributions towards education are required as the scheme comprises 100% affordable housing.

5.0 Conclusions and Recommendations

- 5.1 The provision of affordable housing for local people on this site is supported by the Parish Council and District Council through the Local Needs survey and therefore the principle of new residential development in this locality accords with the requirements of the development plan. The proposal is capable of implementation without detriment to highway safety, ecology and biodiversity and neighbour amenity.

- 5.2 Officers therefore recommend that **delegated** authority to **APPROVE** the application subject to

- a) no objections being received from the Highway Authority;
- b) the signing of a **Section 106 Agreement**; and
- c) the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials as per the approved plans/application form
 4. A boundary hedge to be planted on southern boundary
 5. Landscaping scheme to be submitted and approved
 6. Landscaping to be carried out in accordance with the relevant British Standard
 7. Working hours for construction
 8. Drainage details to be submitted and approved

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9. All ecological enhancement measures set out in the 'Ecological Appraisal' to be implemented in full accordance with the recommendations made prior to first occupation of any dwelling
10. Badger survey required prior to any works being carried out
11. Reptile survey to be carried out prior to any works on site
12. No additional side facing windows to plots 17 and 19
13. Highway conditions
14. Removal of PD for walls/fences
15. Units as affordable housing only
16. Archaeological Survey

Notes

- A SN2 (Section 106 Agreement)
- B Highway notes

Application Reference: 14/0101/FULL	Date Received: 12/02/2014
Ord Sheet: 372912 274624	Expiry Date: 09/04/2014
Case Officer: James Houghton	Ward: Rock

Proposal: Change of use of existing barn to form residential dwelling with garage and amenity space, Provision of additional garage with parking and turning area to "The Keys"

Site Address: BARN ADJACENT TO, THE KEYS, NEW ROAD, FAR FOREST, KIDDERMINSTER, DY149TG

Applicant: Mr & Mrs Prince

Summary of Policy	DS01, DS04, CP11, CP12 (CS) SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP11 (SAAPLP) Sections 6, 7 and 12 NPPF
Reason for Referral to Committee	Third party registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 The application refers to a stone and brick built barn which is within the curtilage of a residential bungalow, The Keys. The building is currently utilised as a garage and workshop and, given its age and form, would be considered a non designated heritage asset as set out in the Adopted Wyre Forest District Site Allocations and Policies Local Plan. The application site is within the Far Forest settlement boundary.

2.0 Planning History

2.1 13/0599/FULL – Change of use of existing barn to form residential dwelling :
Withdrawn

3.0 Consultations and Representations

3.1 Rock Parish Council – No comments received.

3.2 Highway Authority – Awaiting comments following the submission of revised plans.

14/0101/FULL

- 3.3 Conservation Officer - Although this building is neither included on the Local Heritage List nor on the Worcestershire Historic Environment Record, it is a heritage asset of some significance to the immediate locality. Historic mapping indicates that the barn was constructed sometime between 1884 and 1903, and assumed its present configuration by 1926.

In general the design of this conversion complies with the provisions of Policy SAL.UP11, namely that it can be achieved without extending the existing building, it has no detrimental impact on the building or its setting, it will ensure the building is brought into full use thereby safeguarding a heritage asset. The Officer has no objections to the remodelling of the lean-to structure adjacent to the roadway. A design and access statement has been submitted which in this case is considered sufficient and in general the provisions of SAL.UP6 are also met.

The Officer has no objections subject to the addition of a condition requiring the submission of details of all external materials, design of windows and doors for approval.

- 3.4 Countryside and Conservation Officer – The application has been submitted with an ecological assessment primarily focussed on bats, which is considered the primary ecological concern relating to this development. The bat survey has been conducted out of season and as such emergence survey has been carried out. The ecologist was, however, able to gain access to most of the development and able to visually inspect most if not all the locations likely to be used by bats. No evidence for bats was found and as such is considered unlikely that bats have been using the building. The Officer has no objections although a condition should be added requiring a new bat survey if works are not commenced by the end of March 2015.
- 3.5 Severn Trent Water – No objection subject to the addition of a condition requiring the submission of drainage plans for the disposal of foul and surface water.
- 3.6 Worcestershire Archive & Archaeology Service – No objections subject to the addition of a condition requiring the submission of a photographic record of the building prior to any works taking place.
- 3.7 Neighbour/Site Notice – A total of four letters of objection have been received. The objections are on the grounds that:
- The barn is within 16m of the rear of neighbouring properties and as such a loss of privacy is likely.
 - It is queried whether sufficient space is provided to allow a vehicle to enter and exit the site in a forward gear and whether there would be an impact on highway safety.
 - Concerns over the quantity of amenity space provided for the converted barn.

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- The conversion of the barn would result in windows being positioned close to the rear boundary of properties fronting the Cleobury Road which would reduce the level of privacy currently enjoyed.
- The conversion would result in increased traffic at the site to the detriment of highway safety which would be exacerbated by the nearby school.
- Concerns relating to the erection of a 2.0m high fence on land associated with adjacent dwellings.
- The reuse of the building and the addition of a detached garage are considered overdevelopment of the site.

4.0 Officer Comments

4.1 The applicant seeks approval for the change of use of an existing barn, currently utilised as a garage and workshop, to provide a self contained and separate unit of accommodation. The proposed dwelling would benefit from its own residential curtilage and parking facilities, a 2.0m high close boarded fence is to be added on the south and west facing boundaries of the site. In addition a detached garage is proposed in front of and to the north of The Keys. In order to simplify this report the change of use of the barn and addition of a garage will be considered separately.

CHANGE OF USE OF BARN

4.2 The proposed change of use would result in a building which provides a lounge, dining room, kitchen/dining room, bathroom and a bedroom. The conversion requires the addition of internal walls, windows in existing apertures, a flue for a wood burner and the addition of tiles to replace existing box profile sheeting on two mono pitch roofed elements of the building.

PRINCIPLE OF DEVELOPMENT

4.3 The policy for the provision of rural housing is set out in Policy SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. It is stated within this policy that *“residential development will also be permitted where it is in accordance with relevant rural development or Green Belt policies as contained within the Development Plan including policy SAL.UP11: Reuse and Adaption of Rural Buildings.”*

4.4 This policy sets out the criteria for the acceptable reuse and adaptation of rural buildings that should be met by any development proposal. These criteria are:

- i. The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.

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- ii. The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character or setting of the building.
 - iii. That the proposed development enhances and safeguards heritage assets.
 - iv. That suitable access arrangements can be made, without the need for extensive new access roads.
 - v. That there is no adverse impact on the countryside, landscape and wildlife or local amenities.
 - vi. That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.
- 4.5 The policy specifically states that a building to be converted may not be a domestic outbuilding. In this case, the building is utilised as a garage and workshop and might now be viewed as a domestic outbuilding. However, the building appears on the 1903 Ordnance Survey map, at which time the building was not associated specifically with a dwelling and instead provided an agricultural barn. On this basis the building could be viewed as a former agricultural building and as such would be considered to comply with the requirements and spirit of the Policy. Given this history of use the application might be argued as constituting a departure from the guidance laid out in the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

SUITABILITY FOR CONVERSION AND THE EFFECT ON THE CHARACTER AND FABRIC OF THE BUILDING

- 4.6 The application is accompanied by a structural survey report which supports the premise that the building is a permanent and substantial building. The proposed change of use would require no substantial works and as such the conversion would offer minimal impact to the character and fabric of the building. The conversion would result in the creation of a dwelling which contains a lounge, dining room, kitchen/dining room, bathroom and a bedroom which would be sufficient for the building to provide a self contained unit of accommodation. It should be noted that the building is of sufficient size to provide a residence without extensions and as such permitted development rights for the erection of extensions and outbuildings should be withdrawn in line with the requirements of Policy SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 4.7 The current application differs from the previous submission in that it is now proposed to provide an area of garden by subdividing the amenity space associated with The Keys, this is now considered to provide an acceptable layout of development.

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IMPACT ON NON-DESIGNATED HERITAGE ASSET

- 4.8 The proposed change of use would offer no detriment to the fabric and appearance of this non-designated heritage asset or to the setting of the building. The conversion of the barn would provide a use for the building and will serve to safeguard the future of the non-designated heritage asset. The Conservation Officer has offered no objections to the proposal.

ACCESS AND PARKING

- 4.9 The unit proposed would utilise existing hardstanding and driveways to provide parking and access. This would have no additional impact on the character of the area. The views of the Highway Authority are awaiting in respect of authority safety.

IMPACT ON BIODIVERSITY

- 4.10 The application refers to a change of use only. The land surrounding the site forms part of the existing curtilage of The Keys and as such the impact of the development on biodiversity would be negligible. An ecological survey has been carried out which focuses primarily on bats. The Countryside and Conservation Officer considered that submitted ecological assessment to be sufficient and recommends a condition is added requiring the submission of an updated report if the works required to convert the building are commenced after March 2015.

IMPACT ON NEIGHBOURING DWELLINGS

- 4.11 The application property currently provides a garage and workshop for the occupants of The Keys. The building and proposed curtilage shares a boundary with three properties which front Cleobury Road. The closest of these neighbouring properties, The Old Bungalow, is just over seven metres away from the application property, Key Farm is approximately sixteen metres away and The New House is over eighteen metres away.
- 4.12 The proposed conversion would allow the building to be occupied as a self contained unit of accommodation which may result in additional noise and disturbance for the occupants of neighbouring dwellings. In order to reduce the possible impact of the new dwelling in terms of any loss of privacy it is proposed to erect a 2.0m high close boarded fence along the south and west facing boundaries of the site. This fence would be level with the top of the windows of the barn. In order to minimise any impact in terms of noise and disturbance it is proposed to convert the part of the barn closest to the neighbouring dwelling into a bedroom and to locate the potentially noisier parts of the dwelling further away. On this basis it is considered that the scheme will not unduly impact on neighbours property.
- 4.13 A condition requiring the submission of details of the proposed boundary treatments would allow the Local Planning Authority to minimise the loss of privacy currently enjoyed by the occupants of those dwellings facing Cleobury Road.

