

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

**THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,
KIDDERMINSTER**

THURSDAY 6TH AUGUST 2009 (6 PM)

Present:

Councillors: S J Williams (Chairman), D R Godwin (Vice-Chairman), J-P Campion, P B Harrison, M J Hart, M B Kelly, D J Millis, M W Partridge, M Price, M J Shellie, K J Stokes and G C Yarranton.

Observers:

Councillor Mrs H E Dyke.

PL.18 Apologies For Absence

Apologies for absence were received from Councillor H J Martin, C D Nicholls and Mrs F M Oborski.

PL.19 Appointment of Substitutes

Councillor M B Kelly was appointed as a substitute for Councillor C D Nicholls.
Councillor D J Millis was appointed as a substitute for Councillor H J Martin.
Councillor M Price was appointed as a substitute for Councillor Mrs F M Oborski.

PL.20 Declaration of Interests

Councillor D J Millis declared he was a Member of Stourport Town Council and a Member of Stourport Civic Society. However, he had not attended any meetings at which the application being determined had been discussed.

PL.21 Application to be Determined – 08/1053/EIA - Tesco

The committee considered a report from the Development Manager on the application for outline planning permission by Santon Group Developments Ltd / Tesco Stores Ltd for the construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works on the former Carpets of Worth site, Severn Road, Stourport-on-Severn.

Application Reference - 08/1053/EIA

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

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

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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 enter into a lorry routing 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 as amended by an order of the Court dated 11th May 2009, (07//1105/EIA) 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.

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 been 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

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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

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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

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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 conform 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.

The meeting ended at 7.30 p.m.