

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE**14TH APRIL 2015****ADDENDA AND CORRECTIONS**

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
15/0113/FULL	13	<u>Correction</u> – The recommendation on the Executive Summary should read REFUSAL .
PART A 15/0090/OUTL	19	<p><u>Neighbour</u> : three additional comments received –</p> <p>1. The proposal is to re-develop the existing Broad Street car park as five residential houses. However, the car park is the main parking provision for the Horsefair Local Centre and we are deeply concerned about the prospect of losing this extremely important facility.</p> <p>We...have recently started trading from a retail unit in the Horsefair. We were approached last year by the Horsefair Traders Partnership to consider the Horsefair Local Centre as an option for locating our Kidderminster office. The busy thoroughfare, future plans to improve the local area and the provision of local car parking were the main factors behind our decision us to invest over £6,000 to set up our office in the Horsefair.</p> <p>As we understand it, the existing Broad Street car park was only created when the original car park was built upon. The former car park provided over 70 car parking spaces, which were completely free of charge. The Broad Street car park has 34 spaces, which is less than half the provision of the former car park. The current tariff is free parking for the first hour and then charges will apply after that. The planning application threatens to completely eliminate all medium to long stay car parking in the Horsefair Local Centre, leaving only very limited and unpredictable on road parking options.</p>

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		<p>When we decided to locate in the Horsefair, we did so, on the assumption that there was an ongoing drive to rejuvenate this important local centre and restore its vitality. Car parking was a major consideration for us and we saw the Broad Street car park as a key component that would allow our clients from outside the local area to park safely and conveniently whilst visiting our office. We believe that the loss of the Broad Street car park would make it very difficult for our clients to use our services. This would in turn, threaten our future viability as a going concern.</p> <p>After having made a very considerable investment in the Horsefair, we feel extremely disappointed that this planning application to remove all car parking provision serving the local centre has been submitted to the council. The Horsefair Traders Partnership, which represents most of the other local businesses, is also strongly opposed to this application.</p> <p>It is clear that if the council is serious about protecting and reinvigorating the Horsefair Local Centre, then car parking has to be a central plank of that strategy.</p> <p>We very strongly oppose this planning application and implore the Committee Members to categorically refuse the application which proposes to completely remove the last remaining car parking provision in the Horsefair Local Centre</p> <p>The number of cars parking in the side streets around the Horsefair area has made traffic movement slow and hazardous. If the Council made this car park free and encouraged it to be used, rather than adding to the driving population, the general appearance of the area would be uplifted. The Horsefair needs an injection of support rather than being used to cash in.</p>

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		<p>2. Additional Comments from the Horsefair Traders Association:</p> <p>It's important to note that the former car park that served the Horsefair Local Centre had more than twice the number of parking spaces that are provided by the Broad Street car park so there has already been a very considerable reduction in car parking provision for the local centre. The current application proposes to completely remove all of the car parking provision for the local centre, leaving absolutely no car parking facility for businesses in the Horsefair.</p> <p>The Council's Local Plan is also very clear in its commitment to supporting and developing 'this important local centre'. But this application completely undermines that and runs contrary to the Council's stated ambition. It is simply inconceivable that any local centre could exist, let alone thrive, without the provision of a local car parking facility.</p> <p>If the Council's own stated ambitions for the Horsefair Local Centre are ever to be realised.</p> <p>If local businesses are to attract vital trade in order to be able to thrive in the local centre.</p> <p>If we are to attract new investment to the local centre and appeal to new and existing businesses to come in to the Horsefair.</p> <p>Then we must ensure that local car parking is designated as a priority of the utmost importance.</p> <p>Every retail centre, whether it be local, in the town centre or out of town, needs convenient local car parking and cannot function without it.</p> <p>Kidderminster Town Centre has the Coventry Street multi-storey car park. Weavers Wharf has its own purpose built level car park. Crossley Retail Park also has its own car park.</p> <p>The Horsefair Local Centre is no different and must also have an allocated car parking facility, which is currently provided by the Broad Street car park.</p>

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		<p><u>Officer Comment</u> - The Council's Operational Services team carried out surveys of occupation of the car park from 30th March until 3rd April. The Development Control team have carried out a further survey from 8th April until 14th April.</p> <p>The results are shown below:</p>