14/0101/FULL

DETACHED GARAGE

- 4.14 The proposed detached garage for 'The Keys' is modest in size and would offer no detriment to the character of the area, the street scene or the amenity enjoyed by the occupants of neighbouring dwellings.

5.0 Conclusions and Recommendations

- 5.1 The applicant proposes to convert a brick and stone built barn erected prior to 1903 which is of a size suitable for conversion to form a single unit of accommodation. The propose conversion requires little in the way of external alterations and the development would offer minimal detriment to the fabric, character and setting of the non-designated heritage asset. The development does not require the addition of new roads, would have no significant impact on the amenity enjoyed by the occupants of neighbouring dwellings, the street scene or the character of the area and would have no adverse impact on highway safety or biodiversity.

- 5.2 The proposal is considered to satisfy the requirements of Policies DS01, DS04, CP11 and CP12 of the Adopted Core strategy and Policies SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7, SAL.UP9 and SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

- 5.3 It is therefore recommended that the **delegated authority** be given to **APPROVE** the application subject to a no objection response from the Highway Authority and the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B11 (Boundary treatment).
4. Removal of permitted development rights.
5. Photographic record of building to be submitted.
6. Foul and surface water drainage.
7. Bat survey required if works carried out after March 2015.

Application Reference: 14/0148/FULL	Date Received: 03/03/2014
Ord Sheet: 374742 272666	Expiry Date: 28/04/2014
Case Officer: James Houghton	Ward: Rock

Proposal: Conversion of bungalow to two storey dwelling

Site Address: 38 ORCHARD CLOSE, ROCK, KIDDERMINSTER, DY149XZ

Applicant: Mr Steve Mares

Summary of Policy	CP11 (CS) SAL.DPL2, SAL.UP7, SAL.UP8 (SAAPLP)
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 The application property is a pitched roofed, three bed bungalow at the end of Orchard Close, a cul de sac. Orchard Close is a residential street within the Bliss Gate settlement boundary and is characterised by two storey dwellings on the north side and two storey properties on the south side with habitable accommodation at first floor with garages below. Orchard Close rises from east to west, with the application property on the north side of Orchard Close at the end of the street.

2.0 Planning History

2.1 None relevant.

3.0 Consultations and Representations

3.1 Rock Parish Council – Views awaited

3.2 Highway Authority – Views awaited

3.3 Neighbour/Site Notice – No representations received.

14/0148/FULL

4.0 Officer Comments

- 4.1 The applicant seeks approval for the addition of an extension to add a first floor to the building. The extension would result in a two storey pitch roofed dwelling containing four bedrooms. The ridge line of the proposed extension would run parallel to those of other dwellings in the immediate area rather than perpendicular as is currently the case. Whilst the overall height of the extended building is the same as that of neighbouring buildings, the ridge height would be relatively higher than that of the neighbouring property by virtue of the topography of the street.
- 4.2 The existing property differs from its neighbouring properties in that it is considerably smaller in terms of both floorspace and ridge height. The proposed extensions would allow the application property to integrate better into the street scene. It is considered that the extensions would offer no detriment to the character of the area or the street scene.
- 4.3 The proposed extensions would offer no detriment to the amenity currently enjoyed by the residents of neighbouring properties, there would be no impact upon privacy, light or outlook and the 45° Code guidelines would not be breached.
- 4.4 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan states that extensions must *“be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building”* and that the extensions should be *“subservient to and not overwhelm the original building, which should retain its visual dominance”*. The proposed development would not be in scale with the original building and would overwhelm the appearance of the original dwelling. The development would however accord with the remainder of Policy SAL.UP8 in that the extended property would *“harmonise with the existing landscape or townscape and not create incongruous features”* and *“not have a serious adverse effect on the amenity of neighbouring residents or occupiers”*. The scale of the extensions is extensive enough such that there is a breach of Policy SAL.UP8. However, the proposal is considered to be acceptable given the context of the site.

5.0 Conclusions and Recommendations

- 5.1 The proposals would offer no harm to the street scene, the character of the area or the amenity enjoyed by the occupants of neighbouring properties. Whilst the proposed alterations to the property would not be subservient to the existing dwelling, the size, design and position of the extensions are considered, on balance, to be acceptable although the development is strictly contrary to some of the provisions of Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

14/0148/FULL

5.2 It is recommended that **delegated** authority to **APPROVE** the application be given subject to no objections being received at the expiration of the consultation period and the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples of materials)

Application Reference:	14/0026/FULL	Date Received:	15/01/2014
Ord Sheet:	381987 279203	Expiry Date:	16/04/2014
Case Officer:	Emma Anning	Ward:	Wolverley

Proposal: Variation of Section 106 Agreement associated with planning application 10/0550/FULL to remove 80% maximum staircasing limit

Site Address: LAND AT, SEBRIGHT ROAD, WOLVERLEY, KIDDERMINSTER,

Applicant: Wyre Forest Community Housing (Mr D Owen)

Summary of Policy	DS01 CP04 CP05 (Adopted Core Strategy) SAL.DPL1 SAL.DPL2 SAL.UP1 (Site Allocations and Policies Local Plan) Sections 6 and 9 (National Planning Policy Framework)
Reason for Referral to Committee	Application involves a proposed S106 obligation/ Major planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is an area of land measuring 2826 sq. metres which sits on the south side of Sebright Road in Wolverley, opposite the junction of Knight Road. The site has recently been developed by a Registered Provider of social housing to provide ten dwellings. The site is part of a larger (6663 sq.m) area of land which was identified in the Adopted Wyre Forest District Local Plan (2004) as an area of development restraint but was brought forward as a rural exceptions site to meet the affordable housing needs of people with a local connection to Wolverley. The site is considered to be a rural exceptions site for the purposes of the current development plan also. The existing development represents phase one of a two-phase development to provide additional affordable housing on this site. An application for phase two is currently pending with the Local Planning Authority.
- 1.2 The site is bounded by residential development on the east and west; by the remaining (phase two) rural exceptions site land to the south. The land to the west is part of the West Midlands Green Belt.

2.0 Planning History

- 2.1 10/0550/FULL Construction of ten affordable dwellings: APPROVED

14/0026/FULL

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish/Town Council – Recommend Refusal – Wolverley & Cookley Parish Council are totally opposed to the variation of Section 106 Agreement to allow removal of the 80% maximum stair casing limit. Phase 1 of the Affordable Housing Scheme took 15 years from conception to completion and all throughout the 15years of planning and trying to implement the Rural Housing Scheme it has always been the absolute priority to ensure the affordable houses would remain for local people and never be able to be owned outright with the potential to sell on the open market. Two of the three properties on Phase 1 of the scheme are occupied with people successfully securing 80% mortgages. By varying the Section 106 as proposed this would result in the possibility that the three shared ownership properties could eventually be sold on the open market and the Rural Affordable Housing Scheme would lose three properties that were specifically built to stay for local people so they could live in their local area.

The Parish Council would NEVER have agreed to the Shared Ownership Properties in the scheme in the first case if they had thought these could be sold and not retained for local people meeting the local connection criteria. A considerable amount of time and effort was put in by the Parish Council and District Council officers in writing the local connection policy and ensuring people allocated to the properties met these criteria.

The Parish Council are disgusted that there was absolutely no prior consultation with the Parish Council from Wyre Forest Community Housing before this application was submitted.

- 3.2 Housing Services Manager – The Strategic Housing Services team support this application as the 80% restriction is preventing household's access to mortgage finance and therefore purchase shared ownership property. We believe the model lease and additional clause now included will protect the Council's interest in the long term at having affordable housing available in perpetuity whilst not affecting the viability of shared ownership.

- 3.3 Neighbour/Site Notice – No comments received

4.0 Officer Comments

4.1 PROPOSAL

A variation is sought to the Section 106 Agreement entered into as part of planning application 10/0550/FULL which granted consent for the erection of ten affordable housing units on this site. The agreement, under Schedule 1, required, in summary, that;

14/0026/FULL

- a) the dwellings be occupied as affordable housing only
- b) plots 1-3 to be for 'shared-ownership' purposes and plots 4-10 for rental.
- c) none of the units could be disposed of other than to an affordable housing provider.
- d) the shared ownership units to be occupied by a shared ownership occupier or qualifying resident.
- e) a resident of a shared ownership unit cannot staircase to more than 80% of the market value of the unit.

It is proposed to vary the above agreement to remove the 80% maximum staircasing limit from plots 1-3 (shared ownership units). The tenure of the seven other units would remain as affordable rent.

4.2 POLICY CONSIDERATIONS

At the time of determining the original application the District Council were satisfied that there was sufficient need for local affordable housing to release the site for residential development. This assessment was based on the carrying out of an up-to-date Housing Needs Survey which was supported by the Parish Council. Planning permission was therefore granted for the dwellings subject to an agreement that they would be for affordable housing only and would be allocated to persons with a local connection to Wolverley according to the District Council's Local Connections Policy.

- 4.3 As was the case in 2010 and is still the case under the current Development Plan on Rural Exception Sites within the District all residential development is restricted to that which would meet an identified affordable housing need, it is therefore the view of the District Council that there should be no reduction in the level of provision of affordable housing as a result of the current proposal.

- 4.4 It is proposed to seek a Deed of variation to the S106 Agreement associated with the original application to remove the 80% staircasing limit to allow occupiers of the shared ownership units to staircase up to 100% home ownership. The reason for this request is that mortgage lenders are unwilling to lend on the basis of a restricted 80% limit and therefore potential occupiers are unable to obtain mortgages to allow them to purchase the properties. At present two of the three units are occupied on a temporary rental basis and an occupier for the third unit has been identified. None of these occupiers can secure lending with the current 80% limit in place and therefore cannot occupy the units as 'shared ownership' properties. Advice from lenders is that they need to be satisfied that there would be an option for the occupiers to staircase up to 100% ownership before they would provide finance to support a purchase. As detailed at 4.6 below, the possibility of an occupier seeking 100% ownership is low and therefore the likelihood is that no occupier would seek to staircase out of shared ownership but in order to secure a mortgage to allow them to buy the property in the first instance this needs to be an available option.

