

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

6th AUGUST 2009

PART A

Application Reference: 08/1053/EIA **Date Received:** 01/12/08
Ord Sheet: 381388.550419101 **Expiry Date:** 23/03/09
 271257.767420201
Case Officer: Tyler Parkes **Ward:** Mitton
 Partnership-Gareth
 Jones

Proposal: 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 and other works

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

Applicant: Santon Group Developments Ltd / Tesco Stores Ltd

Summary of Policy	<p>D1, D3, D6, D7, D8, D9, D.10, D.11, D12, D14, D15, D16, D19, LA1, LA4, LA6, LB1, LB5, CA1, LR.1. NR2, NR5, NR6, NR7, NR10, NR11, NR12, NC2, NC3, NC4, NC5, NC6, NC7, NC8,TR6, TR7, TR8, TR.9, TR10, TR15, TR17, TR18, TR19, RT1, TR4, RT5, RT9, STC2, IMP1 (AWFDLP)</p> <p>SD1, SD3, SD4, SD9, CTC1, CTC6, CTC8, CTC9, CTC12, CTC15, CTC20, D.31, D32, D33, D34, D43, T1, T2, T4, T10, T12, IMP1 (WCSP)</p> <p>UR2, UR3, PA11, QE1, QE2, QE3, QE4, QE5, QE6, QE7, QE9, T2, T3, T5, T7 (RSS11-formerly RPG11)</p> <p>PPS1, PPS6, PPS9, PPG13, PPG15, PPS23, PPS25 (including their supplements and companion guides where applicable); draft consultation paper for PPS4 'Planning for Prosperous Economies'</p> <p>Severn Road Development Brief Design Quality Supplementary Planning Guidance Conservation Area Appraisals (Gilgal & Nos 1 &.2) Supplementary Planning Document – Section 106 obligations Public Realm Design Guide: Stourport-on Severn (Nov 06)</p>
Reason for Referral to Committee	'Major' planning application, accompanied by an EIA.
Recommendation	DELEGATED APPROVAL Subject to Conditions and a Section 106 agreement

08/1053/EIA

1.0 Introduction & Background

- 1.1. This is an outline planning application for a new Tesco foodstore, with a car park and petrol filling station, on a cleared former industrial site in Severn Road, to the east of the town centre of Stourport. It also proposes a new road link between Severn Road and Discovery Road, crossing the River Stour, together with a new separate footbridge and various other on and off site highway improvements which are set out in the s106 Heads of Terms at the end of this report.
- 1.2. Members may recall that there have been three previous proposals by the same applicants for a similar development at this site, the most recent of which was submitted in October 2007 (application 07/1105/EIA).
- 1.3. At their meeting of 4th March 2008, Members of the Planning (Development Control) Committee considered this third application and resolved to delegate approval, subject to a S106 Obligation and conditions. However, after the meeting but before planning permission was granted, information pertaining to air quality issues was received from an objector which was material to the determination of the application. Accordingly, the application was reported back to the Committee on May 15th 2008 when Members were asked to decide what weight to attach to this information and whether it altered their decision to grant planning permission subject to a S106 Obligation and conditions.
- 1.4. The Committee delegated approval, subject to the S106 Obligation and conditions as agreed at their meeting on 4th March, and outline planning permission was granted on May 19th 2008, subject to the S106 Obligation and conditions.
- 1.5. A copy of the outline planning permission is attached as **Appendix 1** to this report.

HIGH COURT CHALLENGE

- 1.6. Subsequently Mid Counties Co-operative Limited, who were third party objectors to the application, sought the quashing of the planning permission in the High Court, for a number of reasons. The principle ground of challenge concerned condition no. 6 on the permission, which restricts the amount of retail floorspace as detailed in the following paragraph. The other grounds related to: provision of the draft Section 106 Agreement (whether there had been proper consultation and opportunity to comment), Conservation Areas (whether the effect of traffic generated by the development on the Conservation Areas had been ignored), the Road Safety Audit (whether a further safety audit was required in light of the Highway Authority's initial consultation reply recommending refusal of the application and whether the HA had considered safety issues in relation to the proposed roadworks), Air Quality (whether the issues relating to air quality were properly and fully presented to the Committee), and the reasons given for granting planning permission (whether the summary of reasons for granting planning permission properly explained that decision and what conclusions were reached on the principal issues, and whether the summary of material planning policies was sufficient) .

- 1.7. The High Court heard the challenge on March 17th – 19th 2009. The principal ground of challenge related to condition no.6 which specified the amount of gross external floorspace for the building, and the net retail sales floor area. A tailpiece to the condition added the qualification: ‘unless otherwise agreed in writing with the local planning authority’, The Co-op argued that the wording of the condition was imprecise and that its scope was uncertain. The Judge found that the tailpiece was of no legal effect and should be removed, but otherwise found that the remainder of the condition was entirely valid and of legal effect. The other grounds of challenge were also dismissed (although the Judge did state that a brief summary of each planning policy should have been provided). A Court Order was issued on 11th May 2009 declaring the tailpiece unlawful and of no legal effect; the planning permission has now been amended to excise the referenced tailpiece; otherwise the wording of condition 6 was deemed valid and did have legal effect.
- 1.8. An application has since been made by the Co-op for permission to appeal to the Court of Appeal, solely in respect of condition no. 6. The decision as to whether permission will be granted has not yet been made by the Court of Appeal. The appellants expect to hear shortly whether they have been successful.
- 1.9. In the meantime, however, the applicants had submitted this current application at the end of 2008 so that a fresh determination could be made, irrespective of the High Court proceedings, in anticipation of making an earlier start to the development than might otherwise have been the case. It contains some minor changes from the approved scheme (07/1105/EIA), mainly in respect of the indicative design of the roof of the store and the entrance feature onto Mitton Street; however, in essence it is for the same development. Because of ongoing discussions and consultations, particularly in respect of design and retail issues, it is only now that the application can be reported to the Committee for determination.
- 1.10. It is not necessary here to repeat the detailed history relating to the first two planning applications for this development; that is described in detail in the 4th March Committee report to which reference can be made.
- 1.11. Suffice it to say that the first two planning applications were submitted in 2005 and 2006, but for technical reasons neither was registered or determined. The applicants lodged an appeal against non-determination of the latter application, meaning that the Council could not determine it. At a meeting of this Committee on 10th April 2007, Members considered a detailed report on the proposal, and were asked to decide what decision they would have made, had they determined it within the prescribed period, They resolved that they would have refused the application, for nine reasons. Upon the granting of outline permission on 19th May 2008, the appeal was withdrawn.
- 1.12. The report to Committee which dealt with the consented scheme (07/1105/EIA) considered the main planning issues under the following five headings:
 - **Retail Impact**-the suitability of the proposed development having regard to national, regional and local planning policies, with particular regard to the need; whether the development is of an appropriate scale to its catchment; the availability of alternative sites (the sequential approach); the flexibility of approach with regard to format and size; the impact on other centres; and the relationship of the site to other centres.

- **Transport/highways-** the extent to which the proposal satisfies the need to reduce travel especially by car; the impact on roads in the area and the likely traffic generation; and the suitability of pedestrian links
- **Impact on the character and appearance of the area-** notwithstanding that these are outline proposals, the effect of the design and landscaping on the character and appearance of the area
- **Impact on neighbours-** the effect on the amenities of local residents (including the light from the building at night)
- **Environmental issues-** air quality, biodiversity and ecology/protected species on the site (owls and otters), contaminated land and flood risk. Of these the issue of air quality requires the most detailed consideration.

1.13. This report will assess and appraise the merits of the new application. The report addresses the material planning considerations afresh, including the grant of outline planning permission last year and has regard to the decision of the High Court.

1.14. As with the previous application it is appropriate to consider the planning issues under the five subject headings identified above.

2.0 Site Location and Description

THE SITE

2.1 The application relates to the northern part of the former Carpets of Worth site on Severn Road, Stourport on Severn as identified in the adopted Wyre Forest Local Plan (WFLP) and the adopted Severn Road Development Brief 2001, which is Supplementary Planning Guidance. The site is located between Severn Road and the western bank of the River Stour, which form the western and eastern boundaries respectively. Stour Lane forms the northern boundary of the site. The total area of the application site amounts to 4.52 hectares since it also includes a proposed new road and bridge over the Stour to connect Severn Road with Discovery Road on the east side of the river, together with other highway works and a new footbridge.

2.2 Although the overall site known as the Carpets of Worth site extends to approximately 6 hectares, the application site only occupies some 2.48 hectares thereof. The balance, to the south, is subject to a separate planning application (application 08/0768/OUTL) by the landowners, Arab Investments Ltd., for a mixed use development including 159 residential units and a total of 3,300 sq.m of commercial uses within Classes A1-A5, B1, C1 & D2. This application has yet to be reported to Committee but there is no planning reason why these two applications need to be determined jointly.

2.3 The application site was formerly occupied by a carpet factory, and all the buildings have been cleared from the site, which is now vacant and derelict, and represents a significant eyesore. There are houses on the west side of Severn Road, which face towards the site, which lies at a lower level by around 2 metres; residential development extends west and north into Mitton Street, and into Stour Lane.

2.4 In policy terms, the site lies within the Town Centre Inset on the WFLP Proposals Map, but lies outside of the identified Primary Shopping Area of Stourport (ie the High Street) being approximately 200 metres to the east at its northern end and some 330 metres

away at the southern extremity. The eastern boundary of the site (ie the River Stour river corridor) is designated as a Special Wildlife Site in the Local Plan.

- 2.5 Three relatively small parts of the application site fall within the boundary of three Conservation Areas, namely the Stourport No.1 and Stourport No.2 Conservation Areas, and the Gilgal Conservation Area. These comprise a section of the highway in Severn Road (falling within Stourport No.1), and a separate part of the highway in Severn Road extending along and into a section of Mitton Street (Stourport No.2 and Gilgal). For the avoidance of doubt works within these areas are confined to off-site footpath/highway/junction alterations and improvements; no part of the development site itself, ie the site of the proposed foodstore/pfs or any of the substantive new roadworks lie within any of these Conservation Areas.
- 2.6 Although there are no statutorily listed buildings within the site, there is an existing brick building just to the south and adjacent to the river which is locally listed. It was also identified as a 'valued building' worthy of retention in the Severn Road Development Brief. However, it is not affected by this proposal. The site is also immediately adjacent to one Listed Building (41 Mitton Street), and several buildings noted to be of local interest within the Conservation Area Character Appraisal documents, namely 39-40 Mitton Street, 53 & 54 Mitton Street, 28-30 Severn Road & 7 Mitton Street, some of which are also locally listed. The application site also abuts a Grade 2 Listed sandstone wall which separates the current Lichfield Basin development from Severn Road - however, works to this wall are not proposed within this scheme.
- 2.7 The site is within Flood Zone 2 (Low to Medium risk). The Environment Agency have raised no objections subject to conditions.

THE PROPOSAL

- 2.8 This is an outline application for a new Class A1 supermarket, customer car park and petrol filling station. The applicants state that the store will provide an estimated 250 full and part time jobs. As stated, the proposal is essentially unchanged from the previous consented scheme. It differs only in detail, in that the dimensions are slightly different; the footprint of the store including the service yard would measure approx. 69.5m by 77m compared with approx. 66m by 76m in the consented scheme, reflecting changes to the store layout; details of the design (elevations/roof treatment/materials/entrance feature and the introduction of a walkway along the west flank) have also been altered, as described below. These reflect changes in Tesco's design standards since the previous application. However, the gross sales and retail sales areas of the store remain as the previous scheme.
- 2.9 For the purposes of this report the following definitions as provided by the applicants are adopted to describe the floorspace proposed and how it is intended to be used. For the avoidance of doubt references in the report to these figures are exclusive of the floorspace represented by the proposed entrance feature/walkway (para. 2.13 refers).
- 2.10 The gross floorspace of the store comprises the areas open to the public, back office, warehousing and bulk storage, staff facilities, unloading dock area and preparation areas. This will be 4209 sq.m (45309 sq. ft.)

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- 2.11 The gross sales area of the store comprises the area for the sale and display of goods and 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. This will be 2919 sq.m (31422 sq.ft),
- 2.12 The retail sales area of the store comprises the area used for the sale and display of goods including the checkout area, but excluding the other areas open to the public (ie the entrance lobbies, circulation space, customer services & toilets and ATM facilities). This will be 2,403 sq.m (25865 sq.ft.). This is the floorspace which has been the subject of the applicants' retail assessment as discussed later in this report. The proposed petrol filling station includes a kiosk with a small retail element: that does **not** form part of the retail floor area referred to above, or the assessment thereof.
- 2.13 The proposals include an entrance feature at the Mitton Street/Severn Road junction and associated walkway which will provide a pedestrian access to the store from this point, and also a route to the town centre. This is fully integrated with the store. It comprises 403 sq.m. which is additional to the stated gross floorspace, but does not comprise retail sales floorspace. For the purposes of clarity this walkway will be physically separate from the retail sales area and conditioned accordingly.
- 2.14 In respect of the consented application the store's opening hours were restricted to 08.00 to 20.00 Monday to Thursday and 08.00 to 21.00 Friday and Saturday, and deliveries between 06.00 and 23.00 hours in accordance with the applicants' statement. The applicants state that they do not consider that there is any justification for a restriction on opening hours, but they are prepared to accept such a condition. However, they wish to reserve their ability to open on Sundays.
- 2.15 Vehicular access will be via a new access road into the site, from a new junction opposite the existing houses at nos. 12 & 14 Severn Road, and this will also serve, in time, the proposed new development to the south of the application site. In addition the proposal involves the construction of a new 'link' road between Severn Road and Discovery Road, which presently terminates as a cul de sac opposite Resolution Way, including a new road bridge over the River Stour. The need to provide this link as an integral part of the development of the Carpets of Worth site is required by Policy STC.2 (vii) of the Local Plan, and is also referred to in the Severn Road Development Brief. The new road extends from the present limit of Discovery Road to a point just before the rear garden of No.40 Golden Hind Drive, before heading westwards across the Stour and along the northern boundary of the Vinegar Works site on the opposite side of the river, to a new junction with Severn Road. A new footbridge is also proposed which would provide a direct link between the site and Pinta Drive and the residential development on the eastern bank of the river together with other various highway works as summarised below.
- 2.16 The various highway works and improvements proposed by the applicants can be summarised as follows:
- Upgrading of Severn Road and the new Link Road to Discovery Road
 - Provision of a shared pedestrian and cycle way on Severn Road and the new Link Road.

- Signalised junction at Mitton Street / Severn Road including full pedestrian crossing facilities.
- Improvements to pedestrian widths along Mitton Street. Signalised pedestrian crossing facilities at the Mitton Street / Lion Hill junction.
- Vehicle access to the development via a new priority junction with Severn Road. New access road incorporates a shared pedestrian and cycle way, Toucan crossing and bus lay by.
- New signal pedestrian crossing across Severn Road between the development access road and Lichfield Street.
- One-way operation on Lichfield Street towards Severn Road.
- New footway outside 10 Severn Road (no existing footway) and 12-14 Severn Road including extended vehicle crossovers to replace existing lay by.
- New bus stops on Severn Road close to the store access.
- New pedestrian bridge linking the store with Pinta Drive and adjoining residential area.
- A Travel Plan Framework, which includes additional bus stops on Severn Road and enhancement of existing bus services, and a new Stourport town service, providing 2 buses per hour which will connect the site with the town centre and outlying residential areas (Arley Kings and The Walshes).

