

Open

Planning Committee

Agenda

6pm
Tuesday, 9th December 2014
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

	Chairman: Councillor F M Oborski
	Vice-Chairman: Councillor S J M Clee
Councillor J Aston	Councillor C Brewer
Councillor B T Glass	Councillor D R Godwin
Councillor J Greener	Councillor P B Harrison
Councillor M J Hart	Councillor R J Lloyd
Councillor B McFarland	Councillor C D Nicholls
Councillor D R Sheppard	Councillor M J Stooke
Councillor S J Williams	Councillor M J Wrench

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 the Council’s 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, 9th December 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, 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 November 2014.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Planning and Related Appeals 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.	88

7.	<p>Conservation Area Character Appraisal Updates</p> <p>To consider a report from the Director of Economic Prosperity and Places which advise Members of the process being undertaken to update Character Appraisals for Conservation Areas within Wyre Forest District, to reflect the current Legislative and Policy Frameworks, and to seek Planning Committee approval to adopt Conservation Area Character Appraisals updated in this way.</p>	97
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>Enforcement Matters</p> <p>To receive a report from Director of Economic Prosperity and Place which provides Members with a summary report on enforcement matters, and specifically the volume of new complaints.</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 NOVEMBER 2014 (6.00 PM)

Present:

Councillors: F M Oborski (Chairman), S J M Clee (Vice-Chairman), J Aston, C Brewer, E Davies, B T Glass, J Greener, P B Harrison, J A Hart, M J Hart, R J Lloyd, B McFarland, C D Nicholls, M J Stooke, S J Williams, and M J Wrench.

Observers:

Councillors: A R Clent and P W Wooldridge.

PL.45 Apologies for Absence

Apologies for absence were received from Councillors D R Godwin and D R Sheppard.

PL.46 Appointment of Substitutes

Councillor E Davies was appointed as a substitute for Councillor D Sheppard. Councillor J A Hart was appointed as a substitute for Councillor D Godwin.

PL.47 Declarations of Interests by Members

Councillor R Lloyd declared a Disclosable Pecuniary Interest (DPI) in application number 14/0566/FULL – Co-operative, as he was an employee of the company. Councillor C Brewer declared an Other Disclosable Interest (ODI) in application number 14/0586/LIST – Angel of Peace, as the applicant was a member of the same political group.

Councillor E Davies declared an ODI in application number 14/0586/LIST – Angel of Peace, as the applicant was a member of the same political group.

Councillor B Glass declared an ODI in application number 14/0586/LIST – Angel of Peace, as the applicant was a member of the same political group.

PL.48 Minutes

Decision: The minutes of the meeting held on 14th October 2014 be confirmed as a correct record and signed by the Chairman.

PL.49 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 526 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 526 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.50 Applications Pending Decision

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

Decision: The schedule be noted.

PL.51 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.52 Section 106 Obligation Monitoring

The Committee considered a report from the Director of Economic Prosperity & Place that gave details of the most current Section 106 Obligations which required monitoring.

Decision: The details be noted.

The meeting ended at 6.52 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

11th November 2014 Schedule 526 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.

Application Reference: 14/0596/FULL
Site Address: 14 MANOR AVENUE, KIDDERMINSTER, DY11 6EA
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B6 (External details – approved plan).

Application Reference: 14/9025/NMA
Site Address: PLOT 4, WOODROW LANE, BLUNTINGTON, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4NP
APPROVED subject to the following condition:
<ol style="list-style-type: none"> 1. Side facing window to west elevation to be obscure glazed prior to first occupation and thereafter be retained as such.

Application Reference: 14/0499/FULL
Site Address: LAND ADJACENT TO WOODSIDE FARM, TANWOOD LANE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4NX
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B1 (Samples/details of materials). 4. C6 (Landscaping – small scheme). 5. C8 (Landscape implementation). 6. C9 (Hedge protection). 7. C12 (Details of earthworks). 8. Details of protection and waymarking of Public Right of Way. 9. Drainage conditions. 10. J35 (Manure storage/disposal). 11. Notwithstanding the approved plans, no external lighting shall be installed until a detailed scheme of lighting, including times of operation, has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate that all lighting is to be directed away from the Hockley Brook. Lighting shall be installed strictly in accordance with the approved scheme and times of operation and there shall be no additional lighting provided whatsoever without formal planning permission from the Local Planning Authority.

12. The lighting approved under condition 11 above, shall be orientated and shielded or otherwise designed and positioned such that the light from them does not exceed 2 lux when measured vertically at the boundary of the site. All lights shall be operated by Passive Infrared Sensors (P.I.R) and shall not be permanently switched on at any time throughout the lifetime of the development.
13. L2 (Removal of rights to advertise).
14. Ecology mitigation and enhancement.
15. Submission of CEMP (Construction Environmental Management Plan).
16. The stables and hay barn hereby approved, including the activities associated with such buildings, shall not be severed from the land outlined in red without planning permission.

Application Reference: 14/0529/FULL

Site Address: 15 NEWTON CLOSE, BEWDLEY, DY12 2PZ

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: 14/0546/FULL

Site Address: 185 SUTTON ROAD, KIDDERMINSTER, DY11 6QN

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).

Councillor R Lloyd left the meeting at this point, (18.50pm).

Application Reference: 14/0566/FULL

Site Address: THE CO-OPERATIVE FOOD STORE, LOMBARD STREET, STOURPORT-ON-SEVERN, DY13 8DP

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. Matching materials.
4. Details of planting to be submitted prior to commencement of development.
5. Details of when agreed planting is to be implemented to be submitted prior to the commencement of development. Planting to be undertaken in accordance with agreed timetable unless otherwise agreed.

Note

The applicant is advised that this planning consent does not grant any approval for any ventilation or extraction equipment which, by virtue of its siting, may require the benefit of separate planning consent.

The applicant's attention is drawn to the Best Practice Guide for Construction and Demolition Work that Worcestershire Regulatory Services have approved.

Councillor R Lloyd returned to the meeting at this point, (18.51pm).

Application Reference: 14/0573/FULL

Site Address: 91 FRANCHE ROAD, KIDDERMINSTER, DY11 5BJ

DELEGATED AUTHORITY TO APPROVE subject to no new 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. B6 (External details – approved plan).
4. J1 (Removal of permitted development – residential (Part 1 Classes A, B and C)).
5. Prevent the insertion of additional roof windows.

Application Reference: 14/0586/LIST

Site Address: ANGEL OF PEACE, ST. MARY'S RINGWAY, KIDDERMINSTER, DY10 2JN

APPROVED, subject to the following conditions:

1. A7 (Listed Building Consent).
2. A11 (Approved Plans).
3. B6 (External details – Approved Plan).

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

09/12/2014

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
14/0390/FULL	BRINTONS BUILDING EXCHANGE STREET KIDDERMINSTER	DELEGATED APPROVAL	13
14/0391/LIST	BRINTONS BUILDING EXCHANGE STREET KIDDERMINSTER	APPROVAL	13
14/0541/OUTL	SITE OF FORMER SION HILL MIDDLE SCHOOL SION HILL KIDDERMINSTER	DELEGATED APPROVAL	42

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
14/0560/S73	TESCO SEVERN ROAD STOURPORT-ON-SEVERN	APPROVAL	69
14/0637/FULL	327 HURCOTT ROAD KIDDERMINSTER	APPROVAL	85

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH DECEMBER 2014

PART A

Application Reference: 14/0390/FULL and 14/0391/LIST **Date Received:** 07/07/2014
Ord Sheet: 383124 276518 **Expiry Date:** 01/09/2014
Case Officer: Julia Mellor **Ward:** Greenhill

Proposal: Partial demolition with reconstruction and alterations including riverside walkway and changes of use to whole premises to use classes A1/A3/A4/A5 in up to 6 units at ground floor level but including any levels above forming part of such units, with use classes A2/ B1/ C1/D2 to all upper floors including any parts at ground floor related to units at upper levels.

Site Address: BRINTONS BUILDING, EXCHANGE STREET, KIDDERMINSTER, DY10 1BU

Applicant: Exchange Street Properties Ltd

Summary of Policy	DS01, DS02, CP01, CP02, CP08, CP09, CP11, CP13, CP14, CP15 (CS) SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7, SAL.UP6, SAL.UP9 (SAAPLP) KCA.CC1, KCA.CC2, KCA.CC3, KCA.UP1, KCA.UP2, KCA.UP6, KCA.UP7, KCA.GPB7, KCA.TC1, (KCAAP) ReWyre Prospectus (2009) Vicar Street and Exchange Street Conservation Area Character Appraisal Sections 1, 2, 4, 7, 11, 12 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	14/0390/FULL DELEGATED APPROVAL 14/0391/LIST APPROVAL

1.0 Site Location and Description

1.1 The application site accommodates the former Brintons administrative headquarters building which is Grade II Listed and lies within the Vicar Street and Exchange Street Conservation Area. The existing building dates back to the mid-19th century with a renowned frontage facing Exchange Street and the Corn Exchange dating back to 1876 and 1926.

14/0390/FULL

14/0391/LIST

- 1.2 The rear boundary to the site abuts the River Stour and a secondary river channel which is culverted lies immediately underneath the existing building.
- 1.3 In summary, the current scheme seeks approval for the demolition of the single storey structure which fronts the River Stour, with the exception of the flank walls to the north and south. It is proposed that the demolished structure be replaced with a single storey flat roof extension with a frontage to address a new riverside walkway complete with a decked seating area which would overhang the riverbank.
- 1.4 The application also proposes a change of use of the extended building to provide five units for retail use at ground floor, of which three units would front the River together with the proposed riverside walkway and seating area. The proposed uses of these ground floor units would be either Use Class A1 (Retail), A3 (Cafe/restaurant) or A4 (Public House). The proposed first and second floor plans show the provision of two units which could be used in conjunction with the ground floor retail uses or, if separated from the ground floor units are proposed, to be used for Use Class A2 (Financial and Professional services), B1 (Office), C1 (Hotel), or D2 (Assembly and Leisure).
- 1.5 The application has been submitted together with the following reports:
 - Design and Access Statement.
 - Flood Risk Assessment (updated since first submission).
 - Preliminary Ecological Assessment (updated since first submission).
 - Historic Building Evaluation (first submitted for 2008 planning and listed building applications).
 - Culvert Structural Condition Survey Report.
 - Photographic/3D Illustrations.

2.0 Planning History

- 2.1 WF/0075/00 - Listed Building Consent: Works to replace slates, repaint felt, windows and downpipes, replace ground floor glass with toughened glass, repair brickwork and stone work : Approved 27/03/00.
- 2.2 WF0460/99 - Listed Building Consent: Demolition of building adjacent to Brintons Ltd. Offices : Approved 19/10/99.
- 2.3 14/0389/LIST - Proposed installation of signage to external walls : Approved 24/09/14.
- 2.4 08/0963/FULL - Part demolition, part extension and alterations to provide 60 x 1 & 2 bed extra care residential units with 4 x A1/A3 retail units at ground floor together with ancillary care home facilities and associated parking : Approved 02/06/10.

14/0390/FULL

14/0391/LIST

- 2.5 08/0964/LIST - Part demolition, part extension and alterations to provide 60 x 1 & 2 bed extra care residential units with 4 x A1/A3 retail units at ground floor together with ancillary care home facilities and associated parking : Approved 17/07/10.

3.0 Consultations and Representations

- 3.1 Highway Authority – Recommends that the permission be refused for the following reason:-

This application fails to address the impact of the development on the transport network as it is not supported by a Transport Assessment (TA). The National Planning Policy Framework, paragraph 32, indicates that "*All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment*", and Department for Transport Guidance on Transport Assessments 2007 indicates, in Appendix B, the thresholds for when a TA or Transport Statement is required. It is clear from the Guidance on TA's that this planning application should be supported by an assessment which addresses all modes of transport, this approach is supported by the NPPF. This application is not supported by a TA and therefore fails to consider the development impact and how to exploit sustainable transport opportunities. It therefore has failed to demonstrate that there is not a severe impact on the transport network and should be refused.

- 3.2 Environment Agency (Original comments) - The existing Brintons building is situated adjacent to the main channel of the River Stour with a secondary river channel, bifurcating at this location, running directly under the building. The River Stour is classified as a 'Main River' in this location. We note that the proposal is for a change of use from offices to mixed use including: retail; leisure; office; food and a hotel. Externally, the proposals include increasing the ground level of the adjacent riverside path and providing decking over the banks of the River Stour. The majority of the site is located within Flood Zone 2 ('Medium Probability') with the proposed decking and riverside path located within Flood Zone 3 ('High Probability'), based on our Flood Map for Planning (Rivers and Sea). The site benefits from the upstream Kidderminster Flood Alleviation Scheme (FAS).

We currently object to the planning application, as submitted, as the proposal is likely to have a significant adverse impact on flood risk and the ecological value of the River Stour. We have the following comments to make:

14/0390/FULL

14/0391/LIST

RIVER STOUR - PROPOSED TERRACE DECKING / RIVERSIDE WALKWAY: The River Stour is classified as 'Main River' in this location. Therefore the Environment Agency has permissive powers to gain access to the River to undertake maintenance and flood improvement works. The riverbank adjacent to the building is required to access the River and the culvert that passes under the existing building. Access is significantly restricted on the opposite bank and is generally very poor through the centre of Kidderminster.

The construction of the proposed terrace decking would significantly impact our ability to access the River and culvert to undertake maintenance/improvement works and is therefore not considered appropriate in this location.

The River Stour through Kidderminster is considered a 'high risk' category where regular access is required. Development should be designed in such a way that improves access to the river, rather than acting as an obstruction. For this purpose the existing access should be maintained or improved.

The decking may also act to obstruct flood flows and result in a build up of debris. It is appreciated that the applicant has sought to limit this impact by providing a decking that cantilevers out over the channel. However, no information has been provided within the Flood Risk Assessment (FRA) to confirm how the proposals would address the impact of the decking on the natural bank underneath and the profile of the underside of the decking to ascertain the clearance above flood levels. If debris or branches were to build up under the structure this would be difficult to remove and although the developer proposes a cantilever structure this could potentially become in-filled.

In addition, the application refers to raising ground levels to improve access to the buildings. Further detail is required to clarify how the proposals compare to existing ground levels and how it would ramp down to the adjacent riverside path. It is unclear how this is going to be achieved and how the impacts on flood storage and/or flows have been assessed (no detail has been provided within the FRA).

In considering the above, the proposals appear to be contrary to a number of the criteria listed in Policy KCA.UP6 (River Stour) of your Council's Kidderminster Central Area Action Plan (adopted July 2013). This is in addition to Policies CP02, CP13, CP14 and CP15 of your Council's Core Strategy (adopted December 2010), which relate to flood risk and the safeguarding and enhancement of the green infrastructure and biodiversity value of the River Stour.

Policy CP13 (Providing a Green Infrastructure Network) of your Core Strategy states that: *"These features (River Stour) will be safeguarded and new developments must positively contribute towards the enhancement of their green infrastructure value."*

14/0390/FULL
14/0391/LIST

Over the years, we have worked with your Council to improve the River Stour corridor through the town centre, including the area subject to this planning application. It is considered that the development as proposed would lead to a direct deterioration of the restored watercourse.

The proposal to overhang the banks would lead to shading out of vegetation, which would in turn result in bare earth banks that would erode and ultimately require further hard engineering, something that was successfully removed during the last redevelopment of this area. This proposal will reverse the ecological and flood risk gains that have been achieved through the redevelopment of the River Stour Corridor.

Whilst the development may not be considered of sufficient length to result in deterioration under the Water Framework Directive (WFD), it would certainly contribute to deterioration and sets a poor precedent for other development through the town centre. For information, the River Stour (confluence of Smestow Brook to confluence of River Severn) currently has a WFD status of 'poor' with the objective to achieve 'good' status by 2027. We would expect new development to contribute towards achieving the WFD objective, in accordance with Policy SAL.CC7 (Water Quality) of your Site Allocations and Policies Local Plan (adopted July 2013). The proposal would also have a significant impact upon the river/wildlife corridor and will restrict the movement of otters (known to currently use the area), as well as reducing the value of the corridor for other wildlife that will not tolerate encroachment of noise and light pollution over the river.

FLOOD DEFENCE CONSENT: The proposed decking and raising of riverside pavement would require the prior formal consent of the Environment Agency under section 109 of the 1991 Water Resources Act and the Land Drainage Byelaws. We would be minded to refuse a consent application based on the information submitted at this time.

SECONDARY RIVER CHANNEL (CULVERT): We normally seek re-establishment of open watercourses where they have previously been culverted, in line with your adopted policies and the NPPF. On this occasion it is appreciated that, with the existing constraints of the site, the opening up of the watercourse may not be feasible. However an adequate assessment should be undertaken of the culvert and its structural integrity as part of the planning application. It must be noted that the owner of the building will be responsible for the culvert, ensuring its structural integrity is maintained and that it is able to convey flows. We note that a Culvert Structural Condition Survey Report has been and submitted with the application. However, the proposals do not appear to have addressed the issues highlighted within that report.

14/0390/FULL

14/0391/LIST

Whilst the report did not identify any immediate works required, it did indicate structural works which would need to be undertaken within a three year timescale. We would advise you consult with your structural engineers regarding potential impacts in relation to the stability of the culvert i.e. to ensure it is stable for the lifetime of the development.

FLOOD RISK ASSESSMENT (FRA): The FRA dated 30 June 2014 has used a flood level of 32.15m AOD as the 1 in 100 year plus climate change flood level. This flood level is taken from a previous River Stour model that was used at the time of the initial application approval, since it was the best available information at that time. A more detailed flood model for the River Stour is now available, which provides a 1 in 100 year plus climate change flood level of 31.86m AOD for this location.

We normally recommend that finished floor levels (FFLs) are set a minimum of 600mm above the 100 year plus climate change flood level (i.e. at least 32.46m AOD) to allow for freeboard and modelling tolerances. The FRA proposes to set FFLs at least 32.40m AOD. We would advise that the applicant looks to set FFL's slightly higher, at least 32.46m AOD. Should the applicant demonstrate to the satisfaction of your Council that it is not feasible to set the FFLs at 32.46m AOD, then consideration should be given to providing flood resistance/resilience within the building design to the required standard. The detail of this should be provided as part of the planning application.

The mixed use proposed includes retail, office, food and leisure development is classed as 'Less Vulnerable' use along with drinking establishments and a hotel (overnight accommodation) classed as 'More Vulnerable' use, in Table 2 of the National Planning Practice Guidance. Consideration should be given to residual risk, should an extreme flood event occur or the upstream FAS be breached. The FRA should refer to your Council's Level 2 Strategic Flood Risk Assessment, which has undertaken a number of breach scenarios for the Kidderminster FAS, in assessing safe access/egress and the formation of a Flood Management Plan.

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 should review potential emergency access routes and this should be developed into a plan with which all the proposed uses 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).

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SURFACE WATER DRAINAGE: We note that you have consulted with the North Worcestershire Water Management team, as the Lead Local Flood Authority (LLFA), to consider drainage details.

CONTAMINATED LAND: In line with our consultation checklist, the Environment Agency (Local Area) has no comments to make with regard to contaminated land on this application. You are advised to seek the comments of your Public Protection Team.

(Additional Comments relating to the Preliminary Ecological Assessment Report by Focus Ecology Ltd. dated September 2014, relating to biodiversity matters only)

TREES AND VEGETATION: The report mentions that there are numerous self-set willows encroaching into the river channel. Whilst not explicit this implies that their presence is a negative. However the natural establishment of local native tree species is far more preferable from an ecological perspective than planting trees. Where trees that are located within the channel do not constitute a flood risk, they can be a vital component to a healthy river, increasing the channel diversity and providing habitat and food for the entire food web.

RIPARIAN MAMMALS: There are recent (2012) records of otter downstream adjacent to the Hoo Brook Industrial Estate and upstream at Whittington. Whilst neither of these records are particularly close to the site it does demonstrate that otter continue to be present up and downstream and are therefore highly likely to be utilising the site. Environment Agency Field Staff have observed an otter lying up within the culvert that dissects the site whilst clearing a blockage. This is at the same location as the 2009 record listed in the appendix of the report.

DISCUSSION OF IMPACTS: The report refers to the findings of recent studies into otter behaviour to justify the increased disturbance as a result of the proposed development. Whilst we would not disagree with these findings they need to be taken in context. For example, Otters in Shetland experience low levels of disturbance and a lack of tree cover is likely to be compensated for by large areas of uninhabited / undisturbed land. Otters, by their nature, find prominent features to spraint upon. Artificial features such a headwall and weir walls are such prominent features. However this does not automatically mean that artificial features provide better or ideal habitat for otters. Rather they are adapting to what is available, usually at lower than ideal densities. The latest National Otter Survey found that otters continue to be affected by increased disturbance / poor habitat (Crawford, 2010). It is therefore reasonable to expect that a greater degree of disturbance in this location would have a local detrimental impact upon otters.

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We acknowledge that the section of river corridor upstream of the site is in a poor condition. Any future re-development / regeneration proposals for this area should contribute to the improvement of this section of river, in line with the objectives and policies of the Council's Local Plan documents.

However, the fact that the adjacent habitat is poor should not be used to justify further reducing the value of the river corridor in this location. If the entire length of the river was similar to that upstream within Kidderminster then there would be very little biodiversity in the river.

SUMMARY - Having reviewed the report alongside the original plans submitted as part of the planning application, we consider that the proposal as it currently stands would have a significant impact in terms of disturbance to the wildlife that utilises the River Stour corridor. The combination of lighting, noise and the direct encroachment of the cantilever boardwalk would inevitably result in significant disturbance to the area.

We consider that the level of disturbance may be reduced by modifying the design such that:

1. The boardwalk/decking is set back and does not over-hang the river;
2. Lighting is designed such that there is no light pollution along the river corridor, including the banks of the river;
3. Bank side vegetation is retained and where appropriate enhanced;
4. Noise abatement measures are put in place where there is likely to be an increase in noise pollution, particularly during the hours of darkness.