14/0026/FULL

- 4.5 The applicants have put forward suggested amended wording for the Deed of Variation, based on the Homes and Community Agency Protected Areas standard lease. The suggested wording would allow the occupier to staircase up to 100% freehold ownership but would, in the event of the owner wishing to dispose of the property, require the unit to be offered back to Wyre Forest Community Housing (WFCH) or other Registered Provider (RP) in the first instance. Should the Registered Provider wish to buy-back the property then the unit would return to the affordable housing stock to be occupied by a shared ownership occupier who is also a qualifying resident (in respect of the local connections policy).
- 4.6 The scenario set out at paragraph 4.5 above is, according to both the applicant and the District Council's Housing Services Manager the most likely outcome of a freeholder wishing to dispose. Officers are advised that in WFCH's experience only 4% of shared ownership occupiers ever staircase to 100%. In accepting that the possibility of the 80% limit being exceeded is low there is concern that the Deed of Variation proposed would not guarantee that the unit would not be lost to the market. Whilst there would be an obligation for the lease with the purchaser to include a requirement for the unit to be offered to the Registered Provider there would be no obligation on that provider (or other) to buy back the unit under the terms of the lease. Advice from the District Council's Solicitor is that to include such a clause would be an unreasonable term and could be open to challenge as the date and price to be paid would be unknown and, therefore impossible to budget for. Whilst the lease agreement would not provide the certainty the District Council would ideally seek to ensure that the affected units would remain part of the affordable stock, there is an additional 'safety net' in the form of the contractual agreement made between WFCH and the Homes and Communities Agency (HCA). The agreement sets out the tenure on which grant funding from the HCA was originally secured and requires WFCH to adhere to the terms of that contract in perpetuity. In reality therefore there would be no opportunity, under the contractual arrangement, for WFCH (or other RP) to provide anything other than shared ownership units on this site.
- 4.7 In being mindful that there is the albeit unlikely possibility of the contractual terms being broken between the HCA and the RP then District Council and the applicant have agreed that additional covenants are required in order to ensure that there is adequate provision in place to secure the provision of affordable housing in Wolverley to meet local need. In the first instance there would be a presumption that the RP would acquire the unit, but in the very unlikely event of the RP not being in a position to buy back the units and them then breaking the terms of the contract with the HCA, the District Council, would seek the payment of a commuted sum to the District Council, equivalent to the original sum of grant funding received from the HCA, such sum to be index linked.

14/0026/FULL

The above would, as a 'worst case scenario' result in the original shared ownership unit being lost to the affordable housing stock but it would provide monies towards the provision of an alternative affordable housing unit .

- 4.8 Advice from the Housing Services manager is that the provisions set out above, from a viability point of view, would be so financially detrimental to the registered provider that in reality they would seek to avoid ever getting to this point.

5.0 Conclusions and Recommendations

- 5.1 The application when taken at face value appears that it would affect affordable housing numbers in Wolverley and would be contrary to the aims of the development plan which supported residential development on this site in the first instance. Having assessed all of the information presented to them Officers appreciate that there are market forces, beyond the control of the planning system, which are having a significant effect on the ability of the three 'shared ownership' units to serve their intended purpose. It is on the basis of the information put forward and having carefully considered the views of the Housing Services Manager that officers recommend that the application be **approved** subject to the terms described above.

Wyre Forest District Council

Planning Committee Meeting 08 April 2014

List of Pending Applications

NB This list includes all applications upon which no decision has been issued, including applications proposed to be determined at this Committee

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
WF/0469/05	29/04/2005	24/06/2005	1 OX BOW WAY KIDDERMINSTER DY102LB	Full : Change of use of 3m strip of land, enclosure with timber fence - Variation to Conditions 11 and 12 of WF.222/94; Variation to Section 106 Agreement, 3 metre strip of land to rear of	The Owners of,	Paul Round
08/0034/LIST	17/01/2008	13/03/2008	20, 21 & 22 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of 20, 21 & 22 Horsefair	Wyre Forest Community Housing	John Baggott
08/0035/FULL	17/01/2008	13/03/2008	20,21,22 & 23 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of existing buildings and erection of 5 No affordable dwellings	Wyre Forest Community Housing	John Baggott

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
08/0445/S106	01/05/2008	26/06/2008	FORMER STOURVALE WORKS DEVELOPMENT OFF OXBOW WAY KIDDERMINSTER DY102LB	Variation of S106 Agreement to allow alternative access arrangements to Puxton Marsh and non-provision of on site play area.	Cofton Ltd	Paul Round
08/0500/FULL	22/05/2008	21/08/2008	LAND AT CORNER OF THE TERRACE/TENBURY ROAD CLOWS TOP KIDDERMINSTER DY14 9HG	Erection of 12 dwellings with associated parking & access	Marcity Developments Ltd	Paul Round
09/0156/S106	03/03/2009	28/04/2009	TARN 1-16 SEVERN ROAD STOURPORT-ON-SEVERN	Variation of S.106 agreement attached to WF1208/04 to change tenure of affordable housing units	West Mercia Housing Group	Paul Round
09/0575/CERTE	12/08/2009	07/10/2009	30 MALHAM ROAD STOURPORT-ON-SEVERN DY138NR	Storage of motorcycles in own garage for use as motorcycle training establishment	Mr T Meola	Paul Round
09/0598/CERTE	21/08/2009	16/10/2009	STABLE COTTAGE FOXMEAD CALLOW HILL ROCK KIDDERMINSTER DY149XW	Use of existing former stable block building as a dwelling.	Mr & Mrs M Kent	Julia Mellor
10/0121/CERTE	10/03/2010	05/05/2010	THE ORCHARD WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LY	Use part of site for the storage and sale of motor vehicles	MR N PERRINS	Paul Round
10/0181/CERTE	30/03/2010	25/05/2010	DOVEYS COTTAGE ROCK KIDDERMINSTER DY149DR	Use of land as residential curtilage associated with Doveys Cottage for a period in excess of ten years.	Mr Keith Billingsley	Paul Round
10/0472/CERTP	17/08/2010	12/10/2010	HORSELEY COTTAGE HOBRO WOLVERLEY KIDDERMINSTER DY115TA	Conversion of existing garage to form ancillary accommodation. Proposed garden store	Mr C Fortnam	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0543/CERTE	31/08/2011	26/10/2011	SMITHS TURNING 5A WHITEHILL ROAD KIDDERMINSTER DY116JH	The use of an area of land as garden land	MR J CADDICK	James Houghton
11/0647/S106	02/11/2011	28/12/2011	SEVERN ROAD STOURPORT-ON-SEVERN	Variation of Section 106 agreement to enable a change to the timescale relating to the approval and implementation of Public Art	Tesco Stores Ltd	Julia Mellor
11/0740/CERTE	16/12/2011	10/02/2012	44 ROUSBINE CARAVAN PARK CALLOW HILL ROCK KIDDERMINSTER DY149DD	Residential occupation of unit 44 by Site Warden	Mr & Mrs Lunnon	Paul Round
12/0126/FULL	06/03/2012	01/05/2012	OAK TREE FARM KINLET ROAD FAR FOREST KIDDERMINSTER DY149UE	Proposed timber show house and associated features.	ROBERT TAYLOR ASSOCIATES	Julia McKenzie-Watts
12/0155/FULL	15/03/2012	10/05/2012	LAND TO THE REAR OF 10 YORK STREET & 31 HIGH STREET STOURPORT-ON-SEVERN DY139EG	Conversion of rear buildings to form 3 No. two-bedroom flats and 2 No. one-bedroom flats	Mr D Allcock	Julia Mellor
12/0156/LIST	15/03/2012	10/05/2012	LAND TO THE REAR OF 10 YORK STREET & 31 HIGH STREET STOURPORT-ON-SEVERN DY139EG	Internal and external alterations for the proposed conversion of rear buildings to form 3 No. two-bedroom flats and 2 No. one-bedroom flats	Mr D Allcock	Julia Mellor
12/0266/CERTE	27/04/2012	22/06/2012	THE STABLES AT THE WOODLANDS WORCESTER ROAD CLENT STOURBRIDGE DY9 0HS	Lawful Development Certificate for an existing use or operation: Stables with self contained studio apartment above	Mr P Knowles	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0411/LIST	05/07/2012	30/08/2012	PARKHALL BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER DY103NL	Extensions and alterations to Keepers Cottage including 'reinstatement' of first floor level, chimneys, loading doors and windows and addition of single storey extension to west elevation	Mr R Stevens	Julia Mellor
12/0447/FULL	17/07/2012	11/09/2012	SIX ACRES CASTLE HILL LANE WOLVERLEY KIDDERMINSTER DY115SE	Demolition and rebuild animal shelter (pig sty)	Mr S Cox	James Houghton
12/0644/S106	17/10/2012	12/12/2012	PRIMARY CARE CENTRE HUME STREET KIDDERMINSTER DY116RE	Variation to Section 106 Agreement to allow a Community Transport contribution to replace already agreed public transport contribution	Haven Health Properties Ltd Diane Darlington (Com)	Emma Anning
12/0658/FULL	22/10/2012	17/12/2012	THE SLADD KINVER ROAD CAUNSALL KIDDERMINSTER DY115YG	Conversion of former agricultural barns to 3 dwellings (Renewal of 09/0682/Full)	Mr T Nock	James Houghton
12/0763/FULL	07/12/2012	01/02/2013	VACCAROS 10 COMBERTON HILL KIDDERMINSTER DY101QG	Change of use to A3 Restaurant/Deli	Ms L Mares	John Baggott
13/0082/FULL	04/02/2013	06/05/2013	RIVERSIDE BUILDING FORMER CARPETS OF WORTH SITE SEVERN ROAD STOURPORT-ON-SEVERN	Demolition of existing derelict riverside building and reinstatement as eleven flats, 6No. 1 bed and 5No. 2 bed	Stourport Corporation NV	Paul Round
13/0071/FULL	13/02/2013	10/04/2013	20 SEVERN SIDE STOURPORT- ON-SEVERN DY139PJ	Single and two storey extension to rear.	Mr & Mrs Lewis	James Houghton
13/0120/OUTL	11/03/2013	10/06/2013	FORMER VICTORIA SPORTS GROUND SPENNELLS VALLEY ROAD KIDDERMINSTER INDUSTRIAL ESTATE KIDDERMINSTER	Outline Application for a new Leisure Centre and associated works with some matters reserved	WYRE FOREST DISTRICT COUNCIL & VICTORIA CARPETS PL	Julia Mellor