	Approximate Time	Number of Cars	% of Spaces Used (Total of 34 Spaces)
Monday 30 th March	12:00	1	3%
Tuesday 31 st March	15:00	0	0%
Wednesday 1 st April	09:00	0	0%
Thursday 2 nd April	15:00	2	6%
Friday 3 rd April	12:00	0	0%
Wednesday 8 th April	14:00	3	9%
Thursday 9 th April	13:00	1	3%
Friday 10 th April	15:00	3	9%
Monday 13 th April	12:00	1	3%
Tuesday 14 th April	10.00	3	9%

		<p>The results show that minimal spaces are utilised, and serve to support the position advanced within the applicant's supporting statement and the Officer's recommendation.</p> <p><u>Add additional Condition</u> – 20. A Construction Environmental Management Plan shall be submitted to and approved</p>
15/0113/FULL	30	<p><u>Applicant's Agent</u> – Please see attached Statement.</p> <p><u>Officer Comment</u> – The Statement submitted claims that application has been made at the request of Officers. This is not correct. Whilst the applicant has the right to submit a retrospective application, Officers advice has always been clear that Officers were unable to support the application and, as such, would not 'invite' such a submission. To do so would raise expectations that the application was supportable, when it has always been made known that Officers could not support such an application.</p>

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15/0129/FULL	35	<p data-bbox="577 297 1414 443"><u>Officer Comment</u> – To clarify the floorspace figures in the report at paragraphs 1.3 and 4.5 are correct, not as quoted within the forward Planning Manager’s comments on pages 39 – 40. The correct figures are as follows:</p> <p data-bbox="577 481 1007 589">Net retail sales area 185 sq.m Gross Internal Area 279 sq.m Gross External area 310 sq.m</p> <p data-bbox="577 627 1394 734">The Swan public house and car park was included on the District’s list as an Asset of Community Value on 9th April 2015.</p> <p data-bbox="577 772 1406 846"><u>Additional Information submitted by the Agent</u> in response to queries raised by officers –</p> <ol data-bbox="577 848 1420 1798" style="list-style-type: none"> <li data-bbox="577 848 1420 1070">1. The GEA of the Swan is as follows: <ul style="list-style-type: none"> <li data-bbox="676 884 943 918">GF – 222.38 sq. m <li data-bbox="676 920 919 954">FF – 85.35 sq. m In addition, there is a basement that we don’t have plans for but estimate it to be around 30 sq. m. Total GEA = 337.73 sq. m <li data-bbox="577 1108 1420 1400">2. I am advised that the noise survey was taken from the other end of the site, in the beer garden, for security reasons as it was not in view of the public. This will provide the same representation as the proposed delivery vehicle location. In terms of plant noise, our acousticians measured background noise level therefore this would be the same at any location around the site even at the proposed plant location. <li data-bbox="577 1438 1420 1512">3. The applicants be able to accept a condition to restrict delivery hours between 08:00 – 21:00. <li data-bbox="577 1550 1420 1798">4. Our acousticians have confirmed that the Swan Public House is the nearest noise sensitive receptor for deliveries. The pub is further away from no. 15 Birmingham Road however the proposed store will screen the noise path to no. 15 Birmingham Road. There will however be a direct noise path to the Swan and therefore it will be noisier here than at the residential property.

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		<p>5. All pieces of plant will be located within the yard area to the north of the building enclosed by the 2.7m high acoustic fence.</p> <p>6. Our transport consultants have confirmed that they do not expect that it will be necessary to manage the car park. Based on the survey, the pub demand only marginally exceeds the pub allocation of 8 vehicles and this is mainly in the evening when the foodstore parking demand will subside. However, this can be reviewed, if necessary, once the site is operational.</p> <p>7. Table 3 of the Transport Assessment – Calculated Vehicle Trips. If you add the am peak hour figures of 19 arrivals to 18 departures you get 37 and not 38. However, the method is to multiply the trip rate derived from the TRICS outputs at Appendix 5, which are expressed at trips per 100 sq. m of GEA, by the floor area. Looking at page 5 of the first TRICS output at Appendix 5, for the 0800-0900 am peak hour, the arrivals are 6.457 per 100 sq. m = 19.371, rounded to 19. Departures are 6.073 per 100 sq. m x 300 sq. m = 18.219 rounded to 18, and the total is 12.530 per 100 sq. m x 300 sq. m = 37.6, rounded to 38. For Saturday peak, this is not quite as straightforward, as there are only 2 TRICS sites, which are of similar size with differing trip attractions. The method the TS uses is to take the average attraction of the 2 sites in absolute terms, so 18, 15 and 32 are actually 17.5, 14.5 and 32. To avoid understating the traffic, we rounded both 0.5's to the next number, but this was inappropriate when they are totalled as we would have added 1 car that didn't exist.</p> <p><u>Churchill and Blakedown Parish Council Additional Comments -</u></p> <p>1) The Parish Council is concerned that the development will be some 280 metres away from the Centre of the Village as defined in SAL.GBP3, i.e. the site as marked on the policy map. Whilst this is within the easy walking distance 300 metres defined in SALP paragraph 5.29, the return journey is uphill, so it is not an easy walk. The development will lie at the southern extremity of the Village whilst much of the population lives to the North of the Centre. People living in the Sculthorpe Road area will have a possible 1 mile round trip half of it uphill.</p>