With regard to the recommendations of the report we have the following comments:

1. Incorporation of otter rest site. Whilst this is likely to be worth incorporating, careful consideration of the appropriate location will be needed to minimise disturbance. It is unlikely to be used where there will be such a high level of human disturbance, such as the current development proposals.
2. Planting scheme – We would welcome the suggestion to plant native species. However there would be a net loss of vegetation in the long term along the river corridor as the bank under the decking area would be devoid of vegetation.

The current proposals still appear to be contrary to a number of policies within the Council's Local Plan documents, for new development to conserve and enhance the biodiversity and green infrastructure value of the River Stour corridor. I would refer to our response to the planning application which still applies. We would recommend that the Council's Biodiversity Officer is also consulted on the Preliminary Ecological Assessment Report and any subsequent revisions to the proposals that may be submitted.

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(Officer Comments – Further comments are awaited in response to the submission of:

- *a Revised Flood Risk Assessment;*
- *an additional Landscaping plan including ecological mitigation;*
- *an updated ecological survey; and*
- *revised sections with a reduction to the width of the decking over the River Stour.)*

- 3.3 Canal and River Trust – No consultation required.
- 3.4 Crime Prevention Design Advisor – No comments or objections to the additional / revised plans.
- 3.5 Disability Action Wyre Forest – Awaiting comments.
- 3.6 Worcestershire Regulatory Services - I have reviewed the above application and have no comments to make. However, it is advised that the applicant be directed to the following document for best practice during demolition and construction works - Worcestershire Regulatory Services “Code of Best Practice for Demolition and Construction Sites”
- 3.7 Natural England – No objection. No conditions requested. This application is within 2km of Puxton Marshes Site of Special Scientific Interest (SSSI), Stourvale Marsh SSSI and Wilden Marsh and Meadows SSSI. 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 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. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

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PROTECTED SPECIES: We have not assessed this application and associated documents for impacts 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.

BIODIVERSITY ENHANCEMENTS: 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 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*'.

- 3.8 Severn Trent Water – No objection subject to condition requiring details of drainage.
- 3.9 Worcestershire Wildlife Trust – Awaiting comments.
- 3.10 Countryside and Conservation Officer (Original Comments) - Bat wise the site was surveyed both visually and through an ultrasound emergence survey. The conclusion of this is that bats are not using the above ground buildings. Some bats were detected using the culvert and roosting potential was identified in this location. The culvert is also a known site for otter, with otter being recorded in this location on several occasions in the past. However no sign of otter was noted on the day of the ecologist single inspection (the River Stour is a very flashy river and a previous high water event could easily erase field sign). Apparently no works will be carried out on the culvert apart from essential maintenance works. It would be good to confirm what this essential works entails so we can make a judgment if this works will have an impact on protected species.

(Officer Comments - In summary the Culvert Structural Condition Survey Report indicates that the proposed works to the culvert comprise:

- Re-pointing of some of the brickwork;*
- Repair of some of the steel tie bars;*
- Underpinning to the south wall at the entrance to the culvert;*
- Repair of an existing corroded beam; and*
- Repair to an existing concrete encasement)*

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The plans show extensive works to immediately adjacent the river environment. The River Stour is one of Districts principle wildlife corridors. Whilst in this location the Stour is already heavily disturbed and exposed to light pollution it would be good to ascertain the proposed development will not be adding to these levels of pollution and hence having an impact on two protected species that are known to use this wildlife corridor in this location.

No analysis of this is included with the application. I am particularly concerned that the raised river viewing areas will cause significant increase in disturbance to the corridor and given the numerous previous records of otter in this environment, this will have a negative impact on otter using this section of the Stour to commute between the large nationally significant wetland habitats that exist on the River Stour to the north and south of the town.

(Officer Comments – Further comments are set out below in response to the submission of:

- *a Revised Flood Risk Assessment;*
- *an additional Landscaping plan including ecological mitigation;*
- *an updated ecological survey); and*
- *revised sections with a reduction to the width of the decking over the River Stour.)*

The application intrudes into the river corridor in a way that is contrary to best practice relating to development in proximity to a watercourse. It is appreciated that this has been reduced in the revised plans but it still overhangs. The developer stating that the decking area which results in the overhang is essential for the development to work. Is this statement backed up? Or is there potential for the decking to be kept to the top of the bank? If not then this will have some impact on biodiversity through the permanent loss of available bank side habitat.

This will need careful mitigation. Following discussion with the applicant the idea was formed that the biodiversity mitigation could be based around the increasing of cover and floral diversity of the remaining banks through a native flora planting scheme and the use of coir rolls; and then to expand the available green habitat in the vertical plain through the use of climbing plants trailing from the handrail. Looking at the plans now supplied this has been taken on board. Whilst it is appreciated that a large not excessively rapidly growing tree like the weeping willow will provide structure, cover and be aesthetically pleasing, native shrubs should be used instead of the ornamental elsewhere perhaps replacing the ornamental hazel planting with native hazel and or guilder rose.

The coir rolls are shown but these will need to be suitably mounted and specified following their manufacturer guidance, so that they can thrive in the flowing and fluctuating water levels found on the Stour at this location. There may need to be some additional structure provided to ensure their longevity.

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Light disturbance would need to be limited. We need detail on the high reflectivity glass to ensure there are sufficiently low levels of light conductivity. The lighting shown on plans is good showing focused inwardly pointing light and walkway mounted LED's. The only aspect that still needs to be resolved is how the shop / cafe etc fronts themselves are to be lit to ensure that these are not casting additional glare across the watercourse.

PROTECTED SPECIES WISE

Breeding birds - As there is some potential roosts within the building, unless works are carried out in the winter season, then a renewed breeding bird survey will be needed.

Bats - The actual building has been surveyed and no bats found. The survey work was done early May 2014 so unless work has been started by May 2015 there will need to be a resurvey as the building has good bat roost potential. There is some potential for bats in the under ground culvert and this will need to be surveyed for bats prior to any maintenance works. There is discussion on the fitting of some woodcrete boxes into the culvert area. These need to be carefully sited to avoid being inundated by flood waters. Perhaps in or near some of the inspection chamber areas or into existing raised areas of the culvert roof. This needs some thought and showing on a plan. Also it would be good to mitigate for the potential loss of available roost from the development of the main building and whilst it is appreciated it is a relatively modern style build some opportunity should be found to include bat friendly feature into the fabric of the building itself. Perhaps some bat bricks scattered around in high up isolated and lighting free locations.

Otter – Otter have been seen in direct proximity to the development and in the culvert area. It is most likely they use the development site from time to time and the development site is located in a key area to facilitate otter commuting between the nationally significant wetlands north and south of Kidderminster town. The applicant has stated that Otter are unlikely to be disturbed, a statement based on research relating to otter behaviour recorded in situations very different to the town centre situation we find here. Given that this is a very important node in the river corridor and its loss would affect the ability for otter to travel between the wetlands north and south of the town, I feel more assurances are needed that this development is not going to negatively impact on this species. To rectify this I feel some more surveying is needed to ensure that levels of otter connectivity are maintained through the development. This would require a more extensive before and after survey of otter sign both up and down stream of the development, noting what features are being used. Comparison could then be made and if necessary knowledge gained would allow retrospective mitigation to take place by rectifying or adding banks side features that are seen to be used by otter elsewhere on the Stour in urban Kidderminster. It would also provide useful knowledge on how the River Stour is being used by otter in Kidderminster

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I am unsure whether the otter couch being offered as mitigation would be of any value as it is under a heavily used wooden deck. The noise of people walking and moving around on this for large periods of the day. I feel would be prohibitive to otter using it as a resting up spot. Some discussion was had about improving available and attractive space which otter could use under the converted area. Has this been given further thought? As this could provide some much needed otter mitigation.

In addition to the above there needs to be the following:

A Construction Environmental Management Plan (CEMP), that amongst other things ensures that during the construction phase, materials are not allowed to enter the Stour, the river corridor is not over lit by temporary construction lighting, prevents the spread of notifiable weeds and highlights measures needed to prevent otter becoming harm the development process.

A Habitat Management Plan (HMP) that ensures the longevity of the proposed mitigation and prevents the establishment of invasive weed species.

3.11 North Worcestershire Water Management (*Latest Comments in response to revised Flood Risk Assessment*) -

DRAINAGE: I understand that the proposed reconstruction will discharge storm water into the existing private sewers and the Stour as per current situation. There is therefore no increase in runoff. The foul drainage will also connect into the existing private sewers. With the proposed use of the units the installation of additional assets such as fat traps will need to be considered, in discussion with Severn Trent Water.

I understand that a full survey will form a pre-commencement exercise to address the adequacy of the existing storm and foul drainage. I am happy to read that this will include confirming the existence of suitable flap valves to ensure there is no risk of internal flooding via this route.

PROXIMITY TO WATERCOURSE: The Council's Core Strategy promotes the opening up of culverted watercourses. As requested the revised FRA now briefly states why the culvert could not be opened up for this development.

The proposed development is within 8 metres of a main river and therefore it will require consent of the Environment Agency under the Land Drainage Act 1991 and the Flood and Water Management Act 2010. A valid planning permission is no guarantee that works will get consented, so early discussion with the Environment Agency is advisable and is I understand ongoing.

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I believe access to the river bank for future maintenance after construction of the proposed overhanging riverside walkway is a key issue as a restricted access could increase the flood risk for a larger area of Kidderminster. I believe this point will be fully covered in the Environment Agency's response. In addition the proposed decking would undo improvements that have been made in the last 10 years or so to make the Stour more 'green' at this point in the urban area of Kidderminster.

For works this near to a watercourse I normally request that a method statement is submitted, detailing the measures that will be taken to ensure that works will not adversely affect (pollution and silt) the watercourse during the construction phase. However, such a method statement would be part of the consent application, which means that in this instance I don't believe conditioning a method statement will be appropriate.

CONCLUSION: I believe the revised FRA has provided the information that was requested. It has demonstrated that the development will be safe for its lifetime without increasing the flood risk elsewhere. The only issue that is outstanding in my opinion is the proposed decking and its effect upon future maintenance and ecology. I believe others will comment upon these points.

3.12 Legal Services – Awaiting comments.

3.13 North Worcestershire Economic Development and Regeneration – This application is seeking permission for the redevelopment and extension of an existing building within Kidderminster Town Centre. Given the location of the site and the nature of activities proposed my comments have centred on the following documents:

- ReWyre Prospectus (Adopted September 2009).
- Core Strategy (Adopted December 2010).
- Kidderminster Central Area Action Plan (Adopted July 2013).
- National Planning Policy Framework.

LOCAL 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.

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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;*

There was also a section identified within the Prospectus which relates specifically to Weavers Wharf, which this location is considered to be an extension of. The objectives for this area were as follows:

- *Delivering mixed uses;*
- *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 it is also considered that the application responds positively to the 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”*

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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.”*

Policy 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 proposals within this application clearly seek to achieve this aim by providing a more active frontage to the River through this section.

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 and will strengthen the town centre offer. Furthermore, the proposals will ensure that an important listed building is brought back into positive economic use.

KIDDERMINSTER CENTRAL AREA ACTION PLAN (KCAAP) (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 and should contribute to strengthening the retail dumbbell”*. The submitted application is located within the Primary Shopping Area and is adjacent to the current Weavers Wharf development. Therefore, given the location of the site it is considered that the uses proposed conform to this Policy of the KCAAP.

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.”*

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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. This is because the proposals seek to improve a current thoroughfare which is underused and could provide an important link between spaces within the town. *“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”*.

Policy KCA.UP6 – River Stour: The proposals will provide for additional development fronting onto the 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; and providing opportunities for promenading and interaction with the environment of the River Stour.*

In addition to the above policy framework, reference is made to the application site on p.124 of the Adopted KCAAP. The extract from the KCAAP is as follows:

“This Listed Building contains the former offices of the Brintons’ carpet factory. It is of a high quality design which is worthy of retention and also has cultural significance due to its association with the carpet industry. The building has previously been granted permission for conversions, with extensions, to an extra-care facility.

The site has an important riverside frontage and it will be crucial for any new development to provide an active frontage onto the riverside. It should also have an active frontage onto Exchange Street as this aspect is very prominent from the surrounding streets.”

It is considered that the submitted application would ensure that the listed building would be brought back into economic use and the proposals would mean that there would be active frontages to both Exchange Street and the River Stour.

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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.

ECONOMIC CONTEXT: In addition to the policy context provided above, it is considered that the proposals would provide job creation within a sustainable location. The proposals would also provide for a diversification to the current ‘offer’ within Kidderminster Town Centre and therefore should be supported.

It is also worth noting that this proposal provides good synergy with current plans for an improved public realm within Exchange Street and Exchange Place. It is considered, therefore, that these proposals should have a positive economic impact on Kidderminster Town Centre and provide a suitable and complementary use to other proposals being progressed within this area of Kidderminster.

CONCLUSION: 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. Furthermore, the proposals will bring new jobs to the area as well as bringing back into use an existing vacant listed building, which is to be commended.

- 3.14 Kidderminster Civic Society - Would like to support this application subject to any comments of the Conservation Officer, which we are sure we should support, as we think this is likely to enhance and retain (except the River frontage) a building that is otherwise likely to deteriorate.

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- 3.15 Worcestershire County Council (Archive & Archaeology Service) - An historic building appraisal was undertaken in advance of a previous application in 2008. We were subsequently contacted pre application regarding the current proposals and advised them that in order to offset the impact of the proposals on the structure that a programme of archaeological work and further building recording will be required as a condition of planning consent if granted.

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.

In order to comply with policy, conditions should be attached to any consent.

- 3.16 Conservation Officer - TOTAL DEMOLITION OF ELEMENTS OF THE LISTED BUILDING: The Brinton's Factory Offices of 1876 by J T Meredith were listed Grade II in 1996. The National Heritage List for England contains an expansive description of the listed building. This building was originally attached to a vast complex which sat west of the town centre stretching from Castle Road in the south almost to Mill Street in the north. Isolated remnants of the complex survive in the locally listed building on Castle Road, and the Grade II listed Piano Building and Slingfield Mill and Engine House. Whilst the building is described as Brinton's Factory Offices, all pre-1948 structures within its curtilage are also deemed to form part of the listed building. The mid-19th century range constructed along the north side of the site (heavily remodelled during the 1930's) is thus listed along with the 1926 Pritchard and Godwin extension to the 1876 building, running west along Exchange Street and the truncated remains of the factory to the west of the side.

Brinton's Offices stand on the site of the first Brinton's carpet factory, constructed by Henry Brinton around 1820. The last surviving fragment of this first development has been very considerably altered, with later additions on all sides, the ground floor being remodelled for garages in the 1930's. Its design suggests an industrial rather than office use and being located on the edge of the River Stour may have been used for dyeing. Although fragmentary, these remains from 1820 also form part of the listed building.

The proposals currently under consideration would involve the complete demolition of all the listed buildings on the site which lie to the west of the 1876 building, with the exception of the 1926 building, and that part of the north range immediately to the rear of the 1876 building. The significance of these buildings has been assessed in the Historic Building Evaluation of Brinton's Offices by Shona Robson-Glyde dated 18th March 2009 and published by Worcestershire County Council. This suggested that further research in the Brinton's archives may reveal the original layout and purpose of the surviving 1820 building. That report was produced to support the 2008 planning and listed building applications, which proposed more substantial demolitions and which were approved in 2009.

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In their letter of 26th May 2009 English Heritage conceded that its own inspection of the buildings had *“revealed them not to be of any special historic [sic] architectural or historic interest and spatially difficult to adapt satisfactorily”*. They also noted that it is *“unfortunate that the two storey earlier 19th century range cannot be retained as evidence of probably the earliest phase of factory production on the site. However we recognise that the building is incomplete having been substantially altered at ground floor level leaving scant evidence of its original functions at this level”*.

ALTERATIONS TO THE LISTED BUILDING: Interior - Drawing 201-A illustrates the revisions to the ground and mezzanine floor layouts of which I am generally supportive. In unit 5 the most significant rooms around the perimeter of the building, the principal staircase, the entrance lobby and the Board Room remain unaltered, whilst the sub-division to create units 3A, 4 and the delivery corridor cause very little harm to the special interest of the building. Drawing 202-A illustrates the revisions to the first and second floors, again of which I am generally supportive. Unit 5 retains most of the interior layout unaltered, save for the sub-division of the large 1960's first-floor showroom in the north range. Unit 6 illustrates a more radical removal of internal (non-structural) partitioning whilst retaining essential historic features such as the spiral staircase in the extreme western end of the 1926 building. The location of new access staircases and a lift minimises their impact on the special interest of the building.

Exterior - The external adaptation of the Exchange Street elevation to provide several new points of access is handled sensitively, as shown in drawing 204. I think the special interest of the elevation to Exchange Street can be retained, despite these adaptations, and thus I have no objections in principle. There is a lack of precise details as to how these openings will be detailed, and thus full details will be required prior to commencement of works.

NEW BUILD AND ELEVATION TO THE RIVER: Whilst a good deal of care has gone into the detailing of the existing modern boundary wall, and this has produced an attractive brick facade, the elevation facing the river does not present an active frontage being merely a device to conceal the derelict sheds which lie behind. The new re-aligned elevation to the river is unashamedly modern in design and should create a level of interest and activity hitherto not experienced in this part of the town. It reflects the (in my opinion) successful modern interventions which have revived the fortunes of both the Piano Building and Slingfield Mill.

The illustrations on pages 9, 10 and 11 of the Planning and Sustainability Statement illustrate the visual impact of these proposals which I think relates well to those surviving historic elements of the site and to the surrounding buildings, particularly the library on the opposite side of Exchange Street.

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The principle of demolition of these heritage assets has already been established in the consents 08/0963/FULL and 08/0964/LIST.

The impact of the scheme on these designated heritage assets is to entail a complete loss of significance, which should be mitigated by a carefully controlled demolition and subsequent archaeological excavation/recording. I suggest that Worcestershire County Archaeology are best placed to make specific recommendations in this respect.

If approval is given to the scheme the public benefits of the scheme as a whole, and the desirability of securing the optimum use of the surviving heritage assets should outweigh the impact of the loss of these buildings on the town. This is to accord with NPPF paragraph 134.

Given that a precedent has been set for the demolition of the 1820 buildings on the site I raise no objections to the scheme as submitted. However I suggest that several conditions are applied.

3.17 Neighbour/Site Notice/Press Notice – One letter of objection has been received raising the following concerns:

- Reuse of this well known locally important Listed Building is welcomed and support is given to the principle of new restaurant uses adjacent to the river. However, disappointment is expressed with the standard of design proposed and the lack of regard to the importance of this building and its wider heritage context. The design of the units must be considered in terms of their form, materials and detailing.
- The Design and Access Statement makes reference to our Client's development of the former Slingfield Mill and a new Starbucks unit close-by as precedents for the form of development proposed. The submitted proposals fall very short of the design quality that both of these schemes achieve.
- Henderson recently secured planning permission for the next phase of investment, Weavers Wharf, and have aspirations for further investment in the future. The Brintons site is very important and it is crucial that its reuse achieves the standard of development that is high quality and meets with the expectations of planning policy. In particular, the current scheme appears too tall for the river frontage, has a bland frontage with lack of fine detailing and poorly conceived use of materials, shows a lack of clarity over roof plant which is integral to the overall finish of this scheme and provides for retail units as well as restaurants/bars which will not provide riverside seating nor presumably the cantilevered walkway.

14/0390/FULL

14/0391/LIST

4.0 Officer Comments

4.1 The consideration of the current application is divided into the following matters:

- the principle of the development.
- the design of the proposed scheme and the impact upon the Listed Building and Conservation Area.
- flood risk and access to the existing culvert.
- impact upon Biodiversity and the Green Infrastructure Link.
- impact upon highways.

THE PRINCIPLE OF THE DEVELOPMENT

- 4.2 As highlighted within the comments from North Worcestershire Economic Development and Regeneration, the town centre is one of four main action areas identified within the ReWyre Prospectus as an area which provides strategic development opportunities. Of particular relevance to the current applications are the key opportunities stated as improving accessibility, delivering a mix of uses and adding value through active waterside renaissance.
- 4.3 In addition, Core Strategy Policies DS01, DS02 and CP09 together with Kidderminster Central Area Action Plan Policies KCA.GPB1 and KCA.GPB7 confirm that Kidderminster town centre should be the strategic centre for new development which will enhance its strategic role in providing new housing, retail, office and leisure development. There is also policy support for schemes which would enhance the vitality and viability of the town centre, and importantly the site is located within the primary shopping area where retail growth is targeted.
- 4.4 Adopted Core Strategy Policy CP15 and Kidderminster Central Area Action Plan Policy KCA.UP6 encourages development which opens up and enhances the River Stour and provides, “*a positive relationship to the water’s edge*”. (Policy KCA.UP6)
- 4.5 The National Planning Policy Framework (NPPF) promotes development which supports the economy at sustainable locations and competitive town centres.
- 4.6 It is therefore considered that there is strong support at all levels of policy guidance for this mixed use scheme which would provide an active frontage to the River Stour and maintain permeability for pedestrians through the town centre. Incidentally the concept of providing a more pedestrian friendly environment coincides with the current plans for an area of improved public realm at Exchange Place.

14/0390/FULL

14/0391/LIST

PROPOSED DESIGN AND IMPACT UPON LISTED BUILDING AND CONSERVATION AREA

- 4.7 The application site accommodates a prominent building within the town centre which has an attractive and striking frontage to Exchange Street. The building is identified within the Kidderminster Central Area Action Plan as of *“high quality design which is worthy of retention and also has a cultural significance due to its association with the Carpet Factory”*. The building is Grade II listed and the site lies within the Vicar Street and Exchange street Conservation Area.
- 4.8 The existing ground floor footprint of the building is approximately 2,200 square metres. The current scheme proposes the removal of 896 square metres of single storey ground floor workshop which lies to the rear/river frontage and the proposed replacement with 838 square metres. A reduced footprint is proposed in order to leave sufficient space for an outside seating area between the proposed extension and the river which would be dissected by a pedestrian thoroughfare. An area of seating immediately adjacent to the river would be created by the provision of a cantilevered structure complete with 1100mm high handrail. The width of the seating area including the walkway would be approximately 8 metres in width at its widest point.
- 4.9 The Agent, on behalf of the Applicant, describes the removal of the single storey workshop wing as *“...part of the building [which] offers no viable reuse for the proposed change of use and does not have any architectural merit as part of the whole building.”*
- 4.10 The principle of demolishing the single storey element to the rear has already been supported by virtue of approval of the planning and listed building applications submitted in 2008. The Conservation Officer has raised no objections subject to conditions regarding the recording of the existing building and further details with regards to the proposed three new glazed openings within the existing apertures fronting Exchange Street.
- 4.11 It is considered that in light of the comments received, there would be no significant adverse impact upon the special historic character or setting of the existing Grade II Listed Building, and furthermore the proposed development would enhance the character and appearance of the Conservation Area.
- 4.12 There has however been an objection to the proposed design of the development, more specifically the height, lack of fine detailing and materials of the proposed frontage to the river.
- 4.13 The frontage to the river is approximately 1.3 metres taller than the existing building to facilitate ventilation plant internally and to provide space for signage.