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
13/0139/EIASC	19/03/2013	09/04/2013	TESCO STORES SEVERN ROAD STOURPORT-ON-SEVERN	Request for a Screening Opinion under Regulation 5 of Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Request for Screening Opinion in relation to the proposed development to remove the barrage and associated structures from the River Severn	TESCO STORES LTD	Julia Mellor
13/0157/CERTE	21/03/2013	16/05/2013	THE CREST RICKYARD MEADOW NORTHWOOD LANE BEWDLEY DY121AT	Certificate of lawfulness: Use of property as a permanent dwelling in excess of 4 years	Mrs R Russell	Emma Anning
13/0170/FULL	26/03/2013	21/05/2013	LAND TO WEST OF RESOLUTION WAY SITE IN RIVER SEVERN STOURPORT-ON-SEVERN	Demolition and removal of the existing old foot/access bridge from the bank of the river to the barrage wall, removal down to the water level of the concrete barrage; and remove corroded sheet piles and make good works to bridge and river bank	Tesco Stores Limited	Julia Mellor
13/0193/FULL	09/04/2013	09/07/2013	78 MILL STREET KIDDERMINSTER DY116XJ	Conversion of existing garage workshop, formerly part of the demolished mill, to 5 no. two-bed dwellings and the construction of 3no. two bedroom dwellings and 5 no. live-work units, with associated amenity and parking facilities.	Mr M Worton	Emma Anning
13/0211/CERTE	22/04/2013	17/06/2013	BARNETT HILL GARDEN & LEISURE WORCESTER ROAD CLENT STOURBRIDGE DY9 0EE	Certificate of lawfulness for existing use of land for retail purposes of specific goods and polytunnels	Neville Prest	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
13/0321/CERTE	07/06/2013	02/08/2013	BARNETT HILL GARDEN & LEISURE WORCESTER ROAD CLENT STOURBRIDGE DY9 0EE	Use of poly-tunnels for specific retail sales in breach of Condition 16 of WF/1079/00- Certificate of Existing Lawful Use	GARDEN & LEISURE GROUP LTD	Paul Round
13/0318/FULL	10/06/2013	05/08/2013	CLOVERFIELD ROCK KIDDERMINSTER DY149XL	Proposed single storey rear extension	Mr M Brighton	James Houghton
13/0423/CAC	24/07/2013	18/09/2013	BEWDLEY MEDICAL CENTRE DOG LANE BEWDLEY DY122EG	Demolition of existing medical centre	BEWDLEY MEDICAL CENTRE PROPERTY LTD	Emma Anning
13/0550/LIST	21/10/2013	16/12/2013	BURLTONS ALMSHOUSES PARK LANE BEWDLEY DY122EL	Conversion of 4 No. existing flats to form 2No. two bedroom dwellings	TRUSTEES OF BURLTONS ALMSHOUSES (Mrs J Bishop-Elvi)	Julia McKenzie- Watts
13/0553/EIA	23/10/2013	12/02/2014	LAND AT NELSON ROAD SANDY LANE STOURPORT-ON-SEVERN DY139QB	Creation of a new basin including a 408 berth marina (sui generis); provision of a new footbridge across the marina entrance; 106 holiday apartments (1 & 2 bed)(use class C3 restricted), club house including restaurant (use class A3), bar (use class A4), gym (use class D2), boat sales (use class A1), boat hire facility (sui generis) and site managers accommodation (use class C3 restricted); chandlery (use class A1), workshops (use class B1); provision of access together with parking, servicing and landscaping areas (ADDITIONAL PLANS AND INFORMATION INCLUDING RESPONSES TO ENVIRONMENT AGENCY, DISTRICT AND COUNTY COUNCIL QUERIES)	Clive Fletcher Developments	Julia Mellor

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
13/0575/LIST	04/11/2013	30/12/2013	17-26 VICAR STREET KIDDERMINSTER DY101DA	Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey	Marcus King & Co (C/o Ivan Smith)	Paul Round
13/0465/FULL	14/11/2013	13/02/2014	STADIUM CLOSE AGGBOROUGH KIDDERMINSTER DY101NJ	Demolition of existing industrial units and provision of new access road and 31No. Housing units	Mr J Sohota & Mr D Owen	Emma Anning
13/0644/CERTE	27/11/2013	22/01/2014	153 WINDERMERE WAY STOURPORT-ON-SEVERN DY138QH	Certificate of lawfulness for two buildings used as a joinery workshop and store to the rear	Mr D Rosewarne	James Houghton
13/0645/FULL	28/11/2013	27/02/2014	LAND ADJACENT TO UPTON ROAD KIDDERMINSTER DY102YB	Construction of 19No. Affordable dwellings with associated highway and external works	Wyre Forest Community Housing (Mike Preston)	Emma Anning
13/0657/FULL	04/12/2013	29/01/2014	FORMER GARAGE SITE OFF ORCHARD CLOSE ROCK KIDDERMINSTER DY149XZ	Erection of 2No. 3 bed/5 person houses and 4No. 2bed/ 4 person affordable houses with associated access and landscaping	Mr Mike Preston	Emma Anning
13/0660/FULL	09/12/2013	03/02/2014	1 GROVE BUNGALOWS CAKEBOLE CHADDESLEY CORBETT KIDDERMINSTER DY104RF	Detached garage and storage space over	Mr R Yardley	Julia McKenzie- Watts
13/0676/FULL	13/12/2013	07/02/2014	LAND AT REAR OF THE ROYAL FORESTERS ROCK KIDDERMINSTER DY14 9XR	Proposed live working unit (sui generis) with ancillary parking and associated works	Mr & Mrs McGaugharan	James Houghton
13/0673/FULL	16/12/2013	10/02/2014	236 STOURBRIDGE ROAD KIDDERMINSTER DY102XB	Two storey extension to side; first floor extension to rear	Mr & Mrs Evans	Julia McKenzie- Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
13/0670/FULL	16/12/2013	17/03/2014	WEAVERS WHARF KIDDERMINSTER DY10 1AA	Full planning permission for the redevelopment of land within and adjacent to Weavers Wharf comprising; the demolition of Crown House and buildings between Lower Mill Street and Weavers Wharf (excluding McDonalds); the erection of a retail store (Use Class A1), canal side restaurants and cafes (Use Class A3), retail/restaurants (flexible use within class E for A1/A3/A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure and public realm works, car parking and associated works, including bridges over the Staffordshire and Worcestershire Canal and River Stour	Henderson UK Retail Warehouse Fund	John Baggott
13/0672/FULL	19/12/2013	13/02/2014	22 AGGBOROUGH CRESCENT KIDDERMINSTER DY101LQ	Demolition of existing garage; single and two storey extension to side; pitched roof over existing flat roof to other side; first floor extension to front	Mr M Worton	Julia McKenzie-Watts
13/0674/FULL	20/12/2013	14/02/2014	8 THE CRESCENT COOKLEY KIDDERMINSTER DY103RY	Proposed garage and ground floor side extension and rear extension	Mr M Rees & Miss S Latham	James Houghton
13/0681/FULL	23/12/2013	17/02/2014	152 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TB	Two storey rear extension	Mr M England	Julia McKenzie-Watts
13/0689/FULL	23/12/2013	17/02/2014	OAK GRANGE CAUNSALL ROAD CAUNSALL KIDDERMINSTER DY115YW	Proposed ancillary outbuilding to form home study	Mr G James	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0005/FULL	02/01/2014	27/02/2014	SEVERN INDIAN CUISINE 61A LOAD STREET BEWDLEY DY122AP	Forming new catering kitchen area to the rear of the building (not listed within this area), reinstating external door into existing opening and installing new extraction ductwork within the new kitchen area, the external ductwork to be clad in brickwork to form a mock chimney	SEVERN INDIAN CUISINE	Julia McKenzie-Watts
14/0006/LIST	02/01/2014	27/02/2014	SEVERN INDIAN CUISINE 61A LOAD STREET BEWDLEY DY122AP	Forming new catering kitchen area to the rear of the building (not listed within this area), reinstating external door into existing opening and installing new extraction ductwork within the new kitchen area, the external ductwork to be clad in brickwork to form a mock chimney	Mr A Miah	Julia McKenzie-Watts
14/0019/FULL	08/01/2014	05/03/2014	UNIT 21 ROWLAND WAY WORCESTER ROAD HOO FARM INDUSTRIAL ESTATE KIDDERMINSTER DY117RA	Change of use from storage unit to 'Diner' (serving both hot food and sandwiches/snacks for consumption on or off premises).	Greenhill Fasions	Julia McKenzie-Watts
14/0017/FULL	09/01/2014	10/04/2014	HEATH LANE SHENSTONE KIDDERMINSTER DY104BS	Change of use of Agricultural land to travelling show people site, including stationing of 4 residential caravans, 6 touring caravans and 1 static caravan along with storage of equipment and vehicles and associated access, parking and drainage works.	Mr N Jennings	Paul Round