- 2.17 The application is in outline only and seeks determination of the layout and means of access at this stage. However the applicants formally state that in terms of layout, it is only the location and orientation of the store itself for which they seek approval at this stage: the details of the car park layout, the precise siting of the petrol station etc., and all other details of design, appearance, landscaping etc. would be reserved for subsequent approval. Accordingly it is considered that whilst the siting of the store itself may be approved at this stage, layout must otherwise be considered to be a reserved matter; this was the approach taken with the consented scheme.
- 2.18 As such any approval would formally consent to the size, footprint and floorspace of the store, but not its design and appearance, materials etc.; those details are reserved for subsequent approval, along with details of landscaping etc. However, the application is supported by indicative material which is for illustrative purposes only but which nevertheless demonstrates the likely design, appearance, materials etc. of the proposed building; as such, these details can be regarded as clearly representing the applicants' current intentions for their foodstore. An indicative Landscape Masterplan is also submitted which sets out broad, or 'structural', planting and landscaping principles.
- 2.19 The store would be sited in the northern part of the site, with the petrol filling station, and the car park, containing some 310 spaces, including 17 for disabled and 13 for parents/child, to the south and extending alongside the retaining wall to Severn Road and the western side of the building. There would be a landscaped/planting belt along the northern boundary with Stour Lane of varying width. The separation distance between the northern wall of the store and the nearest houses at Nos. 41 Mitton Street, and 1 & 2 Stour Lane is around 33-22m. The western wall of the store, and the filling station would be approximately 55m away from the houses in Severn Road, which are, of course, at a higher level.
- 2.20 The illustrative plans indicate that the store would comprise a single-storey building of a contemporary design, constructed predominantly in glass and steel, but including

facing brickwork, render, coloured steel cladding, and timber cladding in places, with a series of six shallow mono-pitched roofs (three were proposed in the consented scheme) designed to look like 'north lights' to reflect an attribute of the former industrial buildings on the site. The plans show a single split level building which would extend to almost 10 metres above the ground level of the site at its highest point. It presents an approximately 76 metres long elevation to Stour Lane and 69 metres to the Severn Road frontage. Individual design treatment has been given to emphasise the two entrances to the store. The main entrance will be from the car park; a second, pedestrian entrance, which is indicated to comprise a glazed 'feature' with an oversailing roof, a lobby and stairs/lifts down to the store itself, is proposed at the north-west corner of the building, at Mitton Street/Severn Road junction, to provide a direct link for pedestrians accessing the store from the town centre, and also provide a focal point at that prominent location.

2.21 The service yard would be located on the east side of the building, furthest away from Severn Road, and alongside the west bank of the Stour. Servicing and deliveries to/from the store would be via a separate service road leading to a service and delivery yard next to the river.

2.22 A pedestrian walkway is proposed along the riverbank, as far as the northern boundary of the site where it would terminate. To enhance the biodiversity of the river corridor, works are proposed to improve the west bank of the river, by removing existing sheet piling, and restoring a graded slope which would be planted with appropriate trees and vegetation within an approximately 10m wide buffer. No works are proposed on the eastern side of the river save those associated with the vehicular and pedestrian bridges. A new boundary wall is proposed along the east side of Severn Street, along with new landscaping in and around the site and the car park. As stated above, a Landscape Masterplan has also been submitted.

2.23 This application is accompanied by the following technical reports:

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

2.24 In addition to these reports, the following drawings have been submitted with the application:

- Site Layout (the submitted layout plans at 1:500 and 1:1000 scale are for formal determination; all and any other plans including those summarised below are for illustrative purposes only)
- Elevations
- Roof Plan
- Sketch views of building (3 no.)
- Site layout including proposed future development
- Sections
- Demolished Buildings Plan
- Landscape Masterplan
- Various highway drawings including proposed link road and site access, general arrangements, visibility splays, highway bridge, footbridge.

ENVIRONMENTAL IMPACT ASSESSMENT

2.25 As with the consented scheme, the applicants have formally submitted an Environmental Statement which assesses the various potential impacts from the scheme on the environment. This is therefore an EIA application and regard must be had to the Environmental Statement, including any further information, any representations made about the environmental effects of the development. The Statement itself includes a description of the policy context and the proposed works, project alternatives, construction methodology, methods of predicting effects. It then considers the specific effects of the proposed development under the headings of traffic and transport, landscape and visual impact, nature conservation, noise and vibration, air quality, archaeology, ground conditions and contamination and surface water drainage, and interaction between them all.

2.26 Copies of the plans and reports listed above can be inspected at the Wyre Forest Hub or via the Council's website.

2.27 Following a series of meetings between the applicants and Officers of this Council, some minor amendments have been made to the proposal, and revised plans and documents have been submitted: essentially these comprise revised elevational plans and illustrative sketches depicting the building; and minor amendments to the application site boundary to reflect technical discrepancies identified by the Highway Authority. The applicant has also submitted detailed responses in respect of retail, highway and various planning issues raised by third party objectors. Re-consultation has taken place, by way of a letter of 6th July 2009, inviting any further comments by 27th July 2009.

APPLICANT'S CONSULTATION EXERCISE

2.28 In October 2006, prior to submitting the second 'non-determined' planning application, the applicant held a 3-day public exhibition for the proposed development at the British Legion in Stourport. A questionnaire was completed by 166 attendees; of these 60% expressed concerns and 40% were in favour of the proposal. The main concerns raised were as follows:

- Increased traffic generation and associated problems
- Proposed traffic measures on Mitton Street
- Impact on local traders

- 2.29 Subsequent to the exhibition the applicants undertook further consultation with the local residents about the proposed development and the highway works, although the results of this consultation exercise were not submitted to the Local Planning Authority.
- 2.30 In respect of the consented application, the applicants submitted a detailed summary of their public consultations confirming that they had notified local residents and business groups, Councillors, the local MP, local and other consultees of the submission of the application, and of amended plans submitted during its consideration. They listed the various meetings which have been held with Officers and other statutory parties. The applicants also stated that they attended an informal meeting of Stourport on Severn Town Council on 29th November 2007, when the key issues identified were those of traffic and the effect of the proposal on the town centre. They met the local MP on 4th February 2008 to brief him on the proposals.
- 2.31 In respect of this application the applicants state that in view of the similarities between this and the predecessor application, they do not consider it necessary to engage in another extensive programme of public consultation. They advise however that on 8th December 2008 Tesco issued a press release to local media, advising of the submission of the new application, and stressing that the public should appreciate that the new application allows for a full consultation process so that people have an opportunity to express their views.
- 2.32 The Council adopted its Statement of Community Involvement in April 2006. It encourages developers to undertake pre-application discussions and early community consultation on major and significant applications such as this; the suggested methodologies include public exhibitions, public meetings, and development briefs. In this context it is considered that the measures taken by the applicants are satisfactory.

3.0 Planning History

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

- 3.4 As stated, a separate outline planning application for the redevelopment of the balance of the Carpets of Worth site was submitted by Arab Investments Ltd., in August 2008 (ref. No. 08/0768/OUTL) to provide a mixed use development consisting of 159 no. residential properties, Class A retail uses, Class B employment, Class C1 hotel and Class D2 assembly & leisure. Application has yet to be determined.

4.0 Consultations and Representations

- 4.1 Highway Authority- Transport Assessment including Stage 1 Safety Audit is acceptable. No objection subject to conditions including a requirement for a Travel Plan, and the completion of a Section 106 Agreement; the Authority's requirements are essentially unchanged from the consented scheme and are as follows:

Financial Contributions

- To contribute to an enhanced Stourport on Severn Bus service. The developer to contribute £573,000.00 payable prior to the opening of the store.
- To contribute to the improvement of the junction of York Street / High Street / Bridge Street / New Street. The developer to contribute £50,000.00 payable prior to the opening of the store. To contribute to a scheme to improve pedestrian accessibility by improving the status of Lodge Road. The developer to contribute £30,000 payable prior to the commencement of development.
- To contribute to the enhancement of pedestrian and cycle access around Stourport on Severn through signage and street furniture. The developer to contribute £20,000 payable prior to the commencement of development.
- To promote and make best efforts to introduce traffic regulation orders, details to be agreed with the Highway Authority in accordance with the approved highway improvement works. The applicant will contribute all costs associated with the implementation of these orders.

Obligations

- To establish prior to the commencement of the development that the control of the land required to provide the new link road and pedestrian accessway, structures and associated infrastructure to the satisfaction of Wyre Forest District Council and Worcestershire County Council has been secured and to deliver the link road and pedestrian accessway prior to the store opening.
 - Prior to the commencement of development a construction programme and construction traffic access strategy must be agreed with Wyre Forest District Council and Worcestershire County Council which is to be implemented. This will include a lorry routing agreement and means of enforcement.
- 4.2 Access Officer- Provides general and detailed comments regarding location of bus-stops, internal pedestrian routes and site access, location of trolley bays/ATM's/lifts, building details and external surfacing.
- 4.3 Arboricultural Officer- No objections-detailed observations made regarding the suitability of various tree species suggested in the indicative planting proposals; planting specifications, establishment and long term management of the trees on the site should be dealt with by planning condition/s.

- 4.4 British Waterways- No objections, subject to suggested conditions or legal agreement relating to:
- The provision of pathways and signage to the canal basins
 - Funding to ensure that trolleys etc. are regularly removed from the navigation.
- 4.5 Conservation Officer- Fully supports the proposal in terms of the contemporary design approach and level of detail submitted. Considers that the character and appearance of the Conservation Areas will not be harmed; that whilst there is likely to be an increase in traffic, this has to be expected whatever the site is used for, and that the solutions gained as part of the scheme will have long-term positive benefits on both Conservation Area No.2 and the Gilgal, through starting to alleviate some of the traffic. No harmful impact upon the setting of any Listed Buildings.
- 4.6 Community and Partnership Division – No objection subject to details of proposed public art element.
- 4.7 County (Planning)-No comments received- *in respect of consented application noted the relevant County Structure Plan policy relating to retail development of this nature (D32 & D33).*
- 4.8 County (Archaeology)- No comments received- *in respect of consented application raised no objection to proposed mitigation strategy-suggested appropriate planning condition to require scheme of investigation.*
- 4.9 Countryside Officer- The development, as freely acknowledged by the EIA, has an impact on 3 protected species (Otter (substantial),Bats (moderate)and badger (substantial))and acknowledges the importance of the river Stour in this location as an important wildlife corridor.

The EIA identifies that it is essential that mitigation and where possible enhancement is needed to address these impacts. It is understood that the mitigation proposed is on the development (west) bank of the River, however, this would be enhanced by any additional works on the east bank if possible at a future date.

Providing the ecological improvement / mitigation measures are fully implemented and are included as conditions and/or are dealt with as reserved matters, then the ecological measures identified in the EIA will mean that there will be a marginal biodiversity gain. Items that need to be dealt with as reserved matters include a riverside management plan to ensure the newly created river corridor enhancement stays litter and invasive plant free and the location and nature of the bat, swift, sand martin, kingfisher and other bird boxes.

- 4.10 Disability Action Wyre Forest-No response
- 4.11 Environment Agency- No objection subject to conditions
- 4.12 Environmental Health-Principal Pollution Officer- No objections in principle regarding noise or odour pollution, subject to details of extraction and odour control equipment, and compliance with the Considerate Constructor's Scheme. Details for remediation of

site contamination required. With regard to air quality considers that based on the applicant's original modelling and on the latest modelling undertaken using local data sources, no evidence has been produced to indicate that the development and its associated traffic impact will have such a detrimental effect on air quality that this application should be refused.

- 4.13 Inland Waterways Association- Support the proposals, welcoming the new foodstore because it will provide a key facility for boaters, and the opportunity to comment on any subsequent detailed proposals.
- 4.14 Natural England- No objection: express various detailed comments and summarise their views as follows:
- The River Stour wildlife corridor should be protected and enhanced to benefit wildlife-query adequacy of riverside buffer strip
 - Suggest various mitigation and enhancement design measures to benefit biodiversity
 - Suggest ways in which sustainable drainage (SUDS) could be designed
 - Recommend that development be constructed to highest standards of energy and water efficiency, and sustainable development
- 4.15 Stourport on Severn Town Council- No comments received.
- 4.16 Policy and Regeneration Manager- The proposals for this key regeneration site are consistent with the Severn Road Development Brief SPG and guidance contained in the Design Quality SPG.
- 4.17 Severn Trent Water- No objection subject to conditions.
- 4.18 West Mercia Constabulary- No objections in principle- suggest need for issues of safety and security to be addressed in the applicants' Design & Access Statement (*this has since been addressed*). Provide detailed comments/advice about the proximity of the store to the riverside walkway (which is considered to have potential for crime), the effect of landscaping on potential for surveillance, the siting of ATM machines and the security of the car park and service area.
- 4.19 Worcestershire Wildlife Trust- No objections- suggest condition be imposed to cover the need for restoration of the riverbank and biodiversity enhancement proposals
- 4.20 Chamber of Commerce-No response
- 4.21 Stourport on Severn Town Centre Forum-No response
- 4.22 Stourport Business Association-No response
- 4.23 Stourport Civic Society- oppose the application for the following reasons: the scale of the development is disproportionate to the needs of a small town like Stourport; the traffic generated will have a major adverse effect on the 19th century road system and Listed Buildings, exacerbate existing traffic problems causing a deterioration in the

environment and discouraging visitors; existing small traders will be affected and the town centre will decline; the proposed links between the town centre and the store are ill thought out and dangerous; this typical Tesco 'shed' is not appropriate to the historic core of the town and no attempt has been made to adopt local style or character; the 'Parson Chain' site is a better alternative. *(It should be noted that this site is located off the Worcester Road island at the junction with Hartlebury Road, it is allocated in the Local Plan for employment purposes and is clearly disconnected from the town centre).*

4.24 Stourport Forward-No response

Neighbour/Site Notice/Press Notice

4.25 Three letters of objection have been submitted on behalf of the Mid Counties Co-operative Society, who operate a store in Stourport; of these two are from their Planning Consultants (one on retail grounds and the other on various other planning issues) and the third is from their Highway Consultants. Objections are raised on grounds of:

Retail Impact

- Store of the size proposed is not part of the Local Plan strategy. Policy RT4 states that proposals outside but within 300m of primary shopping areas will be limited to modest extensions to existing premises and the enhancement of existing stores (*the policy actually includes the qualification 'normally' after the word 'will'*). Proposals for significant increases are subject to the sequential approach and the demonstration of need
- PPS6 requires applicants to demonstrate that their proposals meet five tests: need, appropriateness, a sequential approach, that the proposal will not seriously affect the vitality and viability of any existing centre, and that the site is accessible by a choice of means of transport.
- The Council has identified a need for significantly less new floorspace than this proposal represents; therefore it is not in accordance with the Development Plan strategy
- The Council has received advice that there is no quantitative need; therefore the proposal is inappropriate in scale to the role and function of the town centre
- There is evidence that there is no qualitative need
- The applicants have failed to follow a sequential approach; an alternative (*but unspecified*) site which meets the criteria is likely to come forward and be established very soon, and it would be unreasonable to permit this application until the future of that site is determined
- The applicants' assessment of the impact of the proposal is inadequate because of the failure to: identify the closure of the existing Tesco store on the town centre; assess the impact of the proposal on small convenience goods shops in the town; to assess the impact of the comparison goods sales of the proposal; and to provide explanation for judgements made on impact and to explain why these are now different from the earlier assessment
- The site is considerably less accessible for people without a car than the existing store; easy access to shops is an important objective of PPS6
- The proposal is contrary to the Development Plan retail strategy and policies; there are no overriding material circumstances or considerations and the application should therefore be refused.

Conservation Area

- Policy CA1 of the Local Plan states that applications for development within and adjoining conservation areas should normally be in detailed form. This is an outline application, and whilst there is a considerable amount of supporting information the proposal breaches this policy. Illustrative material regarding the Mitton Street entrance feature is insufficient. It has not been demonstrated that the proposals would at least preserve the character or appearance of the Conservation Areas
- There would be a change in the views into Gilgal and No.2 CA, landscaping is sparse. The contrast in scale between the large store and expansive car park would create a discordant setting to the CA's which are mainly characterised by small domestic scale frontage buildings
- Views out of the CA would be dominated by the roof of the new building
- The additional traffic created by the development would fail to preserve the character and appearance of the CA's for two reasons: extra traffic will harm the character of No. 2 Area at the north end of Severn Road, and there will also be an impact in Mitton Street, Lichfield Street and the rest of Severn Road; modern highway engineering works proposed would also be harmful, contrary to PPG15
- For these reasons the proposal will not preserve or enhance these Conservation Areas nor their setting, and does not make a positive contribution to their enhancement.