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14/0391/LIST

4.14 This aspect of the scheme has a definite promenade feel accentuated by a significant amount of glazing, brise soleil and a canopy which would oversail part of the seating area. Whilst reaching an overall height of approximately 7 metres it is not considered that this would be to the detriment of the design of the building or the character of the area, notably the width of the riverside walkway would be approximately 8 metres in width, whilst the use of glazing would assist in giving the impression of a lightweight structure. Cladding is proposed to part of the flank wall of the single storey element fronting Exchange Street together with the first and second storeys of the existing building overlooking the river. It is however considered that the proposed use of cladding, albeit a material that would contrast with the proposed glazing and brickwork of the existing building would, in part, be set back from the river frontage and would help to disguise the more unattractive parts of the Listed Building dating back to the 1960's. It would also provide a definite separation between the more historic and the more modern elements of the building. There is therefore no objection in principle to the use of the materials proposed subject to detail. As the Agent has stated *"the use of clearly identifiable contemporary materials identifies or accentuates the heritage value and cultural significance of the retained fabric."*

4.15 It is considered that the provision of an active frontage to the River and to Exchange Street is in accordance with the specific policies relating to this site, and that the proposed scheme would uplift this part of the town centre with a design which is appropriate to the building and its setting.

FLOOD RISK AND ACCESS TO CULVERT

4.16 As stated by the Environment Agency, *"the existing Brintons building is situated adjacent to the main channel of the River Stour with a secondary river channel, bifurcating at this location, running directly under the building ... Externally, the proposals including increasing the ground level of the adjacent riverside path and providing decking over the banks of the River Stour. The majority of the site is located within Flood Zone 2 (medium probability) with the proposed decking and riverside path located within Flood Zone 3 (high probability) ... The site benefits from the upstream Kidderminster Flood Alleviation Scheme."*

4.17 To date the Environment Agency has objected to the scheme due to the inadequacy of the Flood Risk Assessment, particularly with respect to the proposed floor levels and the impact of the proposed decking with respect to its clearance above flood levels. Such information including a revised Flood Risk Assessment has now been submitted and comments from the Environment Agency are awaited.

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14/0391/LIST

- 4.18 The Environment Agency has also raised concern with respect to the proposed decking providing inadequate access to the riverbank for maintenance and clearance and impeding access to the culvert. In response, revised plans have been received which show that the decking has been reduced in width by approximately 1200 mm at the northern end of the site and the provision of two new points of access to allow maintenance of the riverbank and culvert.

IMPACT UPON BIODIVERSITY AND THE GREEN INFRASTRUCTURE LINK

- 4.19 The River Stour is described by the Council's Countryside and Conservation Officer as one of the District's principal wildlife corridors. The Adopted Local Plan and the KCAAP seek to ensure that new development conserves and enhances the biodiversity and green infrastructure value of the River Stour corridor; hence there has been detailed discussions held with the Applicant to ensure that the proposals would adhere to Local and National Policy.
- 4.20 An updated Ecological Assessment together with a landscaping plan showing the provision of wet meadow planting, a mix of ornamental hazel and black alder tree planting, the provision of coir rolls, mixed climbing plants and a grafted Weeping Willow has been submitted to enhance the ecology of the river corridor. Notably, the plans also indicate the provision of six bat boxes and the provision of a low level otter shelf as there is evidence of otter lying up within the culvert.
- 4.21 Detailed comments to the revised and additional information have been received from the Council's Countryside and Conservation Officer who has raised no objections subject to conditions which would require re-surveying the site for bats, birds and otters, further details regarding biodiversity enhancements and the submission of a Construction Environmental Management Plan (CEMP). Latest comments from the Environment Agency are anticipated prior to the date of the meeting and will be included on the Addenda and Corrections sheet.

IMPACT UPON HIGHWAYS

- 4.22 The proposed reuse of the building does not allow any on site parking. The existing right of way to access the northern service yard would allow for the delivery of goods to the building as well as the removal of refuse.
- 4.23 The Highway Authority has objected to the application on the basis that it is not supported by a Transport Assessment and *"therefore fails to consider the development impact and how to exploit sustainable transport opportunities."*

14/0390/FULL

14/0391/LIST

4.24 To reiterate, the site lies within the heart of the town centre and within the primary shopping area. On the opposite side of the River to the application site lies the bus station and bus stops are located on Exchange Street. It is considered that the location of the site is highly sustainable and the provision of a pedestrian thoroughfare which pedestrians will use as a link to and from the bus station should be commended. Furthermore, with respect to the generation of trips from the highway, due to the nature of the proposed uses which would be more evenly spread throughout the whole day, it is considered that the impact upon the adjacent highway network would be less than was the case with its previous employment use.

5.0 Conclusions and Recommendations

5.1 It is considered that the proposed development would increase the vitality of this part of the town centre and it would not only increase the number of potential evening uses and enhance the night time economy of the town, but also secure the reuse of a vacant listed building. It will in principle complement the works to improve the public realm within the Exchange Street area together with the approved redevelopment of the Bull Ring and Weavers Wharf.

5.2 Whilst the frontage of the site to the River Stour would alter dramatically, it is considered that the proposed design of the extension is appropriate to the Conservation Area and special historic character and appearance of the existing listed building whilst the decked seating area would provide an attractive frontage to the River whilst also improving pedestrian connectivity to the town centre.

5.3 It is also considered that, subject to additional ecological surveys and detailed mitigation through landscaping and physical enhancements that the scheme would maintain the biodiversity value of the River Stour corridor.

5.4 The NPPF emphasises the presumption in favour of sustainable development and indicates that development which accords with the Development Plan should be approved without delay.

5.5 There are two applications for determination. The first is the planning application reference **14/0390/FULL** and the recommendation is for **delegated** authority to **APPROVE** subject to:

- a) no objections received from the Environment Agency; and
- b) the following conditions:
 - 1. A6 (Time limit for implementation of permission).
 - 2. A11 (In accordance with approved plans).
 - 3. Samples of materials including decking and glazed boundary treatment to walkway.

14/0390/FULL
14/0391/LIST

4. Notwithstanding details submitted, submission of details regarding lighting which would ensure no increase of illumination of the river corridor.
5. Details of drainage including details to ensure no internal flooding.
6. Flood Evacuation Management Plan.
7. Programme of historic building recording.
8. Provision for the analysis, publication and dissemination of the results of the historic building recording.
9. Large scale details of windows and doors.
10. Structural Engineer's report explaining how the north side of Unit 5 is to be opened up
11. Details of fixed plant and ventilation prior to first use of any part of Units 1, 2, 3, 3a, 4, 5 and 6 (and agreed details to be retained unless otherwise agreed).
12. Details of noise insulation to protect upper floors which has approval for hotel use prior to first use of Units 1, 2, 3, 3a, 4, 5 and 6.
13. Submission of details of landscaping, plant to accord with submitted and landscaping plan including indication of existing proposed large rocks to be submitted.
14. Further bat survey of existing culvert prior to commencement with details of any necessary mitigation.
15. Notwithstanding details submitted the bat boxes shall be implemented in a position to be agreed in writing by the Local Planning Authority before first use of the development and details of any necessary mitigation.
16. Additional otter survey(s) up and down stream of the application site prior to commencement in accordance with a methodology agreed in writing by the Local Planning Authority.
17. Notwithstanding details submitted the details of an otter shelf shall be submitted to and agreed in writing by the Local Planning Authority and implemented in an agreed position before first use of the development.
18. Methodology for removal of Himalayan balsam.
19. Provision/submission of landscape maintenance plan.
20. Removal of shrubs, trees and other vegetation outside of bird breeding season.
21. Submission of a Construction Environmental Management Plan.
22. Submission of Habitat Management Plan.
23. Finished floor levels of building and decking area / walkway in accordance with agreed details.

NOTES

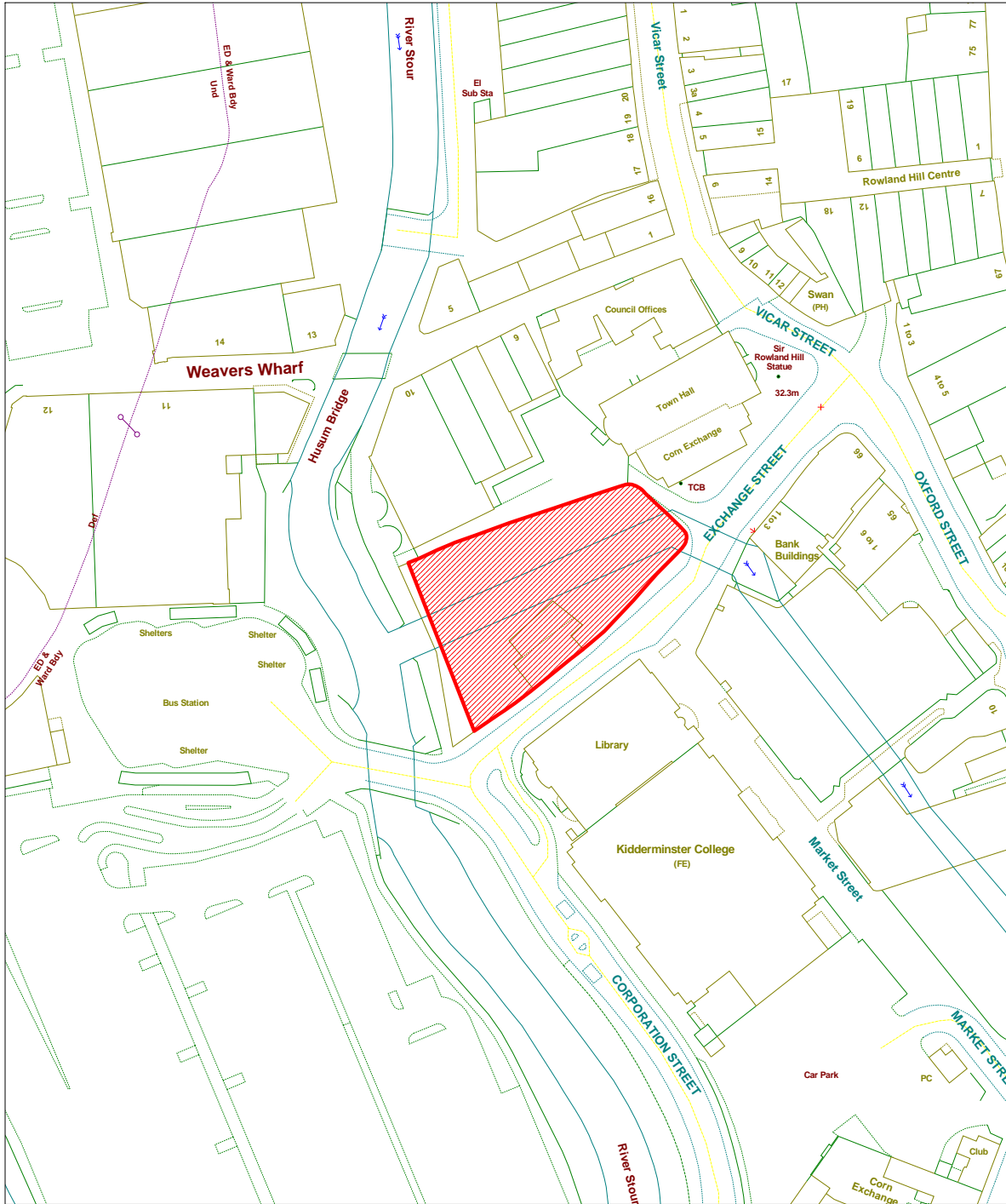
- A. Environment Agency regarding Flood Warning System.
- B. Flood Defence consent required.

14/0390/FULL

14/0391/LIST

5.6 The second application is for listed building consent reference **14/0391/LIST** and the recommendation is for **APPROVAL** subject to the following conditions:

1. A7 (Time limit for implementation of permission).
2. A11 (In accordance with approved plans).
3. Programme of historic building recording.
4. Provision for the analysis, publication and dissemination of the results of the historic building recording.
5. Large scale details of windows and doors.
6. Structural Engineer's report explaining how the north side of Unit 5 is to be opened up.
7. Details of fixed plant and ventilation prior to first use of any part of Units 1, 2, 3, 3a, 4, 5 and 6 (and agreed details to be retained unless otherwise agreed).
8. Details of noise insulation to protect upper floors which has approval for hotel use prior to first use of Units 1, 2, 3, 3a, 4, 5 and 6.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Brintons Building
Exchange Street, Kidderminster, DY10 1BU



Date:- 25 November 2014 Scale:- 1:1250 OS Sheet:- SO8376NW Crown Copyright 100018317 2014
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

Application Reference:	14/0541/OUTL	Date Received:	22/09/2014
Ord Sheet:	383975 278476	Expiry Date:	22/12/2014
Case Officer:	Paul Round	Ward:	Wolverley

Proposal: Outline Planning Application for up to 46 Dwellings with all matters reserved other than access

Site Address: SITE OF FORMER SION HILL MIDDLE SCHOOL, SION HILL, KIDDERMINSTER, DY10 2XT

Applicant: Kidderminster Homes Ltd

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP04, CP05, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.PDS1 (SAAPLP) Design Quality SPG Planning Obligations SPD Affordable Housing SPD Landscape Character Assessment Highway Design Guide (LTP3) Paragraph 14 and Sections 3, 4, 6, 7, 8, 9,11, 12 (NPPF) National Planning Practice Guidance
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 forms a 1.7 ha (4.3 acre) piece of land that is occupied by the now disused Sion Hill Middle School. The site fronts onto Sion Hill and whilst being within the Parish Boundary of Wolverley and Cookley lies directly adjacent to the Kidderminster Town Boundary. Residential properties on Lea Castle Close, Ismere Way and Sion Hill are directly to the south, a property known as 'The Cottage' to the north, properties at Sion Hill House to the west and playing fields to the east.
- 1.2 The school became redundant following the Wyre Forest Review in 2007/8, and has remained unused since that time. The site consists of school buildings, a caretaker's house, storage buildings, water tower, temporary building and woodland area. To avoid ambiguity the application site boundary does not include the playing fields to the east which are in the ownership of the County Council.

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1.3 The application site constitutes previously developed land and falls within the West Midlands Green Belt. It therefore falls to be considered as a Previously Developed Site in the Green Belt as defined by the National Planning Policy Framework (NPPF) and the Adopted Wyre Forest Site Allocations and Policies Local Plan. A Public Right of Way runs east to west along the southern boundary of the site. Sion Hill House, which is a grade II listed Building, is also in close proximity. The trees on the site are covered by a Tree Preservation Order.

1.4 The application is submitted in outline form seeking for residential development of up to 46 dwellings following demolition of all existing structures on the site. Access to the site is to be determined as part of this application.

1.5 The application has been submitted with the following supporting documents:

- Planning Statement.
- Design and Access Statement.
- Landscape and Visual Impact Assessment.
- Community Involvement Report.
- Flood Risk Assessment.
- Soakaway Test.
- Geo-Environmental Report.
- Transport Statement.
- Affordable Housing Statement.
- Archaeological Assessment.
- Sustainability Assessment.
- Utility Statement.
- Tree Survey.
- Bat Survey.
- Ecological Habitat Survey.
- Acoustic Survey.
- Air Quality Assessment.
- Structural Demolition Statement.

2.0 Planning History

2.1 There have been various applications in relation to the operation of the School but none of direct relevance to the current application.

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council - Recommend approval.

3.2 Highway Authority – No objection subject to conditions and Section 106 contributions.

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- 3.3 Arboricultural Officer - Following a site visit to the former Sion Hill Middle School a number of trees to the front of the site have been felled and had their stumps ground out. I would say these works were carried out fairly recently.

From the submitted indicative layout plan, it is clear that the trees have been removed to allow for their proposed access to the site. This is very disappointing and has made me feel a new Tree Preservation Order to protect worthy trees is required to prevent other tree works.

As the applicant has already removed a number of trees to allow the access and the layout of the development is not part of this application I have no objection to the site being developed. However, the caveat to this will be that any development will need to take the protected trees into account and follow the guidance for the demolition of the school buildings and the development of the site in accordance with BS5837:2012.

This will need to include fencing of protected trees, in accordance with the Root Protection Area (RPA) distances in the submitted arboricultural survey by Cotswold Wildlife Surveys, prior to the demolition of the buildings on the site. This is particularly important with T1 (London Plane) in the aforementioned tree survey, as it is located very close to the main school building. As a result a method statement of how the tree is to be protected during the demolition phase will be necessary before demolition commences

- 3.4 Countryside and Conservation Officer - This application comes with an initial ecological assessment and a second report to fulfil the recommendations of additional surveying recommended in the first report.

The first report is out of season being carried out in December 2013. However it will suffice to be used as an initial assessment of what additional works will be needed to better define this site's ecological status.

Given the site's location I would feel the principal areas of potential ecological concern in this area would be:

HABITATS - The site is in proximity to some areas of acidic grassland. However no potential indicator species were identified in the site assessment. There is no concern here.

REPTILES - The site is in proximity to the river Stour escarpment which in this location is vegetated with acidic grassland and scattered woodland, which is good reptile habitat. However the site is separated from this by a main road but is connected to less favourable habitat on other sides. Dereliction and scattered tipped man made materials have potential to harbour reptiles but at present the ecologist was not concerned. I feel that if the site was left undeveloped for another season the risk of reptile moving into the land would be reasonable and may well warrant a specific wildlife survey.

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BADGERS - No evidence of badger was found in the December 2013 survey. Badgers are highly mobile and seem to favour in our area abandoned urban fringe sites like this school. Records for badger are known for near by locations. I would strongly recommend an additional walk over assessment for badger presence prior to any works beginning

BATS - The report identifies that some potential access points existed in the old school buildings and the site was seen to potentially have some value as an area for foraging for bats. Hence the ecologist has recommended a nocturnal activity survey of the site as this would allow the sites use by bats to be determined.

There are a few points that need to be clarified at this stage regarding the surveying of the trees. Firstly the report states that all trees were surveyed for bat potential with the exception of a large tree in the central courtyard. Did this include the trees just to the north of the application which could harbour bat roosts that possibly could be negatively impacted upon by the development? The report then refers to the tree in the court yard in paragraph 3.3.1 and I am left unsure if this has been surveyed or not.

A second survey was then carried out in August specifically to access the sites bat potential and to fulfil the recommendations made in the December survey. This is where I become confused as the recommended nocturnal survey was not carried out but an additional walk over took place. This has the disadvantage of not allowing an assessment on the scale and type of use of the site by bats to be determined. We can not assess potential impact of any proposed lighting and if there any potential impacts on bat populations in the immediate surrounds, either through impact on available forage and or direct impact via the lighting of possible roosts along the boundary. A nocturnal emergence survey would also have identified any roosts that may have been missed on a walk over do to bats ability to utilise small often hard to see and access crevices.

One particular concern is the caretakers building, this was surveyed in December and a few features were identified including a hole in the southern wall. In August the site was resurveyed and the hole in the wall was not mentioned. No access to the building was gained. I have a worry that this feature may have been missed in the August survey and this needs clarification.

Conclusion

An additional walk over badger survey should be recommended prior to any works. We still do not have a picture of what scale of impact the development will have on bats. If the caretaker's house discrepancy can be resolved the application is unlikely to have a direct impact on bat roosts. We are likely to be in a position to either condition an additional nocturnal bat survey and/or to condition a suitable landscaping plan that looks to retain and enhance the opportunity for bat forage within the development.

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The landscaping plan and associated lighting plan should be viewed by their ecologist. The applicant should also include some built in bat features into the proposed building to provide some enhancement. The landscaping plan should also look at trying to include some acid grassland patches on any communal grassed areas help the development fit into the ecological landscape

Following these comments additional information has been provided by the Applicant. It is now concluded that a full picture has been provided, and a no objections response is given although additional survey work is required prior to work commencing on site and details of enhancements provided.

- 3.5 Conservation Officer - Although the building is undoubtedly a heritage asset, it does not appear on any statutory or non-statutory list. I have sent some initial information on the school to the Worcestershire Historic Environment Record to create a record of the building for the future, however it should be noted that this process in itself does not attach any significance to the structure.

I have discussed the proposal with the 20th Century Society, who were aware of the proposed demolition. However the 20th Century Society would not be making a formal application to have the building added to the National Heritage List for England.

SIGNIFICANCE

In the absence of any meaningful analysis of significance of the buildings from the applicants, as required by the NPPF, I provide the following information:

The school buildings are by Sir Frederick Gibberd, and reference to Pevsner reveals that they were constructed in 1958-9.

Frederick Gibberd (kt.1967, d.1984), architect and town planner, came to prominence as an architect with Pullman Court (1933-6), one of the first developments of flats in the International Modern style built in Britain. Later he was the Master Planner of Harlow New Town and architect of Heathrow Airport and Liverpool Metropolitan Cathedral. He and his practice were also responsible for numerous urban design projects in England, power stations, commercial buildings, and the London mosque in Regent's Park. He also landscaped a number of reservoirs. (Source: English Heritage).

Of Gibberd's 12 listed buildings in England, none are schools.

The buildings represent a largely (structurally) unaltered school complex of the late 1950's, with an internal quadrangle and detached ancillary elements including stores, cycle sheds, caretakers house and water tower.

The principal construction material is reinforced concrete with brick and glazed infill.