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14/0023/FULL	13/01/2014	10/03/2014	197 BIRMINGHAM ROAD KIDDERMINSTER DY102SD	Change of use to Ambulance Response Service (Sui Generis)	West Midlands Ambulance Service (K Hutchings)	James Houghton
14/0037/FULL	13/01/2014	10/03/2014	2A HIGH STREET STOURPORT- ON-SEVERN DY138DJ	Change of use from basement to residential	Mr A Benton	James Houghton
14/0025/RESE	13/01/2014	14/04/2014	FORMER BRITISH SUGAR SITE STOURPORT ROAD KIDDERMINSTER DY117QL	Redevelopment of part of Development Block B(iii) and part of Development Block C within phase 1 of the Former British Sugar Site for 75No. Residential dwellings including 9No. affordable units and children's play area. Reserved Matters approved for scale, appearance, landscaping, layout and internal access within the Development Blocks following Outline approval 12/0146/EIA	Bovis Homes Ltd	Julia Mellor
14/0038/LIST	13/01/2014	10/03/2014	2A HIGH STREET STOURPORT- ON-SEVERN DY138DJ	Change of use from basement to residential	Mr A Benton	James Houghton
14/0039/FULL	14/01/2014	11/03/2014	THE OLD COACH HOUSE BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER DY104PY	To provide new access to existing dwelling	Mr M Glendenning	James Houghton
13/0395/FULL	14/01/2014	15/04/2014	BEWDLEY MEDICAL CENTRE DOG LANE BEWDLEY DY122EG	Demolition of existing medical centre and erection of 49 space car park; change of use of existing open space to facilitate an extension to existing Dog Lane car park to form permanent 'overflow' car parking area; erection of Medical Centre incorporating a retail pharmacy together with other ancillary health and community services on existing Dog Lane public car park.	BEWDLEY MEDICAL CENTRE PROPERTY LTD	Emma Anning

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0026/FULL	15/01/2014	16/04/2014	LAND AT SEBRIGHT ROAD WOLVERLEY KIDDERMINSTER	Variation of Section 106 Agreement associated with planning application 10/0550/FULL to remove 80% maximum staircasing limit	Wyre Forest Community Housing (Mr D Owen)	Emma Anning
14/0036/FULL	16/01/2014	13/03/2014	35 LONG ACRE KIDDERMINSTER DY102HA	Erection of new 3 bedroom dwelling	WESTDEANE CONSTRUCTION LTD	Paul Round
14/0040/FULL	17/01/2014	14/03/2014	110 LICKHILL ROAD STOURPORT- ON-SEVERN DY138SF	Subdivision of existing property to form 2No. 1 bed apartments. Formation of driveway and parking. Cycle parking to rear.	Mr M Morris	James Houghton
14/0042/FULL	20/01/2014	17/03/2014	21 ARLEY LANE HOUSES SHATTERFORD BEWDLEY DY121RZ	Two storey extension to terraced property	Mr H Almond	Julia McKenzie-Watts
14/0044/FULL	22/01/2014	19/03/2014	THREE WILLOWS ROCK KIDDERMINSTER DY149XB	Two storey rear lounge and bedroom extension and second storey bedroom extension over existing garage	Mr J White	James Houghton
14/0047/TREE	24/01/2014	21/03/2014	ROUSBINE CARAVAN PARK ROCK KIDDERMINSTER DY149DD	Fell Two Oaks	Mr Moule	Alvan Kingston
14/0050/FULL	27/01/2014	24/03/2014	37 AGGBOROUGH CRESCENT KIDDERMINSTER DY101LQ	Proposed two storey side and single storey front extension	Mr & Mrs Richards	Julia Mellor
14/0056/FULL	28/01/2014	29/04/2014	LAND AT SEBRIGHT ROAD WOLVERLEY KIDDERMINSTER	Construction of 12 affordable dwellings in land adjacent to Sebright Road, Wolverley, Kidderminster	Wyre Forest Community Housing	Emma Anning

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0076/FULL	03/02/2014	31/03/2014	WOODLAND CARS LTD M C F COMPLEX 60 NEW ROAD KIDDERMINSTER DY101AQ	Proposed extension	WOODLAND CARS LTD	Julia McKenzie-Watts
14/0071/FULL	03/02/2014	31/03/2014	WOODLAND HABBERLEY ROAD BEWDLEY DY121JH	PVCu Conservatory to the rear elevation	Mr & Mrs R Green	Julia McKenzie-Watts
14/0082/FULL	03/02/2014	31/03/2014	380 STOURBRIDGE ROAD KIDDERMINSTER DY102QE	Single storey side extension	Mr J Stobbart	Julia Mellor
14/0072/FULL	03/02/2014	31/03/2014	20 HAWTHORN CRESCENT BEWDLEY DY122JE	Conservatory to the rear elevation	Mrs P Isaac	Julia McKenzie-Watts
14/0081/CERTP	04/02/2014	01/04/2014	62 FAIRFIELD LANE KIDDERMINSTER DY115QJ	Detached large domestic garage, attached domestic garage, rear utility single storey extension	Mr S Sivill	James Houghton
14/0084/FULL	04/02/2014	01/04/2014	ASTON MANOR NELSONS WHARF SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN DY139QB	Erection of 2 metre high Palisade Security Fence and Gates	Aston Manor Brewery Co Ltd	Julia Mellor
14/0089/FULL	04/02/2014	06/05/2014	FORMER BRITISH SUGAR STOURPORT ROAD KIDDERMINSTER DY11 7AQ	Retrospective application for the Detention Pond serving the Former British Sugar Site and Hoo Brook link road to accommodate surface water storage as approved under the surface drainage scheme and provision of amended footway linkage and landscape areas to accommodate the Hoo Brook link road; Variation of existing S.106 agreement associated with planning application Ref 12/0146/EIA	St Francis Group (BSK) Ltd (Mr A Plant)	Julia Mellor
14/0078/TREE	04/02/2014	01/04/2014	123 BEWDLEY HILL KIDDERMINSTER DY116BT	Reduce height of beech by 50%	Mr M Fellows	Alvan Kingston

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
13/0574/FULL	04/02/2014	06/05/2014	17-26 VICAR STREET KIDDERMINSTER DY101DA	Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey	Marcus King & Co (C/o Ivan Smith)	Paul Round
14/0083/FULL	05/02/2014	02/04/2014	41 MEADOW RISE BEWDLEY DY121JP	Replacement conservatory to the rear elevation and extension to the front elevation	Mr & Mrs A Franklin	Julia McKenzie-Watts
14/3004/Cancel	05/02/2014	02/04/2014	14 PINWOOD CLOSE KIDDERMINSTER DY115JJ		Mr & Mrs I Charteris	
14/0086/ADVE	06/02/2014	03/04/2014	A T S EUROMASTER HILL STREET KIDDERMINSTER DY116TD	1No. Part illuminated fascia sign; 1No. Illuminated fascia sign; 1No. Non illuminated fascia sign and 1No. Internally illuminated totem sign	ATS Euromaster	Julia McKenzie-Watts
14/0087/FULL	07/02/2014	04/04/2014	13 PARKLAND AVENUE KIDDERMINSTER DY116BX	Extension to rear and canopy to front	Mr & Mrs D Finch	Julia McKenzie-Watts
14/0102/FULL	12/02/2014	09/04/2014	ATLEE HOUSE CHURCHILL KIDDERMINSTER DY103LY	Construction of office extension to outbuilding and re-instatement of garden wall	Mr & Mrs Mitchell	Emma Anning
14/0103/LIST	12/02/2014	09/04/2014	ATLEE HOUSE CHURCHILL KIDDERMINSTER DY103LY	Construction of office extension to outbuilding and re-instatement of garden wall	Mr & Mrs Mitchell	Emma Anning
14/0101/FULL	12/02/2014	09/04/2014	BARN ADJACENT TO THE KEYS NEW ROAD FAR FOREST KIDDERMINSTER DY149TG	Change of use of existing barn to form residential dwelling with garage and amenity space, Provision of additional garage with parking and turning area to "The Keys"	Mr & Mrs Prince	James Houghton

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13/0573/FULL	12/02/2014	09/04/2014	COOPERS ARMS CANTERBURY ROAD KIDDERMINSTER DY116ET	CHANGE OF USE OF THE EXISTING COOPERS ARMS PH TWO STOREY BUILDING TO 3 RESIDENTIAL FLATS TOGETHER WITH ERECTION OF PAIR OF SEMI DETACHED DWELLINGS, 4 TERRACED DWELLINGS AND A FLAT, DEMOLITION OF THE EXISTING BUILDINGS TO REAR.	Mr H Sanghara	Emma Anning
14/0094/FULL	13/02/2014	10/04/2014	UNIT 5 BLUE BALL BUSINESS CENTRE CAUNSALL ROAD CAUNSALL KIDDERMINSTER DY115YB	Replacement of storage unit 5 (Ancillary to unit 3)	Mrs Thorogood	Emma Anning
14/0093/FULL	14/02/2014	11/04/2014	HORSELEY HILL FARM HORSELEY HILL WOLVERLEY KIDDERMINSTER DY115TD	Erection of gates to drive including masonry pillars and flank walls	Mr & Mrs L Roper	Paul Round
14/0092/FULL	17/02/2014	14/04/2014	2 MEREDITH GREEN KIDDERMINSTER DY117EL	Ground floor extension to provide accommodation for dependent relative	Mrs P Shaw	John Baggott
14/0099/FULL	17/02/2014	14/04/2014	CONCEPT FLOORING CO 33 HOLMAN STREET KIDDERMINSTER DY116QY	Erection of 2No. two bed dwellings and associated parking	Mr N Dyer	Emma Anning
14/0104/FULL	17/02/2014	14/04/2014	TARN LONGBANK BEWDLEY DY122QT	Replacement garage and porch, re-siting of LPG Gas tank	Mr I Crowther Green	Emma Anning
14/0105/FULL	18/02/2014	15/04/2014	STONE MANOR HOTEL STONE CHADDESLEY CORBETT KIDDERMINSTER DY104PJ	Change Of Use and Alteration Of Existing Building To Form 5No Additional Apartments (8 In Total) With Associated Car Parking, Access Road, Entrance with Gates And Piers.	Trinity Southgate Investments Ltd	Emma Anning