Design

- The proposal fails the tests of PPS1, PPS6, By Design, the Council's development plan policies and Development Briefs in respect of the need for a high standard of design and it should fail accordingly
- The demolished erstwhile factory buildings no longer form any meaningful context to consider the design of the new development
- The proposal is 'coarse grain' in contrast to the 'fine grain' of the surrounding area
- The proposal conflicts with Policy STC2 of the Local Plan in that it does not blend in well, or have due regard to the tight knit urban form of the surrounding residential area
- The proposal fails to meet the objective in the Council's Design Guide of alleviating congestion and traffic in the town centre, and fails to conserve or make the most of heritage townscape, particularly at Severn Road
- The proposal fails to integrate the town centre and the Rivers Stour and Severn
- The biodiversity objectives, whilst commendable, together with the servicing and parking proposals, would reduce the amenity value of the riverside walk. The harsh urban environment would contrast with the riparian environment; the landscaping is inadequate
- The proposal would have a harmful visual impact from the footpath on the opposite side of the river
- The design of the petrol filling station would not improve the quality or setting of the river frontage
- Proposals for boundary treatments are only illustrative and may not provide adequate screening to views across the site
- In summary there are sound reasons to refuse planning permission on design grounds

Highways

- The County Highway Authority appear to have changed their position in that further changes have been made to the proposed transport related works: this suggests that the agreed works at the time of the granting of permission were incorrect
- Pedestrian linkage between the town centre and the foodstore should, to comply with relevant policies, be convenient, safe and efficient for use by all. The proposed link via Mitton Street is narrow, 'unfriendly' and inconvenient and will not improve connectivity; neither will the proposed route via Lodge Road. Neither route will encourage pedestrian trips. The application fails to demonstrate satisfactory linkage between the site and the town centre.
- Removal of a lay-by in Severn Road will result in the loss of parking facilities for local residents, and this will cause traffic congestion. This will be exacerbated by the proposed two bus stops on Severn Road. This matter has not been properly addressed in the applicants' Transport Assessment.
- The proposed access to the site from Severn Road is unsafe and substandard, and is not 'fit for purpose'.
- The proposed signalisation of the Mitton Street/Severn Road junction does not include any priority measure for buses, contrary to the County Council's strategy for improving public transport access to the site. It will create delays to the bus service and not encourage customers to travel by bus. Return journeys will not be direct, and thus will be inconvenient.
- The proposed signalisation of the Mitton Street/Severn Road junction will be unsafe, substandard and 'not fit for purpose'; lorries will overrun the footway and traffic congestion elsewhere will result.
- The applicants' Transport Assessment underestimates the volume of trips likely to be generated by the foodstore, since the petrol filling station has been ignored and base flow conditions on the highway network, particularly in Mitton Street, are misleading and unreliable.
- There will be an overall significant impact on the local highway network, particularly in Mitton Street, and on the York Street/Bridge Street junction.
- The traffic impact on the Conservation Area will be significant
- For all these reasons the proposal is contrary to local and national planning policies and should be refused on transport and safety grounds.

4.26 Stourport Small Traders Group record their continued interest in the development of this site and intend to speak at the meeting. In the meantime they summarise their main concerns as being: the damage to existing trade in High Street and Lombard Street and surrounding food stores, traffic on already overstretched highways, and air quality.

4.27 Worcester NHS PCT-note that pollutant levels in the town have been historically close to and slightly above health thresholds, and would encourage the Council to declare an Air Quality Management Area (AQMA), and to regularly monitor air pollutant levels. They have concerns that the applicants' modelling of air quality underestimates pollutant levels, and recommend that the impact of the development on air quality and human health is carefully considered, and monitored.

4.28 A third party objector has submitted a specific objection, in the form of a detailed report and various other comments submitted by email, with regard to matters of air quality. The objections can be summarised as follows:

- The applicants' air quality assessment is demonstrably flawed, using a wholly inappropriate approach. By using numerical dispersion modelling that does not include local data, the applicant's modelling significantly underestimates the airborne concentrations of nitrogen dioxide and coupled with meteorological data based on data for Birmingham Airport it renders the conclusions "naïve and misleading". Local concentrations already exceed national objectives. Any development which causes an increase in concentrations at a site which already exceeds national objectives is contrary to planning policy
- Applicants' report gives no indication of its assumptions made in numerical modelling on future traffic speeds
- No account has been taken of the additional traffic which will be generated by the proposed mixed use development immediately to the south
- The Council has failed in its duty to declare an Air Quality Management Area (AQMA) on High Street, Stourport
- The application is therefore contrary to local planning policy and national guidance in PPS23.
- The passage of emergency vehicles will be impeded along the Gilgal and Mitton Street as a result of the added congestion
- Nitrogen dioxide levels in Mitton Street exceed national strategy objective limits therefore the Council should declare an AQMA for this part of Stourport.

4.29 8 individual letters (two from the same writers) and 5 e-mails of objection received. The issues and concerns raised are summarised as follows:

HIGHWAY/SAFETY

- There would be an unacceptable increase in traffic in the town, with which it cannot cope at present, leading to congestion and possible gridlock at peak times
- Footpaths too narrow for proper pedestrian access to the store
- The road improvements and Stour river crossing should be provided before development begins
- New roads will create 'rat running'
- Proposed highway alterations will impact on access to individual houses and impair safety- has a risk assessment been carried out?

IMPACT ON TOWN CENTRE

- There will be a significant and 'devastating' impact on existing shops and businesses in the town centre, leading to closures, especially of smaller traders and loss of local jobs-Stourport will become a 'ghost town'. High Street should be kept as it is.
- There is no need for a new store -the existing shops and foodstores in the town are sufficient. There is an existing Tesco store in Kidderminster; this development will create a 'monopoly'.

IMPACT ON CHARACTER OF TOWN

- There will be a detrimental impact on the 'holiday' character of the town & tourist trade and its rural setting
- The proposal will spoil the Conservation Area
- This is an overdevelopment of the site.

AMENITY OF NEIGHBOURS

- The highway works including the new roads/junctions will impact on the amenities of those living in the immediate proximity and impact on residents' access to their own properties
- General impact on amenities of local residents arising from extra traffic and delivery lorries, namely fumes, noise and general air pollution, light pollution (headlights)
- Noise from refrigeration & air conditioning plant in service area
- Specific impact from the proposed petrol filling station on immediate neighbours, from petrol fumes
- Inadequate screening to dwellings in Pinta Drive
- Impact on nearby dwellings from height/proximity of building and loss of light
- The highway works including the new roads/junctions will impact on the amenities of those living in the immediate proximity and impact on residents' access to their own properties

OTHER

- Proposed works in the floodplain could cause potential flooding to properties and bank erosion
- Impact on local drainage
- If there is any spillage from the petrol filling station, this will cause pollution in the River Stour
- There is no need for another petrol filling station in the town-there are enough already
- Impact on wildlife
- Potential misuse and dumping of shopping trolleys
- Location of proposed cycle racks must be carefully considered
- Kidderminster store looks badly constructed-this store 'would probably be the same'

5.0 Officer Comments

5.1 As stated above, it is logical to appraise the application in terms of the five main issues:

- **Retail Impact**-the suitability of the proposed development having regard to national, regional and local planning policies, with particular regard to the need; whether the development is of an appropriate scale to its catchment; the availability of alternative sites (the sequential approach); the flexibility of

approach with regard to format and size; the impact on other centres; and the relationship of the site to other centres.

- **Transport/highways**- the extent to which the proposal satisfies the need to reduce travel especially by car; the impact on roads in the area and the likely traffic generation; and the suitability of pedestrian links
- **Impact on the character and appearance of the area** –notwithstanding that these are outline proposals, the effect of the design and landscaping on the character and appearance of the area
- **Impact on neighbours**-the effect on the amenities of local residents (including the light from the building at night)
- **Environmental issues**- air quality, biodiversity and ecology, contaminated land and flood risk.

- 5.2 First, however, it is necessary to consider the proposal in terms of regional and local planning policy, and assess the strategic policy situation. One of the most important aims of Regional Spatial Strategy (RSS 11) is to develop a balanced network of town and city centres that will act as a focus for major investment in retail, leisure and office developments, and in towns such as Stourport this will be achieved by building on their locational strengths, environmental qualities, regeneration opportunities...to deliver improved local services. Policy UR3 confirms that such centres should be enhanced to play a leading role in urban renaissance programmes inter alia to provide services for local communities and as drivers of economic growth.
- 5.3 The Worcestershire County Structure Plan (WCSP) identifies a number of key objectives including inter alia enhancing the role of settlements as centres for service provision, locating development in areas which will minimise the need to travel and reduce the distances required to be travelled, and encouraging rural and urban location.
- 5.4 The overriding aim of the Wyre Forest District Local Plan (WFLP) is to seek to encourage sustainable patterns of development, by seeking solutions which bring social, economic and environmental benefits and ensuring that any unavoidable adverse impacts are mitigated or compensated. Principal elements of the Development Strategy include placing an emphasis on urban regeneration and recycling of land and buildings for mixed use development in or adjacent to the main town centres, and concentrating retail (and other) development in Kidderminster and to a lesser extent Stourport town centre. The Plan also protects the line of the Stourport Relief Road, the completion of which is a medium to longer term option.
- 5.5 The proposed development complies with all of these broad strategic and economic objectives. There are clearly economic benefits in re-developing this unsightly vacant site with use/s which are appropriate in terms of the planning policies discussed herein. The applicants state that some 250 full and part time jobs will be created, whilst the provision of the link road over the river is also significant. The proposal sits comfortably with the development of the remainder of the site for mixed use development, and there is likely to be a potential 'pump-priming effect' in terms of attracting additional investment to the town, With regard to the draft consultation paper PPS4 it is recognised that this carries relatively little weight at present; nevertheless it indicates the direction of Government policy. Inter alia it states that vital and viable town centres are at the heart of sustainable communities; regarding the sequential test it states that preference will be given to those edge of centre sites which are or will be well

connected to the town centre, and that for out of centre sites preference will be given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre. The 'need' test is to be replaced with a revised impact test.

- 5.6 Having briefly summarised the wider planning policy context in which this scheme should be considered, the more specific land use policies of the WFLP now need to be considered.
- 5.7 The site falls within the wider Severn Road Redevelopment Area which emerged as a significant regeneration opportunity during 2000/01. The wider area includes a new canal basin and plans for new housing and business opportunities, and the possibility of a new food store is highlighted in the adopted Severn Road Development Brief, Supplementary Planning Guidance (2001), which was subject to extensive public consultation at the time.
- 5.8 The on-going development of Lichfield Basin (subject of Local Plan Policy STC.1) effectively represents the first phase of the Severn Road redevelopment project, in line with planned phased release of housing in the adopted Local Plan (Policy H.3). One of the key elements to realising future phases is the need to create greater capacity within the local infrastructure and specifically transportation links across the River Stour. This relates to the critical mass and 'gateway' nature of the former Carpets of Worth site which at 6 hectares represents the largest of the three sites that make up the Severn Road Redevelopment Area.
- 5.9 Following the Local Plan Public Inquiry, the Planning Inspector presiding concluded that the requirement of a new link road should be included in the specific Local Plan policy for the site (Policy STC.2(vii)). At the time, there was a sense that the residential communities to the east of the River Stour were isolated and cut-off from the town centre.
- 5.10 Policy STC2 of the Local Plan, and the adopted Severn Road Development Brief 2001, set out the policy framework for appropriate uses on the larger site known as the Carpets of Worth site (ie comprising the application site itself and the 'remainder' land to the south). The preamble states that the area is suitable for a mix of uses, including B1 business, and C3 residential and, should there be a demonstrable need during the plan period, a possible new food supermarket. It also confirms that the site will represent the gateway to the redevelopment area, with direct access over the River Stour to Discovery Road and the proposed route of the Relief Road, and that this link should form part of any redevelopment scheme for the site and will form an important further phase in the construction of the Relief Road. A 'possible site for a food store' in the northern part of the site is also indicated on Plan 6 within the Severn Road Development Brief.
- 5.11 Policy STC2 (i) confirms that redevelopment proposals for the site shall provide for a mix of land uses to include business and residential, and that other uses including retail (A1 and A3) may be acceptable, subject to the provisions of the Retail Strategy and the policies of the retail section of the Plan. The policy also requires that the character of Conservation Areas is preserved or enhanced (iii), the natural assets of the River Stour are safeguarded and enhanced in the design and layout of the scheme (iv), and flooding risk and site contamination are fully taken into account (v & vi).

Criterion (vii), as stated, requires that the site be accessible via the new road across the river.

- 5.12 The application site occupies 40% of the total area of land identified as the Carpets of Worth Site in Policy STC2 and the Severn Road Development Brief. The remaining 60% of the site is therefore still available for mixed-use development, including business and residential uses, and, as stated, is the subject of a planning application which is currently under consideration. It is considered that the effective subdivision of the overall site as represented by this application provides for the mix of land uses as required by Policy STC2. In terms of land use the principle of the proposal is therefore considered to be acceptable, subject to compliance with policy criteria (iii) to (vii), as discussed below.

RETAIL IMPACT

- 5.13 To reiterate paragraphs 2.9-2.13, the foodstore would have a gross external floor area of 4209 sq.m; the gross sales area would be 2919 sq.m, of which the retail sales area would be 2403 sq.m. i.e. comprising the area used for the sale and display of goods together with the checkout area, but excluding the other areas open to the public. The proposed Mitton Street entrance feature and walkway is additional but non-sales floorspace.
- 5.14 To also reiterate Policy STC2 (i), it states that an A1 retail use may be acceptable, subject to the provisions of the Retail Strategy and the policies of the retail section of the Local Plan. The accompanying explanatory paragraph 14.31 states that the Carpets of Worth site is suitable for a mix of uses including business, residential and 'should there be a demonstrable need during the Plan period to 2011, a possible new food supermarket'.
- 5.15 The principle of a foodstore here is also identified in the Severn Road Development Brief. In addition to this policy framework, the Council's Retail and Leisure Study was produced in December 2006, by the consultants White Young Green (WYG) That report stated inter alia that 'in satisfying local shopping needs, the most important objective is meeting the need for enhanced main food shopping facilities in the town. The Carpets of Worth site presents an opportunity for the development of a new foodstore of sufficient size to meet main food shopping requirements. While this site is, at best, edge-of-centre, and is not ideal in terms of its linkage with the PSA (primary shopping area), there are no more centrally-located opportunities for delivering a new foodstore'. Para 13.30 of the Local Plan states that this Study indicates that 'Stourport-on-Severn is exhibiting reasonably high levels of vitality and viability, supported by tourism'.
- 5.16 Policy RT4 states that outside but within 300m of the primary shopping area, proposals for new retail development shall **normally** (*my emphasis*) be restricted to modest extensions of existing premises in a secondary shopping area and enhancement of existing stores and infrastructure. It then states that proposals for significant increases in retail floorspace must demonstrate need and that there are no suitable or available sites within the primary shopping area. Given the policies discussed above which clearly support a food supermarket on this site in principle, it is considered that the proposal does not conflict with Policy RT4, providing need can be demonstrated and a sequential test is carried out. The applicants have sought to do so and comment is made on this exercise later in this section.