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Although by a nationally significant architect, the buildings lack those qualities defined by English Heritage in their guidance on the selection of school buildings for designation:

To date, relatively few post-war schools have been listed despite it having been a most innovative period, and strict selection will be necessary because so many were built. The main questions to ask are: is it a system-built school that compares well with examples already listed? Does it use traditional construction in a novel way? Is the planning innovatory, for instance in encouraging constructive play or group working? Is it centred on a library resource or sports facility in a notable way? Is it enriched with significant art? For secondary schools, are distinctions such as grammar, technical, secondary modern or comprehensive expressed imaginatively in their plans and provision? Is it a major work by a significant architect, or a good example of a work by a progressive authority? A secondary school will generally have an overall architectural stylishness as well as being innovative in its construction or plan for listing to be warranted.

Whilst Gibberd's design reflects the aesthetics of that era, these aesthetics have been compromised by the introduction of UPVC windows and many replacement internal fittings, thus the buildings do not possess the degree of intactness required to warrant designation.

I visited the site on 7th November 2014 by arrangement with the owners to assess the suitability of the building for inclusion on the Local Heritage List.

In this respect I think the buildings qualify for inclusion on the Local Heritage List by satisfying these key selection criteria:

2: Architectural Interest: Unusual quadrangle and detached water tower

3: Social and Communal Value : Secondary School for the north of Kidderminster since 1959

4: Associated with famous people : Frederick Gibberd, Architect of national repute

However, it is clear that in the past year the condition of the building has deteriorated markedly. Very many windows have been broken allowing water ingress and there is evidence of the systematic stripping out and theft of cabling, piping and metals generally. With the opening up of pipe work and other ducts the interior of the building is generally unsafe to enter without protective equipment and poses a risk to visitors in terms of unknown hazards such as asbestos, sharp edges, voids and water ingress.

Conclusion

I have reluctantly come to the conclusion that unless these buildings can be brought back into educational, institutional or commercial use, they are now redundant, and possibly beyond economic repair.

14/0541/OUTL

Whilst meriting inclusion on the Local Heritage List they lack the qualities to justify designation.

As the proposals will entail the complete loss of significance of the heritage asset I think that rather than add the building to the Local Heritage List, it would be sensible instead to require a recording of its demolition to be provided to the Worcestershire Historic Environment Record. Perhaps it would be feasible for the developers to set up a time-lapse camera to record the demolition?

- 3.6 English Heritage – No comments in terms of the development issues. An application for listing has to be lodged first before an opinion can be gained from English Heritage designation. The applicant can also apply for a Certificate of Immunity from Listing.
- 3.7 Worcestershire County Council Children's Services - Following representations from a number of interested parties, the County Council has been asked to consider if there are reasonable grounds to include St Oswald's CE Primary School as a potential beneficiary of the Section 106 education contribution that has been requested for this site.

Regulations state that a Section 106 contribution may only constitute a reason for granting planning permission if it is directly related to the development. The established policy on Section 106 contributions for education, approved by both the County Council and Wyre Forest District Council, is to name the schools whose catchment area covers the development site because children resident in the new homes would have a high priority for places at those schools. In this instance the development falls in the catchment of Wolverley Sebright VA Primary and Wolverley CE Secondary.

The former Sion Hill Middle School site lies in extremely close proximity to St Oswald's CE Primary School and is closer to that school than to Wolverley Sebright VA Primary. It has been suggested that given the relationship between the proposed development and the existing urban area surrounding St Oswald's, families living on the new development might reasonably look to St Oswald's for school places.

On this occasion, and for the reasons stated above, the County Council has decided to request that both St Oswald's CE Primary School and Wolverley Sebright VA Primary School be named in the Section 106 agreement, along with the secondary school. At such time as the contribution is received by the County Council, likely to be on occupation of one third of the dwellings on the site, the County Council will determine which project or projects at the named schools are highest priority for funding.

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Projects can only be considered if they support Basic Need i.e. the capability of the school to take additional pupils and are Capital in nature. Examples of this type of projects are:

- Additional class bases
- SEN facilities
- Additional toilets or toilet refurbishment

3.8 Worcestershire County Council Property Services - The land to the rear which belongs to WCC is not to be sterilised by possible future development on the school site.

To this effect the owner of the front land / school has a legal responsibility to build a road connecting from the main road to the land (playing field) at the rear. This 5.5m wide road is to be built to adoptable standards, with a footway on each side.

The contract makes several statements about the new roadway but to quote a small section "...when the property is developed over a road to be constructed on the Property by the Transferee with a 5.5. m carriageway width with a 2m footways on each side constructed to adoptable standards over a route to be agreed by the Transferor and the Transferee (both acting reasonably)..."

3.9 Worcestershire County Council Countryside Service – Views Awaited

3.10 Crime Prevention Design Advisor -

- Footpaths/cycleway. Whilst understanding the need for these, they can also serve as escape routes for criminals it is essential that they are only used where necessary and are well designed.
- Parking. The D&A statement mentions that there will be some courtyard parking, if it is situated at the front of properties and well overlooked, no problem. If the intention is to put some parking at the rear of houses I would object.
- I have seen several applications recently (from other areas) where a great deal of emphasis is put on creating an attractive street scene, an unfortunate bi-product of this is that the rear of properties has been ignored and consequently very poorly designed. A significant number of house burglaries are committed where entry is gained from the rear of a property, I ask that the developers take this into account and ensure that the rear of properties are as secure as possible.

3.11 Worcestershire Regulatory Services [WRS] (Noise) - I have reviewed the WSP Technical Memorandum – Acoustic Overview submitted with the outline planning application and find that it is technically acceptable.

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For the demolition and construction phase it is advised that the applicant adhere to the "Code of Best Practice for Demolition and Construction Sites".

- 3.12 Worcestershire Regulatory Services (Contaminated Land) - The following conditions are recommended applied to any permission granted to the development to address concerns identified within the preliminary risk assessment in respect of contaminated land.

Additionally standard conditions recommended by WRS for a development of this size to address local air quality issues in line with the NPPF are provided below.

CONTAMINATED LAND

Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted. The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.

AIR QUALITY

The cumulative impacts on air quality from individual sites in local areas should be determined (NPPF paragraph 124). As an alternative to undertaking an AQA the applicant can adopt mitigation measures which are aligned with County LTP Policies and may be incorporated as part of the development. This will assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations with consideration of the National Planning Policy Framework Paragraphs 29, 35, 109, 120, 124:

- In order to make the properties ready for EV charging point installation, isolation switches must be in place so that future occupiers could easily fit the necessary socket so that a vehicle may be charged in the garage or driveway.
- AQAP Measure 5.2.10 Boiler NOX emissions from building heating systems contribute to background NOX concentrations and a condition for such boilers is recommended; (note this is also an option in BREEAM assessments and the cost of a low NOX boiler is the same as a standard boiler)

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- 3.13 Planning Policy Manager – My comments are limited to firstly, the principle of whether the site in question should be considered as a Previously Developed Site in the Green Belt under the policy terms. Secondly, whether adequate consideration has been given to Local Housing Needs as required by the adopted Local Plan policies.

The proposed development falls within the Green Belt and is located immediately adjacent to Kidderminster, but falls within the rural parish of Wolverley and Cookley. Therefore in terms of the settlement hierarchy set out within Policy DS01 of the Adopted Core Strategy it falls within open countryside, where housing should be to meet local need identified through rural exception sites in appropriate circumstances. The proposed site is not allocated for residential development within the Adopted Site Allocations and Policies Local Plan (SAAPLP).

I note that the submitted Planning Statement summarises that the development proposals provide a sustainable reuse of a disused school site at the edge of Kidderminster. The proposals will retain the existing open space and vegetation within the site and, it is considered, will enhance the quality of views of the site from the surrounding area. The proposed development will not cause a greater impact on the purposes or openness of the Green Belt than the existing development.

PREVIOUSLY DEVELOPED SITE IN THE GREEN BELT

The applicants state that the proposed site constitutes a previously developed site in the Green Belt by virtue of the fact that it is a brownfield, disused school site. Paragraph 89 of the National Planning Policy Framework (NPPF), states that construction of new buildings in the Green Belt is inappropriate unless they fall into one of 6 exceptions. Of these, the sixth exception would allow:

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

Policy SAL.PDS1 of the Adopted SAAPLP provides the Local Policy Framework to consider development on previously developed land subject to safeguards protecting the integrity of the Green Belt designation. This particular location is not specifically identified within the policy as one of the District’s Previously Developed Sites. However, I consider that by the very nature of the disused school buildings located on the site, it should evidently be classed as a brownfield site and that therefore it does constitute a previously developed site within the Green Belt.

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Therefore, under these specific circumstances, the final sentence of Policy SAL.PDS1 applies to this particular proposal as follows: *“For other previously developed sites in the Green Belt, applications for development will be considered against this policy framework and the rest of the policies in the plan.”*

In my opinion, it is therefore now appropriate for the decision maker to take into account the existing built form on the site against the proposed redevelopment. This will enable an assessment on the impact on openness and visual amenity of the Green Belt to help ensure that the proposed development will not have a greater impact on the openness of the Green Belt.

HOUSING TO MEET LOCAL NEEDS

The applicant has submitted an affordable housing scheme as part of the proposal which is based on evidence of affordable housing need as set out in the 2012 Worcestershire Strategic Housing Market Assessment. The scheme is based on 30% provision of affordable housing as required by Adopted Core Strategy Policy CP04.

However, the proposed site falls immediately outside of the Kidderminster settlement boundary within open countryside that falls into Wolverley and Cookley Parish. In accordance with Core Strategy Policy CP04 and Site Allocations and Policies Local Plan Policy SAL.DPL2 (Rural Housing), applications for residential development on unallocated sites within the rural areas are required to demonstrate how they have taken account of local housing needs as set out in the relevant Parish Housing Needs Survey.

I note that the applicant’s affordable housing statement does not provide any apparent evidence of how the relevant Parish Housing Needs survey for Wolverley and Cookley has been considered. Under these circumstances, it is now for the decision maker to establish whether local housing needs have been adequately considered within the applicant’s affordable housing scheme in accordance with the requirements set out in Policies CP04 and SAL.DPL2.

- 3.14 Strategic Housing Services Manager – Support 30% Affordable Housing with a split of 1 beds (29%) and 2 beds (57%) and 3 beds (14%), 79% / 21% in favour of socially rented but do not support apartments for the 2 bed units.
- 3.15 Ramblers – No objections.
- 3.16 Severn Trent Water – No objections subject to condition.
- 3.17 North Worcestershire Water Management - I believe this site is not at risk of flooding from any source. To ensure the development will not result in an increase in flood risk elsewhere runoff from the site should be limited to the pre-development run-off rate up to a 1 in 100 year storm plus 30% climate change.

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The Flood Risk Assessment states that "it is understood through informal reporting that the existing site is served by surface water soakaway infiltration systems. Also, during the Factual Geo-Environmental Preliminary Risk Assessment visit the presence of what is believed to be a 3.6m deep soakaway was observed. Although it cannot be confirmed that the existing site drains to soakaways it is assumed that this is the case."

The Flood Risk Assessment submitted also states that the use of infiltration SuDS techniques are proposed for the development site. A Preliminary Soakaway Assessment Technical Note details that by extrapolating the results from the soakage tests (not a recommended method) an indicative infiltration rate of $1 \times 10^{-5} \text{m/s}$ has been calculated. I accept that this infiltration rate has been used for the purpose of the drainage strategy but the actual infiltration rate will need to be determined by full infiltration testing in accordance with BRE 365 at the detailed design stage, which has been recognised in the assessment too. I understand that if full infiltration testing results preclude the use of onsite soakaway features then discharge from attenuation features will be directed into the existing public surface water sewer on Sion Hill.

The drainage strategy details that there will be separate infiltration systems for the private areas and the public roads. Indicative calculations show that the private housing and car parking areas can be served by a sub-base infiltration systems within car parking and driveway constructions. It is estimated that the highways would require to be served by 24 soakaways. If the intention is to get the highways adopted then early discussions with Worcestershire Highways are recommend as not all types of drainage systems might be acceptable.

I welcome the fact that attention is given to the treatment of runoff water from the site, with two stages of treatment for roof water and three stages of treatment for parking and road areas. The proposed treatment chains are:

- Roof drainage into soakaway: catchpit + soakaway including geotextile filtration wrap.
- Roof drainage into infiltration paving: catchpit + infiltration paving
- Private parking and drives: trapped gully + geotextile filtration wrap around gully outfall into porous sub-base material + filtration through porous sub-base in infiltration paving
- Adopted roads: trapped gully + catchpit + soakaway including geotextile filtration wrap.

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CONCLUSION

I believe the proposed development would not be at risk of flooding and that the information provided is sufficient to be confident that it will be possible to deal with the runoff from the site in a way that will not result in an increase in flood risk elsewhere. I welcome the fact that the intention is to use infiltration SuDS (provided ground conditions allow) and that provision for runoff treatment has been included in the preliminary design.

If you are minded to approve the application, then I would recommend attaching a condition that secures the design criteria as set out in the information currently provided.

- 3.18 Worcestershire County Council Archive & Archaeology Service – No comments. The site contains no designated nor undesignated heritage assets. Wider setting does not suggest site is of much potential. No obvious water source nearby and land previously developed late C20th as a school.
- 3.19 Neighbours/Site Notice/Press Notice – 1 letter of comment received highlighting the need to retain access to the rear of properties in Lea Castle Drive.
(Officer Comment – A letter has been sent to the respondent informing them that the proposed development will not affect the current access arrangements to these properties).

4.0 Officer Comments

- 4.1 The application for residential development has been submitted in outline form with access to be determined at this stage. This report will consider the submission under the following headings:
- Principle of Development and Policy Considerations.
 - Access Arrangements and Highway Considerations.
 - Quantum and Density of Development.
 - Visual Impact.
 - Existing Residential Amenity.
 - Trees and Landscaping.
 - Heritage Assets.
 - Ecology and Biodiversity.
 - Flood Risk, Drainage and Services.
 - Contaminated Land, Noise and Air Quality.
 - Affordable Housing.
 - Section 106 Contributions.

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PRINCIPLE OF DEVELOPMENT AND POLICY CONSIDERATIONS

- 4.2 The application site although close to the boundary of Kidderminster falls within the Green Belt, where Members will be aware that development is particularly restricted. The National Planning Policy Framework (NPPF) sets out development that is 'appropriate' within the Green Belt and in contrast to previous Government policy now includes previously developed sites.
- 4.3 The fifth bullet point of paragraph 89 of the NPPF, which sets out the exceptions where development can take place, allows:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 4.4 Adopted Wyre Forest Site Allocations and Policies Local Plan Policy SAL.UP1 also allows the re-development of Previously Developed Sites, linking to the specific policy criteria in Policy SAL.PDS1. Whilst dealing with major sites within the Green Belt, namely the Safari Park, Rushock Trading Estate and Lea Caste, it also states that *"For other previously developed sites in the Green Belt, applications for development will be considered against this policy framework and the rest of the policies in the plan."* The criteria referred to links back to the NPPF requirements but also includes the following additional points:

In order to protect the openness of the Green Belt, development proposals for Previously Developed Sites in the Green Belt should:

- *Contribute to the achievement of the objectives for the use of land in Green Belts.*
- *Not exceed the height of the existing buildings and other structures and trees.*
- *Not give rise to off-site infrastructure problems.*

Design and landscaping of development should seek to minimise the impact on the Green Belt through:

- *Using sensitive materials and colours.*
- *Providing extensive landscaping and tree planting to screen boundaries, where appropriate.*

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4.5 Policy SAL.DPL2 is considered as the mainstay policy for rural housing within the District and seeks to limit rural housing for affordable exception sites, replacement dwellings or housing for rural workers. However, in line with the NPPF the policy does allow as further exceptions development which is in line with Green Belt or Rural Conversion Policies.

4.6 Given the previous use of the site, it clearly constitutes an ‘other previously developed site’ in the Green Belt. It falls then to consider whether the development can be considered to amount to appropriate development in the Green Belt. Distilling all the relevant local and national policy requirements together, consideration must be given to whether the proposal will:

- Have no greater impact on the openness of the Green Belt and the purposes of including land within the Green Belt than the existing site;
- Contribute to the achievement of the objectives for the use of land in Green Belts;
- Not exceed the height of the existing buildings and other structures and trees; and
- Not give rise to off-site infrastructure problems.

4.7 I will deal with these in turn, although additional detail on infrastructure considerations will be dealt with separately.

4.8 The essential characteristics of Green Belts are their openness and their permanence (paragraph 79 NPPF). The consideration of the impact on openness of the proposal in contrast with the existing is a matter of fact and degree, there is no substantial legal precedent to rely on. The applicants submitted a comparison of the existing and proposed development based on an initial indicative number of 48 units; these are set out below:

	Footprint	Floor Area	Volume
Existing Development	2,572m ²	4,135m ²	16,031m ³
Proposed Development	2,242m ²	4,484m ²	13,300m ³
Difference	-13%	+8%	-17%

4.9 It should be noted that revised plans have been received which have reduced the quantum of development to 46 dwellings which in turn has reduced comparable areas and volumes. Whilst new comparison figures have not been supplied, it has been shown that the floor area of the 46 units would be 3,595m² which is a 21% reduction on the existing.

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- 4.10 It is appreciated that the nature of the existing development is that the volume of the buildings were concentrated in one location on the site, whereas the proposed residential development will provide buildings over a wider area, effectively spreading the volume over the site. However, whilst there will be some loss of openness in some areas to counter this there will be improvements in other areas of the site. Overall I consider that the openness of the Green Belt will be improved and at worst there will be a neutral impact. I am satisfied that it has been proven that there be no greater impact on openness than the existing situation.
- 4.11 The Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- (paragraph 80 NPPF).
- 4.12 The development will effectively provide additional development close to the boundary of Kidderminster, which could be viewed as additional sprawl of development that is encroaching into the countryside. However, given the previously developed nature of the site and the quantity of the development, the additional built form is restricted to the previously developed area of the site. This provides a realistic 'check' on the additional development, which is judged as a separate development opportunity in its own right and not an "urban expansion" of Kidderminster. For similar reasons it is further considered that there is no encroachment into the countryside. The re-development of the site provides the recycling of derelict land helping to fulfil a further purpose of the inclusion of the land in the Green Belt. Overall the development will not conflict with the purposes as set out in the NPPF.
- 4.13 Paragraph 81 of the NPPF lists the opportunities for Local Planning Authorities to plan positively to enhance the beneficial use of the Green Belt. These include the opportunities to "...retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land." The opportunity to bring this site back into use and remove what has over recent years become something of an eyesore site and a magnet for anti-social behaviour is viewed as a positive.. There is no doubt in my mind that the proposal contributes to the objectives of the use of land in the Green Belt.

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- 4.14 The existing height of the main school building is approximately 7.4m.. An indicative cross-section of the proposed development is included within the Design and Access Statement. This aptly demonstrates that the height of dwellings can be no greater than the existing building, a factor that can be a conditional matter on any permission given. This further demonstrates the acceptability of the development and that there will be no greater impact on the Green Belt.
- 4.15 The conclusion of relevant consultations is that the development will not give rise to infrastructure issues. These aspects and the relevant responses will be explained in detail later in the report, however this conclusion is sufficient for the purposes of the consideration of the principle of development.
- 4.16 On the basis of the foregoing the development is considered to comply with all the criteria for development of a previously developed site in the Green Belt as set out in the Adopted Wyre Forest Site Allocations and Policies Local Plan and the NPPF. The development therefore constitutes appropriate development in the Green Belt and the principle of residential development on the site is acceptable.

ACCESS ARRANGEMENTS AND HIGHWAY CONSIDERATIONS

- 4.17 A new access will be provided off Sion Hill central to the site, with the existing access point and layby closed. The submitted transport statement has assessed the proposed traffic generation, based on a maximum of 60 dwellings, compared to the existing use as an educational establishment. In summary it states that *“a vehicular trip generation exercise has forecast that the proposed development will generate 27 two-way trips in each of the AM and PM peak hours, equating to approximately one vehicular trip every two minutes. A comparison of the forecast vehicular trip generation associated with the proposed development with that of former use of the site as a school has shown that the proposals represent a net reduction of 178 two-way vehicular trips in the AM peak hour and a net reduction of 7 trips in the PM peak hour.”* Members will appreciate that the application is proposing a maximum of 46 dwellings which is significantly less than the number used with the transport statement and as such the conclusions of the transport statement are something of a very worst case scenario.
- 4.18 The statement also considers the impact of the development at the junctions of Sion Hill with the Stourbridge Road (A449) and Wolverley Road (B4189). Following analysis of the existing traffic volume and queue lengths at these junctions, when assessed against the lows at peak hours it is concluded that *“...at the junction with A449 Stourbridge the proposed development is of a level which can be considered to be within typical levels of daily variation, and will represent a minimal impact on the junction operation. The volume of traffic from the proposed development forecast to use the B4189 Wolverley Road / Sion Hill junction in the AM and PM peak hours is not considered to have a material impact.”*

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- 4.19 The Highway Authority has fully considered the transport statement and the impact of the development on the existing network along with the sustainable location of the site. They have concluded that the development is acceptable in respect of the access and that development can be accommodated on the existing highway network. Whilst there may be an increase of traffic over the current situation, it has to be appreciated that the lawful use as an education establish has the potential to generate a significant number of vehicle movements were it to be brought back into use (which would not require planning permission). Given this fallback position and the acceptability of the scheme in all other highway respects a no objection response has been received, subject to appropriate conditions. In respect of sustainable transport matters the Highway Authority has requested contributions towards new bus shelters via a Section 106 Agreement, which has been agreed by the Applicant.
- 4.20 Whilst it is anecdotally known that there are occasions when traffic situations are difficult along Sion Hill there is no evidential basis to conclude that the proposed development will result in adverse harm to highway safety. Matters of parking and road layout will be dealt with as part of reserved matters submissions should approval be given.
- 4.21 Having considered the proposed access arrangements along with the traffic generation on the existing highway network and taking into consideration the comments of the Highway Authority it has to be concluded that the proposal is acceptable in respect of highway issues.