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		<p>2) The Heritage Asset mentioned by the developer is the Swan, however there are two further locally listed assets on the site namely the Railway Viaduct and the bank behind the Swan Car Park.</p> <p>3) The Council would also point out that the development will display very visible signs on the building. We believe this would be contrary SAL.UP10</p> <p><u>Highway Authority Additional Comments</u> in response to additional information submitted by agent - The applicant has confirmed that The Swan's floor area is 337m2 and therefore 67 parking spaces would be expected, presently there are 31 spaces and 2 disabled spaces, as this is below the parking standard there should be no reduction in this provision. The proposed A1 use is 279m2 and therefore requires 11 car parking spaces. The application proposes 13 spaces, 3 disabled spaces and 1 parent and child spaces, this is a considerable reduction on the current parking levels does not adequately provide space for both uses. In addition there is no dedicated delivery space so when the delivery vehicle or dray are on site a significant number of these spaces will not be available.</p> <p><u>Planning Policy Manager Additional Comments</u> - Whilst Policy SAL.GPB3 refers specifically to extensions and conversions, the principle of new retail floorspace is established within the policy. The latter part of the policy states that '<i>Outside of the neighbourhood or village designations, support will also be given for the development of new retail (A1) uses where they do not exceed 280sqm net and where: (i) it can be located on previously developed land; (ii) it would not cause adverse impact to the local community</i>'. A sequential approach would be required to support new retail development outside of the village centre, this would need to consider whether any suitable sites were available within the village to accommodate such development as these would be sequentially preferable. Therefore, in the context of this, it is considered that the principle of new residential development on this site is in accordance with policy SAL.GPB3</p>

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		<p><u>Arboricultural Officer</u> - I can confirm my objection to the proposed new convenience store in the car park of the Swan Public House, Blakedown.</p> <p>The reason for my objection is the removal of a good quality, protected English Yew (T2), currently growing within the car park of the public house, which is only to facilitate the development and not due to it being in a poor condition or having a low amenity value. The accompanying Arboricultural Report doesn't point to any significant defects with the tree, other than a small amount of thinning within the crown (which I feel could be resolved by the removal of the hard standing, currently located at the base of the tree, and the installation of a layer of mulch). There are two yew trees on the site, both are covered by TPO 282 and provide a focal point when driving through Blakedown. The Arboricultural Report states that the yew (T2) has a safe useful life expectancy (SULE) of more than 40 years, which I completely agree with. Although the tree's life will most likely be shortened by the fact that it is growing within a car park, Yew trees can live for hundreds of years. As a result the potential amenity of the tree as it ages is very high. I therefore feel the removal of a healthy protected tree, with a high public amenity value to facilitate the construction of a convenience store is unacceptable. There are additional trees on the site that will be lost or affected by the proposed new convenience store. These include the removal of the two plum trees in G8 and the hard pruning of the Leyland Cypress trees within G3. These trees are not protected and due to their low amenity value, are not worthy of being so. I therefore have no objection to the stated works to these trees or any alternative works that would result in an alteration in the current design in order to prevent the yew (T2) from being removed. Recommend Refusal.</p>