- 5.17 There is in any event a need to apply a retail and sequential test, not only in the context of the policies of the Local Plan but also because of the advice in PPS6: Planning for Town Centres. PPS6 defines an 'edge of centre' location, for retail purposes, as being 'a location that is well connected to and within easy walking distance (ie up to 300m) of the PSA; otherwise, in the circumstances of this application, the location would be considered to be 'out of centre'.
- 5.18 Generally, the site does lie within 300m of the centre and is within an easy walking distance; however it is considered that the pedestrian connections as existing are not particularly good: the most obvious and convenient route along Mitton Street is hampered by the narrow footways and the need to cross two roads, making this a somewhat unattractive connection. In commenting on the consented scheme, the Council's retail consultants concluded that unless there are substantial improvements (some improvements are indeed proposed by the applicants) the site is out of centre, rather than edge of centre.
- 5.19 PPS 6 and Policy RT1 of the WFLP re-iterate that a sequential approach towards new retail development must be taken: whether the site is edge of centre or out of centre, a need must be clearly demonstrated; sequentially, it must be shown that the an edge of centre development cannot be accommodated within the PSA, or that an out of centre development cannot be located in either the PSA or an edge of centre location. The Policy also states that proposals must:
- iv) accord with the retail strategy and the retail hierarchy
 - vii) not have a serious adverse impact on the vitality and viability of the town centre
 - vii) not add significantly to the overall number and length of car trips
- 5.20 Para 13.42 of the WFLP states that out of centre locations are 'clearly separate from the town centres': the related Policy, RT5, relates to out of centre retail parks and major stores and requires proposals for new stores to demonstrate that there is a need for the development.
- 5.21 The application is accompanied by a Retail Statement dated November 2008. This concludes inter alia that:
- Tesco's existing store is cramped, does not provide a bulk main food shopping offer and is incapable of providing the offer to Stourport residents which Tesco wish to provide
 - as a centre Stourport has little quality bulk food shopping floorspace and consequently retains less than 50% of convenience expenditure within its primary catchment area. As a result a significant number of trips are being made from the Stourport primary catchment area to the Tesco store in Kidderminster, which results in a significant outflow of trade and unnecessary vehicle miles
 - this outflow of trade ensures that a quantitative need for the proposal exists, and that since Stourport residents are 'voting with their feet' in terms of their shopping habits, there is an existing qualitative deficiency for bulk main food shopping floorspace
 - no sequentially preferable sites are considered suitable, viable or available; none of the alternative sites can accommodate a development of a size capable of

meeting the existing need in Stourport for a main food supermarket capable of clawing back the substantial trade outflow

- whilst there may be some trade diversion from the existing Co-op and Lidl stores in Stourport most such diversion will be from stores outside the Stourport primary catchment area (principally the Tesco store at Castle Road, Kidderminster). However, the estimated trade diversion from any existing Stourport stores is not considered likely to result in their closure, particularly in the case of Co-op and Lidl which will continue to trade at healthy levels
- Stourport centre is vital, viable and reasonably robust.

5.22 This Statement has been assessed by the Council's retail consultants, WYG, along with the objections raised on retail grounds by the Co-op, and all in the light of relevant development plan policies and government policy as set out in PPS6. Before they could reach a considered view on the retail merits of the proposal WYG raised various comments/queries which the applicants were asked to address:

- There is a need to further address and demonstrate the quantitative need for the comparison floorspace proposed
- The Assessment needs to address the potential impact on any centre associated with the comparison floorspace element of the proposal
- There are flaws in the assessment of impact relating to the assumed trade draw from the Co-op
- Further comment is required on the availability of one alternative site (a primary school site in Tan Lane)-it is assumed this is the site referred to by the Co-op in their objection.

5.23 The applicants responded, providing a detailed response which addresses the issues of qualitative and quantitative need, scale, impact on the town centre and the sequential test. They conclude that there is unlikely to be any significant harm to comparison retailers in Stourport. They conclude that when judged against retail tests and policy the proposal should be considered acceptable.

5.24 WYG, in response to the applicants' comments, state that in summary, when viewed against the relevant impact tests in PPS6, the proposal is satisfactory, subject to conditions. Their detailed comments can be briefly summarised as follows:

- Need: the applicants need to reconsider their quantitative need assessment in light of more up to date (lower) expenditure growth forecasts now available. Use of that data would indicate a reduced level of quantitative need. Regarding qualitative need, WYG state that there has been no material change since the previous audit, when it was considered that there was such a need. They consider that the qualitative need for new convenience floorspace has been demonstrated. They say that there is no reason to come to a different view on the status of the foodstore site than they did with the previous proposal: then WYG considered that with the package of proposed improvements to the pedestrian linkages to the town centre 'there are reasonable prospects that the development will operate as an edge of centre store'.
- Scale: The proposal is acceptable
- Sequential approach: If the Tan Lane site is not available for redevelopment in the foreseeable future then there are no other alternative sites that meet the PPS6 criteria.

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- Impact: The impact upon small convenience retailers is likely to be insignificant, and that the comparison sector will not be harmed, subject to a condition on any planning permission to restrict the proportion of net sales area devoted to the sale of comparison goods to that specified in the applicants' Retail Statement (875 sq.m.)
- Changes to the range of services that the town centre provides: In order to prevent the new store becoming a threat to other non-retail services in the town centre suggest a planning condition to prevent a restaurant or pharmacy (ie prescription drugs) and post office within the development (nb a post office was excluded by a clause in the Section 106 Agreement attached to the consented scheme).
- Likely impact on the level of vacancies in the centre: it is not possible to discount the closure of certain retailers (although it would be difficult to attribute any such closures specifically to the effect of this development), however this is likely to be counterbalanced by additional spending which could attract new retailers. Overall the impact is considered to be neutral.
- Changes to the quality, attractiveness, physical condition, character and role of the centre: It is not considered that harm will occur.

5.25 In reply the applicants state that:

- They consider there to be one main point to address, namely expenditure growth rates.
- Their submitted Retail Study (November 2008) was based on the latest available advice on consumer expenditure growth rates at that time. Since then further advice has been published which reviewed the future growth rates in expenditure on both comparison and convenience goods in the context of the UK economy dipping into recession.
- WYG are suggesting on the basis of the latest forecasts that the growth rate the applicants have used is somewhat too high, which may be valid if an extremely short-term view is taken. However, It has been normal in applying growth rates to consumer expenditure to even out the cyclical economic effects and short-term movements in spending by using the long or ultra long-term growth rates. These longer term rates (trends from 1987 to 2007 and 1967 to 2007) reflect the underlying modest upward growth trend and embody within them previous economic cycles including recessions.
- The latest rates that have been published suggest a degree of precision and even if spending is lower in the short term it will catch up in the medium to long term; they doubt whether convenience expenditure per capita would be likely to decline for anything but a very short period. This approach would appear to be borne out by the recently published trading performance of the major food retail operators.
- This almost certainly reflects, in part, consumers substituting convenience expenditure for leisure expenditure and eating in rather than eating out.
- They therefore conclude that the expenditure growth rates adopted within the November 2008 Retail Study are wholly appropriate and do reflect the underlying longer term growth rates for convenience and comparison goods expenditure.
- Regarding the suggested alternative site in Tan Lane (*which it is understood is due to become vacant after 2011*), they suggest that whether or not it becomes available as a development site, the fact is that Stourport needs an offer of

substantial qualitative merit as well as of a certain scale, that will recover trade that is lost to Kidderminster and other areas. The proposed store is intended to fulfil the objective of retaining a greater number of shopping trips and associated expenditure within Stourport. The Tan Lane site would only be capable of accommodating a store significantly smaller than that proposed (around half the size), whilst the convenience: comparison split would be 65%:35% compared to 85%:15% with the current proposal; such a lesser comparative element would bring less qualitative enhancement, as well as a substantial reduction in comparison offer. As such, the applicants argue that the end result would be to do little more than replicate what is already on offer within Stourport and not reduce the dependence of local residents on larger stores outside the catchment area. They also consider that the Tan Lane site would raise significant traffic issues including generating additional traffic to the town centre, and point out that the development of this site would not deliver the various highway works and benefits associated with the subject proposal.

- 5.26 WYG have provided further comment on some of these points, essentially re-iterating their view that the more up to date short term forecasts should have been used by the applicants, and that quantitative need has not been fully proven. However this does not alter their view as to the appropriateness of the development relating to the other tests set out in PPS6, including qualitative need. They point out that Government policy for town centre development is moving away from a 'need' test (draft PPS4) and this is a material consideration, albeit that it carries limited weight at this time.

Conclusion

- 5.27 Various improvements are proposed by the applicants to improve pedestrian links to the town centre, particularly pedestrian crossings at either end of Mitton Street, where existing narrow footways would also be widened, although there is no scope for any substantive improvements to the width of the footways, which suggests that this route would be unlikely to be a particularly good link for pedestrians; nevertheless the package of improvements, represents a better linkage than currently exists.
- 5.28 Whether or not the site is considered to be 'edge of centre' or 'out of centre' depends on a judgement as to whether it is within easy walking distance of the town centre, which it is, and whether it is well connected to the primary shopping area. Whilst this is not the case particularly at present with the package of improvements proposed as part of the application, it is considered that it will be.
- 5.29 The applicants consider the site to be edge of centre, whilst WYG are more equivocal. However, this is arguably an academic point, since the local plan policy requirement is that if the site is edge of centre it must be demonstrated that there is no alternative site within the psa, and for an out of centre site there must be no alternative within either the psa or on an edge of centre site. The applicants contend that there is no suitable alternative available site within either the psa or edge of centre. The only alternative site, Tan Lane, could not accommodate a store of the size proposed, which will genuinely clawback trade from Kidderminster and meet the qualitative demand in the town. They also query its suitability in terms of potential traffic impact. WYG state that, if Tan Lane is not available, then there are no more central sites that can accommodate the proposal.

- 5.30 As such the proposal passes the sequential test whether or not the site is edge, or out of centre. With regard to the draft PPS4, albeit that it carries little weight at present, the proposal complies with the direction in which the policy guidance may be moving.
- 5.31 There is also a requirement to demonstrate need. WYG accept that there is a qualitative need for the development. In respect of the consented application they did not wholly accept the applicants' arguments about quantitative need, which they thought had not been proven. In this instance, WYG point to the most recent advice on consumer expenditure growth rates which take account of the recession, which was not available when the applicants carried out their own assessment in November last year. They advise that this casts further doubt upon the quantitative need in respect of the level of convenience floorspace proposed, which they state still remains to be proven, although the need for the comparative floorspace element is accepted. The applicants' response is summarised above: they maintain that their data is wholly appropriate and does reflect the underlying longer term growth rates.
- 5.32 WYG consider that the impact upon small convenience retailers and comparison sector in Stourport is likely to be insignificant, that with an appropriate condition to restrict a post office/restaurant and pharmacy (ie prescription drugs) to which the applicants would agree, there ought not to be a threat to the other non-retail services provided by the town centre, there will be a neutral impact on the level of vacancies, and that the development will not harm the centre in respect of its quality, attractiveness, physical condition, character and role. They conclude that, overall, the proposal is satisfactory when considered against all the relevant impact tests in PPS6.
- 5.33 A balanced view must be taken with regard to the retail issue. On one hand it is clear that the pedestrian links between the town centre and the store are not ideal, essentially due to the physical constraints (width of footway) in Mitton Street. These have always been evident and in land use terms the site has nevertheless been earmarked for a retail store in the Local Plan and the Development Brief. However, various improvements and other measures are proposed to address this. The Co-op consider that these are not adequate. Ultimately this is a value judgement as to whether pedestrians will find the route practical and useable: on balance, it is considered that, as with the consented application, the connectivity is acceptable. The Tan Lane site is, at best, edge of centre but so is the application site. However, even if it were considered to be out of centre, as previously stated, in the circumstances the application is considered to pass the sequential test. There is also a question over the quantitative need for the level of convenience goods proposed; that was the case with the consented application, albeit it that up to date information indicates that the applicants case for need may be weakened and remains to be proven, However, the applicants firmly stand by their own analysis. There is no doubt that the new store would meet the need for a qualitative improvement to the shopping offer in Stourport. Significantly, on what might be regarded as the key PPS6 issue of whether the proposal would have an adverse effect on the convenience retail sector and the vitality and viability of Stourport town centre, your consultants conclude that there will not be. In addition, there is a material benefit in that the store would reduce vehicle mileage by attracting local trade which presently leaks away to other stores, particularly in Kidderminster.

- 5.34 In all these circumstances, it is considered that, overall, the proposal does accord with PPS6, the Local Plan Retail Strategy, Policies RT.1, RT.4, RT.5 and indirectly Policy STC.2 (i).

TRANSPORT/HIGHWAYS

- 5.35 Policy TR9 deals with the impact of development proposals on the highway network. It requires the applicant to demonstrate that the road network is capable of accommodating the type and scale of traffic likely to be generated, with regards to safety and capacity. Policy STC2 (vii) of the Local Plan requires the site to be accessible via a new road linking the site with Discovery Road.
- 5.36 In accordance with Policy STC2 and the Development Brief, this application includes the provision of a new link road and bridge over the River Stour. This bridge will be linked by an extension of the existing highway on Discovery Road, which represents a partial extension to the route of the Stourport Relief Road, in accordance with Policy TR15 of the Local Plan.
- 5.37 The access and link road have been designed following original discussions with the County Highways Authority prior to the lodging of the original planning applications; those discussions continued during the consideration of the consented application, such that the Highway Authority raised no highways objection to that proposal, subject to appropriate conditions and a Section 106 Agreement. The applicants confirm that the access arrangements have been designed to accommodate the traffic associated with the development of the entire Carpets of Worth site and not just the application site area.
- 5.38 In terms of traffic generation the application is accompanied by a Transport Assessment, in accordance with Policy TR18 and Action 18 of the Development Brief. This document has been prepared to support this fresh application, but whilst the highways proposals themselves remain the same, the Assessment has been updated in accordance with model scenarios agreed with and to reflect the ongoing discussions with the Highway Authority, and to include additional information to confirm the validity of traffic flows and trip generation rates used within. The development scenarios include the predicted traffic impact of the proposed mixed-use development on the adjacent site, and also the proposed petrol filling station.
- 5.39 The Assessment emphasises that all of the analysed highway links are forecasted to operate at or within capacity; the proposed new junctions and safer pedestrian crossing facilities will also operate satisfactorily in the design year 2016. It concludes that the site will provide 'more than adequate' parking to meet the needs of the development, but less than the maximum permitted by PPG13. The document adds that pedestrian links to the town centre will be improved by modifications to the footways without imposing any significant restrictions on the operational characteristics of the highway in Mitton Street between Severn Road and Lion Hill, and that significant enhancements in public transport are proposed. The Assessment concludes that there are no significant adverse highway or capacity implications of the proposed development that would necessitate any additional infrastructure improvements over and above those proposed.

5.40 With regard to the objections made on behalf of the Co-op, the applicants' consultants have provided a detailed response, essentially refuting each point. In respect of issues raised they state that:

- The scheme is materially unchanged from the consented scheme and the Transport Assessment has been updated to take account of discussions with the Highway Authority since submission of the previous Assessment dated January 2008
- The proposed improvements to Mitton Street, signal controlled pedestrian and Toucan crossings, the new pedestrian bridge over the Stour, the cycle/pedestrian facility on the new link road connecting with the residential areas beyond, and the S106 requirement to improve connectivity along Lodge Road together represent a 'substantial' improvement in the linkage of the site to the town centre and surrounding areas compared to the existing situation
- The removal of the lay-by in Severn Road is a requirement of the Highway Authority, and there will be no less convenient or safe access for those accessing the dwellings in the vicinity. The proposed bus stops will not cause significant delays or congestion
- The Transport Assessment shows that the site access junction will operate safely and well within capacity
- Bus priority measures at the Mitton Street/Severn Road junction would offer only limited benefits as an isolated signal junction prioritising buses on one approach would simply penalise buses on another; the relatively short cycle time should not result in any significant delay to buses
- It is conceded that minor amendments need to be made to the Mitton Street/Severn Road junction to address swept paths, and an amended plan has been submitted as part of the response which demonstrates that these can be achieved within the highway boundary
- The applicants stand by their traffic modelling and explain why in detail.