QUANTUM AND DENSITY OF DEVELOPMENT

- 4.22 The site itself extends to some 1.7 ha, however this includes the area of woodland / open space to the north, leaving a developable area of approximately 1.25 ha. The indicative proposal for 46 dwellings is split between 2, 3 and 4 bedroom houses and 1 and 2 bed apartments, however the final layout will be determined at the reserved matters submission. The indicative layout would deliver a density of 27 dwellings per hectare which meets the requirement of Policy DS05 of the Adopted Wyre Forest Core Strategy, which seeks for 30 dwellings per hectare in rural areas, after taking account of the characteristics of the site. This density has been achieved whilst maintaining no greater impact on the openness of the Green Belt. It is suggested that any permission granted should incorporate a restriction (by condition) limiting the number of dwellings to 46 as a maximum, in order to ensure the openness is maintained.
- 4.23 I am satisfied that the number of dwellings proposed can be accommodated on the site within the specific policy requirements and that the density is appropriate to the surrounding area taking into account the existing development.

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VISUAL IMPACT

- 4.24 Although situated at the top of Sion Hill, the existing site is not readily visible from long distance views, this is mainly due to the vegetation surrounding the site and other intervening features. Views can be obtained at close range from the adjoining housing estate, public footpath and playing fields.
- 4.25 A Landscape and Visual Impact Assessment has been undertaken and submitted as part the application. It has considered the impact of the development upon a number of receptors within and outside the Green Belt. The assessment takes into account the current visual appearance of the site, the indicative proposal and the opportunity for provision of additional landscaping. It concludes that: *“The locality benefits from a high degree of screening from vegetation and therefore views into the site from publically accessible locations are limited to very close proximity... Despite initial adverse visual effects during construction...these...would experience a long term moderate beneficial visual effect as a result of the development.”*
- 4.26 In respect of the overall impact on the landscape and landscape features the assessment also concludes that *“[t]he worst effects of the proposed development on landscape features and landscape character are limited... In the long term, the overall effect of the proposal...is considered to be beneficial.”*
- 4.27 It is evident that by keeping the development to the existing height and maintaining a similar volume of development that the visual impact is minimal, and this is further reinforced through existing and proposed landscaping. The benefit of bringing this site back into beneficial use also adds to the argument in this respect, helping the visual amenity of the Green Belt through the regeneration of this derelict and unsightly site.

EXISTING RESIDENTIAL AMENITY

- 4.28 The closest residential properties are located in Ismere Way and Lea Castle Close, backing on to the application site. The distance between these properties and the application site range from approximately 10m to 17m, with the Public Right of Way running in between. Whilst the layout of dwellings is only indicative at this stage it has been demonstrated that dwellings can be positioned without resulting in overlooking and loss of amenity to the existing dwellings. Although it will be essentially a matter for detailed consideration at the reserved matters stage, should permission be given, I am confident that a layout can be arrived at that preserves the amenity of existing residential properties.

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TREES AND LANDSCAPING

- 4.29 Trees form an integral part of the application site, a number of which line the frontage of Sion Hill. The submitted tree survey identifies 70 individual trees and 4 groups of trees. The Council's Arboricultural Officer has assessed the proposal and is concerned that some trees have been removed prior to the application, however the remaining trees will now be protected via a Tree Preservation Order that has now been served on the site. The majority of the trees are situated on the northern boundary where development is not proposed. The remaining trees within the developable area are to be retained and the indicative layout shows that their retention can be achieved with the quantum of development proposed. Again, careful consideration will be given to the position of individual dwellings in relation to protected trees at reserved matters stage. Again, careful consideration will be given to the position of individual dwellings in relation to protected trees at reserved matters stage but it is sufficient to say at this stage that trees can be afforded protection as part of any detailed scheme.
- 4.30 Detailed proposed landscaping will be submitted as part of any reserved matters application and has not been shown as part of this indicative scheme.

HERITAGE ASSETS

- 4.31 Heritage Assets are defined with the NPPF as a *"...building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."*
- 4.32 The closest designated heritage asset to the site is Sion Hill House a Grade II Listed Building. The submitted archaeological assessment also covers the impact on the historic setting of Sion Hill House. It concludes that as the structure is contained within its own grounds and given the juxtaposition and distance from the site there will be no adverse impact on its character or setting. The Conservation Officer has not raised any concerns in this respect and as such I have no reasons to disagree with this conclusion.
- 4.33 Other assets can encompass a number of items within the category of the historic environment. The archaeological assessment has identified the significance of the site through the passage of time and highlights finds in the locality, most notably a Bronze Age flint scraper which was found on the site during the development of part of the school site in 1972. Within 2km of the site finds from various periods of history have been found. It leads to the conclusion that the site has potential for prehistoric, Saxon and Medieval occupation of the site for agricultural activities in association with nearby settlements. That said the original development of the site for the school will have involved excavation and cut across existing ground strata.

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This reduces the likelihood of additional finds, however it is clear that the overall site has a value which may require further investigation. As such the consultants recommend a scheme for a programme of archaeological investigation is submitted prior to development commencing on site, this will include watching briefs and additional investigations. .

4.34 The Conservation Officer's comments refer to the current school building as having historic significance, particularly as the building was designed by a notable architect Sir Frederick Gibberd. I do not intend to replicate the comments made on this point, as Members will have noted the Conservation Officer's comments at paragraph 3.5 of the report. Both English Heritage and the 20th Century Society have been made aware of the development and neither has provided comments seeking for the retention of the building or its inclusion on the statutory list. Whilst I appreciate that the original architect, and the design, may be of some significance, it is my opinion that this significance is not so great as to resist the development on this point only. Indeed the Conservation Officer concludes that whilst it may have significance for inclusion within the Local List should it be retained, given the building's deterioration a no objection response has been recorded. The building's significance can be recorded through a written and photographic study which can be a condition of permission. Whilst I appreciate that the original architects and design may be of significance, it is my opinion that this significance is not so great as to resist the development on this point only. Indeed the Conservation Officer concludes that whilst it may have significance for inclusion within the Local List should it be retained, given the building deterioration a no objection response has been recorded. The buildings significance can be recorded through written and photographic processes which can be a condition of permission.

4.35 Having assessed the development in the context of heritage assets and weighed the impact against their significance, as required by the NPPF and Policy SAL.UP6, it is concluded that any harm that would be caused can be outweighed through the benefits of the redevelopment of this derelict site.

ECOLOGY AND BIODIVERSITY

4.36 The ecology of the site has been assessed via an extended Phase 1 Habitat Survey and supplemental bat report. It is concluded that the site supports only limited amounts of habitat. The main focus is on bat foraging and potential roosts in trees. In this regard the Council's Countryside and Conservation Officer assessed the submitted information and requested further details. Following the submission of additional clarification a no objection response has been received, subject to imposition of conditions requiring re-survey prior to demolition taking place. The applicants have provided sufficient information to build a picture of the site, which include no significant ecological value to prevent the development of the site. Conditions can be imposed to ensure that adequate protection, mitigation and enhancement is provided.

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FLOOD RISK, DRAINAGE AND SERVICES

- 4.37 The site is not within an area of flood risk although it is susceptible to surface water flooding. The submitted Flood Risk Assessment and Drainage Strategy has highlighted the need to deal with surface water on site and a preliminary scheme has been identified. This approach is in line with policy SAL.CC7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan which requires sustainable urban drainage (SuDS) to be included in all development schemes where appropriate. The limitation of run-off will assist in reducing any potential surface water flooding as a result of the development.
- 4.38 Although there are known issues in respect of foul drainage and water pressure within the area of Sion Hill, it should be noted that Severn Trent have raised no objections to the proposal. The submission has included a utility statement which appears to show both foul drainage and water supply provided separately to the Sion Hill estates to the south. However, it should be noted that these matters will be dealt with via conditions attached to any planning permission given and no additional detailed information on such matters is required at this stage.

CONTAMINATED LAND, NOISE AND AIR QUALITY

- 4.39 The site has been assessed for contamination through a Geo-environmental Risk Assessment. This has identified “... 100 locations containing asbestos within the former school and associated buildings. Evidence of potential sources of contamination were observed on the Site, including a boiler room, (with chimney and water tower above), a pumping station, localised bonfire/burning activity and fly tipping. No external fuel tanks were noted; however, two potential former re-fuelling points were observed on the external wall of the boiler room. Externally in this area, two small hardstanding areas/enclosures were noted which could have previously housed tanks... Localised off-site potential sources of contamination have been identified nearby including an adjacent electricity sub-station, former swimming pool, garages and a historical landfill.” Worcestershire Regulatory Services have recommended conditions to establish the exact nature of the contamination across the site and proposed remediation works that are required. The nature of the contamination is not considered to be such that they would seek to resist the development, and with the proposed conditions the development is considered acceptable to proceed.
- 4.40 In respect noise an acoustic overview has been undertaken in line with the NPPF and the Noise Policy Statement for England. It identifies that “...the dominant sources of noise across the Site are expected to include road traffic on Sion Hill and the local road network. Based on the desk-based study of available information noise is not expected to be a significant constraint in developing the Site for residential use assuming adequate consideration is given to potential noise impacts across the site as part of a detailed design scheme.

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The development of the Site for residential use also has the potential to generate noise impacts at noise sensitive receptors, i.e. existing residential dwellings surrounding the Site. Noise and vibration generated by activities associated with construction phase of the development are generally localised, temporary in nature and best practice can be adopted to control the impacts associated with the construction activities. The noise impacts associated with development generated traffic on the local road network and, depending on location, the proposed site access will be subject to final design scheme.” Again, Worcestershire Regulatory Services have considered this aspect of the scheme and have no objections subject to demolition works being in line their best practice guidance.

- 4.41 An Air Quality Assessment has been undertaken to establish the background concentrations of relevant gases. The site is not within an area designated as an Air Quality Management Area (AQMA).. The proposed development will not have an adverse impact on the air quality and it is concluded that air quality is not a restraining factor on the development. Worcestershire Regulatory Services do not challenge these findings and the submission of the Air Quality Assessment negates the need to impose the conditions recommended in respect of vehicle charging points and low emission boilers, particular as the Adopted Wyre Forest Site Allocations and Policies Local Plan does not have policies requiring such measures at this moment in time. Worcestershire Regulatory Services do not challenge these findings and the submission of the air quality assessment negates the need to impose the conditions recommended in respect of vehicle charging points and low emission boilers, particular as the Adopted Wyre Forest Site Allocations and Policies Local Plan does not have policies requiring such measures.
- 4.42 Matters of pollution, air quality and noise have been fully considered and found to be acceptable in this case.

AFFORDABLE HOUSING

- 4.43 The development site is not an exception site and does not fall within normal rural protection policies, as it is a Previously Developed Site within the Green Belt and is classed as an exception in its own right. Affordable housing is therefore dictated by Policy CP04 of the Adopted Wyre Forest Core Strategy which requires 30% affordable units to be provided for developments of 6 or more dwellings in rural areas.
- 4.44 The proposal for development of up to 46 units allows for a 30% provision with a maximum of 14 units to be provided on site. Following negotiations with the applicant it has been agreed that the affordable split of 1 beds (29%) and 2 beds (57%) and 3 beds (14%) with 79% / 21% in favour of socially rented units. These limitations will be included within the Section 106 Agreement which will secure such provision. The indicative layout shows how these units can be provided, although the final detailed layout will be part of any subsequent reserved matters submission(s).

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- 4.45 The Strategic Housing Services Manager is satisfied that the affordable housing provision is acceptable subject to the finer details of the drafting of the Section 106 Agreement. It therefore follows that the provision accords with policy and is acceptable in this context.

SECTION 106 CONTRIBUTIONS

- 4.46 Contributions are required by the adopted Planning Obligations SPD in respect of education and public open space facilities. As the application is in outline exact figures for the contributions cannot be provided at this stage, however suitable calculations will be provided with the Section 106 Agreement.

- 4.47 Public open space contributions are calculated on the basis of the number of child bed spaces, following the following calculation:

Number of Childbed spaces x £20.47 x 24.
There is a 50% reduction for affordable housing units.

Contributions will be utilised at Springfield Park, which is considered appropriate given the site's location.

- 4.48 Education Contributions will be based on the following:

1-bed dwellings of any type	£0
2-bed houses	£2119
3-bed houses	£2119
4+ bed houses	£3179
2+ bed Flats / Apartments	£848
Affordable Housing	£0

- 4.49 The County Council has confirmed that given the site's location that both Seabright Primary School and St. Oswalds Primary School will be included within the S.106 agreement along with Wolverley High School. This takes account of the position of the site being so close to the ward boundaries and gives opportunity for both schools to obtain contributions.

- 4.50 As noted above the Highway Authority has sought for £22,000 for improvements to bus stops within the vicinity. The details of the improvements are as follows:

- The bus stop adjacent to the development is not marked. The contributions will provide a shelter, raised kerbs and flag, with timetable case / information being provided by the County Council.

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- The northbound bus stop opposite the development is not possible to enhance due to limited / no footway. It would therefore be marked as "both sides of the road" on the stop adjacent to the site and is really an alighting stop only.
- The northbound bus stop at the junction of Stourbridge Road / Sion Hill is marked by a flag and pole. The contributions will provide a shelter, raised kerbs and flag, with timetable case / information being provided by the County Council.
- The southbound bus stop on Stourbridge Road is marked by a flag and pole. The contributions will provide a shelter, raised kerbs and flag, with timetable case / information being provided by the County Council.

4.51 The contributions as requested have been agreed by the developer and are considered to be; 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, in accordance with paragraph 204 of the NPPF.

5.0 Conclusions and Recommendations

5.1 The proposed development of the former school site is considered to be appropriate development in the Green Belt redeveloping a previously redeveloped site. All matters advanced have been considered and tested against relevant local and national policies and found to be acceptable in principle. Access can provided in an acceptable form and the trip generation associated with the development can be accommodated on the existing highway network. There are no outstanding matters that would prevent the approval of the application.

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

a) The signing of a Section 106 Agreement to secure:

- i) Affordable Housing Provision;
- ii) Education Contributions;
- iii) Public Open Space Contributions; and
- iv) Highway Contributions

as detailed above; and

b) The following conditions:

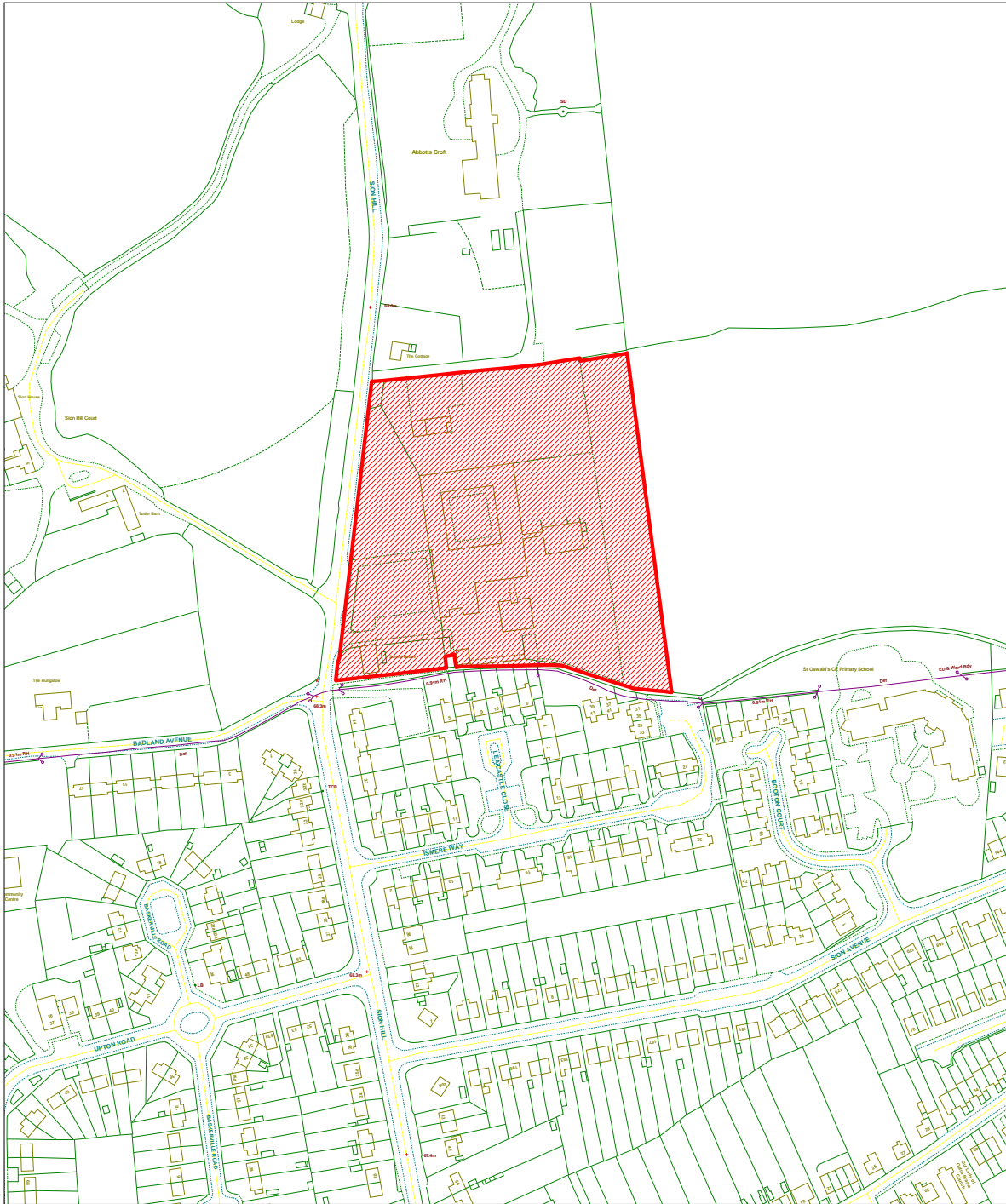
1. A1 (Standard outline).
2. A2 (Standard outline – Reserved Matters).
3. A3 (Submission of Reserved Matters).

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4. A5 (Scope of Outline Permission).
5. A11 (Approved plans).
6. B1 (Samples/details of materials).
7. B11 (Details of enclosure).
8. B13 (Levels details).
9. C2 (Retention of existing trees).
10. C3 (Tree protection during construction).
11. C5 (Hand digging near trees).
12. C8 (Landscape implementation).
13. C13 (Landscape Management Plan).
14. E2 (Foul and Surface Water).
15. Ecology Surveys prior to demolition.
16. G11 (Details of Works to Listed Buildings).
17. Archaeology.
18. Contaminated land.
19. Visibility Splays.
20. Access closure – occupation – vehicular.
21. Access, turning and parking.
22. Parking for site operatives.

NOTES

- A SN2 (Section 106 Agreement).
- B Footpaths.
- C Section 278 Agreement.
- D Design of Street Lighting for Section 278.
- E SN6 (No Felling – TPO).
- F Demolition in accordance with Worcestershire Regulatory Service Code of Practice.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Site of Former Sion Hill Middle School
Sion Hill, Kidderminster, DY10 2XT**

Date:- 26 November 2014 Scale:- 1:2500 OS Sheet:- SO8378SE Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH DECEMBER 2014

PART B

Application Reference:	14/0560/S73	Date Received:	25/09/2014
Ord Sheet:	381381 271288	Expiry Date:	25/12/2014
Case Officer:	Julia Mellor	Ward:	Mitton

Proposal: Provision of two external lobby areas and an external kiosk with 2 ATM machines with associated removal of condition 4 (referring to approved plans) and variation of Condition 6 (referring to maximum floorspace) of Planning Application Reference 07/1105/EIA

Site Address: TESCO, SEVERN ROAD, STOURPORT-ON-SEVERN, DY13 9AH

Applicant: Tesco Stores Limited

Summary of Policy	DS01, DS03, CP01, CP02, CP03, CP09, CP11, CP13, CP14, CP15 (CS) SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC3, SAL.CC7, SAL.UP3, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) Sections 2, 4, 7, 10, 11, 12 (NPPF) Severn Road Development Brief Conservation Area Character Appraisals (Gilgal and Stourport No. 1 and No. 2) Supplementary Planning Document – Section 106 Obligations
Reason for Referral to Committee	‘Major’ planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is located between Severn Road and the River Stour on the northern part of the former Carpets of Worth site. It accommodates a Tesco supermarket which opened on the 25 September 2014, a petrol filling station and its associated car park, a vehicular link road crossing the River from Discovery Way to Severn Road, and a pedestrian bridge and footpath leading from the store car park to the River to the existing open space off Pinta Drive.

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- 1.2 Three relatively small parts of the application site fall within the boundary of three Conservation Areas, namely Stourport No. 1 and Stourport No. 2 Conservation Areas, and the Gilgal Conservation Area. However, for the purposes of clarification no part of the footprint of the foodstore or the petrol filling station or any of the substantive highway works which have been previously approved lie within any of these Conservation Areas. In addition the site is also immediately adjacent to one listed building (No. 41 Mitton Street), and several buildings noted to be of local interest within Mitton Street and Severn Road.
- 1.3 Residential properties face into the site from Severn Road, Stour Lane and Mitton Street. A mix of uses including residential development have also been approved on the remainder of the Carpets of Worth site, to the south of the Tesco store.