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		<p><u>Crime Prevention Design Advisor</u> - Whilst I do not have any objections to this application going ahead I am concerned about the location of the ATM. It is very close to the main road which may be an issue as firstly criminal damage to the machine may occur in a way which could cause harm to passers by and secondly allow easier access to the machine with a view to causing criminal damage. I suggest that the ATM be moved to a location the other side of the main door and sufficient distance away so that people using it have a suitable degree of privacy. The bollards in front of the machine should be anti-ram. Moving the machine would not stop any attacks on it but would reduce the chances of any serious damage or injury.</p> <p><u>Neighbour</u> : In addition to the 132 objections referred to in the report a further 193 letters have been received plus a petition with 908 signatures:</p> <p>Summarising additional concerns -</p> <ul style="list-style-type: none"> • Users of the ATM will park on the main road as there are no double yellow lines the signage zones, illuminated window displays and advertisements are entirely inappropriate for the area and would constitute an eyesore • Yew trees can live for over 400 years and it provides habitat and food for a variety of small birds • There is nothing in the application to indicate a replacement for the lost yew tree has been considered • The speed limit is 30mph however in excess of 50% of drivers do not observe the speed limit • Parked vehicles on Birmingham Road near to the car park entrance will disrupt delivery vehicles and prevent easy access • Doubling up of delivery vehicles, the size of delivery vehicles and obstruction on the car park will all encourage delivery drivers to park on road causing further disruption • A relatively low population live within a maximum walk distance. A high proportion of the population within Blakedown is situated to the north of the A456 and rail line. The walk route to this area of Blakedown is via either Churchill Lane or Station Drive; both routes are unattractive due to unlit and discontinuous footways and significant delay which can occur at the level crossing located along Station Drive.

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		<ul style="list-style-type: none"> • Paragraph 2.2.7 of the TS identifies that there is a signal-controlled pedestrian crossing located along the A456, approximately 260m to the east of the site. However, this does not accord with what would be a significant pedestrian desire line. • The TS suggests a high proportion of customers would visit on foot. It is considered that this would not be the case for a food convenience store located at this edge of village location and the majority of trips to the store would be by car. • Very few people will ride a bike with a rack to the store and furthermore Churchill Lane, Station Road and the A456 are not considered to have 'mild' topography. • In consideration of the character of the A456 (i.e. strategic route, traffic volume, etc.), there is no doubt that DMRB standards should apply and not Manual for Streets (MfS) • There will be a high number of right-turning vehicles (this is confirmed by paragraph 4.2.2 of the TS) and as such a ghost right-turn should be provided to avoid rear-end shunts the access has not been designed in accordance with a design speed parking demand for the two uses will be at the higher end of the parking standard • The landlord of the public house has undertaken their own survey of the car park over a period 27th February to Tuesday 17th March; 30 parked cars were recorded (at a given time) on Saturday 14th and Sunday 15th March 2015 (the weekend of Mothering Sunday) • Swept path analysis has not been undertaken for a refuse lorry, which would also require regular access. Furthermore, no swept path analysis has been undertaken for delivery or refuse vehicles associated with the existing public house and restaurant • Highway capacity assessments have not been undertaken for the access; in consideration of the high traffic flows along the A456, high number of trip attractions (pass-by) and the likely high number of right-turning vehicles, it is considered that capacity assessment of the access junction should be undertaken

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		<ul style="list-style-type: none"> • I have recently witnessed at the new Tesco (similar proposal) at Bewdley in the former public house the Angel cars were everywhere we had to run to the door for fear of being knocked over by cars. • The transport assessment suggests that visitors to the store will comprise 55% on foot and 34% by car. These ratios will change significantly after darkness has fallen when visitors by car will rise to over 90%. As the proposed opening hours are 0700 to 2300 hours this will result in major problems and congestion and risk to drivers and pedestrians alike. • During the construction of any building there is a large number of vans and other vehicles from all the trades involved that need to park adjacent to the construction site. • Spoilt view from our house due to height of construction devaluing our property with a supermarket within 1 metre of the house (a pub next door is currently a selling positive) • Current photos of our house in the application are incorrect so this needs to be urgently reviewed as a decision could be taken with incorrect information staff smoking area which would normally at the back of shops out of customers would potentially be right next to our garden which would effect our family • Removing the shop out of the retail location would destroy the little village centre that Blakedown has already, meaning that Blakedown becomes another dead village / town due to planners moving facilities out of central locations. • Big business is once more imposing its will and determination to make money, whatever the cost to the local community and damage to traditional village life. • How long will it be that the Olde House at Home is bought by an investor company and another convenience store built? Thin ends of wedges spring to mind. • Hodge Hill Farm Shop business would suffer. • The proposal would result in fruit trees along the boundary to be cut back and destroyed. • In recent years Crumbs has decreased opening hours in the evening due to the lack of local needs. The longer opening hours proposed for the store would therefore service passing trade in the main with neighbours having to endure the consequences of such.