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14/0110/FULL	18/02/2014	15/04/2014	CARR GOMM COMPTON VALLEY HOUSE 90 GEORGE STREET KIDDERMINSTER DY101PX	Conversion of existing residential hostel into 6no. one bedroom and 1no. two bedroom self contained residential units	Sanctuary Housing Association	Paul Round
14/0095/OUTL	19/02/2014	21/05/2014	LAND AT SILVERWOODS (FORMER BRITISH SUGAR) STOURPORT ROAD KIDDERMINSTER DY117BW	Outline Application for a New Leisure Centre and Associated Works with some Matters Reserved	WYRE FOREST DISTRICT COUNCIL	Julia Mellor
14/0108/FULL	19/02/2014	16/04/2014	2 PARK LANE BEWDLEY DY122EL	Proposed utility re-placing existing in a Conservation Area	Mrs A Toye	James Houghton
14/0098/FULL	19/02/2014	16/04/2014	135 GREATFIELD ROAD KIDDERMINSTER DY116PJ	Change of use to Tattoo Parlour (Sui Generis)	Inkspiration	James Houghton
14/0109/FULL	20/02/2014	17/04/2014	39 STEATITE WAY STOURPORT-ON-SEVERN DY138PQ	Extension to garage to accommodate 1st floor habitable room in garage roof space.	Ms Hayley Workman	James Houghton
14/0111/FULL	21/02/2014	18/04/2014	COOKLEY SPORTS & SOCIAL CLUB LEA LANE COOKLEY KIDDERMINSTER DY103RH	Proposed store and decking	Wolverley and Cookley Parish Council	Emma Anning
14/0107/FULL	24/02/2014	21/04/2014	54 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TE	Demolition of existing single storey utility room and erection of new single storey rear and side extension	Mr & Mrs B Laud	Julia McKenzie-Watts
14/0106/FULL	25/02/2014	22/04/2014	OAKENSHAW ROSENHURST DRIVE BEWDLEY DY122ES	Proposed two storey and first floor side and rear extension	Mr D Wilkin	James Houghton
13/0405/FULL	25/02/2014	22/04/2014	DRAKELOW TUNNELS DRAKELOW LANE WOLVERLEY KIDDERMINSTER	Museum, museum gift shop, coffee shop and visitor parking and construction of 6 dwellings to facilitate costs of establishing museum and museum building	Quercus Ilex SA	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0123/FULL	26/02/2014	23/04/2014	8 CLEE ROAD COOKLEY KIDDERMINSTER DY103UD	Proposed garage, porch, bay window and roof alterations.	Mr & Mrs Burrus	Julia McKenzie-Watts
14/0121/FULL	26/02/2014	23/04/2014	58 KENDLEWOOD ROAD KIDDERMINSTER DY102XG	Demolition of existing sun lounge and replacement single storey extension to rear	Mr & Mrs I Shaw	Julia McKenzie-Watts
14/0116/TREE	03/03/2014	28/04/2014	REAR OF 10 THE CHESTNUTS KIDDERMINSTER DY117BN	Fell Pine Tree	Mrs A Dodds	Alvan Kingston
14/0114/TREE	03/03/2014	28/04/2014	50 LANSDOWN GREEN KIDDERMINSTER DY116PY	Crown reduce Horse Chestnut by 20%	Miss K Webb	Alvan Kingston
14/0115/TREE	03/03/2014	28/04/2014	12 THE CROFT KIDDERMINSTER DY116LX	Fell two Yews	Mr Fellows	Alvan Kingston
14/0117/TREE	03/03/2014	28/04/2014	THE HAYLOFT BEWDLEY BYPASS SPRING GROVE BEWDLEY DY121LQ	Fell Oak Tree	Miss S Hodgson	Alvan Kingston
14/0120/FULL	03/03/2014	28/04/2014	WEST MIDLAND SAFARI PARK SPRING GROVE BEWDLEY DY121LF	Construction of a new Ride Inspection Facility	WEST MIDLAND SAFARI PARK	Paul Round
14/0122/FULL	03/03/2014	28/04/2014	HIGH TREES STONE KIDDERMINSTER DY104BB	First floor side extension for additional bedrooms and en-suite	Mr N Clarke	Julia McKenzie-Watts
14/0124/FULL	03/03/2014	28/04/2014	75 WOLVERHAMPTON ROAD KIDDERMINSTER DY102UU	Change of use of ground floor to form a children's nursery	Mrs S Castro	James Houghton
14/0148/FULL	03/03/2014	28/04/2014	38 ORCHARD CLOSE ROCK KIDDERMINSTER DY149XZ	Conversion of bungalow to two storey dwelling	Mr Steve Mares	James Houghton

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14/0126/FULL	05/03/2014	30/04/2014	SQUIRREL INN 61 ARELEY COMMON STOURPORT-ON-SEVERN DY130NG	Demolition of existing outbuildings and porch on front entrance, erection of single storey extension (189 sq m gross) to rear of existing public house, installation of plant and enclosure, replacement shopfront to front elevation and external alterations	Tesco Stores Limited	Paul Round
14/3008/PNH	05/03/2014	16/04/2014	14 COMBERTON AVENUE KIDDERMINSTER DY103EG	Rear single storey extension	MR MARTIN & MRS LINK	John Baggott
14/3007/PNH	05/03/2014	16/04/2014	80 TOMKINSON DRIVE KIDDERMINSTER DY116NP	Ground floor rear extension	MR & MRS SMITH	John Baggott
14/0128/FULL	06/03/2014	01/05/2014	26 TRIMPLEY LANE BEWDLEY DY121JJ	Two storey side extension and demolition of existing conservatory to rear elevation and construction of new single storey extension	Mrs S Flack	James Houghton
14/0125/TREE	10/03/2014	05/05/2014	13 BARNETTS CLOSE KIDDERMINSTER DY103DG	Fell two Conifers	Mrs B Dunneyy	Alvan Kingston
14/0136/LIST	10/03/2014	05/05/2014	CALDWALL CASTLE CASTLE ROAD KIDDERMINSTER DY116TH	Single storey extension to dwelling	MR R DAVIES	James Houghton
14/0132/TREE	10/03/2014	05/05/2014	THE OLD POST OFFICE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Reduce Yew by 25%	Mrs K Byrne	Alvan Kingston
14/0135/FULL	10/03/2014	05/05/2014	CALDWALL CASTLE CASTLE ROAD KIDDERMINSTER DY116TH	Single storey extension to dwelling	MR R DAVIES	James Houghton
14/0143/FULL	10/03/2014	05/05/2014	21 SANDBOURNE DRIVE BEWDLEY DY121BN	Single storey front extension	Mr M Foster	Julia McKenzie-Watts

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14/0142/FULL	10/03/2014	05/05/2014	THE LAKES HOUSE THE LAKES ROAD BEWDLEY DY122QB	First floor rear extension	Mr D Barnett	James Houghton
14/0158/FULL	10/03/2014	05/05/2014	98 LINNET RISE KIDDERMINSTER DY104TU	TWO STOREY SIDE EXTENSION	Mrs J Southern	James Houghton
14/0152/CERTE	10/03/2014	05/05/2014	WINTERFOLD FARM WINTERFOLD CHADDESLEY CORBETT KIDDERMINSTER DY104PL	Use of land for the flying of model aircraft	Mr R Tate	Paul Round
14/3006/PNH	10/03/2014	21/04/2014	5 WOODHAMPTON CLOSE STOURPORT-ON-SEVERN DY130HY	Rear single storey orangery	Mrs J Baldwin	John Baggott
14/0133/TREE	11/03/2014	06/05/2014	7 -16 FINEPOINT FINEPOINT WAY KIDDERMINSTER DY117FB	Various Tree Works	Mitie Landscapes Ltd	Alvan Kingston
14/0161/FULL	11/03/2014	06/05/2014	THE WATERMILL PARK LANE KIDDERMINSTER DY116TL	ALTERATIONS TO EXISTING EXTERNAL AREAS	Marston's Inns & Taverns (Mr D Christmas)	Julia McKenzie-Watts
14/0134/FULL	12/03/2014	07/05/2014	2 PRIOR CLOSE KIDDERMINSTER DY103YR	Proposed front disabled entrance hall extension	Mr M Parker	Emma Anning
14/0129/LIST	12/03/2014	07/05/2014	KING CHARLES HIGH SCHOOL HILL GROVE HOUSE COMBERTON ROAD KIDDERMINSTER DY101XA	Replace and repair bay windows to southern elevation of Hillgrove House	KING CHARLES HIGH SCHOOL (Miss S Knight)	Julia McKenzie-Watts
14/0163/FULL	12/03/2014	07/05/2014	5 ADAM STREET KIDDERMINSTER DY116PS	TWO STOREY REAR EXTENSION AND REPLACEMENT DETACHED GARAGE	K Hill	Julia McKenzie-Watts
14/0160/FULL	12/03/2014	07/05/2014	28 STOURPORT ROAD BEWDLEY DY121BD	PROPOSED NEW ACCESS DRIVE INCLUDING DROPPED KERB	Mr & Mrs K Dyas	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0130/FULL	13/03/2014	08/05/2014	VINE COTTAGE PEWTERERS ALLEY BEWDLEY DY121AE	Construction of detached double garage within garden area of Vine Cottage. Removal of existing single garage and alterations to brick boundary screen wall to form wider vehicle access with new timber entrance gates.	Mr & Mrs R Barton	Julia McKenzie-Watts
14/0131/LIST	13/03/2014	08/05/2014	VINE COTTAGE PEWTERERS ALLEY BEWDLEY DY121AE	Construction of detached double garage within garden area of Vine Cottage. Removal of existing single garage and alterations to brick boundary screen wall to form wider vehicle access with new timber entrance gates.	Mr & Mrs R Barton	Julia McKenzie-Watts
14/0159/FULL	13/03/2014	08/05/2014	HOLY INNOCENCE COMMUNITY HALL SUTTON PARK ROAD KIDDERMINSTER DY116LA	PROPOSED STORE	HOLY INNOCENCE COMMUNITY HALL	Julia McKenzie-Watts
14/0137/FULL	14/03/2014	09/05/2014	CEDAR BARN WINTERFOLD LANE MUSTOW GREEN KIDDERMINSTER DY104FB	Demolition of part of a glasshouse, the erection of an extension to the existing light industrial unit, and the conversion of part of the building to owner's living accommodation	MRW Precision Engineering Ltd	Emma Anning
14/0145/FULL	14/03/2014	09/05/2014	73 YORK STREET KIDDERMINSTER DY102LW	Erection of two storey side and single storey rear extensions	Mr S Singh	Julia McKenzie-Watts
14/0147/FULL	14/03/2014	09/05/2014	QUARRY COTTAGE ROCK CROSS ROCK KIDDERMINSTER DY149SE	Extension to rear of property and chimney to gable end	Mr R Griffin	James Houghton