APPLICATION BACKGROUND

- 1.4 The retail store and petrol filling station was approved in outline on the 19 May 2008 (reference 07/1105/EIA), subject to a Section 106 Agreement. The means of the access to the site was determined at this outline stage and approval was given to the following highway alterations:
- i) access to the site via a new highway running from a junction with Severn Road positioned opposite Nos. 12 and 14 to a roundabout from which access to the development is gained;
 - ii) the provision of a new public highway link road and bridge over the River Stour connecting to the existing highway at Discovery Road;
 - iii) the provision of a pedestrian footpath and bridge linking the site to Pinta Drive;
 - iv) the provision of improvements to Lichfield Street;
 - v) the provision of a signalised junction at the Mitton Street/Severn Road junction;
 - vi) the provision of pedestrian crossing facilities at the Mitton Street/Vale Road/Lion Hill junction; and
 - vii) the provision of improvements on Mitton Street.
- 1.5 The Section 106 Agreement signed at the time of the outline approval allowed for contributions towards and legal obligations to ensure the following (in summary):
- a) that the car park is used only by customers for a maximum of 2 hours and 40 minutes and to enforce a charge for parking over this maximum time period;
 - b) that the store does not open until the existing Tesco store at Lombard Street Stourport on Severn has been permanently closed;
 - c) that a piece of public art is constructed on site prior to the opening of the store;

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- d) the written approval of a trolley management plan;
- e) payment of £20,000 to the District Council for signposting to improve the connectivity between the store and the town centre;
- f) that a post office is not operated within the store without the written consent of the Local Planning Authority;
- g) the implementation of a previously agreed Green Travel Plan prior to the first opening of the store;
- h) that the agreed Green Travel Plan is reviewed at regular intervals of no greater than one year and that reasonable modifications are implemented;
- i) an agreed construction programme identifying compounds for the storage of equipment and material, the movement of traffic and parking for site operatives;
- j) an agreed lorry routing agreement to require heavy vehicles to approach via the link bridge and not along Mitton Street;
- k) payment of the County Council's costs in respect of those incurred in the promotion of Traffic Regulation Orders and the installation of crossings for pedestrians (to exclude the cost of constructing pedestrian crossings, signalised junctions and other measures);
- l) payment to the County Council of £95,000 as a bus service capital contribution – (to include all or any of the following measures) – kerbing, bus shelters, timetable information, highway surface improvements, the marketing of bus services and the provision of equipment to provide bus priority routes;
- m) payment to the County Council of £200,000 as a contribution to subsidise the bus service start up measures (to include all or any of the following) – the amendment of existing or award of new bus service contracts and the enhancement of vehicle quality and the enhancement of bus services; by the provision of a new or amended bus service linking Areley Kings, the site and the town centre and enhancing service nos. 914, 915 and 11
- n) payment to the County Council of £30,000 for improvements to the highway to enable improved access by pedestrians from the store along Lodge Road to the town centre;
- o) payment to the County Council of £20,000 for the installation of signage and street furniture to promote the use of sustainable forms of access/travel by pedestrians and cyclists from the site to and within the town centre;

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- p) payment to the County Council of £50,000 towards junction improvement measures along the route of bus services and/or junctions otherwise affected by traffic impact from the development which may include York Street/Bridge Street/New Street;
- q) that the development is not commenced until a detailed design of the link road has been agreed by the District Council and County Council with evidence submitted of land ownership and agreement to dedicate the relevant parts of the land to the County Council for adoption;
- r) that the development is not commenced until a detailed design of the pedestrian bridge and footpath has been agreed by the District Council with evidence submitted of land ownership and agreement to dedicate the relevant parts of the land to the District Council if required; and
- s) that the link road and pedestrian bridge and footpath are constructed prior to the opening of the store.

1.6 On the 19 January 2011 approval was granted for the remaining reserved matters – layout, scale, appearance and landscaping (reference 10/0706/RESE). It was at this stage that approval was given for the design of the store and the petrol filling station together with 310 parking spaces.

1.7 Both the outline and the reserved matters approvals were subject to a number of planning conditions. The current application seeks approval for the removal of Condition 4 and the variation of Condition 6 of the outline consent (07/1105/EIA).

1.8 Condition 4 states as follows,

“(4) The development hereby approved shall be carried out strictly in accordance with the following plans/drawings:

6046-P07-J dated 22nd February 2008 [site plan]
6046-P10C dated 22nd February 2008 [location plan]

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

Reason

In the interests of clarity and in order to define the permission”.

1.9 Condition 6 states as follows,

“(6) The foodstore hereby approved shall not exceed the following floor space allocations (maxima):

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*Gross external- up to 4209 sq. metres measured externally
Nett retail sales- up to 2919 sq. metres*

Reason

In the interest of clarity, in order to define the permission and to ensure that it accords with Policies RT.1 and RT.4 of the Adopted Wyre Forest District Local Plan”.

1.10 The applicant would like to increase both of the above figures to allow the following:

- (i) Enclosure of existing lobby area off Mitton Street junction 219 sq.m.;
- (ii) Enclosure of lobby area adjacent to car park 107 sq.m.; and
- (iii) Retention of external ATM pod 11 sq.m.

2.0 Planning History

2.1 07/1105/EIA - Outline Application: Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road & bridge, footbridge, landscaping, highways & other works : Approved 19/05/08

A High Court challenge was dismissed March 2009. A subsequent Court of Appeal challenge was dismissed 29th July 2010 and permission was refused to appeal to the Supreme Court on 18th November 2010.

2.2 08/1053/EIA - Outline Application: Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road & bridge, footbridge, landscaping, highways & other works Approved 22.10.09

Permission was given to pursue a judicial review of the outline consent; this challenge was subsequently withdrawn.

2.3 10/0229/RESE - Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 08/1053/EIA - Appearance, Layout and Scale to be considered) (Amended Description to Exclude Landscaping Reserved Matter) : Approved 09/11/10

2.4 10/0590/RESE - Construction of a new Class A1 Supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 08/1053/EIA - landscaping to be considered : Approved 09/11/10

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- 2.5 10/0706/RESE - Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 07/1105/EIA - Layout, Scale, Appearance and Landscaping to be considered) : Approved 19/01/11
- 2.6 11/9041/NMA - Non-Material Amendments to Planning Permission
10/0706/RESE - Brise Soleil across shop front glazing; Doors to sub-station; MoE to service yard; Area of render removed and substituted with white metal cladding; MoE doors to checkout area and external ramp; South store entrance omitted and curtain wall glazing extended in place of; Sales floor squared off, therefore glazing reduced; West store entrance moved along elevation to west; Central ridge between north lights omitted to accentuate north light profile; glazing reduced in width at customer toilets; glazing changed to solid external panels to customer toilets; MoE doors from sales floor, MoE doors to back of house and staff mezzanine exit; glazing reverted to curtain wall type; MoE from rear ramp exit; North lights set back; Windows in staff area rationalised; and Service yard with removable panels : Withdrawn
- 2.7 11/0647/S106 - Variation of Section 106 agreement to enable a change to the timescale relating to the approval and implementation of Public Art : Delegated authority granted at Committee, pending determination
- 2.8 12/9008/NMA - Non-material Amendments to Planning Permission
10/0706/RESE (Variation to approved landscaping scheme to allow removal of No. 1 tree (T6 Sycamore) and replacement with No. 3 extra heavy standard trees (2 x Common Alder and 1 x Ash) : Approved 18.03.13
- 2.9 12/9014/NMA - Non-material amendment to Planning Permission 07/1105/EIA (Alteration to highways layout to accommodate an existing gas mains pipe) : Approved 06.03.13
- 2.10 14/9020/NMA - Non-material amendment application for – 1) area of glazing reduced and brick work added; 2) door way and sign removed; 3) width of glazing removed; 4) fire escape door added; 5) steps added; 6) doors added; 7) fire escape door and stairs; 8) sloped roof; 9) doors added; 10) loading dock relocated; 11) glazing width and pattern altered; 12) glazing above canopy removed; 13) pitch to roof removed between saw tooth up-stands; 14) signage and brick to side of entrance removed; 15) lower slots removed to create opening; 16) window removed; 17) window removed; 18) fire escape doors added; 19) windows removed; 20) fire escape doors added; 21) roof pitch removed; 22) doors moved; 23) rails added; 24) changes to the P.F.S. kiosk and canopy and 25) car park alignment : Pending determination
- 2.11 14/0313/FULL - Proposed installation of kiosk with 2 ATM Machines at Store approved under 07/1105/EIA and 10/0706/RESE : Withdrawn

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- 2.12 14/0338/ADVE - Proposed signage for retail store, associated car park and petrol filling station approved under Planning Application 07/1105/EIA & 10/0706/RESE : Pending determination
- 2.13 14/0339/ADVE - Proposed 5.7m high gantry sign for new store and 5.7m high gantry sign for new petrol filling station : Pending determination
- 2.14 14/0461/S73 - Variation of Condition 40 of 07/1105/EIA to allow changes in opening hours from 08.00 to 20.00 hours on Mondays to Thursdays and 08.00 to 21.00 hours on Fridays and Saturdays, to 07.00 - 22.00 Monday to Saturday and 10.00 - 16.00 on Sundays: Approved 20.11.14

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Recommend approval but, subject to a condition preventing any increase in the existing retail floor space at the application premises, consistent with such a planning condition imposed in the original grant of planning permission for the erection of a supermarket. Without such a condition being imposed, the Town Council would recommend refusal of the application.
- 3.2 Highway Authority – No objections
- 3.3 Conservation Officer – Whilst I have no objections in principle to the enclosing of the areas proposed to create external lobby areas, I am concerned that at the Severn Road junction pedestrian entrance these could create distracting reflections unless the glazing and lighting is carefully specified. These reflections might not only distract traffic passing by and residents living close to the development, but might also have a negative impact on the Conservation Area adjacent. I refer to reflections of low sunlight, as well as reflections created by internal illumination bouncing off the glazed walls.

No objections. Condition materials (glazing) and fittings (lighting) for approval subject to provision of a report evaluating the amount of reflection created by the enclosing the lobby adjacent to the Mitton Street junction.

(Officer Comment – The submission of details of the bi-parting doors and the glazing to the bi-parting doors are listed as a condition)

- 3.4 Planning Policy Manager – Awaiting comments.
- 3.5 Neighbour/Site Notice – A total of 4 letters of objections have been received. In summary the following comments have been raised:
- During the High Court Hearing the outline application and subsequent decision were forensically examined in detail. Particular attention was given to the floor area definitions as the application was very confused on this point. Application 08/1053/EIA clarifies the floor ambiguities and I consider that this should be treated as a material consideration.

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Condition 6 of this consent relates to the floor areas:

“The food store hereby approved shall not exceed:

a) Up to 4,209 mt.sq. of gross floor space, comprising areas open to the public, back office, warehouse, bulk storage, staff facilities, unloading dock area but excluding 403 mt.sq. comprising entrance feature and walk-way

b) Up to 2,919 mt.sq. of gross sales area, that part of the gross floor space comprising the area for the sale and display of goods together with other internal areas to which the public have access but are not utilised for the sale of goods including entrance lobbies, circulation space, customer services, customer toilets and ATM facilities

c) Up to 2,403 mt.sq. of retail sales comprising that part of the gross sales area comprising the area used for the sale and display of goods together with the check-out areas but excluding the other areas open to the public and up to 403 mt.sq. for the entrance features. This floor space shall be used only as an area to which the public have access but shall not be used for the sale or display of goods.

- I understand that Tesco want an additional 337 mt.sq. of gross external area. This is not an insignificant area and is the equivalent to a medium sized convenience store. The net retail sales area will increase by 227 mt.sq. or 326 mt.sq. as referred to in G L Hearn’s (the applicant’s agents) letter.
- The applicant’s agent contends that the net net floor area of 2,401 mt.sq., as referred to in the 2009 Unilateral Undertaking, does not increase however this is confusing and misleading. They go onto say that, *“...there are areas to the middle of counters in between double facing counters, where there is an area of no public access and where there is no display of goods, and as such has been excluded.”* This is in conflict with the definition under Condition 6. I believe that these areas should be included with a consequent increase in the net net sales area.
- I have seen no update to justify the new proposal. Additional floor space equivalent to a medium sized convenience store has the potential to impact on the vitality and viability of the town centre.
- It would not be appropriate to allow a significant increase in the gross floor area to be permitted without a proper and full investigation of the implications and the potential effects on the net sales area. We request that the Council does not permit this application unless and until proper assessment of the proposal has been undertaken and the Council is aware of the potential implications
- It seems most unreasonable for Tesco to request a change so late on in the day.
- GL Hearn give considerable attention to defining what they mean by ‘gross area’ and ‘net sales floor area’, and it is clear that the ‘net sales floor area’ is different from the ‘net retail sales area’ as referred to in Condition 6. Unfortunately there is no definition offered for ‘net retail sales area’.

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The Competition Commission provides a commonly-used definition of net sales area as "*The sales area within the building (i.e. all internal areas accessible to the customer), but excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkout*". It is this definition which we consider should be used to condition the net retail sales area in Condition 6 and that the figure should be restricted to a maximum of 2,394 sq m as per the details provided by the applicant's agent.

- The reason for Condition 6 refers to the need to ensure that the proposals accord with the retail hierarchy and to ensure that it does not result in an adverse impact on the vitality and viability of the existing centres. These remain relevant considerations and on that basis we strongly advise that the Competition Commission definition of net sales area (2,394 sq m in this case) should be used
- We object most strongly to the above or any other extension to the Tesco development as this is just another of the "creeping" tactics to enlarge their outlet. What next?
- The small store mooted at a meeting in 2006 has now become the Stourport Superstore and an outlet, according to Tesco, Santon Developments and Arup, that was never going to open outside of the hours 0800 to 2000 Monday to Friday applied for an extension of opening hours before the store was even open.
- Since the store has been opened the traffic is horrendous and traffic jams (which according to the computer model were not going to happen) a frequent occurrence, the noise is unacceptable with engines revving up, cars screeching out of the exit road, loud music from stationary cars, heavy/delivery vehicles in and out at all times of the day and night from very early morning until late at night, exhaust fumes. etc. etc. and the lights from the signs keep us awake at night despite the repeated requests to the store manager to have them switched off. The fuel price sign opposite our house operates like a searchlight all night long lighting up the interior of our house to a totally unacceptable degree. Judging by the empty alcohol cans to be seen around the entrance in a morning, it has already become a local drinking corner as well as a childrens' playground - ideal for bicycles and scooters.
- If all this does not constitute an infringement of our privacy I don't know what will. We have had six months of absolute hell with the development of the site and we now have these additional disruptions to our lives for evermore. Please do not inflict any further problems on us. Surely we have some right to consideration. It appears at this moment in time that Tesco can do just whatever it likes and no-one can or will do anything about it.

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- The traffic survey which was carried out before the original application indicated that the Tesco store would have no effect on the traffic in Stourport! The 2 sets of lights installed for traffic and pedestrians certainly slow down traffic particularly at peak times. It is not helped by huge Tesco lorries using the entrance on Severn Road. Could you not insist to Tesco that deliveries are made from the Worcester Road side over the new bridge and also leave by the same way unless the next delivery requires them to cross over the Severn in Stourport.

4.0 Officer Comments

- 4.1 The current application seeks approval for the amendment of the outline application in two respects. The first refers to the removal of Condition 4. This condition required that the development be implemented in accordance with the approved location plan and site plan. In effect, these two plans have been superseded by the plans approved in 2011 at the reserved matters stage, by virtue of application reference 10/0706/RESE.
- 4.2 The second part of the application seeks approval for the variation of Condition 6 which restricted the floor space of the store to the following maxima:
- 4,209 sq.m. gross external
 - 2,919 sq.m. net retail sales area
- 4.3 The proposed variation is to increase both of the above figures in order to enclose the existing lobby area which provides the pedestrian access off Mitton Street, provide an enclosed lobby area at the entrance to the store at the car park entrance to the store and to retain the existing ATM pod.
- 4.4 At the time of the outline application detailed consideration was given to the gross and net retail floor area in the light of national and local planning policy in terms of whether:
- there was a demonstrable quantitative and qualitative need for the additional floor space;
 - the proposed store was of an appropriate scale for the town of Stourport in the shopping hierarchy; and
 - the additional floor space would have a harmful impact upon the vitality and viability of the existing town centres within the District.
- 4.5 It was concluded that on the basis of the floor space figures submitted that the proposal was acceptable.

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- 4.6 The decision was scrutinised at the High Court when Mid Counties Co-Operative Limited challenged the outline consent. The principal ground of challenge was in respect of Condition 6 when it was contended that the floor space permitted exceeded the amount applied for or was greater than that which was assessed when the need for and retail impact of the store was considered by the Council, and that the scope of the condition was uncertain.
- 4.7 Much consideration was given to the terminology associated with the different types of retail floor space at the High Court prior to the dismissal of the challenge in March 2009. This was not however before a Unilateral Undertaking was submitted by Tesco in February 2009 and considered by the High Court. This gave greater clarity to Condition 6 by firstly providing a definition of the Net Sales Floor Area which forms part of the Net Retail Sales Area, and by secondly stating the maximum floor space which would be given over to this defined area.
- 4.8 The Net Sales Floor Area is defined in the 2009 Unilateral Undertaking as *“that part of the foodstore within the Development that is used for the sale and display of goods including the checkouts and the customer counters but excluding lobbies, customer services, circulation areas and customer toilets...”* Therefore the outline consent permits the following

Table 1

Gross External Area	4,209 sq.m
Net Retail Sales Area	2,919 sq.m
Net Sales Floor Area (part of Net Retail Sales Area)	2,401 sq.m

- 4.9 Notably the Net Retail Sales Area forms part of the Gross External Area, it is not in addition to; and the Net Sales Floor Area forms part of the Net Retail Sales Area, again it is not in addition to.
- 4.10 The applicant seeks permission for the following;
- | | |
|--|----------------|
| (i) Retention of external ATM pod on south elevation | 11 sq.m.; |
| (ii) Enclosure of existing lobby area off Mitton Street junction | 219 sq.m.; and |
| (iii) Enclosure of lobby area adjacent to car park | 107 sq.m. |
- 4.11 The ATM floor space is considered to fall within the Gross External floor space - the total built floor space which includes the staff facilities, the administrative offices, storage, food preparation areas and so on, to which the shopping public does not have access but without which the store could not function.
- 4.12 The two lobbies with a total floor space of 326 sq.m. are considered to fall within the Net Retail Sales Area (which would automatically also be added to the overall Gross External Area).

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- 4.13 Most importantly the Net Sales Floor Areas would remain unchanged, the ATM pod and lobbies are not proposed to be used for display or sale of goods, the lobbies would only be used as circulation spaces as explained below.
- 4.14 The following Table illustrates that in reality the layout of the store on site has resulted in figures that are below the restrictions put in place by Condition 6 and the associated Unilateral Undertaking (as listed under Table 1 above).

Table 2

	Permitted by the outline consent	As built on site	Total including ATM pod and lobbies
Gross External Area	4,209 sq.m.	4,209 sq.m.	4,546 sq.m.
Net Retail Sales Area	2,919 sq.m.	2,820 sq.m.	3,146 sq.m.
Net Sales Floor Area	2401 sq.m.	2,394 sq.m.	2,394 sq.m.

- 4.15 The agent has explained that the additional lobbies are required for two reasons. First to ensure that the store is fully wind and weather tight to enhance its environmental sustainable credentials,

“A proven measure is to provide an air lobby at store entrances with two bi-parting doors. This has the effect of reducing energy loss through the customer entrance doors. For this to be effective there needs to be an adequate distance between the two pairs of bi-parting doors, a factor which drives the dimensions of any proposed lobbies.”
- 4.16 Secondly it is to reduce the potential for anti-social behaviour within the existing covered lobby area off the Mitton Street entrance.
- 4.17 The submitted plans indicate that there would be a minimal effect upon the approved elevations or the setting of the adjacent Conservation Areas. Furthermore the lobbies and ATM pod would not displace any parking spaces. In addition there would be no new areas of hardstanding and therefore there would be no increased flood risk.
- 4.18 Comments received during the consultation process indicate that whilst there is a definition of the Net Sales Floor Area (the 2,401 sq.m. floor space figure) there is no definition of the larger Net Retail Sales Area which encompasses the publicly accessible parts of the development, but excludes the display and sales area. This was not considered necessary at the High Court and it is deemed that the definition of Net Sales Floor Area as found in the 2009 Unilateral Undertaking is sufficient.

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- 4.19 Another objection relates to how the Net Sales Floor Area has been described by the agent in the covering letter which accompanies the application, and whether this adheres to the Unilateral Undertaking definition. The agent has replied as follows:

“There are areas in the retail sales area that customers cannot physically get access to and are not used for the display or sale of goods. These areas are located in the middle (rear) of the counters that run up and down almost each shopping aisle as such these are automatically excluded from the retail sales area figure as they fall outside the description set out in the 2009 Undertaking.

There is always a gap to the rear of each counter where there might be air extract/intake or water in/out flow pipes, so the distance from front of one counter to the front of another (located back to back) would be greater than the total depth of each counter and it is this area that has been excluded on each aisle where relevant.”

- 4.20 Further to other comments made by neighbours it is considered that the current application would have no additional significant adverse impact upon traffic generation or noise from traffic or customers using the store.

5.0 Conclusions and Recommendations

- 5.1 As stated previously the removal of Condition 4 is considered acceptable as the plans listed under this condition have been superseded by those approved at the reserved matters stage.
- 5.2 It is considered that whilst the retention of the ATM pod and proposed lobbies would add to the permitted Gross External and Net Retail Sales Areas as allowed under Condition 6, importantly they would not increase the 2,401 sq.m. Net Sales Floor Area as defined in the Unilateral Undertaking. Therefore the additional floor space would not have a material impact upon the retail impact of the store which was considered to be acceptable at the determination of the outline application.
- 5.3 However in order to ensure that the ATM pod and lobbies are not included within the Net Retail Sales Floor, should the application be approved, these areas need to be restricted by a suitably worded condition to prevent them from being used for the display of goods or the sale of goods in the future.
- 5.4 Subject to a condition to this effect it is considered that the current application, which would be bound by the Section 106 Agreement signed at the time of the approval plus the later 2009 Unilateral Undertaking, is acceptable.

14/0560/S73

5.5 Finally, since the submission of the current application another application for an extension to the hours of opening, which was reported to Committee in October, has been approved (Reference 14/0461/S73). Therefore the decision notice relating to this latest permission has effectively become the extant permission. In this latest decision notice condition 4 has already been removed and Condition 6 has been re-numbered as Condition 3.