5.41 They conclude that there is no material substance in the Co-op's objections to the highway and transport proposals.

Conclusion

5.42 The Highways Authority concur with the applicant's Transport Assessment. This includes a Stage 1 Safety Audit, and they do not consider that this raises any points that cannot be addressed through the development of a detailed design under the section 278 agreement. They confirm that they have considered the representations made by the Co-op and the response from the applicants, and consider that the application is acceptable and will not have a detrimental impact on the Public Highway. Following receipt of minor amendments to the proposals, they raise no objection to the scheme, subject to planning conditions and S.106 obligations as summarised in their consultation response. They will require appropriate contributions/undertakings via a Section 106 Agreement to secure delivery of the various improvements, and towards traffic control measures and sustainable transport measures in the town. Whilst they suggest that the need for a Travel Plan be dealt with by planning condition, this was comprised within the Section 106 Agreement which accompanied the consented scheme and it is considered that the same approach should be adopted with this application. The Heads of Terms for the proposed Agreement are summarised in Section 6. In light of the County Council comments your officers recommend that this package of highway improvements should be supported.

- 5.43 It should also be re-emphasised that at present, according to the retail analyses, a significant number of trips are made from the Stourport catchment area to other foodstores elsewhere, generating unnecessary trips by car. This proposal will clearly reduce much of that car mileage, a significant benefit in terms of sustainability.
- 5.44 It should also be emphasised that the land within the application site on the east side of the Stour is not in the applicants' control, and that they need to acquire it in order to be able to complete the new road link, the bridge and the footbridge. Since these works are absolutely imperative it will be necessary, firstly, for the applicants to satisfactorily demonstrate that they are in a position to gain control of the land before development commences, and secondly, to ensure that the works are constructed and made available for traffic/pedestrians before the store first opens. It is recommended that these requirements are made obligations via the S.106 Agreement.

PEDESTRIAN LINKAGE/CONNECTIVITY TO THE CENTRE

- 5.45 Policy TR7 relates to provision for pedestrians. It requires proper provisions for safe, convenient and easy pedestrian movement, including that for the mobility impaired, both within the development and in relation to adjacent areas. Where appropriate Section 106 obligations will be sought from developers to enhance pedestrian access to the development. The Development Brief specifically requires improvements to Mitton Street and Lion Hill (Action 20 and 28).
- 5.46 The proposal includes the provision of a new pedestrian footbridge over the River Stour to enhance pedestrian connectivity from the site to the residential areas of Stourport on Severn on the eastern side of the river, which are currently divorced from the rest of the town.
- 5.47 The main pedestrian entrance to the store would be located some 195 metres away from the town centre via Mitton Street. As discussed above in the retail analysis, it is important that the proposed development provides pedestrian connectivity from the site to the town centre. This is acknowledged by the applicant within the submitted Design and Access Statement (para. 3.10), which states that "it is essential therefore that careful thought be given to linking the store to the town centre both visually and functionally".
- 5.48 The proposals, as stated, include improvements to the pedestrian links to the town centre via Mitton Street up to the junction with Lion Hill. Detailed plans showing the existing and proposed carriageway and footway widths along Mitton Street are included, although, as previously stated, there is little scope for any significant improvements. There will be new crossing facilities at the junctions of Mitton Street with Severn Road and Lion Hill/Vale Road, and the proposed entrance to the store at the Mitton Street/Severn Road junction is also an integral element of this 'package'. A bus stop/layby is proposed on the southern side of the new internal access road and will serve the retail development and also the development site to the south. New bus stops will also be provided in Severn Road and Mitton Street. The applicants propose to fund improvements to local bus services including a direct and convenient link between the town centre and the site, and are prepared to fund improvements to pedestrian linkage using Lodge Road.

- 5.49 To re-iterate, the pedestrian linkage between the site and the town centre is currently not ideal, particularly because of the narrow footways in Mitton Street. However, this has always been the case, and was evident when the site was earmarked for retail development in the Development Brief, and the Local Plan. The constraints in the highway mean that the proposed widening measures can only be minimal, but nevertheless improvements are proposed, together with improved pedestrian crossing facilities and other improvements at the junctions, pedestrian crossings and a package of other measures. This package does improve the connectivity between the town centre.

Conclusion

- 5.50 The various highway improvements to connect the store with the town centre are supported by the Highway Authority. A new pedestrian link between the residential development on the west bank of the Stour to the site, and the town centre beyond, is a clear benefit, as are the proposals to improve local bus services, and the provision of the new road link, which also forms a short section of the proposed Relief Road. Generally speaking, this link will improve traffic flows and conditions in the town. Given the constraints discussed above, it is considered that the applicant has demonstrated the provision of improved pedestrian and other linkage between the site and the town centre.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Design & Layout

- 5.51 To briefly summarise local design guidance, the adopted Design Quality Supplementary Planning Document (SPD) was subject of extensive consultation and includes a series of separate Town Centre Design Guides including design advice for Stourport-on-Severn. The plans contained within the SPD include specific guidance for the former Carpets of Worth site. During 2006, the District Council also adopted Stourport Public Realm Design Guidance (better known as 'Stourport Pride') as a companion guide to the Design SPG. This raises specific issues relating to the design of streets and spaces and these should be reflected in the design of the scheme including where appropriate off-site improvements and through any associated s.106 obligation. PPS1 also includes advice on design.
- 5.52 Turning to the merits of the proposal, it is firstly important to re-iterate the fact that only the siting of the store is to be formally determined; all the various other design issues are reserved for subsequent consideration at the reserved matters stage.
- 5.53 Whilst Policy CA1 states that applications for development within and adjoining conservation areas should **normally** (*my emphasis*) be in detailed form, it is considered that in this case the plans all relevant accompanying documents and indicative elevations requested by the Council provide an appropriate level of detail to enable a full appreciation and consideration as to the proposed visual appearance of the development and its relationship to the existing conservation areas. It is considered, therefore, that the level of detail submitted is acceptable in terms of policy CA.1 of the Local Plan, that all necessary information is available to determine the application and that it has been demonstrated that the proposed design solutions are acceptable.

- 5.54 The application site is at a lower level than that of Severn Road and the dwellings opposite - the difference in ground levels being around 2 metres. The site is relatively flat with few landscape features but it has a strong visual relationship with the River Stour which forms the eastern boundary of the site.
- 5.55 Whilst the site was formerly in industrial use it adjoins a predominantly residential area in Severn Road and to the north. The built form of the residential properties is mainly two storey Victorian and early 20th century architecture with some post war development.
- 5.56 The site was previously occupied by large, relatively low industrial buildings which occupied a substantial footprint of the site. With the exception of the remaining brick built building adjacent to the river, the former buildings had limited architectural merit. The objector's view that the demolished factory buildings on the site should now be ignored in planning the redevelopment of the site is not accepted. The possibility of a new foodstore on this site, which could reasonably have been expected to be 'coarse grain', has long been envisaged in the Development Brief and the Local Plan. The continuation of the use of this part of the erstwhile carpet factory site with a large building is not uncharacteristic of the site, nor of the area and Conservation Areas. Whilst many of the buildings in the vicinity are small domestic scale frontage buildings, the history and character of the area has built up around the existence of the carpet industry, with large-scale industrial buildings.
- 5.57 The existing building which is locally-listed is outside of the application site and there are no proposals to remove it, so there is no conflict with Policy STC2 (ii) (which encourages the retention and re-use of identified important buildings)..
- 5.58 In addition to the view from across the river, the most prominent view of the site is at the junction of Severn Road with Mitton Street which forms the boundary with both the Gilgal and Stourport No.2 Conservation Areas. As stated in the applicants' Design and Access Statement, the treatment of this key corner is vitally important. Specific attention has thus been paid to the proposed entrance feature at the Mitton Street/Severn Road junction, which has been amended from the detail illustrated in the consented scheme, and now comprises a predominantly brick and glazed structure with an oversailing roof structure.
- 5.59 With regard to the general design of the scheme, the indicative drawings have been the subject of extensive pre-application discussions, and it is considered that the proposed scheme will contribute positively to the site, and to the surrounding Conservation Areas. Unusually for such a site, the roof-scape will be a dominant feature of the site, due to the low-lying nature of the land, and will be highly visible from deep within the Conservation Area, especially from the Lion Hill/ Mitton Road junction.
- 5.60 As a result, the design of the roof reflects the traditional industrial north-lights found on many industrial sites, and reflecting the north-lights of the building previously on the site. This treatment assists with the modernist approach to the overall design of the building, helping to weave the fabric and design of the building in with the traditional and historic properties and character of the surrounding area (including the surrounding Conservation Areas).

- 5.61 In terms of use of the site, in its current state this would be considered as a site which would have a detrimental impact on the character and appearance of the Conservation Areas. Considering the previous use of the site as a carpet manufactory site, where the buildings were a hotch-potch of various buildings, with a strong street presence to Severn Road, it is considered that the creation of one building on this part of the site, rather than a variety of buildings, will continue to preserve the historic character of the area, and through the use of the building, through to the design and form of the building and its surroundings, such as the Severn Road wall, will compliment the surrounding areas. The carpet manufactory north-lights mentioned above also set a precedent for creating a strong form on the edge of the site, giving visual (not physical) entrance to the site, and informing what lay beyond. With the majority of the new building set back from the new boundary wall, this visual link is removed, but then re-instated further along, at the junction of Severn Road and Mitton Street/Gilgal, with the introduction of the largely glazed canopy and entrance foyer, which also acts as the creation of a focal point.
- 5.62 Servicing and deliveries in connection with the proposed retail store will take place via a service road leading from the new roundabout to the service yard next to the river. This compound will also be used for storing goods and is shown to be screened by a brick wall. This is considered to be the most appropriate location, in order to minimise any perceived visual impact on the Conservation Areas and impact on the amenity of neighbours. Details of the wall and associated landscaping for the compound could be satisfactorily dealt with as part of the reserved matters application. Whilst the view from the footpath on the opposite side of the river will clearly change, it is not considered that this would be harmful as suggested by the objector.
- 5.63 The treatment of the public realm can be conditioned and dealt with at the reserved matters stage; the applicants do support the creation of a sub-area for the Carpets of Worth site as set out in the adopted Public Realm Design Guide which looks at items such as street furniture, lighting and surface treatment. Illustrative material provided indicates that a high standard can be achieved.
- 5.64 The indicative location for the proposed petrol filling station and associated kiosk is considered to be appropriate, and its precise siting, design and appearance will be determined at the reserved matters stage. The objector's view that the design of the petrol filling station would not improve the quality or setting of the river frontage is not accepted, especially given the context of the development as a whole.
- 5.65 Clearly, regardless of the site context, any redevelopment of the overall Carpets of Worth site, some 6 hectares in area, will give rise to a significant change in the character and appearance of the area. There will be a change in outlook into and out of the site, from the riverbank and the houses beyond, and from the houses in the various roads in the vicinity. Whether one recalls the scale and character of the now demolished industrial buildings, or the now vacant site, the fact is that new development has to take place, and that what is proposed is what is envisaged in the Local Plan. The current application must be considered in that context.
- 5.65 There is an argument that the design of the store should be 'traditional', to reflect the surroundings; however the applicants have chosen a more contemporary approach, and they explain why in their Design and Access Statement. They consider that given that the former industrial buildings were of a different form and development to those on the west side of Severn Road, there should be no expectation that the development

of this site should copy their style or materials, although it is necessary to exercise great care at the 'interface' with Severn Road, and at the 'point of arrival' at the junction of Mitton Street and Severn Road. The Conservation Officer supports the contemporary design approach, considering that the use of modernist architecture is to be positively encouraged, especially in such a sized scheme as this. In line with PPG15, considerable attention has been paid to the scale, mass, form, height, linear emphasis' of the new building, to ensure that it does not dominate the surroundings, but ties in with the site, and has considerable respect for its context. This view was accepted when the scheme was approved by your Committee last year.

- 5.67 The various criticisms on design as raised by the objectors are noted; however, for the reasons explained above it is considered that the proposals are acceptable.
- 5.68 It is considered that this is an exciting and innovative modern building which is acceptable in all the circumstances, and meets the guidance in the Design Quality SPD and 'Stourport Pride', and other relevant guidance.

The New Road

- 5.69 Actions 25 and 26 of the Development Brief relate to the visual impact of the relief road and service road to the site. Policy TR10 deals with the environmental impact of highway works. With regards to the proposed road and footbridges their location complies with the guidance set out in the Severn Road Development Brief. Whilst their design and appearance would be formally considered at the reserved matters stage, the submitted plans indicate the likely design and appearance of both structures, which are considered generally acceptable.

Landscaping

- 5.70 Policy D11 deals with the design of landscaping schemes and Policy D10 relates to boundary treatment. Action 10 and 11 of the Development Brief require proposals to incorporate appropriate landscaping. Policy D15 also relates to car park design.
- 5.71 Although landscaping is reserved for subsequent approval, the Landscape Masterplan which has been submitted with the application shows the areas where landscaping/planting will be carried out. Although details of the nature and type of planting can be submitted at reserved matters stage it is essential to consider at the outline stage whether the areas shown for planting are considered sufficient for a development of this scale.
- 5.72 The Masterplan indicates substantial areas for structural planting and landscaping along the western part of the site alongside Severn Road, albeit that this is at a lower level, turning the north-west corner of the site and extending along the critical northern boundary with Stour Lane, where existing trees and a boundary wall will be retained. A 10m wide landscaping belt is proposed alongside the River Stour, which will help screen views of the rear (service area) part of the site from the west bank of the river and beyond. The car parking layout contains provision for sufficient tree planting and landscaping including a line of specimen trees along the main pedestrian route through the customer car park. A new low level boundary wall is shown on the submitted plans for the boundary treatment along Severn Road, connecting with the

new entrance feature at the Mitton Street corner, where a new public realm will be created, perhaps with a public art feature.

- 5.73 The Council's Arboricultural Officer has been consulted on the proposed development and raises no objection in principle; his detailed comments can all be dealt with within the reserved matters application.

IMPACT ON CONSERVATION AREAS AND LISTED BUILDINGS

- 5.74 Policy STC2(iii) requires redevelopment proposals to preserve or enhance the character of the Conservation Areas and the setting of retained buildings. This is consistent with policy CA1 of the Local Plan which relates to development in conservation areas and Action 1 of the Development Brief.PPG 15 also provides advice on Listed Building control and Conservation Areas.
- 5.75 Policy LB.1 states that development that would have an adverse effect on a statutorily or non-statutorily Listed building or structure, its curtilage, setting.... will not be permitted, unless it meets [several] criteria; LB5 states that new buildings and structures affecting the setting of a statutorily or non-statutorily Listed Building, must relate well to them in terms of design, materials, proportion and plan, and otherwise harmonise with the building or structure, its curtilage and setting.
- 5.76 A small part of the application site, comprising a short section of highway at the Mitton Street/Severn Road junction, encroaches into the Gilgal Conservation Area, whilst another small part, comprising another short section of Mitton Street, encroaches into the Stourport No.2 CA. Both these intrusions are relatively minimal. A short length of highway in Severn Road, which is also part of the application site, encroaches into the north-eastern part of Stourport No.1 CA.
- 5.77 The site is also immediately adjacent to one Listed Building (41 Mitton Street), and several buildings noted to be of local interest within the Appraisals for the Conservation Areas (39-40 Mitton Street, 7 Mitton Street, 28-30 Severn Road, 53 & 54 Mitton Street), many of which have subsequently been included on the initial Local List for Stourport-on-Severn. The buildings on Mitton Street (39-41) are recognised as being important focal points in the street-scene, by virtue of their position; no. 41 is a Listed Building and no. 39 is on the local list so it is important to respect their setting. The listed wall in Severn Road must also be considered.
- 5.78 The Severn Road Development Brief was prepared in recognition of the importance of this site, both in relation to the existing historic character of the town and to their potential impact on its future direction. Section 7.0 provides specific advice on the design of new development within the site and further guidance on design is contained within the adopted Supplementary Planning Guidance on Design Quality.
- 5.79 The Conservation Area Appraisal for Stourport No.2 recognises that the carpet factories dating from C19th and C20th (now largely demolished) in Severn Road represent significant industry in the vicinity. It also recognises the dominant colours of building materials to be a rich orange red, generally associated with the region, unpainted and unrendered brickwork, and roofs being either grey welsh slate or plain clay tiles. Buildings are generally unlit during the night and hours of darkness, even

within the town centre, relying more on the orange street-lighting, resulting in a subdued and relaxed “atmosphere”.