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14/0150/LIST	14/03/2014	09/05/2014	TALBOT INN THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Expanded rear External Trade Area to include decking, pergolas and roof extension	Marstons PLC	James Houghton
14/0144/FULL	14/03/2014	09/05/2014	215 MARLPOOL LANE KIDDERMINSTER DY115DL	Single storey side and rear extension	Mr J Power	James Houghton
14/0146/FULL	14/03/2014	09/05/2014	HIGH ACRE TRIMPLEY BEWDLEY DY121NG	Reconstruction of roof structure to form additional accommodation. Amendments to approved application 13/0320/full.	Mr P Coates	Emma Anning
14/0149/FULL	14/03/2014	09/05/2014	TALBOT INN THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Expanded rear External Trade Area to include decking, pergolas and roof extension	Marstons PLC	James Houghton
14/3009/PNH	14/03/2014	25/04/2014	LATCHETTS BLUNTINGTON TANWOOD LANE CHADDESLEY CORBETT KIDDERMINSTER DY104NR	Single storey rear extension	Mr & Mrs Faulkner	John Baggott
14/3010/PNH	14/03/2014	25/04/2014	10 EDDY ROAD KIDDERMINSTER DY102NL	Single storey rear extension	Mr S Uddin	John Baggott
14/0140/FULL	17/03/2014	12/05/2014	82 QUEEN ELIZABETH ROAD KIDDERMINSTER DY103BG	Single storey rear extension and internal modifications	Mr C Elliott	James Houghton
14/0153/TREE	17/03/2014	12/05/2014	3 HILLGROVE GARDENS & CYPRESS AND LIME COURT KIDDERMINSTER DY103AN	Various Works	Mr P Bayliss	Alvan Kingston
14/0138/FULL	17/03/2014	12/05/2014	5 BRONTE DRIVE KIDDERMINSTER DY103YU	Proposed replacement of existing flat roof with a pitched and tiled roof over an existing rear extension	Mr B Tranter	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0139/FULL	17/03/2014	12/05/2014	26 BATHAM ROAD KIDDERMINSTER DY102TN	Erection of play house in rear garden	Ms T Bailey	Julia McKenzie-Watts
14/0141/FULL	17/03/2014	12/05/2014	FAIRVIEW CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NW	Two storey side extension	Miss L Corbo	Julia McKenzie-Watts
14/0157/FULL	17/03/2014	12/05/2014	11 OAKHILL AVENUE KIDDERMINSTER DY101LZ	SINGLE STOREY FRONT PORCH, SIDE AND REAR EXTENSION	Mr J Beard	James Houghton
14/0154/TREE	17/03/2014	12/05/2014	17 HAY CLOSE KIDDERMINSTER DY115DH	Fell Beech	Mrs J Childs	Alvan Kingston
14/0151/FULL	18/03/2014	13/05/2014	KING CHARLES 1ST LOWER SCHOOL BORRINGTON ROAD KIDDERMINSTER DY103ED	Erection of canopy	KING CHARLES HIGH SCHOOL	Julia McKenzie-Watts
14/0065/FULL	19/03/2014	14/05/2014	ROCK HOUSE LOW HABBERLEY KIDDERMINSTER DY115RQ	Creation of 1No. Unit holiday let accommodation with access, parking and associated works	Mr A Mastropietro	Emma Anning
14/0155/TREE	19/03/2014	14/05/2014	BRAMBLEDOWN 24 NURSERY GROVE KIDDERMINSTER DY115BG	Remove lower limbs and reduce lower crown by 2 metres of an Oak (T1) and crown raise lower 3 limbs of a second Oak (T3)	Mr H Maddington	Alvan Kingston
14/0162/FULL	21/03/2014	16/05/2014	91 MARLPOOL LANE KIDDERMINSTER DY115HP	GARAGE EXTENSION FOR GARDEN ROOM	Mr A Coombe	Julia McKenzie-Watts

WYRE FOREST DISTRICT COUNCIL

Planning Committee

08 April 2014

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1417 11/0545/FULL	APP/R1845/A12/ 2183527/NWF	MRS S J SMITH	TOP ACRE OFF CURSLEY LANE SHENSTONE KIDDERMINSTER	HE 09/11/2012	21/12/2012		26/03/2013 Kidderminster & Rock Suite	
			Application under S.73 to vary conditions 1 and 2 of Planning Permission 06/1062/FULL to remove all reference to the limited time period of 5 years for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel board fence					

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1422 13/0034/CERT/2197212	APP/R1845/X/13	THE DIOCESE OF WORCESTER	LAND TO REAR OF 5 MILL LANE BLAKEDOWN KIDDERMINSTER Carrying out of development approved under planning application reference 08/0839/FULL (Erection of three detached dwellings, access and turning area)	WR 30/04/2013	11/06/2013			Allowed With Conditions 27/02/2014
WFA1426 13/0173/FULL	APP/R1845/A/13 /2205679	Mrs M Cook	REAR OF 37 NORTHUMBERLAND AVENUE KIDDERMINSTER Erection of dormer bungalow	WR 01/10/2013	12/11/2013			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1429 13/0491/TREE	APP/TPO/R1845/ 3597	Mr M Preece	8 DUNLEY ROAD STOURPORT-ON- SEVERN DY130AX Cut back branches from a cherry and a conifer to the boundary of 8/10 Dunley Road	WR 16/12/2013	27/01/2014			
WFA1430 13/0688/FULL	APP/R1845/A/14 /2214511	Mr M Dangerfield	LAND TO THE REAR OF 8 CHESTNUT GROVE KIDDERMINSTER Demolition Of Existing Garages and Erection Of New Bungalow and Associated Car	WR 05/03/2014	16/04/2014			
WFA1431 13/0620/FULL	APP/R1845/A/14 /2214746	Mr J Dalman	28 MIDDLETON ROAD KIDDERMINSTER DY115EZ Change of use to 3 No. one bed flats	WR 05/03/2014	16/04/2014			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Inquiry, Hearing or Site Visit date	Decision
WFA1432 13/0556/FULL	APP/R1845/D/14 /2214796	Mr A Bourne	MILL FARM BARN LONGBANK BEWDLEY DY122QT	WR 10/03/2014	21/04/2014			
			Proposed two bedroom single storey extension					
WFA1433 13/0642/FULL	APP/R1845/D/14 /2214617	Mr & Mrs Bahra	31 CHESTER ROAD SOUTH KIDDERMINSTER DY101XJ	WR 17/03/2014	28/04/2014			
			Detached garage and storage					



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Mrs Toni Ashe
Wyre Forest District Council
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

Your Ref: 13/0034/CERTP
Our Ref: APP/R1845/X/13/2197212
Date: 27 February 2014

Dear Mrs Ashe

**Town and Country Planning Act 1990
Appeal by The Diocese of Worcester
Site at 5 Mill Lane, Blakedown, Kidderminster, DY10 3ND**

I enclose a copy of our Inspector's decision on the above appeal and the costs determination.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

pp Ben White

EDL1



Agenda Item No. 7

You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcportal/casearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

Appeal Decision

Site visit made on 4 February 2014

by K Nield BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2014

Appeal Ref: APP/R1845/X/13/2197212

Land to the rear of No 5 Mill Lane, Blakedown, Kidderminster, DY10 3ND

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by The Diocese of Worcester against the decision of Wyre Forest District Council.
- The application Ref 13/0034/CERTP, dated 15 January 2013, was refused by notice dated 14 March 2013.
- The application was made under section 192(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is described as "Carrying out of development approved under planning application reference 08/0839/FUL (Erection of three detached dwellings, access and turning area)".

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Decision.

Application for costs

1. An application for costs was made by The Diocese of Worcester against Wyre Forest District Council. This application is the subject of a separate Decision.

Procedural matters

2. Neither the application form nor the Council's decision notice contain a description of the development for which a LDC is being sought. However, the appeal form contains a description and as the evidence from both parties accords with that description I have used that as the basis to determine the appeal.
3. The development permitted under planning application reference 08/0839/FUL (granted on appeal¹) dated 14 December 2009) was described as "the erection of 3 dwellings". However, the scheme also included the provision of an access and turning area and I have taken those matters into account as indicated in the description provided on the appeal form.

¹ Appeal Ref: APP/R1845/09/2108672 dated 14 December 2009

Preliminary matter

4. The planning merits or otherwise of the development for which the application is made are not an issue for me to consider in the context of an appeal under s195 of the 1990 Act (as amended).

Main issue

5. Both the application form and the decision notice refer to the LDC application being made under s192 of the Act in respect of a proposed development. However, various works have been undertaken at the appeal site and in determining this appeal I also have to take a view as to whether those works constitute development and are lawful in terms of the permission that was granted (on appeal) for the erection of three detached dwellings, and have materially commenced the development.
6. The permission was subject to a number of conditions. Condition 1 is of particular relevance to this appeal. The condition states that "*the development hereby permitted shall begin not later than 3 years from the date of this decision*". That condition gives effect to s91 of the Act limiting the duration of a planning permission.
7. Taking those matters into account the main issue in the appeal is whether the development permitted by planning application reference 08/0839/FUL (granted on appeal dated 14 December 2009) had begun before the period of 3 years allowed by condition 1 of the permission had elapsed, that is, by 14 December 2012.