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		<ul style="list-style-type: none"> • There has been no attempt to design a building which would blend in with the streets scene • The adopted Local Plan Site Allocations Policy SAL.GPB3 supports only <u>retail conversions and extensions</u> in rural villages, and yet in the officer's report to the Planning Committee the policy view is that this new build meets that policy. I fail to see any justification for this view. It is also contrary to your Core Strategy Policy DS01. Nothing is mentioned in the report to qualify the policy interpretation in terms of the NPPG and the NPPF. <p>The NPPG clearly indicates that development should not prejudice the retention of local services including public houses, and indeed NPPF para 28 requires the Local Plan to actually <u>promote</u> existing services. This is why your SALP policy was written as it is and is sensitive toward rural settlements. I do not see why you could not say that the development is in the wrong place (see the Core Strategy Policy DS01, Development Hierarchy, which identifies nothing smaller than a Market Town as suitable for new convenience A1 development).</p> <p>So I don't see how the NPPG overrides the existing SALP.GPB3 policy, indeed it surely gives additional grounds for refusal and these should be recorded.</p> <p><u>Officer Comment</u> - Whilst Policy SAL.GPB3 specifically supports new retail development by way of the conversion or extension of existing facilities it does by its own admission support new retail floorspace within the neighbourhood or village centre. The Policy also has to be considered alongside Core Strategy Policy DS01 which promotes Blakedown as a village where local services are suitable, and officers consider that a retail development of 185 sq.m net retail floorspace is a local shop or local service. In addition Policy DS04 supports essential services for the rural community. Furthermore Section 3 of the NPPF entitled 'Supporting a Prosperous Rural Economy' supports the growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well designed new buildings. It is therefore considered reasonable to find the proposed location acceptable in principle.</p>

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		<p><u>Add Additional Reason for Refusal</u> –</p> <p>2. The siting of the store would cause the loss of an existing Yew Tree (T2) protected by TPO No.282. It is considered that this tree has existing high amenity value and has a significant safe useful life expectancy (SULE), and therefore its loss would be contrary to Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan.</p>
<p>PART B</p> <p>15/0013/S73</p>	59	<p><u>Correction</u> - Paragraph 5.2 should read: It is recommended that the application be REFUSED for the following reason:</p> <p>1. The proposed variation of condition would result in lorry movements on the highway network during times of high concentration of traffic flows. The split nature of times proposed would provide a condition that could be easily breached and that would not be practicably possible to enforce. To approve the variation of condition under these circumstances would be in conflict with Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.</p>
15/0089/FULL	68	<u>Rock Parish Council</u> – No objections and recommend approval

Agenda Item 6 Appendix 1	76	This item was previously reported to the March 2015 Planning Committee.
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13th April 2015

Councillor Fran Oborski,
Members of the Planning Committee.
Wyre Forest District Council,

Dear Councillors,
Planning Committee Meeting Tuesday 14th April Agenda pages 30 to 34: 13/0113/FUL.

As I understand that I am not allowed to address you in person tomorrow night, I hope that you will find the time to read this letter before you determine this application.

Obviously things went sadly wrong when my client carried out what he thought were the plans approved for extending the property plus the permitted development rights the property has plus an allowance for the demolition of the garage and conservatory. He realises he is in the wrong and apologises for that. He would, however, ask that you determine his planning application on the basis of what the property now looks like, which is the photograph on the right of this page.



It is appreciated that your officers feel they have to defend planning policies but this always involves subjective judgements and I am aware of at least one other sizeable two storey extension which has been approved in the green belt under delegated powers (15/0002/FULL). I would suggest to you that you can reasonably conclude this is not a disproportionate extension because of the appearance of the completed development. It is not as though the original house remains with a visually dominating extension tacked on to it. I would also invite you to look at the plan on page 34 of your agenda where you will see that this dwelling is surrounded by other houses some of which are of a similar size. It is not an isolated dwelling in the green belt

The fact that this dwelling has been extended as it has over a long period of time is not going to make any difference to the openness or character of the green belt and that surely is what this is all about. The temptation to refuse an application because it is made retrospectively must be great but I would ask you not to treat this as an opportunity to punish my client and to approve this planning application made at the request of your officers to regularise the situation.

John Wren.

John Wren. BA (Hons) MCD FRGS MRTPI is a Chartered Town Planner.
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