- 5.80 As stated, although this is an outline application, it is possible to consider the scale and massing of the proposed development based on the illustrative plans submitted.
- 5.81 The design of the building and the Mitton Street entrance feature has been described and discussed in para. 5.48 above. Those changes have been the subject of ongoing discussions with the Conservation Officer to ensure that not only the design itself was acceptable, but that it pays due regard to the need to ensure that the character and appearance of the Conservation Areas are preserved or enhanced, and there is no undue impact on the setting of any nearby Listed Buildings. Of course no part of these works lie within any Conservation Area; however their setting should be respected. Firstly, the entrance feature has been re-designed to provide a more sympathetically scaled, mainly glazed structure which now sits comfortably at this junction location. It is contemporary in appearance, in accord with the rest of the building, but provides an interesting ‘focal point’ at this important junction on the edge of the Conservation Area/s, and relates satisfactorily to the buildings opposite, ‘balancing’ but not dominating their setting.
- 5.82 Secondly the roof design now provides six north-lit roof sections which represents an improvement upon the consented scheme. The use of these north-lights assists in reducing the impact of the mass of the building further into the site, by giving a visual “shield”, especially when viewed either from Severn Road, or from Mitton Street, and will help to ‘break up’ the impact of the large expanse of roof that will dominate any views down to this site.
- 5.83 The building itself is almost 40m away from the nearest Listed Building. It is considered that the proposed development will not harm the setting of this or any other Listed Building. It is not considered that the proposed store, and the works necessary to the highway infrastructure, will have an adverse impact on the character or appearance of the listed wall in Severn Road. Whilst its immediate setting may change, with the creation of the access road to the south of the site, the historic character of the wall (ie the creation of a separateness between Lichfield Basin and Severn Road) will not be compromised.
- 5.84 A palette of material has been discussed with the applicants and a sample panel has been requested for display at the Committee meeting. Whilst the use of modern materials in the chosen design concept is a given, the proposed blend of facing brickwork, render, timber, and glazing panels, supplemented by coloured steel cladding to less obtrusive parts of the building, is considered to be an appropriate solution which will lead to an attractive finished building.
- 5.85 The existing wall along Severn Road which was shown in the Development Brief to be retained with the façade of one of the former industrial buildings (which has since been removed) is to be removed as part of the development; in itself, as they now exist, the remains are not considered to be attractive or worthy of retention, and instead it is preferable to replace the wall with a new, attractive boundary feature. Various options are available, to be determined at reserved matters stage.

- 5.86 Objections have been made in respect of the effect of increased traffic, and 'modern roadworks' upon the character and appearance of the Conservation Areas. The Severn Road Development Brief, at para. 9.1, dealt with traffic issues, recognising the concern over the impact of high traffic levels on the town, and that the erstwhile access arrangements to the Carpets of Worth site were inadequate for the scale of new development being proposed in the document. It stated that the major redevelopment envisaged would necessitate considerable alterations and improvements to existing access arrangements and transport infrastructure. Two key improvements were envisaged as alleviating this, namely the relief road and bridge over the Severn, and the link road across the Stour, which is proposed in this application.
- 5.87 It must be emphasised that the redevelopment of this site in whatever way would always have some form of traffic impact, and this has been understood from the inception of the SPG in 2001, irrespective of what that use would be. These proposals arise from site specific designations in the adopted Local Plan (Policy STC2) and the effect of any such traffic arising from redevelopment of those sites, together with associated roadworks, upon the character and appearance of the Conservation Areas is thus explicitly accepted as a result of the Local Plan policy. The development will increase trips to and from the site and consequently in and around the Conservation Areas. However, the proposed highway improvement measures and in particular the link road, will alter local traffic patterns.
- 5.88 Without such works to the highway, the site would have less redevelopment potential, and would continue to present a negative impact on the character and appearance of the Conservation Areas, the adjacent Listed Buildings and Locally Listed Buildings, and the Locally Listed Buildings on the site itself. It is well recognised that the Gilgal suffers from the existing traffic issue, and that this continues further afield. However, in order to tackle this issue has to be considered as a long-term investment and long-term item, due to the design, and cost of such a scheme. The creation of the adjacent housing development, across the River Stour, has always been seen as the first step in addressing this problem. The current application for Tesco furthers this by the construction of the bridge across the River, and thus starts to address some of the traffic which otherwise may approach the town through the Gilgal. It is therefore considered, whilst there is likely to be an increase in trips, this has to be expected in whatever the site is used for, and that the solutions gained as part of the scheme, as outlined above, will have long-term positive benefits on both Conservation Area No.2 and the Gilgal, through changes to traffic flows which will result in a beneficial effect on traffic patterns.
- 5.89 For all these reasons, the arguments that planning permission should be refused for the design/Conservation Area/Listed Building reasons suggested by the objectors, as summarised in paras. 4.25 and 4.29is, in all these circumstances and in light of the policy/ background discussed above is not supported.
- 5.90 The various other views expressed about the impact of the scheme on the character and appearance of the Conservation Areas and the setting of the Listed Buildings, and its impact on the wider area as referred to in this Report are noted; however these are largely subjective assessments, and the case in favour of the proposal has been detailed above.

Conclusion

- 5.91 The proposed design approach is modern and contemporary, rather than traditional, but this has been supported and indeed encouraged by the Conservation Officer and was accepted in granting outline permission in 2008. The Conservation Officer supports the proposal. It is considered that the proposal does not harm the setting of any Listed Building, or the character or appearance of the Conservation Areas.

Impact on amenity of neighbours

- 5.92 Policy D1 (j) of the WFLP requires new development not to have a detrimental impact on the amenity of neighbours. Policy NR11 of the Local Plan specifically relates to noise.
- 5.93 In terms of assessing the impact of the built form, the closest properties to the site are Nos. 1 and 2 Stour Lane whose front elevations face towards the northern elevation of the proposed building. No 41 Mitton Street is also in close proximity. However, the north elevation will be between around 24m and 30m away from these properties, with a corresponding area for new landscaping and screen planting in between.
- 5.94 There is an existing wall and tree planting which currently restricts light to the habitable rooms on the ground floor. The proposal meets the 45 degree code when applying the 25 degree tilt from the first floor windows. It should also be borne in mind that the previous outlook from the front of these houses, was of the carpet factory buildings, before their demolition, which were in a similar location to the proposed store at this point, although it is recognised that whatever impact they had on these properties no longer exists.
- 5.95 It is considered that the proposed development will not have any overbearing or dominating effect on the referenced dwellings which would justify refusal.
- 5.96 In respect of other possible impact, the delivery area for the retail store is also shown at the furthest point of the site away from residential properties again to minimise any disturbance to local residents. Notwithstanding this a condition will be attached to control deliveries hours as per the original consent.
- 5.97 A Noise Assessment has been submitted with the application and concludes that:
- Noise from goods handling operations and customer activity are not likely to give rise to significant noise increase at noise sensitive receptors
 - Plant noise is not likely to give rise to complaint
 - Noise from HGV deliveries is not likely to have a noticeable adverse effect on properties on Severn Road
 - Noise from demolition and construction should not have a significant adverse effect
 - The revised road system, which includes the link road would result in a change to the character of Discovery Way which would be classified as a minimum to moderate adverse effect
 - Traffic using Severn Road is likely to result in a minor adverse effect at its southern end, whereas between the store entrance and Mitton Street the change in noise will not be perceptible over other noise sources

- 5.98 Your Environmental Health Officers have confirmed that they are satisfied with the noise assessment submitted with this application and raise no objections in principle.
- 5.99 The layout of the development has been carefully designed to minimise any impact on the amenity of the neighbours in terms of noise or disturbance. Both entrances to the store are located away from residential properties.
- 5.100 The main concern from neighbouring residents which has been raised is the position of the vehicular access to the site, which would be directly opposite Nos 12 and 14 Severn Road, and how this would affect access to their own property. Correspondence received from the occupiers of properties opposite and in the vicinity in respect of the consented application suggested that the bridge over the Stour and the access road should be repositioned so that the access into the site is not opposite those properties.
- 5.101 The Traffic Impact Assessment and Flood Risk Assessment have all been undertaken on the basis that the access road and bridge are located in the position as shown on the submitted layout plan. The position of the road bridge across the river is also in the same position as that indicated on a plan within the Severn Road Development Brief which was subject to public consultation. It is considered that any adverse impact on neighbours associated with vehicles entering into the site would not be sufficient to justify amending the scheme. The opening hours of the store and petrol filling station can be restricted as previously to protect the amenity of neighbouring residents. However, those restrictions reflected the applicants' then stated operating times and they now advise that they would not wish for a preclusion of Sunday opening. It is not considered that there is a sound planning reason to resist Sunday opening, and the condition has been amended accordingly. There is no reason to suggest that the filling station would give rise to any unreasonable impact on the amenities of local residents.

ENVIRONMENTAL ISSUES

Air Quality Assessment

- 5.102 WFLP Policy NR10 relates to air quality. It states that proposals which will or could potentially give rise to air pollution will not normally be permitted unless adequate mitigation measures are included. Annex 1 of PPS23 also provides guidance on how to consider the impact of development on the air quality of an area. PPS 23 also provides guidance on the Precautionary Principle i.e "where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation", this principle should be invoked inter alia where there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment.
- 5.103 An Air Quality Assessment dated November 2008 was submitted with the application. Further supplementary information has also been submitted in response to comments made by objectors. This notes that there are currently no Air Quality Management Areas (AQMA's) in Stourport, but that in the most recent 2009 Update and Screening Assessment submitted to Defra, the Council considers that N02 concentrations are increasing at roadside locations, and that it is considering a Detailed Assessment in Stourport. The Report concludes that the main potential air quality impact during the construction phase would be expected to be from emissions of dust which could cause

a nuisance; this could be controlled by mitigation measures outlined in a Code of Construction Practice so as to represent a low environmental risk. The impact during operation would be slightly adverse.

- 5.104 In 2006, following consultation with Councillors, the Environment Agency, neighbouring Local Authorities and the Primary Care Trust, the Council adopted an Air Quality Strategy which sets out clearly the Council's robust approach to air quality management. This is in accordance with Defra guidance issued in 2003.
- 5.105 Detailed assessment in Kidderminster has been undertaken as recommended by the 2006 USA; progress against the recommendations of the 2006 USA has been monitored and was the subject of a Progress Report in 2008. That report confirmed that since the last USA Stourport town centre showed levels of NO₂ that were close to the annual average objectives. It also confirmed that congestion in the District's road networks was getting worse. The report recommended that Stourport should be subjected to a detailed assessment for NO₂ and that the diffusion tube network should be expanded to re-assess locations that had shown increases in congestion.
- 5.106 In February 2009 the Council adopted an updated Air Quality Strategy.
- 5.107 The Council has also prepared a USA dated June 2009, which has been submitted to Defra for approval. The latest monitoring results now indicate that current air quality objectives for Benzene, 1,3 Butadiene, Carbon Dioxide, Lead, Sulphur Dioxide and PM₁₀'s are met.
- 5.108 NO₂ levels have exceeded the Objective level at the Mitton Street monitoring site, and there are elevated levels at the High Street location; for this reason the USA identifies a need to undertake a detailed assessment in Stourport. It recommends that the Council continues with its monitoring programme for NO₂ to confirm its findings and undertake the detailed assessments as identified.
- 5.109 The exceedance at Mitton Street is a material change in circumstances since the previous application was determined in May 2008, and has a bearing on the objector's point about the declaration of an AQMA. The applicants have been given the opportunity to make further comments on the 2009 USA, as have the objector and the Co-op.
- 5.110 To accompany the application a dispersion modelling assessment was conducted by the applicants to predict the changes in air quality as a result of traffic flow changes in the area surrounding the site; the pollutants assessed were carbon monoxide, benzene, nitrogen dioxide and fine particulate matter, and were forecasted for the 2006 situation with and without the development in place, and 2016 with the store. It is predicted that the development would not in itself result in the designation of an AQMA, aided by the traffic proposals. This CALINE 4 model followed the Defra guidance which required the use of an 'urban background' monitoring site. The nearest such site based on Defra mapped information is at Leominster where hourly sequential data is automatically recorded. The objector criticises this as "probably a very poor representation" and urges the use of local data. The applicants have therefore also conducted modelling based on background data from the Council's background monitoring site at Spennels (see more below). Further, policy and technical advice from Defra in February 2009 on Local Air Quality Management also amended the

advice on conversion from NO_x to NO₂. The applicants have accordingly taken account of this in their modelling exercises.

5.111 Using the initial modelling, overall, no significant effects on air quality are predicted (by the applicants) to result from the proposed retail store.

5.112 Planning Policy Statement 23 (PPS23): Planning & Pollution Control contains advice with regard to AQMA's; it advises inter alia on air quality as a material consideration in the determination of planning applications and states:

“It is not the case that all planning applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of local air quality. Such an approach could sterilise development, particularly where authorities have designated their entire areas as AQMAs, LPAs, transport authorities and pollution control authorities should work together to ensure development has a beneficial impact on the environment, for example, by exploring the possibility of securing mitigation measures that would allow the proposal to proceed. Road transport is recognised as a significant contributor to poor local air quality, particularly in urban areas. LPAs can play a key role by ensuring that development reduce the need to travel and encouraging more sustainable travel choices”.

5.113 Whilst the proposal will increase the number of trips, the proposed development includes a package of highway improvements that will alter the pattern of traffic movement in Stourport such that it will reduce the impact and so that any changes to air quality will be minimal. This package of measures contained in the proposed S106 obligation, together with the road link over the River Stour will alter the pattern of vehicle movements around Stourport, including reducing the need to travel by car by providing a more sustainable option in the enhanced public transport proposal. These are considered to represent proper and reasonable mitigation measures in accordance with the guidance in PPS 23 in respect of air quality issues. The applicants are also prepared to make a significant financial contribution towards the costs of ongoing air quality monitoring during and after construction and opening of the store.

5.114 The applicant's consultant has been invited to comment on the objectors' views and together with the Environmental Health Officer's considered opinion, the response can be summarised as follows:

5.115 All the applicant's modelling has been conducted in accordance with published guidance at the time, including using the revised NO_x calculations advised in the 2009 Defra publication. However, in recognition of the Local Authority's request to use local background data, the consultants have re-run the model using the Spennels data to represent the urban background. The result of this exercise indicates that at 2006 with Tesco store in situ, the projected annual mean NO₂ concentrations at High Street are still just below the Objective level of 40 micrograms; at Mitton Street the concentration is well within the Objective level. If this projection is then taken to 2016, at both locations the predicted concentrations are well below the Objective level as they take into account the anticipated background concentrations, resulting from more stringent emission regulations and the improved efficiency of vehicles/the changing fleet on the road.