Reasons*Background*

8. Planning permission 08/0839/FUL had a total of 8 conditions attached. Conditions 2, 3, 4, 5, 6 and 7 of the permission were "conditions precedent" requiring the submission of various details regarding the development and their written approval by the Council before the permitted development began.
9. Condition 4 of the permission has relevance as it required details of "*the manner and standard of surfacing for the access*" to be approved prior to any development taking place and it also required that the access be provided before other works in connection with the construction of the dwellings and associated development took place. Planning permission 12/2069/CR dated 11 December 2012 confirmed that submitted details in respect of conditions 2, 3, 4, 5, 6 and 7 of the permission were in "compliance" with the conditions precedent.
10. Condition 8 of the permission in respect of parking and turning facilities was not a condition precedent as it required the Council's consent to various details before any of the permitted dwellings were occupied. Consequently, I am satisfied that all the other conditions requiring the prior approval of the Council before development could begin were complied with.
11. The Appellant had obtained a written specification and quotation dated 7 November 2012 from a Road Surfacing and Civil Engineering Contractor² for

² Cheltenham Surfacing Co Ltd

- works to provide an access road of 36m in length into the site from the turning head of an existing cul-de-sac.
12. The Appellant's evidence is that the contractor undertook various works in connection with the provision of the access on the 11 December 2012. The works are listed by the Appellant as follows:
1. *Removing existing gates to open up a gateway to allow road construction*
 2. *Alignment of roadway (visually by contractor)*
 3. *Use of machine (mini 360 excavator) to dig out*
 4. *The hole excavated is approximately 2.750m x 3.750m and covers an area of approximately 10m²*
 5. *Placing a membrane in the hole*
 6. *Placing 150mm 6F5 granular material and 150mm type 1 quarried stone in the hole.*
 7. *Placing protective fencing around the hole.*
13. A letter dated 3 April 2013 from the contractor broadly confirms those works took place and adds that approximately 4 tonnes each of 6F5 and quarry stone were deposited in the excavated area. At my visit to the site I noted the extent of the works and I was able to confirm by measurement³ the size of the area in which the excavation and subsequent placing of material had taken place.
- When development is begun*
14. There is no dispute between the parties that s56(2) of the Act provides the relevant test to establish whether development has begun. It states that "*...development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out*".
15. S56(4) explains that "*material operation*" includes at 56(4)(d) "*any operation in the course of laying out or constructing a road or part of a road*". It is clear from the wording of s56(2) that the assessment is objective and a matter of fact and degree.
16. Case law is referred to by both main parties to support their cases. I have taken those cases and other relevant cases described in the EPLP⁴ into account and make reference to those cases as appropriate.
17. Very little needs to be done to implement a planning permission and begin development but what is done needs to be in accordance with the permission and more than *de minimis*⁵.
- Assessment*
18. The Council's concerns have two strands. Firstly, it is contended by the Council that the extent of the works that have been undertaken are *de minimis* and, as

³ At the site visit the parties agreed that the excavated area measured 3.1m x 2.7m

⁴ Encyclopedia of Planning Law and Practice (EPLP)

⁵ Malvern Hills DC v SSE [1982] JPL 439; R (Connaught Quarries Ltd) v SSETR [2001] 4 PLR 18

- such, are not sufficient to be considered as beginning the development⁶. Secondly, the Council contends that the works carried out do not form part of the approved scheme and consequently no part of the approved scheme has been implemented. Taking both these strands into account it is contended by the Council that the development was not begun before the period of 3 years allowed by condition 1 of the permission had elapsed.
19. The Appellant informed the Council by e-mail⁷ on 30 November 2012 that there was an intention to undertake works to excavate the driveway as shown on approved drawings with the purpose of implementing the permission. This appears to have been pursuant to previous discussions between the main parties at which the Council considered that additional works to those specified would be required to implement the development.
 20. The Appellant sent a further e-mail to the Council on the 5 December 2012 suggesting that limited works involving the laying out of the new driveway and digging out of part of the approved access drive in the approved development scheme would be sufficient to implement the consent. The confirmation of the Council to that matter was requested but there is no indication of a reply.
 21. It is not disputed by the Council that various works took place on the 11 December 2012. It does, however, indicate "*the excavation works are in the approximate location of the access, albeit that the depth and nature of the works and how it would relate to the approved finished scheme are in question*". Notwithstanding those comments no substantive evidence is provided by the Council to show that the Appellant's stated lists of works did not occur.
 22. The works that have been undertaken although not extensive in quantum relative to the size of the appeal site as a whole were clearly to provide the base preparation of a section of roadway. They have led to a physical alteration of the land.
 23. I accept that the works were of short duration, taking place within one day, but they were undertaken by a contractor specialising in civil engineering works and using machinery to excavate the hole. They appeared to follow a working method of specified operations to prepare the base of a section of access road although it is not a finished surface with edging kerbs. Consequently, the works are not merely the digging of a hole as suggested by some of the interested parties. They are clearly a "*material operation*" as indicated at s56(4)(d) of the Act in that the works constitute "*any operation in the course of laying out or constructing a road or part of a road*". As a matter of fact and degree I find that the works that have taken place are more than *de minimis*. I consider that my view on this matter is supported by the judgement in the leading case of *Thayer*⁸ outlined in the EPLP.
 24. I now move to consider whether the works form part of the approved scheme. The area in which the works took place is within the access roadway as shown on the scheme drawings. As I noted above, condition 4 of planning permission 08/0839/FUL, amongst other matters, required that the access be provided

⁶ Reference is made by the Council to *Staffordshire County Council v Riley and Others* [2001] EWCA Civ 257

⁷ E-mail from Elizabeth Mitchell (Appellant's agent) to Emma Anning at Wyre Forest District Council

⁸ *Thayer v SSETR* [201] 4 P.L.R. 18

- before other works in connection with the construction of the dwellings and associated development took place.
25. The works that were undertaken took place after all the conditions requiring the Council's prior approval of details to any development taking place had been complied with. Consequent to the approval of matters in respect of the conditions precedent, works to provide an access were the first part of the approved development of the three dwellings that should have commenced and that is what took place. In addition, the works were commenced before the expiration of the 3 years allowed by condition 1 of planning permission 08/0839/FUL. Taking all these matters into account I can conclude as a matter of fact and degree that the works form part of the approved scheme in planning permission 08/0839/FUL.
26. The development permitted by planning application reference 08/0839/FUL (granted on appeal dated 14 December 2009) had lawfully begun before the period of 3 years allowed by condition 1 of the permission had elapsed, that is, by 14 December 2012.

Conclusions

27. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the carrying out of development approved under planning application reference 08/0839/FUL (Erection of 3 detached dwellings, access and turning area) was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal Decision

28. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

Kevin Nield

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 15 January 2013 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The material operations to partially construct an access road into the site began the development of the erection of three detached dwellings under planning permission reference 08/0839/FUL granted on appeal (Ref: APP/R1845/09/2108672) dated 14 December 2009. The material works were begun before the expiration of 3 years from the date of that permission as required by condition 1 of the permission.

Signed

Kevin Nield

Inspector

Date 27.02.2014

Reference: APP/R1845/X/13/2197212

First Schedule

Carrying out of development approved under planning application reference 08/0839/FUL granted on appeal (Ref: APP/R1845/09/2108672) dated 14 December 2009 (Erection of three detached dwellings, access and turning area).

Second Schedule

Land to rear of No 5 Mill Lane, Blakedown, Kidderminster, DY10 3ND

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Appeal Ref: APP/R1845/X/13/2197212

Plan

This is the plan referred to in the Lawful Development Certificate dated: 27.02.2014

by **K Nield BSc(Econ) DipTP CDipAF MRTPI**

Land to rear of No 5 Mill Lane, Blakedown, Kidderminster, DY10 3ND

Reference: APP/R1845/X/13/2197212

Scale: NTS



Costs Decision

Site visit made on 4 February 2014

by K Nield BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2014

Costs application in relation to Appeal Ref: APP/R1845/X/13/2197212 Land to the rear of No 5 Mill Lane, Blakedown, Kidderminster, DY10 3ND

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by The Diocese of Worcester for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of a certificate of lawful use or development described as "Carrying out of development approved under planning application reference 08/0839/FUL (Erection of three detached dwellings, access and turning area)".
-

Decision

1. The application fails and no award of costs is made.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. A written application for full costs was submitted by the Appellant and the Council has provided representation in response. No specific references were made to specific paragraphs of Circular 03/2009¹ by either party.
4. The gist of the Appellant's claim is that an appeal should not have been necessary as evidence outlining relevant case law and details of the works carried out to begin the development were submitted to the Council before the application for a LDC.
5. The Council agrees that those matters were before it with the application but there was a disagreement between the parties as to what constituted a "material operation" and what works would be considered as *de minimis* and not be sufficient to begin the development. The Council also states that the Appellant has felt it necessary to provide further evidence by way of appeal decisions to support its case in the Appeal.
6. I have reached a decision that the works that took place at the appeal site on 11 December 2012 constituted material operations that were more than *de minimis* and began the development for the erection of three detached

¹ Circular 03/2009: Costs awards in appeals and other planning proceedings

dwelling permitted by the appeal decision (Ref: APP/R1845/09/2108672) dated 14 December 2009. My decision was objectively reached as a matter of fact and degree based on the evidence before me and my observations at the site visit.

7. In view of the limited quantum of operations that took place it does not seem unreasonable that the parties had different views as to whether the works constituted material operations and whether the works were *de minimis*. In addition, case law in respect of what might be considered as *de minimis* operations pulls in slightly different directions. Nevertheless each case must be considered on its merits. Given the different positions of the parties it was likely that the matter would need to be resolved at appeal.
8. Notwithstanding the above I do not attach significant weight to the Council's argument that the Appellant "felt it necessary to adduce further evidence by way of appeal decisions referred to in the appeal statement". The evidence submitted for the appeal was essentially the same as that submitted with the application and did not expand the scope of the case as a whole. I consider that it is reasonable for the Appellant in the appeal to support its case to address the reason for refusal of the LDC and to do so within the agreed timetable.
9. It follows from the above that I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and I therefore conclude that an award of costs is not justified.

Formal Decision

10. I refuse the application for a full award of costs.

Kevin Nield

INSPECTOR