5.6 The recommendation is for **APPROVAL** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out strictly in accordance with the approved drawings.
3. The foodstore hereby approved shall not exceed the following floor space allocations (maxima):
Gross external- up to 4546 sq. metres measured externally
Net retail sales- up to 3146 sq. metres
Notwithstanding the floor space figures above no more than 2,401 sq.m shall be used as Net Sales Floor Area as defined in the 2009 Unilateral Undertaking as that part of the foodstore within the development that is used for the sale and display of goods including the checkouts and the customer counters but excluding lobbies, customer services, circulation areas and customer toilets in accordance with the retail study submitted and considered as part of the Council's determination of Application reference 07/1105/EIA.
4. The areas indicated as 'Mitton Street entrance lobby' and 'Main entrance lobby' on Drg. 11217-728 Rev F shall not be used for retail sales or the display of any goods or services, including concessions kiosks, whether or not related to those available in-store.
5. The development hereby approved shall not be commence until a large scale detail of the approved bi-parting doors together with details of the proposed glazing of the bi-parting doors at the Mitton Street junction lobby entrance have been submitted to and agreed in writing by the Local Planning Authority. No external lighting is allowed to the exterior of the lobby unless otherwise agreed in writing by the Local Planning Authority.
6. The restoration and mitigation for the restoration and enhancement of the River Stour corridor (west bank) within the application site shall be implemented in accordance with details agreed.
7. The Landscape and Biodiversity plan to improve and enhance the biodiversity of the site shall be implemented and retained in accordance with details agreed.
8. The lighting within the site shall be retained and adhered to as agreed.
9. The entrance to the foodstore from the Mitton Street/Severn Road junction shall be made available for public use at all times when the store is open to the public.
10. The external materials shall be retained in accordance with details agreed.

14/0560/S73

11. The means of enclosure as agreed shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.
12. The storage of refuse, crates, packing cases and other waste materials shall be retained within the service yard only prior to disposal. Thereafter they shall be disposed of in accordance with the Refuse Policy Statement agreed.
13. The finished floor levels across the site and the finished floor level of the store shall be retained in accordance with details agreed.
14. The hard and soft landscaping details shall be retained in accordance with the details agreed.
15. Those trees agreed to be retained shall accord with the details agreed.
16. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428:1989]. The works shall be carried out in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
17. Within one month of the date of approval a Verification Report demonstrating completion of the works set out in the Remediation Strategy agreed and the effectiveness of the remediation shall be submitted to and approved by the Local Planning Authority in writing.
18. Reports on monitoring, maintenance and any contingency action carried out in accordance with the long term monitoring and maintenance plan referred to in the condition above shall be submitted to the Local Planning Authority in accordance with a timetable to be incorporated within that Plan, unless otherwise agreed in writing with the Local Planning Authority. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved by the Local Planning Authority in writing.
19. If, during development, contamination not previously identified, is found to be present at the site then (unless otherwise agreed in writing with the Local Planning Authority) no further development shall be carried out until an amendment to the approved Remediation Strategy, which shall detail how this contamination shall be dealt with, has been submitted to and approved by the Local Planning Authority in writing.
20. No infiltration of surface water drainage into the ground shall be permitted other than with the written consent of the Local Planning Authority.
21. The surface water and foul water drainage scheme as agreed.
22. All fixed plant and noise emitting machinery shall be sited and mitigated in accordance with the details agreed.
23. Retention of visibility splays at the junction of the new site access road with Severn Road.

14/0560/S73

24. There shall be no deliveries to or despatched from the site outside the hours of 06:00 and 23:00.
25. No baking, cooking or food preparation shall be carried out on the site unless in accordance with the details submitted.
26. Neither the foodstore nor the petrol filling station hereby permitted shall be open to customers or any other persons not employed within the business operating from the site outside the following times:
07:00 – 22:00 hours on Mondays to Saturdays
10:00 – 16:00 hours on Sundays
27. No part of the petrol filling station shall be used for the sale, display, repair, servicing or washing of vehicles.
28. No part of the petrol filling station shall be used for the sale, display, repair, servicing or washing of vehicles.
29. The Floodplain Compensation Scheme as agreed shall be retained in accordance with the agreed details.

NOTES

- A This approval shall be read in conjunction with
- i. the obligation entered into under Section 106 of the Town and Country Planning Act (as amended) dated 19th May 2008;
 - ii. the unilateral undertaking dated 12th February 2009; and
 - iii. the obligation entered into under Section 106 of the Town and Country Planning Act (as amended) dated 14th November 2014.
- B The Reserved Matters approval (Ref. 10/0706/RESE) was approved on 19 January 2011. There has since this date been agreement to the two following Non-Material Amendments:
- i. 12/9008/NMA - Non-material Amendments to Planning Permission 10/0706/RESE (Variation to approved landscaping scheme to allow removal of No. 1 tree (T6 Sycamore) and replacement with No. 3 extra heavy standard trees (2 x Common Alder and 1 x Ash) :Approved 18/03/13
 - ii. 12/9014/NMA - Non-material amendment to Planning Permission 07/1105/EIA (Alteration to highways layout to accommodate an existing gas mains pipe) : Approved 06/03/13
- C This permission does not authorise the laying of private apparatus within the confines of the public highway.
- D The Applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

Application Reference:	14/0637/FULL	Date Received:	31/10/2014
Ord Sheet:	384015 277455	Expiry Date:	26/12/2014
Case Officer:	Julia McKenzie-Watts	Ward:	Greenhill

Proposal: Single and two storey rear extensions (Retrospective)

Site Address: 327 HURCOTT ROAD, KIDDERMINSTER, DY10 2QX

Applicant: Mr C Harding

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

1.0 Site Location and Description

1.1 Number 327 Hurcott Road is a detached, render finished, hip roofed property located within a residential area of Kidderminster. The property benefits from a rear projecting two storey element finished with a south facing gable. The property is within an area characterised by detached, semi detached and terraced properties of differing styles and designs.

1.2 Approval is sought for the retention of a rear single storey extension and a flat roof first floor extension which provides a fourth bedroom, also to the rear. The application is retrospective as works were carried out in the belief that they were within the limits set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Members are advised that the works do not satisfy the relevant criteria and as such planning permission, albeit now sought retrospectively, is required for the works undertaken.

2.0 Planning History

2.1 None.

3.0 Consultations and Representations

3.1 Highway Authority – Views awaited.

3.2 Neighbour/Site Notice – No representations received.

14/0637/FULL

4.0 Officer Comments

- 4.1 The applicant seeks retrospective consent for the addition of a first floor extension and a single storey extension, both located to the rear of the property. The first floor element of the development occupies space over a previous single storey extension and serves to rationalise the first floor rear elevation of the dwelling. The extensions provide an enlarged family room at ground floor and an additional bedroom at first floor.
- 4.2 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan sets out the Council's expectations for the addition of extensions to residential properties. The Policy requires that residential extensions should 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 and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers.
- 4.3 The extensions are clearly subservient to the original dwelling and utilises a palette of materials that match those of the host property. The proportions and positioning of windows within the extension would not appear atypical in the context of the host building.
- 4.4 However, Members are reminded that Policy SAL.UP8 which also states:
- “Unless it can be demonstrated that there is no other alternative, the development of flat roofed extensions will not be allowed.”*
- The reasoned justification supporting this policy explains, in paragraph 7.75 that:
- “Nearly all two-storey dwelling houses within the District have traditional pitched roofs. In order to ensure that two storey extensions to such dwelling harmonise in general design terms the use of flat roofs on such extensions will not normally be permitted.”*
- 4.5 The Policy is clear in that the use of flat roof on multi storey extensions has the potential to contribute a dominant, uncharacteristic and incongruous addition to both the application property and to the street scene. That said, in this particular instance matters relating to the original property roof make it difficult to tie-in a new first floor roof.

14/0637/FULL

- 4.6 The rear facing gable, an original part of the building, is finished with an asymmetric roof. The east side of which has eaves which descend below those of the main part of the house. The use of a flat roof in this instance allows these eaves, an architectural characteristic of the property, to be retained whereas a pitched roof over this section would result in the loss of this feature. Furthermore, any pitched-roof alternative, given the nature of the existing roof, would appear somewhat at odds with the original property, and would result in the creation of a deep valley between the two sections of roof, which would not only be problematic to construct but would also be likely to lead to severe difficulties in future maintenance and repair, especially should water penetration occur.
- 4.7 The extension is to the rear of the dwelling and is not readily visible or prominent within the street scene. The use of a flat roof ensures that the extension appears both discrete and subservient to the original rear projecting part of the building.
- 4.8 The first floor element of the proposal would have no significant or detrimental impact on the amenity currently enjoyed by the occupants of neighbouring properties in terms of light, privacy and outlook. The 45° code guidelines would not be breached.
- 4.9 The ground floor extension in terms of its design and position has no adverse effect on the adjacent or adjoining neighbours and as such there is no impact on the current levels of privacy enjoyed by the occupiers.

5.0 Conclusions and Recommendations

- 5.1 The proposed extension, whilst representing a departure from the adopted policy, is considered appropriate. The first floor extension, whilst featuring a flat roof, is not prominent within the street scene and does not detract from the character and appearance of the dwelling, for the reasons described above. As such, in this instance, the extension is considered to be acceptable and supportable, despite the conflict with Policy SAL.UP8. The extension would offer no significant detriment to the amenity enjoyed by the occupants of the neighbouring properties in terms of light, outlook and privacy.
- 5.2 It is therefore recommended that the application is **APPROVED** subject to the following condition:
1. A11 (Approved plans).

WYRE FOREST DISTRICT COUNCIL

Planning Committee

09 December 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
WFA1445 14/0476/CERT	APP/R1845/X/14 3000296	MISS M PARKER	PUNCHS OAK CLEOBURY ROAD ROCK KIDDERMINSTER Proposed demolition of existing double garage and existing store, proposed erection of Oak framed single storey Oak framed home Office and games room, and two bay Oak car-port.	WR 18/11/2014	23/12/2014			

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	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1437 12/0784/FULL	APP/R1845/A/14 /2218688	Mr I Grant	75 MILL ROAD STOURPORT-ON- SEVERN DY139BJ Demolition of existing houses (75-77 Mill Road) and erection of 7 dwellings with associated access, parking and alteration of Public Right of Way. (Renewal of Planning Permission 08/0490/FULL)	WR 13/05/2014	24/06/2014			
WFA1438 13/0456/CERT	APP/R1845/X/14 /2220757	Mrs G Hunt	POUND BUNGALOW DOWLES ROAD BEWDLEY DY122RD C3 Dwelling house with garden and detached garage and vehicle access from public highway	WR 14/07/2014	18/08/2014			

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	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1439 13/0689/FULL	APP/R1845/D/14 /2221306	Mr G James	OAK GRANGE CAUNSALL ROAD CAUNSALL KIDDERMINSTER Proposed ancillary outbuilding to form home study	WR 03/07/2014	07/08/2014	Dismissed		29/10/2014
WFA1440 14/0060/HHED	APP/HH/14/1380	Mr D Scriven	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER High Hedge Complaint	WR 04/08/2014	08/09/2014			

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	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1441 13/0656/FULL	APP/R1845/A/14 /2224699	QW Retail Estates Limited	FOLEY HOUSE 123 STOURPORT ROAD KIDDERMINSTER DY117BW Demolition of existing building and redevelopment of the site to provide a class A1 retail unit and a class A3/A5 unit, car parking, landscaping and associated works (amendment to and resubmission of withdrawn application 13/0521/FULL)	WR 05/09/2014	10/10/2014			
WFA1442 14/0256/FULL	APP/R1845/A/14 /226124	Mr J Dyas	Land Adjacent to 10 HUSUM WAY KIDDERMINSTER DY103XY Proposed new dwelling	WR 01/10/2014	05/11/2014			

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	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1443 14/0199/FULL	APP/R1845/A/14 /2226387	Mr Howles	CROSS BANK HOUSE CROSS BANK BEWDLEY DY122XB	WR 03/10/2014	07/11/2014			
			Erection of an extension to office to provide additional work area & file storage accommodation; and erection of a domestic garage.					

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
WFA1444 14/0126/FULL	APP/R1845/A/14 /2225496	Tesco Stores Limited	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	HE 15/10/2014	19/11/2014		18/12/2014 Council Chamber	

Appeal Decision

Site visit made on 22 July 2014

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 October 2014

Appeal Ref: APP/R1845/D/14/2221306

Oak Grange, Caunsall Road, Caunsall, Kidderminster DY11 5YW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G James against the decision of Wyre Forest District Council.
 - The application Ref 13/0689/FULL, dated 21 December 2013, was refused by notice dated 17 April 2014.
 - The development proposed is ancillary outbuilding to form home study.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the main parties were consulted on the High Court judgment¹, this judgement has been overturned in the Court of Appeal.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - b) the effect of the proposal on the openness of the Green Belt and the character and appearance of the area.
 - c) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development; and

Reasons

Background

4. The appeal property comprises part of a barn conversion development set in a generous sized plot in a rural location. There are uninterrupted views of the countryside from the rear of the appeal property. A shared rear access runs behind a detached garage block and along the west boundary of the rear

¹ Redhill Aerodrome Limited and Secretary of State for Communities and Local Government, Tandridge District Council and Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin)

garden of the appeal property. On the other side of this boundary there is a public footpath and fields beyond.

Whether the proposal would be inappropriate development

5. Policy SAL.UP1 of the Wyre Forest District Site Allocation and Policies Local Plan (2013) (Local Plan) states that development in the Green Belt will not be permitted except in very special circumstances, subject to a number of exceptions. This policy is largely consistent with Paragraph 89 of the Framework. However, neither document mentions detached ancillary buildings.
6. I acknowledge that if this were to be an attached extension it would not be disproportionate in size. However, it would be detached and separate and, as a matter of fact and degree I consider that it would be perceived as such. Despite the fact that it is proposed to be used as a home office, it would be a separate building, some distance from the main house.
7. The proposal does not fall within any of the exceptions set out in Policy SAL.UP1 or the Framework and I agree with the Council that it constitutes inappropriate development. The Framework advises that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. I attach significant weight to the harm arising due to the inappropriateness of the development.

Openness

8. The Framework advises at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 advises that the Green Belt serves five purposes including assisting in safeguarding the countryside from encroachment. Local Plan Policy SAL.UP1 seeks to ensure that visual amenities of the Green Belt are not damaged by proposals for development within or conspicuous from, the Green Belt.
9. The proposed building would be sited adjacent to the shared access drive beyond the rear of the detached garage block and group of buildings within the appeal site with open fields behind. Furthermore, the proposal would result in a substantial building where there is none at present. Consequently, the physical presence and massing of the building would result in a significant loss of openness.
10. As the proposed building would not preserve openness it would be harmful. Taking into account that openness is an essential characteristic of Green Belts, the harm that would be caused carries significant weight.
11. Therefore, the proposal would conflict with Policy SAL.UP1 of the Local Plan, which seeks to ensure, amongst other things, that development does not harm the openness of the Green Belt.

Character and appearance

12. The proposal would be visible from the adjacent footpath and would interrupt the open views of the countryside beyond. Due to its size, scale and location it would appear as an intrusive feature. Views enabled by the open character of

the landscape would be restricted. Thus, the proposal would have an unacceptable impact on the character and appearance of the area.

Other considerations

13. I have considered the appellant's comments that the proposal would create a wind break sheltering the existing property and garden. I consider that due to the size and siting of the proposed building, any benefit as a wind break would be minimal. Furthermore, I have not been provided with any substantive evidence regarding the problems encountered by such winds.
14. The contribution to privacy by screening off the nearby public footpath would also be minimal due to the width of the building in comparison to the overall length of the rear garden which borders the footpath.
15. I note that the proposal would be smaller than a previous scheme and would be of a design which reflects the adjacent buildings and the materials used would match the existing dwelling. However, these would not overcome the effect on the loss of openness. I understand the appellant's desire to provide a home study to work from home. However, I have attached limited weight to these matters.

Conclusion

16. I consider the proposal would be inappropriate development within the Green Belt. It would result in a significant loss of openness which by definition is harmful to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Furthermore, by reason of its size, scale and location the proposal would harm the character and appearance of the area contrary to the Local Plan and the Framework.
17. The proposal would provide improved home study accommodation for the appellant to work from home. However, this together with the other considerations set out above; do not clearly outweigh the totality of the harm which is the test they have to meet. Consequently, very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. As such the proposal would be contrary to paragraph 87 of the Framework and Local Plan Policy SAL.UP1.
18. For the above reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Elizabeth Jones

INSPECTOR

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH DECEMBER 2014

Conservation Area Character Appraisal Updates

OPEN	
DIRECTOR:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Peter Bassett - Extension 2536 Peter.Bassett@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Updated Churchill Conservation Area Appraisal

1. PURPOSE OF REPORT

To advise Members of the process being undertaken to update Character Appraisals for Conservation Areas within Wyre Forest District, to reflect the current Legislative and Policy Frameworks, and to seek Planning Committee approval to adopt Conservation Area Character Appraisals updated in this way.

2. RECOMMENDATION

- 2.1 That the Committee APPROVES the adoption of updated Conservation Area Character Appraisals for each of the 17 Conservation Areas within Wyre Forest District.**
- 2.2 That the Director of Economic Prosperity and Place be given delegated powers to determine the final format and presentation of the Character Appraisals.**

3. BACKGROUND

- 3.1** The *Planning (Listed Buildings and Conservation Areas) Act 1990* places a duty upon every Local Planning Authority, from time to time, to review and to determine whether any parts or further parts of their area are of special architectural and/or historic interest, the character of which it is desirable to preserve or enhance, and to designate them as Conservation Areas.
- 3.2** At present there are seventeen Conservation Areas in Wyre Forest District. The Adopted Site Allocations and Policies Local Plan (July 2013) at paragraph 7.49 advises that Conservation Areas are “*areas of special architectural or historic interest, the character or appearance of which it is desirable to*

preserve or enhance". It goes on to state at paragraph 7.51 that "*new development, within or adjacent to a Conservation Area, will need to take full account of the detail contained within the appropriate Character Appraisal*".

4. KEY ISSUES

- 4.1 It is important that references to Legislative and Policy Frameworks within the Conservation Area Character Appraisals are up to date if the Appraisals are to be an effective planning tool.
- 4.2 In July 2014 Members approved the adoption of the Blakebrook Conservation Area Character Appraisal. This contains the most up-to-date references to the relevant Legislative and Policy Frameworks.
- 4.3 It is proposed to update the remainder of Wyre Forest's Conservation Area Character Appraisals to bring them into line with the up-to-date Blakebrook Appraisal. This will ensure consistency of approach and references across all 17 Conservation Area Appraisals. Specifically, it is proposed to update Sections 1 and 2 and Appendix 1 of each Character Appraisal.
- 4.4 Members are advised that it is not proposed to alter the content of the Character Appraisals at this stage – other than to take the opportunity to correct any spelling or formatting errors. Thereafter Conservation Areas and their Character Appraisals will be continue to be reviewed on a rolling programme.
- 4.5 To assist Members in appreciating the extent of the alterations proposed, the proposed Conservation Area Character Appraisal for Churchill, which is one of those requiring the update, is attached as an APPENDIX. The updated sections of text have been highlighted: these are Sections 1 and 2, and an identical approach will be adopted for all other Conservation Area Character Appraisals.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal or policy implications.

7. RISK MANAGEMENT

- 7.1 There are no risk management issues.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 There are no equality impact implications to be considered.

9. CONCLUSION

- 9.1 Updating the Conservation Area Character Appraisals is desirable and will ensure that these documents are as up to date as possible in that they will refer to the current Policy and Legislative Frameworks.

10. CONSULTEES

- 10.1 Solicitor to the Council.

11. BACKGROUND PAPERS

- 11.1 None.



CONSERVATION AREA CHARACTER APPRAISAL FOR CHURCHILL

Revised November 2014



**CHURCHILL
CONSERVATION AREA
CHARACTER APPRAISAL**

Revised November 2014

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Appendix 2	Boundary of Churchill Conservation Area



Wyre Forest District Council
Economic Prosperity and Place Directorate
Wyre Forest House,
Finepoint Way, Kidderminster, DY11 7WF Tel: 01562 732536

1 Introduction

Churchill Conservation Area (the Area) was designated by Wyre Forest District Council in 1991. It is situated about five miles east of Kidderminster in the County of Worcestershire.

The Conservation Area encompasses a small rural hamlet containing buildings that mainly date from the eighteenth and nineteenth centuries, which are strung-out along a narrow winding lane, together with adjoining landscape features.

This document aims to set out the special architectural and historic characteristics of the Conservation Area. The character appraisal will be of interest (and use) to those involved with development and use of the area, and that adjoining it, to preserve and enhance the village character.

The Adopted Wyre Forest Site Allocations and Policies Local Plan and the Adopted Kidderminster Central Area Action Plan include policies linked to the Historic Environment. For Churchill Conservation Area Policy, SAL.UP6 of the Site Allocations and Policies Local Plan, which is called 'Safeguarding the Historic Environment', is particularly relevant. This Policy ensures that future development within, or adjacent to the Conservation Area, will need to protect, conserve and, where possible, enhance the Area.

2 Legislative and Policy Framework

The first Conservation Areas were designated under the Civic Amenities Act (1967). This Act was superseded by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 69 of this later Act imposes a duty on Local Planning Authorities to identify areas that are of special architectural or historic interest, where it is desirable to preserve and enhance the character and appearance, and to designate them as Conservation Areas.

The National Planning Policy Framework (NPPF) has replaced previous Government guidance which was detailed in Planning Policy Statement 5: Planning for the Historic Environment. The NPPF does, however, maintain the importance placed on conserving and enhancing the Historic Environment as well as providing specific advice for Conservation Areas, most notably in Paragraphs 127, 137 and 138.

The General Permitted Development Order 1995 (GPDO) classes a Conservation Area as being "Article 1(5) land". Whilst planning permission is not required for many types of works outside such areas, control is given to Local Authorities for works being undertaken within Conservation Areas, including, but not exclusively, the enlargement of a dwelling-house, the rendering of such properties, and the installation of antennae and satellite dishes.

The Adopted Wyre Forest Site Allocations and Policies Local Plan and the Adopted Kidderminster Central Area Action Plan contain various policies describing the aims and objectives of the Local Authority in relation to the wider historic environment, and in particular to the preservation and enhancement of the conservation areas within the District. These policies are contained within Appendix 1 of this Appraisal.

It should be noted here that it is not only buildings that are protected when a Conservation Area is designated – trees are also given some protection.