- 5.116 Traffic speeds used within the revised model were set at an overcautious level (20kph) across the network to reflect local traffic conditions
- 5.117 The additional traffic generated by the proposed development of the adjacent site has been taken into account in assessing potential cumulative impact
- 5.118 The Defra 2009 Local Air Quality Management Technical Guidance makes it clear that AQMAs should not be declared unless a Detailed Assessment has been carried out, because the data collected that declaration should be based upon should be quality assured to a high standard. Such data quality is simply not possible with the diffusion tube data, hence the need for the Detailed Assessment. The aim of the Detailed Assessment is to determine with a reasonable degree of certainty whether Objective Level exceedences will occur. The Council monitors air quality at the three locations in Gilgal, Mitton Street and the York Street/High Street junction using diffusion tubes (the equipment used for monitoring AQ levels). This is not a precise science and has a confidence factor of +/- 15 - 20% i.e they could be higher or lower by a factor of 15-20%, which needs to be taken into account when considering results. The Council's nationally validated diffusion tube results for 2006 and 2007 indicated Mitton Street and Gilgal to be well below the 40 micrograms per m³ nitrogen dioxide levels, although the High Street figures were much nearer to the National Objective threshold. The Council has already made clear in the latest USA submission to Defra that detailed investigation and assessment is required in Stourport and that this is being progressed. The Council remains firmly of the view that in the absence of this information it should not declare any AQMAs and that this approach meets that propounded by Defra.
- 5.119 Even if there were an Air Quality Management Area in place, taking the advice in PPS 23, there is no presumption that an application should be refused.
- 5.119.1 The comment about emergency vehicles has no relevance to the air quality assessment. However, the Transport Assessment report has considered the impact of the proposed development on the network and the Mitton Street / Severn Road junction is shown to operate acceptably and therefore should not add unnecessary delays to emergency vehicles.
- 5.120 Environmental Health officers have now re-confirmed that no evidence has yet been produced to indicate that the development and its associated traffic impact will have such a detrimental effect on air quality that this application should be refused.
- 5.121 The situation regarding air quality in Stourport is being addressed through the latest USA submission to Defra and occurs in the absence of the proposed development. The key planning issue is whether the development, if approved, would give rise to an unacceptable deterioration in air quality such that there would be a sound reason to refuse planning permission.
- 5.122 Your officers have taken into account the applicants' report and submissions, all the representations received from objectors and others, and the latest available information including the 2009 USA. An assessment of this issue is very much a balancing exercise taking into account the conflicting views and opinions expressed. Having done so, however, officers are satisfied with the reliability of its air quality monitoring data and with the report submitted by the applicants' consultants, which is

considered to be sound and robust. Further modelling based on local background data still does not indicate that at either 2006 or projected to 2016 the development will exacerbate the NO₂ concentrations above the Objective Level. Whilst newly available diffusion tube data indicates that NO₂ levels in Mitton Street have increased so that a future Detailed Assessment might indicate an exceedence of the National Objective threshold, this does not mean that an AQMA should be declared at this time: further detailed monitoring is required before any decision can be taken. Even if an AQMA was in place, PPS 23 advice is that this does not mean that planning permission should be refused. Given the various highway improvements proposed, and the package of other measures contained within the S106 Agreement, your officers consider that these amount to a reasonable mitigation package to be taken into account. It is not considered that there is now sufficient evidence to demonstrate that the development would result in an unacceptable deterioration in air quality.

- 5.123 Taking all these circumstances into account, and on balance, it is your officers' considered view that there is no reason to justify refusing planning permission for this development on grounds of air quality.

Biodiversity & Ecology

- 5.119 The application site extends to and includes the western bank of the River Stour, which is currently degraded and features vertical metal sheet piling and concrete retaining walls. It is not ecologically friendly at present. The application site does not include the land on the opposite, eastern side of the river, other than where land is required for the road and footbridges and their associated earthworks.
- 5.120 Phase I and Phase II Environmental Assessments were carried out by the applicants in December 2006 and September 2007 respectively, together with various other detailed surveys and reports. The applicants' Ecological Surveys, the most recent of which was re-issued in November 2008, found some evidence of Otter activity; bats use the river corridor for foraging and commuting, and there is evidence of badger activity alongside the river and on site. The site does not provide optimum habitat for reptiles, and is of little botanical interest. Recommendations are made for the creation/improvement of appropriate habitats, and any lighting to the site must be designed to minimise impact on these species.
- 5.121 The application contains proposals to create a 'wildlife' corridor alongside the western side of the River, by removing existing sheet piling, and restoring a graded slope which would be planted with appropriate trees and vegetation.
- 5.122 The River Stour is identified within the Local Plan as a Special Wildlife Site and as such Policy NC2 is relevant. Within the Severn Road Development Brief the River Stour is described as an important wildlife corridor with approx. 50m wide meadow.
- 5.123 Policy STC2 iv) requires redevelopment proposals to safeguard and enhance the natural assets of the site provided by the River Stour in the design and layout of the scheme. Policy NC5 of the Local Plan relates specifically to biodiversity and states that development should wherever possible and feasible, retain, enhance, manage and if appropriate reintroduce the District's indigenous biodiversity. Policy NC7 which relates to Ecological Surveys & Mitigation Plans requires inter alia mitigation measures to include, where appropriate:

c) the provision, enhancement and management of compensatory land.

- 5.124 At a national level, government guidance on biodiversity is contained within PPS9 which was published in 2005.
- 5.125 This proposal provides specific measures to enhance biodiversity on the development side of the river i.e. on land within the application site and under the applicants' control. Whilst in the previous applications an issue arose as to whether the applicants should make efforts to improve and enhance the land on the east side of the river, there is no onus on the applicants to carry these out, they have never been part of the applicants' proposals, and whilst they are prepared to assist in establishing the situation regarding potential contamination, they take the view that, in essence, this is not material to the determination of this application. This view is considered to carry some considerable weight and was accepted when the 2007 scheme was determined; in other words there is no requirement for the applicants to undertake works on the opposite side of the river, on land which they do not control.
- 5.126 As regards the impact of the development, it should be emphasised that the Local Plan requires the provision of the road link across the river, so that the principle of the bridge has long been established.
- 5.127 The Council's Countryside Officer advises that the mitigation measures in the EIA and application for the development on the western side of the river are sufficient to meet the Council's requirements under PPS9. Detailed clarification of proposed mitigation works required for otters, bats and badgers, and various mitigation and management issues need to be addressed at reserved matters stage. Views have been expressed by Natural England about the adequacy of the riverside buffer strip. The overall width of this is generally 9-10m, and the illustrative plans include a walkway. However, since this is a 'dead end' and the West Mercian Constabulary have also raised a security concern it would seem sensible to omit all or part of this feature and an informative is suggested that would require the applicants to address this at reserved matters stage; as a result the full 10m width would be available for planting thus addressing these concerns.
- 5.128 It is considered that the proposals represent a reasonable enhancement of the riverside, and that it would be difficult to demonstrate otherwise in all the circumstances. As such it is considered that the policy objective/s are met, that the proposal complies with policy and will therefore be acceptable in this context.

Protected Species

- 5.129 With regards to the impact on protected species, Policy NC7 requires Ecological Surveys & Mitigation Plans to be submitted where a development may or is suspected to affect an area, feature or species referred to in Policy NC5.
- 5.130 As stated, Phase II Ecological Survey and Phase 2 Bat and Otter Survey have been submitted with the planning application. Both surveys identified the presence of otters within the River Stour and also the river environment as a foraging and commuter corridor for bats. Species of birds including Song Thrush were also identified within the site and the land opposite.

- 5.131 The Phase 2 Ecological Survey states that the development of the site may bring an opportunity to generally enhance the ecology of both sides of the River Stour. It also suggests measures to support breeding otter and/or water vole and to encourage roosting opportunities for bats.
- 5.132 The Bat and Otter Survey recommends specific and detailed measures to mitigate any adverse impact on bats, otters and birds.
- 5.133 It is considered that some of the specific measures to protect the identified species can be incorporated into the detailed design of the new store and bridges and through a detailed landscaping and lighting scheme; namely bat/bird boxes, tree planting, and otter tunnels. These measures can be dealt with by a planning condition requiring such details to be submitted at the reserved matters stage.

Conclusion

- 5.134 Subject to the proviso above, it is concluded that there are no objections to the scheme on ecology or biodiversity grounds.

Contamination Assessment

- 5.135 In terms of contamination, Policy STC2 (v) states that redevelopment proposals must take full account of the care needed to develop a site which is contaminated and is liable to flooding. Policy NR2 relates to contaminated land and NR7 relates to groundwater resources. Annex 2 of PPS23 provides guidance on how proposals on land affected by contamination should be assessed.
- 5.136 Phase 1 and 2 Environmental Site Assessments (November 2006 and September 2007 respectively) were submitted with the consented application, for the development site itself, together with an additional Report for the land on the opposite side of the river and have been included within this application.
- 5.137 Environmental Health have assessed these reports and accept that there is no significant contamination within the application site, which cannot be addressed via appropriate remediation. This can be required by the imposition of an appropriate planning condition.
- 5.138 The situation as regards potential contamination on the east bank of the river has been discussed above, and requires no further comment here.

Flood Risk Assessment

- 5.139 Policy STC2 (v) states that redevelopment of the site shall take full account of the flood risk. Policy NR5 relates to development in floodplains. Action 27 of the Development Brief requires the new link road and any planting to comply with the Environment Agency's requirements for flood alleviation.
- 5.140 The consented application was accompanied by a Flood Risk Assessment (FRA) dated November 2006, which assesses the impact of the proposed retail store, car

park and the new bridge works on flooding. This report has been resubmitted with the current application. The EA confirm that they have no objection to the proposal.

Lighting

- 5.141 The issue of lighting is also material to the consideration of this application. Policy NR12 of the Local Plan relates to lighting. In developing the site for a retail store, the main issues to consider in relation to lighting details are as follows: visual impact, impact on ecology/protected species (particularly along the river corridor), impact on highway/pedestrian safety and impact on the amenity of neighbours. No details of lighting have been submitted with the application, other than indicative positions on some of the technical drawings for the bridges. A Lighting Statement has been submitted with the application. It discusses a lighting strategy for the site and includes a suggested lighting plan. It recognises the need to avoid light pollution by reducing column heights and applying shields etc. where appropriate, and to minimise impact along the river corridor. An illustrative plan indicates how this might be achieved. Based on the layout proposed, Officers are satisfied that lighting can be provided within the application site to satisfy these objectives and full details would be required to be submitted at the reserved matters stage.

Conclusions

- 5.142 It is considered that there are no sound reasons to oppose the proposed development on these, or any other environmental grounds.

OTHER ISSUES

Accessibility

- 5.143 The Access Officer advises on a number of general and detailed points, none of which represent material objections to the scheme and which can all be addressed by the reserved matters application.

SECTION 106 ISSUES

- 5.144 The applicants are required to enter into a Section 106 Agreement to secure monetary and other provisions in accordance with adopted Planning Obligations SPD as set out in the recommendation (para. 6.8 below).

6.0 Conclusions and Recommendations

- 6.1 The principle of redeveloping this urban brownfield site close to the town centre accords with national planning policies regarding sustainable development. The new store will reduce travel by car, because it will draw trade from other similar stores further away. The proposal also complies with the policies and objectives of current Regional Strategy and the policies of the County Structure Plan. The economic benefits of this proposal are significant in terms of new investment, jobs, the provision of the link road over the river, clearing this unsightly derelict site and acting as a precursor for the development of the remainder of the site for mixed use development, and the potential 'pump-priming effect' in terms of attracting additional investment to

the town, and must not be underestimated. The proposal is consistent with the thrust of the draft consultation PPS4.

- 6.2 At a local level, a retail store is in accordance with the Severn Road Development Brief and Policy STC 2 of the Local Plan, subject to the retail tests. It is arguable whether the site is edge of town or out of town, but this is somewhat academic in that, in any event, the proposal passes the sequential test. The site now is not ideally connected to the town centre because of the physical characteristics of Mitton Street, but these were known when the site was earmarked for this development. Nevertheless, the applicants propose various improvements, including what limited widening of the footways is possible, new pedestrian crossings and a package of other measures towards improving links and providing public transport. The proposed development is regarded as being acceptably connected to the town centre. There is a question as to whether a quantitative need for a store of this size has been demonstrated; it is accepted that there is a qualitative need for it. However, the key issue is whether the proposal would harm the viability and vitality of the town centre, and the Council's consultants conclude that when considered against the relevant impact tests in PPS6 the proposal is satisfactory. It is concluded that there is no strong case to justify refusing the application on grounds of retail impact. Overall, the proposal accords with development plan retail policies and national policy in PPS6.
- 6.3 The Highway Authority raise no objection to the proposals, subject to conditions and S106 contributions/undertakings, and completion of S.278 & S38 agreements.
- 6.4 It is considered that the scheme does not materially harm the character or appearance of the Conservation Areas abutting the site or the setting of adjacent statutory listed and locally listed buildings. There will be no material harm to the character or appearance of the town's conservation areas caused by traffic.
- 6.5 The impact on residential amenity has been carefully considered, and it is considered that the siting of the proposed store has no unacceptable overbearing impact on the two properties on Stour Lane. The proposed development would not result in significant harm to the amenity of residents on Severn Road or on the eastern side of the river.
- 6.6 The proposal contains measures to improve and enhance the river corridor within the application site.
- 6.7 Taking into account the different approaches of the applicant and objectors, and having regard to national and local Air Quality Management policies, the development is not considered to be likely to give rise to a significant change in terms of local air quality. Any contamination of the site can be dealt with by remediation.
- 6.8 In all the circumstances, having regard to the Environmental Information and balancing all the various issues discussed above, and having regard to the significant wider benefits that this development represents in terms of urban re-generation, the unarguable boost to the local economy and the provision of the road link over the Stour, it is considered that planning permission should be granted.

RECOMMENDATION

In accordance with the Town and Country Planning (Shopping Development)(England and Wales)(No.2) Direction 1993 which requires consideration inter alia of cumulative gross retail floorspace within a ten mile radius of the site as the application was received before 20th April 2009 when the new regulations on consultation with the Secretary of State came into effect, recommend that **delegated** authority be given to APPROVE this application subject to it first being referred to the Secretary of State under the Town and Country Planning (Shopping Development)(England and Wales)(No.2) Direction 1993 and subject to:

a) the signing of a Section 106 Agreement to secure the following:

Draft Section 106 Obligations H.O.T.

Obligations to Worcestershire County Council:

1. Contribution towards the provision of signage and street furniture to promote sustainable access (by pedestrians and cyclists) to and within Stourport of £20,000
2. Contributions towards the provision of new and enhancement of existing bus services based on the agreed routes enhancing service numbers 914, 915 and 11 and to provide an addition service to Areley Kings (each linking the development to the town centre) to improve accessibility to the Former Carpets of Worth site by means of public transport by:
 - (a) agreeing with WCC the details of the service including frequency, bus type/size (any future amendment to which is to be agreed first with the developer);
 - (b) paying an initial sum of £95,000 by way of contribution to capital costs such as public transport infrastructure and marketing;
 - (c) paying a sum of £200,000 to WCC in order to subsidise the running costs of the services in the first year of service;
 - d) conducting together with WCC a review at the end of the first year of the effectiveness of the service including (but not limiting to) revenue generation, a review of occupancy, route, frequency and timetable ;
 - (e) after the review has taken place, to make to WCC a payment in respect of a deficit (if any) between the cost of running the service and the receipt from fares with reconciliation payments being made as/if required during the second year
 - (f) under paragraph 2(c) and 2(e) the developer may pay sums up to £478,000.
3. Contribution to improve pedestrian linkage to the Town Centre utilising Lodge Road of £30,000
4. Contribution of £50,000 to improve junctions along the route of the enhanced bus services and/or otherwise affected by traffic impact from the development which may include (but not be restricted to) the junction of York Street/Bridge Street/High Street/New Street

5. Travel plan to be agreed, implemented and kept under review.
6. Costs indemnity in respect of the promotion of traffic regulation orders as are necessary in light of the development and the highway works
7. Provision of a link road and footbridge:
 - (a) to establish prior to commencement of development to the satisfaction of WFDC and WCC that control of the land for the footings of the pedestrian bridge and link road has been secured; and
 - (b) to construct the pedestrian bridge and the link road bridge prior to the development first opening for trade.
8. Prior to commencement of development to agree a construction programme identifying compounds and traffic movement during construction.
9. Prior to the development first opening for trade to agree with WCC a lorry routing agreement.

Obligations to WFDC:

10. Prior to the first opening of the store to provide WFDC with details of a trolley management plan.
11. To provide a contribution to air quality monitoring during and after construction of the development, including the provision of equipment, of £41,000
12. To provide:
 - (a) a contribution towards signs/finger posting to improve connectivity between the store and the Town Centre £20,000, and
 - (b) public art on-site
13. To close the existing Tesco store in Stourport to the public on or before the opening of the new store.
14. To implement a car park management scheme to control use by non-Tesco customers.
15. To:
 - 1) enter into a lorry routeing agreement which will require heavy delivery vehicles to approach the store via the new road which is to be provided and not along Mitton Street, and seek to ensure that as many delivery lorries as possible during the morning, afternoon, and evening take place outside peak traffic periods and not before 6am, or after 11pm.

b) the conditions as appear in the existing outline planning permission (07//1105/EIA) (Appendix 1) subject to the following amendments, and the following additional conditions.

Amendments

- Condition no.2:

Amend Layout reference to: 'Layout-including layout and design of roads, with the exception of the foodstore building itself, the location and orientation of which is hereby approved in accordance with plan no. 6046-P07-M dated 18th June 2009'

- Condition no 4:

The development hereby approved, insofar as it relates to matters of access and location of the store building, shall be carried out strictly in accordance with the following plans/drawings stamped 'approved':

6046-P07-M dated 18th June 2009
6046-P10-F dated 18th June 2009

- Condition no. 6:

The foodstore hereby approved shall not exceed the following floor space allocations, defined as follows:

- a) The gross floorspace, comprising the areas open to the public, back office, warehousing and bulk storage, staff facilities, unloading dock area and preparation areas, but excluding the 403 sq.m. comprising the entrance feature and walkway-up to 4209 sq.
- b) The gross sales area, which includes 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-up to 2919 sq.m
- c) The retail sales area, comprising the area used for the sale and display of goods together with the checkout area, but excluding the other areas open to the public-up to 2,403 sq.m , and
- d) The entrance feature at the Mitton Street/Severn Road junction and associated pedestrian walkway, as defined in the applicants' Planning Statement- up to 403 sq.m. This floorspace shall be used only as an area to which the public have access but shall not be utilised for the sale and display of goods, and specifically shall not be used at any time as retail sales area as defined in c) above.

Agenda Item No. 4

For the avoidance of doubt the term 'circulation space' means internal areas to which the public have access on the 'external' side of the checkouts i.e excluding space within the defined retail sales area.

- Condition no. 40: add...'On Sundays the foodstore shall not be open to the public for more than 6 hours within the 24 hour day'.
- Consequential amendments to condition nos. 7/8/15 & 42 to reflect amended report dates/plan nos.

Additional conditions

- No part of the development hereby approved shall be used for the sale of prescription drugs, or as a Post Office (within Class A1 of the T & CP (Use Classes Order)), or as a restaurant or café for the sale and consumption of food and light refreshments on the premises (within Class A3 of the T & CP (Use Classes Order)).
- There shall be no construction or engineering works carried out on the site outside of the hours of 0800 to 1900 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays, and no works whatsoever on Sundays or Bank Holidays.
- Before the development hereby approved is occupied the 403 sq.m. floorspace represented by the Mitton Street entrance and walkway shall be physically separated from the retail sales area in accordance with details to be submitted to and approved by the Local Planning Authority, and such separation shall be maintained in accordance with the approved details at all times..
- The proportion of the retail sales area (2403 sq.m) devoted to the sale of comparison goods within the store shall not exceed 875 sq m.
- The development shall not be commenced until a detailed design and engineering specification(s) for the Link Road (which shall include details of access to the flood plain) has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority), and the development shall be implemented in accordance with the approved details.
- The development shall not be commenced until a detailed design and engineering specification(s) for the construction of the Pedestrian Bridge and Footpath has been submitted to and approved in writing by the Local Planning

Authority, and the development shall be implemented in accordance with the approved details.

Additional Informative

Notwithstanding the illustrative detail indicated on the approved plans with respect to a riverside walkway, any reserved matters application/s shall specifically re-assess the inclusion of this feature altogether, and specifically omit the section north of the entrance to the service yard to the store, in the interests of security and biodiversity.

Summary Reasons for Approval

Policy

The principle of redeveloping this urban brownfield site close to the town centre accords with national planning policies regarding sustainable development. The proposed development is in accordance with the Severn Road Development Brief and Policy STC 2 and other relevant policies of the adopted Wyre Forest Local Plan.

Retail Impact

Whether or not the site is edge of town or out of town, the proposal passes the sequential test. Subject to various improvements to be secured via a S106 Agreement, including limited widening of footways, new pedestrian crossings and a package of other measures towards improving links and providing public transport, the proposed development is considered to be acceptably connected to the town centre. Although quantitative need for a store of this size has not been proven it is concluded that there is a qualitative need. When considered against the relevant impact tests in PPS6 it is considered that the proposal accords with development plan retail policies and national policy in PPS6.

Transport/Highways

The application includes the provision of a new link road and bridge over the River Stour. A package of various other highway improvements is proposed, and the applicant offers to agree and implement a Travel Plan, to make contributions towards improvements to public transport services and sustainable public transport measures in Stourport, to improve pedestrian linkage to the Town Centre utilising Lodge Road, and investigations into measures to improve traffic control and flows. The proposals have been designed following discussions with the Highway Authority, who raise no objection, subject to conditions and S106 contributions/undertakings, and completion of S.278 & S38 agreements it is concluded that the proposal would not be detrimental to highway safety.

Pedestrian Linkage/Connectivity to the Centre

The various highway improvements to connect the store with the town centre are supported by the Highway Authority. A new pedestrian link between the residential development on the west bank of the Stour to the site, and the town centre beyond, is a clear benefit, as are the proposals to improve local bus services, and the provision of the new road link, which will improve traffic flows and conditions in the town. It is considered that the proposal provides improved pedestrian and other linkage between the site and the town centre.

Impact on the character and appearance of the area, including Conservation Areas and the setting of Listed Buildings

The proposed design approach is modern and contemporary, rather than traditional, but this is considered to be appropriate in all the circumstances. It is considered that the proposal, including the effects of traffic, does not harm the area in general, the setting of the any Listed Building, or the character or appearance of the Conservation Areas.

Impact **on amenity of neighbours**

It is considered that the proposed development will not have any overbearing, dominating or any other impact on the amenities of dwellings in the vicinity of the site which would justify refusal.

Environmental Issues

It is considered that the applicants' Air Quality Assessment is robust and can be relied upon, and that the various highway improvements proposed, and the package of other measures contained within the S106 Agreement, amount to a reasonable mitigation package. It is not considered that there is sufficient evidence to demonstrate that the development would result in an unacceptable deterioration in air quality or that there is a strong reason to justify refusing planning permission on such grounds.

The application contains proposals to create a 'wildlife' corridor and specific measures to enhance biodiversity alongside the River Stour. Specific measures to protect identified species can be incorporated into the detailed design of the development. It is concluded that there are no sustainable objections to the scheme on ecology or biodiversity grounds.

It is considered that there is no significant contamination within the application site, which cannot be addressed via appropriate remediation, to be achieved via the imposition of an appropriate planning condition.

The applicants' Flood Risk Assessment assesses the impact of the proposed development flooding. The Environment Agency confirm that they have no objection to the proposal.

The applicants' Lighting Statement recognises the need to avoid inappropriate light pollution, and to minimise impact along the river corridor. It is considered that lighting can be provided within the site to satisfy these objectives.

It is considered that there are no sound reasons to oppose the development on any environmental grounds.

Summary of Planning Policies

- D.1 Design Quality** - Requires new development to be designed to meet twelve specified design criteria; applications which fail to demonstrate design quality will be refused.
- D.3 Local Distinctiveness** - Development proposals must have regard to the local distinctiveness of the locality, relate to local character & appearance, seek to incorporate existing trees/landscape features and avoid loss of existing features of local value.
- D.6 Safeguarding of Resources by Design** – New development should save resources by e.g. utilising sustainable energy sources, minimising water consumption and using recyclable building materials.
- D.7 Sustainable Drainage** – Where possible, developments should direct surface water to sustainable drainage systems rather than sewers and watercourses.
- D.8 Designing for Materials Recycling** – Maximum use should be made of existing on-site materials on developments of major brownfield sites.
- D.9 Design for Movement** – Where practicable, layouts should incorporate transport infrastructure in compliance with up to ten identified principles. Suitable innovative layouts will be encouraged.
- D.10 Boundary Treatment** – Boundaries must be designed to a high standard, measured against six criteria/design principles.
- D.11 Design of Landscaping Schemes** – Where appropriate, schemes must be designed to accord with a list of ten criteria in order to complement and enhance the proposals and surroundings.
- D.12 Public Art** – Works of art will be sought by the Local Planning Authority within major developments; such provision by developers will, however, be on a voluntary basis.
- D.14 Street Furniture** – Proposals that involve public spaces must make appropriate provision for street furniture in accordance with specific design criteria.
- D.15 Car Park Design** – New or modified Surface car parking must pay due regard to a number of design principles and should ensure a secure and safe environment.
- D.16 Designing for Community Safety** – Development proposals should create a safe and secure environment and seek to reduce the opportunities for crime.
- D.19 Designing for Adaptability** - Buildings must be flexible in terms of access and use in order to ensure their durability.
- LA.1 Landscape Character** – Development proposals must safeguard, restore or enhance the character of the surrounding landscape. Those developments which would have an adverse impact on landscape character will not be permitted.
- LA.4 The Stour Valley** – Development that would have a significant adverse effect on the landscape quality or character of the Stour Valley will not be permitted.

- LA.6 Landscape Features** – Development proposals should not detract from, or have an adverse impact on identified features within the landscape. Those which do will not be permitted.
- LB.1 Development Affecting a Listed Building** – Development that would have an adverse effect on a listed building or structure, its curtilage, setting, or a curtilage building or structure, will not be permitted unless a number of specified criteria are met.
- LB.5 New Development Affecting the Setting of Listed Buildings** – New buildings and structures affecting the setting of a listed building must relate well to and otherwise harmonise with it.
- CA.1 Development in Conservation Areas** - Development within a Conservation Area or which affects its setting will not be permitted unless it preserves or enhances the special character and appearance of the area.
- LR.1 Parks, Public Open Spaces and Other Open Space Areas** – Development proposals which would result in the loss or reduction of these spaces will not be allowed, unless exceptionally, suitable compensatory provision is made elsewhere.
- NR.2 Contaminated Land** – Remedial measures will be required to ensure the safe development of contaminated land. Development will not be permitted where it would result in pollution of watercourses or groundwater resources, or where ground conditions are fundamentally unsuitable.
- NR.5 Floodplains** – The precautionary principle will be applied to matters of flood risk. A flood risk assessment and sequential test will be required where appropriate.
- NR.6 Development adjacent to Watercourses** – Such developments must ensure that suitable access is provided for maintenance. Proposals should conserve the ecological value of the water environment and open up any culverted watercourses where practicable.
- NR.7 Groundwater Resources** – Development proposals which could pollute groundwater resources or prejudice their future use will not be permitted unless provision is made for suitable mitigation measures.
- NR.10 Air Quality** – Development which will or could give rise to air pollution will not normally be permitted unless adequate mitigation measures are included.
- NR.11 Noise Pollution** – Noise generating developments close to sensitive locations, buildings or activities will not be permitted unless the noise can be reduced to an acceptable level. Neither will noise-sensitive uses be permitted near existing significant noise sources, unless appropriate attenuation measures can be applied.
- NR.12 Light Pollution** – Proposals that involve or require external lighting shall include lighting schemes that do not cause light pollution by according with a number of identified principles.
- NC.2 Areas of Regional, County or Local Importance** – Development which may have an adverse effect on identified protected sites of nature conservation significance will not be permitted unless two criteria are met, i.e. no reasonable means of meeting the need for the development and the reasons for the development outweigh the nature conservation value of the site.
- NC.3 Wildlife Corridors and Stepping Stones** – Development adversely affecting a feature of nature conservation value will not be permitted unless its need clearly outweighs the value of the feature. Where developments are approved, developers will be required to create, enhance and manage such features.
- NC.4 Protected Species** – Development that may have an adverse effect on protected species will not be permitted unless three specific criteria are met.

- NC.5 Biodiversity** – Wherever possible, development should retain, enhance and manage the District’s indigenous biodiversity.
- NC.6 Landscaping Schemes** – Development should include landscaping schemes that retain existing natural and semi-natural features. Vegetation used in landscaping schemes should confirm to five stated principles of good practice.
- NC.7 Ecological Surveys and Mitigation Plans** – Where development may affect Policies NC.1 to NC.5, planning applications must be accompanied by a detailed ecological survey and a mitigation plan.
- NC.8 Public Access** – Development incorporating, creating or enhancing any area, species or feature as identified in Policies NC.1 to NC.6 should make provision for public access.
- TR.6 Cycling Infrastructure** – Development likely to be detrimental to the Wyre Forest cycle route network will not be permitted. Major new developments will be required to conform to adopted cycle parking standards.
- TR.7 Provision for Pedestrians** – All new development should make provision for safe, convenient and easy pedestrian movement.
- TR.8 Highway Network** – In considering proposals for new development and traffic management, regard will be paid to the District’s road hierarchy.
- TR.9 Impacts of Development on the Highway Network** – Proposals which would lead to the deterioration of highway safety will not be allowed.
- TR.10 Environmental Impact of Highway Works** – Highway works as part of a development which have an unacceptable adverse impact upon the environment will not normally be permitted.
- TR.15 Proposed Stourport Relief Road** – The line of this road as shown on the Proposals Map will be safeguarded.
- TR.17 Car Parking Standards and Provision** – New development will be required to provide on-site parking in accordance with the County Council’s standards and should not be exceeded.
- TR.18 Transport Assessment of New Development** – Transport Assessments will be required for all new developments likely to have significant transport implications.
- TR.19 Implementation of Travel Plans** – All major developments that would create specific transport related problems must be accompanied by travel plans.
- RT.1 Sequential Approach** – All A1 proposals of more than 250 sq. metres will only be permitted where it can be clearly demonstrated that the development is within the Primary Shopping Area, or in the case of edge-of-centre proposals there is a need for the development which cannot be accommodated within the Primary Shopping Area, or in the case of out-of-centre proposals, there is a need which cannot be met within either the Primary Shopping Area or an edge-of-centre location. Proposals must also accord with the retail strategy and hierarchy, be accessible by a choice of transport, not normally be on land allocated for other purposes, would not adversely impact upon the town centre and would not add significantly to the number and duration of car trips.
- RT.5 Retail Parks and Major Stores** – Out-of-centre proposals must first demonstrate that there is a need for the development and that they cannot be accommodated within a sequentially preferable location.
- RT.9 Petrol Filling Stations** – Proposals involving convenience retailing from petrol filling stations will only be permitted where they are in compliance with five specific requirements, i.e. need, limited size, ancillary to the petrol filling station use, sale of convenience goods and would not undermine the retail strategy.

STG.2 Carpets of Worth (Severn Road Phase Two) – This sets out seven principles for the redevelopment of this site and include the recognition that A1 retail use may be acceptable. The site is covered by the Severn Road Development Brief.

IMP.1 Planning (Section 106) Obligations – In appropriate circumstances, the Council will seek to secure S.106 obligations to restrict the development or use of land; to require specific operations or activities to be carried out; to require land to be used in a specified way or to secure sums of money to be paid.