3 Analysis of Character

3.1 Setting and topography

Churchill is situated approximately five miles north east of Kidderminster, in the parish of Churchill and Blakedown. The Conservation Area covers an area of 22 hectares.

Most of the village can be seen by walking along Churchill Lane from the junction of Mill Lane to the crossroads by the old school and then along Stakenbridge Lane. At the north of the village three roads diverge going to Cookley, Kinver and Stakenbridge. A stream (Ganlow Brook) runs parallel to the southern edge of the settlement and had been dammed to form a substantial pool, "Hammer Pond" in the eastern part of the Conservation Area. This served as the power supply for Churchill Forge (also known as Bache's Forge), which has been designated a Scheduled Ancient Monument.



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Aerial view of the Conservation Area and surrounding land

3.2 Historic evolution

The early history of Churchill is unclear, however it is recorded in the Domesday Book of 1086. Documents show that by the thirteenth century the settlement had a stone church and a mill. It is likely that "Hammer Pond" a

pool some two acres in extent at the eastern part of the Area was formed in the thirteenth or fourteenth century by damming the Ganlow Brook.

By the fifteenth century, documentary sources provide a clearer picture of the settlement. The stone church consisted of a nave and chancel with a small bell turret and next to the church was a green. Houses had been constructed along the stream in both directions from the church. Stretching away from the settlement was the arable open field system.

During the eighteenth and nineteenth centuries Churchill underwent some changes. These included the passing of the Enclosures Act in 1793, which began the current pattern of field boundaries. Cartography indicates that the field boundaries have changed very little in Churchill since the nineteenth century.



The current village hall was once the village school

In 1798 a school opened in Churchill, in the building that is now the Village Hall. In 1896 the school moved to larger premises but it was eventually closed in 1961 due to the expansion of neighbouring Blakedown school. The former school building was converted into a private residence.

The medieval church was demolished in the 1860s when it was decided that it would cost as much to repair the church as it would to be build a new one. The church of St. James was consecrated on 22nd September 1868.

3.3 Land-uses

Historically the most important occupation in the village was agriculture and it continued to be the biggest employer of local labour until well into the nineteenth century. While there are a number of farms remaining the area is now predominantly residential.

The Parish contains a number of streams and as a result there were a number of corn mills that were later adapted to become forges. In Churchill the presence of a mill can be traced back to the thirteenth century and by the sixteenth century a blade mill and mill pool are documented. Churchill Forge from the seventeenth century produced edged metal tools such as spades, shovels, forks and rakes. The forge is no longer operating but the equipment

and pond still remain serving as a reminder of historic land use within the Area.



Examples of agricultural and industrial buildings that survive in the Area

Due to its rural location the Area is popular with walkers, horse riders and cyclists. There are no shops or schools in the village. Churchill Forge, open to the public on certain days of the year, is also a visitor attraction. The religious needs of the Area are served by the Church of St. James the Great.

3.4 Colours

Colours are provided by both the built and natural environment. Many of the buildings are constructed of red brick and this forms a key component of colour. This is further enhanced by the presence of brick built boundary walls and the occurrence of red sandstone. Several of the buildings also have elements that have been painted or rendered white.

The strong presence of trees, hedges and grass within the Area also contribute to the colour in the Area which changes dependent on the seasons.

3.5 Climate

The surrounding countryside creates the setting for the Area and is heavily influenced by the climate, which changes scenery, colours and views with the seasons.

3.6 Green Spaces

The western boundary of the Conservation Area includes a small hill covered with patchwork of fields, hedges and trees, and accessible via public footpaths, which forms an important backdrop to the hamlet, particularly when viewed from the east.

The Area also contains the Churchill and Blakedown Valleys Special Wildlife Sites which covers the brook and lake.

3.6.1 Trees and wildlife

Trees and high hedges are an important component of the character and appearance of the Area. Numerous deciduous trees throughout the Conservation Area add significantly to its character, opening and closing seasonal views and providing seasonal variations in colour. Trees line both banks of the stream that flows through the Area, as well as the banks of the Forge pool. Trees also provide a degree of cover and screen several of the buildings from view from the road, allowing only tantalising glimpses of the properties to be seen.

Of particular significance is the presence of the endangered native tree, the Black Poplar, by the pool at Churchill Forge. The Black Poplar is historically a significant tree in Britain and once played a substantial role in local economies and culture.



Trees and hedges provide a strong contribution to the character and appearance of the Area

There are no Tree Preservation Orders within the Area, although there are a number close by and these trees provide an important backdrop to the Conservation Area.

3.7 Historic pattern and movement

It is evident, through looking at the pattern and density of the buildings that the stream and the road dissecting the village have been the principal influence on the development of the village. The settlement has effectively been separated into three parts, those at the southern end before the sandstone cut through, those in the centre around the church and those at the north eastern side of the Area.



The Ganlow Brook

Historic maps of the Area show that the layout of the village today is little altered from that of the mid-19th century. Mid to late-20th century buildings are often located on the site of previous buildings, which has often meant that plot boundaries have been retained.

The movement patterns would have been created by the presence of both industry and agriculture within the Area. The social focal points, such as the church, the school and the Post Office would also have had an impact on movement within the Area.

3.8 Illumination and night-time appearance

The absence of street lighting helps the Conservation Area to retain a rural and uncluttered feel.

3.9 Views

The views provide important links between the village and its surroundings:

a) Into the Area

Views into the Area are, to a certain extent, limited by the topography of the Area. One of the main vantage points for views into the Area is from the hill on the western side of the Area. This provides views down into the settlement, emphasising the gradient and varied roof-scape.

b) Out of the Area

The views out of the Area reinforce the sense of the rural location of Churchill. To a certain extent views out of the Area are limited by the degree of tree cover, however wide reaching views out of the Area can be gained from the hill behind Church Farm. These panoramic views extend out to Kinver and the surrounding countryside.

c) Views within the Area

Due to topography and the curve of the Area, views within the Area are effectively limited into section, with parts only being revealed when a corner is traversed.



Examples of some of the views that can be gained into and out of the Area from the hill to the west of the Conservation Area

3.10 Style of buildings

There are several different architectural styles throughout the village with examples of both polite and rural vernacular architecture, mostly dating from the eighteenth and nineteenth centuries.

To a certain extent the history of the village is reflected in its building stock. The presence of agricultural buildings, either still in use, for example Church Farm, or converted to domestic buildings, such as Churchill Old Farm Barns and Church Farm Barns, serve as a reminder of the close connection Churchill had with agriculture.

Industrial buildings also survive in the form of Churchill Forge. The forge is an important group of industrial red brick buildings dating from the late eighteenth and early nineteenth century. The forge was the location for the local manufacture of spades and shovels. These buildings and the pool are a

Scheduled Ancient Monument, and form part of what was once a network of water-powered forges associated with the streams and pools in the vicinity.

3.11 Size and morphology of buildings

As with most historic settlements, the size of the building is largely dictated by their historic uses, and the plot divisions. Historically, the more wealthy the owner, the larger the plot of land and subsequently the larger the property. Three houses of particular note for the size, their occupation of important positions and which stand in their own extensive grounds are Churchill House, Glebe House and Churchill Court. Although Churchill Court is a 1970's construction it is believed to lie on the site of the medieval manor court.

From examining cartographical evidence it appears that traditional plot boundaries and outbuildings generally survive intact. Most of the buildings in the Area are detached and are mainly two storeys in height. The exception tends to be the more vernacular buildings which are located near the church.

3.12 Materials and construction

a) Walls and construction methods

The predominant building material in the Area is red brick, which ranges from dark orange/red to a more burnt plum colour. Some of the older agricultural buildings include timber framing. Sandstone has also been used as a building material, most notably at the church which is constructed of sandstone ashlar quarried from nearby Hagley Park. In other instances sandstone has been used as a plinth, for copings and for dressings.

Within the Area there are a variety of facing materials. Some of the buildings have been left untreated, resulting in natural colours, while others have been rendered, or painted white. A half-timbered style can also be found on several of the properties.



Examples of some of the construction methods found in the Area

b) Windows

There are a variety of windows types within the Area, and these include side hung casements, sash windows and gabled dormers. Most of the window frames and glazing bars are painted white.

Windows are constructed in timber, metal or UPVC. UPVC windows, due to the material and finish are not considered appropriate on traditional properties. While there are only a few examples of stone windows within the Area, stone is used to provide detailing around the windows including keystones and lintels.

c) Doors

The Area contains a variety of doors and surrounds. The doors range from the standard timber and UPVC part-glazed modern doors to the more traditional including simple boarded and panelled doors. Many of the door surrounds include some form of canopy.

d) Roofs

Roofing materials in the Area vary and include slate, tile and corrugated asbestos. Tile is however the more prevalent roofing material. The colour of the roofing materials also varies from brown/grey to red.

Most of the roofs are gabled, the pitch of which are generally steep, varying between 40 to 45 degrees. There are exceptions such as the Old Church Farmhouse which has a hipped roof.

Several of the buildings within the Area, such as the Village Hall, have decorative bargeboards. The bargeboards provide further interest to the gables and eaves of these buildings.

The lack of a uniform roof line provides the Area with a roof-scape of character and interest.



Examples of the roofing materials and colours found within the Area

e) Boundary walls, copings and railings

Boundary walls are an important feature of the Area. They assist in defining, both physically and visually, the boundary of the property or group of properties. They also limit views, resulting in restricted views in the Area.

Boundary walls are predominantly brick but there is a range of different copings including soldier coursing and blue half-round bricks. Other boundary treatments include estate fencing and high hedges.

One boundary wall that is particularly noticeable follows on from the sandstone cutting and forms part for the boundary for Churchill Court. The wall enhances the sense of enclosure and noticeably cuts into the footpath and gives a sense of enclosure for both the pedestrian and car user. The presence of the boundary wall and the curve of the road have the overall result of drawing attention to Court Cottage on the opposite side of the road. It also has the effect of increasing the feeling that you have passed from one part of the Conservation Area to another.



Boundary walls contribute to the appearance of the Area

3.13 Survival of architectural features

The Area has retained many original architectural features. These include:

- Traditional windows and doors
- Railings
- The inset post box
- The Pound



The survival of architectural features contributes to the character of the Area

3.14 Landmarks, focal points and special features

a) Landmarks

Landmarks are buildings, structures or other features that are important because their size, design or position make them particularly noticeable. Landmarks in the Area include the following:

- Church of St. James the Great – a landmark not only because of its size but also because of its position at the end of a view-line.
- The Great Barn – the large size of the barn makes this building a noticeable feature when viewed from the hill top and on the approach to the Area from Waggon Lane.



The Great Barn

b) Focal Points

Focal points are buildings, structures or areas that are important because of their position in view-lines, or because they are the centre of well-frequented public activity. Focal points include the following:

- Church of St. James the Great: Although the current church is a nineteenth century replacement it is located on a site that has been used for worship since the medieval period.
- War Memorial: The position of the war memorial at the crossroads and its role as place of remembrance makes the war memorial an important focal point.
- Hammer Pond: Since the thirteenth century it has served as the water supply for the mill and later forge. Its existence since the thirteenth century means that it has served as a focal point in Churchill for centuries.
- Mandalay: On the approach from Stakenbridge Lane the position of this building in a view-line makes this an important focal point for the Area. Its former existence as a school building would have historically made this building a focal point.
- Boundary wall for Churchill Court.



Church of St. James the Great and Mandalay

c) Special Features

There are 8 statutory list entries within the Area. Churchill Forge has been scheduled as an Ancient Monument. There are also several other buildings that whilst not included in the statutory list, are of architectural and historic interest.

Particular special features include the following:

- Churchill Pound: The place where straying or illegally pastured animals were confined. The Pound at Churchill is one of only two surviving pounds in the District.
- The former school buildings are of interest not only because of their age and architectural qualities but also because of the social function they carried out for Churchill.
- The remaining post box in the wall of Court Cottage serves as a reminder of when there was a Post Office in Churchill.
- The survival of historic field and plot boundaries.
- The hill on the west side of the Area which forms an important backdrop to the Area and allows for far-reaching views out of the Area.



The Pound

3.15 Ground Surfaces

There are several types of ground surface within the Area. These include:

- Grass: helps to soften the domination of man-made surfaces

- Water: the presence of Hammer Pond and Ganlow Brook means that water forms part of the ground cover in the Area and one that has played an important role in Churchill's history
- Standard tarmacadam used for roads and for the pavement: it is a non-traditional material and appears as a weak to medium grey depending upon being dry or wet respectively. It gives little visual texture but due to the traffic that uses the road it is accepted as a necessary surface material.



Standard tarmacadam used for both roads and pavements

3.16 Hard landscaping/Street furniture

Although only few in number there are several elements of street furniture within the Area, these include:

- Signage: there are a number of highway signs in the Area. While the design of these may not be complimentary to the Conservation Area, they are a necessary requirement
- Bench: there is a bench located on Churchill Lane
- Telephone Box: there is a modern style telephone box outside the boundary wall to the church



Example of street furniture present in the Area

3.17 Tranquil areas and active areas

Tranquil Areas

Tranquillity is the peace of a place where the noises and views of human mechanical activity do not intrude to a noticeable degree. Tranquil areas include the following:

- Hammer Pond: although historically it would have been an active area, the lake and the adjacent public footpath now provides a tranquil area



Hammer Pond provides a tranquil area

- The Hill: the vantage point that this hill provides with panoramic views across open land provides a tranquil area

Active Areas

The active parts of the Area are those covered by patterns of movement and where focal points exist. The location of Churchill between main roads does result in fairly regular traffic flow passing through the Area rather than it being the final destination. This does therefore make the roads that pass through the Area active.

3.18 Noise

Although the Area has a rural setting, its relative close proximity to the railway line at Blakedown and the A456 means that distant traffic noise can be heard from certain vantage points.

3.19 Paths

The Area is popular with walkers and there are a number of paths in the Area. These include the path that leads from between Church Farm and the Old Church Farm House to the top of the hill. This path is important for providing views into and out of the Area. There is also a path that runs alongside the Ganlow Brook and Hammer Pond and out towards Stakenbridge.

3.20 Alien features

Whilst the Area is predominantly “traditional” in character, there are elements that detract from the appearance of the Area. These include:

- The telephone box – located in a prominent position outside the church, its modern design does little to enhance the setting of either the listed building or the Conservation Area.
- Unsympathetic architectural products and materials including UPVC windows and doors, and pointing with concrete mortar instead of traditional lime mortar.
- Traffic signs: although serving a necessary function their design and presence do not compliment the historic character of the Area.

3.21 Neutral Areas

A neutral area is defined as a small part of an area whose character does not conform with that of its immediate surroundings. These sites do not necessarily detract from an area but should development proposals be forthcoming then they should improve the site, in terms of visual impact on the Area. An example of a neutral area includes the twentieth century flats on the corner of Stakenbridge Lane.

4 Concluding Statement

Churchill Conservation Area covers a village of predominantly eighteenth and nineteenth century buildings. The presence of the Ganlow Brook has been important to the development of the village and Churchill Forge remains as an important survival of what was once a network of water powered mills and forges. The rural character of the Area is enhanced by the number of trees, hedges and agricultural buildings found within the Area.

Appendix 1

Adopted Wyre Forest Local Plan Policies

Policy SAL.UP6

Safeguarding the Historic Environment

1. Heritage Assets

Any development proposal affecting the District's heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. The District's heritage assets include:

- Conservation Areas, Listed Buildings and Scheduled Monuments.
- Building and Structures on the Local Heritage List.
- Landscape features including ancient woodlands and veteran trees, field patterns, watercourses, and hedgerows of visual, historic or nature conservation value.
- Archaeological remains and non-designated historic structures recorded on the County Historic Environment Record.
- Historic parks and gardens.

Developments that relate to a Heritage Asset should be accompanied by a Heritage Statement. Where proposals are likely to affect the significance of a heritage asset, including its setting, the Heritage Statement should demonstrate an understanding of such significance and in sufficient detail to assess any potential impacts. This should be informed by currently available evidence.

When considering a development proposal which may affect a Heritage Asset, or when preparing a Heritage Statement, applicants should have regard to the following points:

- i. To ensure that proposals would not have a detrimental impact on the significance of a Heritage Asset or its setting and to identify how proposals make a positive contribution to the character and local distinctiveness of the area.
- ii. Any harm or loss of significance will require clear and convincing justification.
- iii. The re-use of heritage assets will be encouraged where this is consistent with the conservation of the specific heritage asset.
- iv. Proposals which secure the long-term future of a heritage asset at risk will specifically be encouraged.
- v. That repairs, alterations, extensions and conversions of heritage assets take into account the materials, styles and techniques to be used and the period in which the asset was built.
- vi. The installations of fixtures and fittings should not have a detrimental impact on a heritage asset, should be inconspicuously sited and proportioned and be designed sympathetically.
- vii. In considering new development that may affect a heritage asset, proposals will need to identify how the scale, height and massing of new development in relation to the particular feature, and the materials and design utilised, does not detrimentally affect the asset or its setting.

Development proposals that would have an adverse impact on a heritage asset and/or its setting, or which will result in a reduction or loss of significance, will not be permitted, unless it is clearly demonstrated the following criteria are met:

- a. There are no reasonable alternative means of meeting the need for development appropriate to the level of significance of the Heritage Asset.
- b. The reasons for the development outweigh the individual significance of the Heritage Asset, its importance as part of a group and to the local scene, and the need to safeguard the wider stock of such Heritage Assets.
- c. In the case of demolitions, that the substantial public benefits of the development outweigh the loss of the building or structure; or the nature of the asset prevents all reasonable uses of the site; or the loss of the heritage asset is outweighed by the benefits of bringing the site back into use. Redevelopment proposals should provide design which mitigates appropriately against the loss of the heritage asset in proportion to its significance at a national or local level.

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

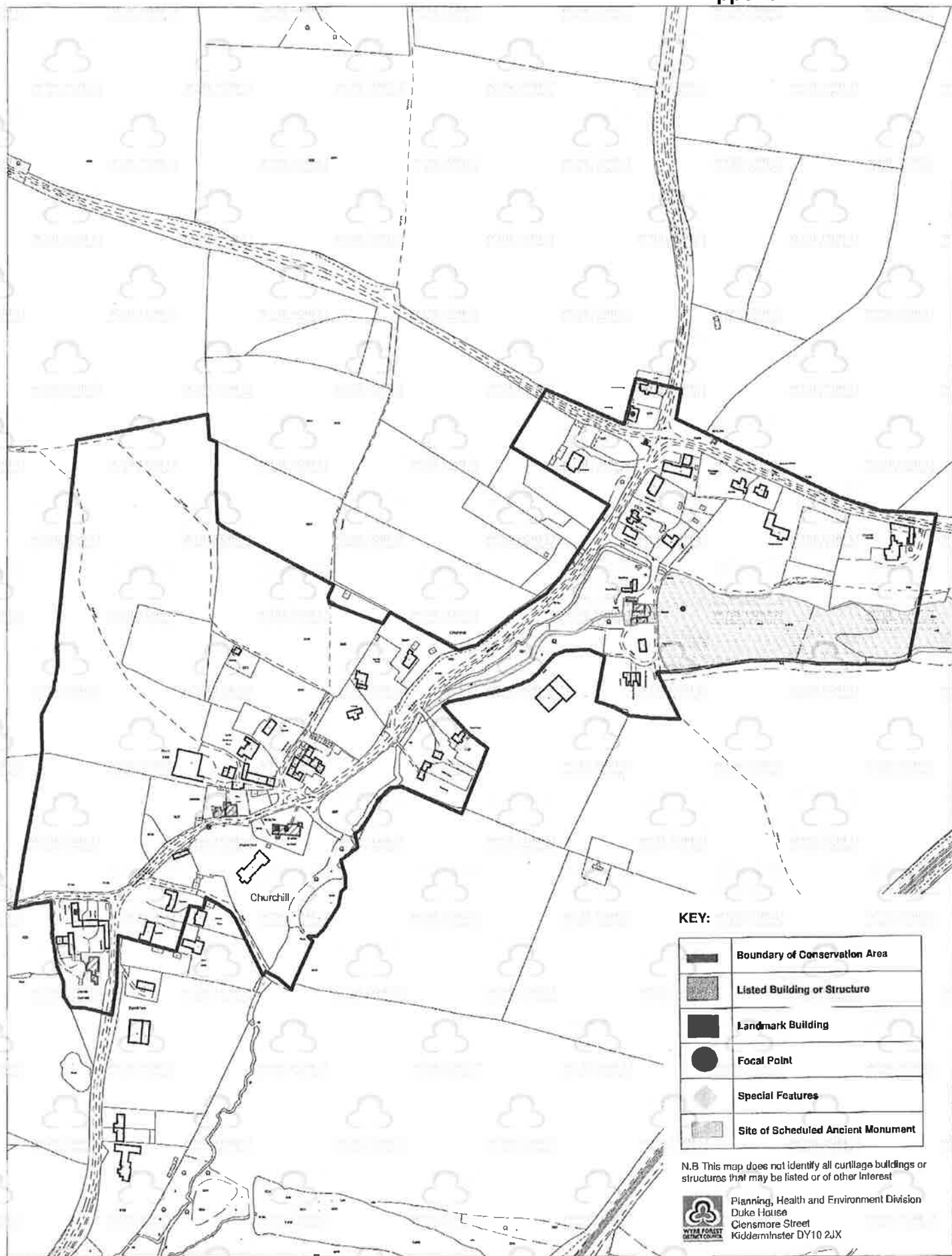
2. Conservation Areas

When development is proposed in, or adjacent to, a Conservation Area, proposals should accord with the existing (or draft) Conservation Area Character Appraisal and seek to enhance or better reveal the significance of the area. Development should not adversely affect views into, within, or out of the Conservation Area.

Proposals for the demolition of a building or structure in a Conservation Area will only be permitted where it has been clearly demonstrated that:

- i. It has no significance in itself or by association, and no value to the significance of the Conservation Area.
- ii. Its demolition or replacement would benefit the character or appearance of the Conservation Area.
- iii. Proposals include detailed and appropriate proposals for redevelopment, together with clear evidence redevelopment will proceed.

Proposals that affect shop fronts within a Conservation Area should have regard to the Council's Shop Front Design Guidance.



Appendix 2: Churchill Conservation Area
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