

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
12TH JANUARY 2010

PART A

Application Reference: 09/0775/FULL **Date Received:** 09/11/2009
Ord Sheet: 382802 277102 **Expiry Date:** 08/02/2010
Case Officer: Julia Mellor **Ward:** Franche

Proposal: Erection of store extensions (Class A1) to front and rear of store, elevational changes, alterations to car park layout, new landscaping, new jet wash, pump and tanker stand at petrol filling station and associated plant and works

Site Address: J SAINSBURY PLC, 2 CARPET TRADES WAY, KIDDERMINSTER, DY116XP

Applicant: Sainsburys Supermarkets Ltd

Summary of Policy	RT6 TC6 D15 LR1 CY2 E2 D1D3 D4 D7 D9 D10 D11 D16 NR5 LB5 CA1 NC6 TR9 TR17 IMP1 (AWFDLP) SD2 SD3 SD4 SD9 CTC5 CTC6 CTC8 CTC11 CTC12 CTC14 CTC15 CTC19 CTC20 D31 D32 D33 T1 T3 T4 RST4 RST5 RST9 IMP1 (WCSP) PPS1, PPS4 (Draft), PPS6, PPS9, PPG13, PPG15, PPS25
Reason for Referral to Committee	'Major' planning application Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

1.1 The application site lies to the north of Kidderminster town centre, within Crossley Retail Park which is accessed off Carpet Trades Way. The application site which encompasses the existing store, car park and petrol filling station extends to 3.4 hectares. The existing store is single storey and of brick construction. It first opened for trading in 1994.

1.2 The site lies immediately adjacent the towpath to the Staffordshire and Worcestershire Canal to the east whilst the River Stour borders the site to the south. The Canal is a designated Conservation Area, whilst the Canal and the River form part of a Special Wildlife Site. The site is also overlooked by St. Mary's Church which is Grade I listed and located on the opposite side of the canal on significantly higher land. Finally the site also lies in the floodplain.

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1.3 The application has been submitted together with the following list of supporting documents:

- Design and Access Statement
- Transport Assessment and Travel Plan
- Planning and Retail Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Sustainability and Energy Efficiency Assessment
- Phase 1 Ecology Survey
- Landscape Design Statement
- Desktop Decontamination Assessment

2.0 Planning History (summary)

2.1 WF/822/92 - (outline) : Approved 09/08/93

2.2 WF/0489/93 – (reserved matters) : Approved 12/10/93

2.3 WF/0715/93 – Public open space, footpath provision, access and car parking and ancillary works associated with petrol filling station : Approved 25/05/94

2.4 WF/0372/94 – Single storey extension : Approved 07/94

2.5 WF/0396/95 - Erection of an extension to create a shoppers restaurant : Approved 17/07/95

2.6 WF/0780/95 – Erection of an extension to provide an additional retail area, public restaurant and preparation area : Approved 12/12/05

2.7 WF/0603/99 – Erection of Extension to form 929 new sales floor space & 371 new bulk storage area : Approved 15/01/02

2.8 WF.0612/98 – Construction of staff car park : Approved 20/10/98

2.9 WF.0196/02 – Extension and refurbishment of petrol filling station : Approved 27/05/02

2.10 06/0733/FULL – Modification of existing car park layout and creation of new access onto Carpet Trades Way : Approved 15/09/06

3.0 Consultations and Representations

3.1 Highway Authority – Awaiting comments

3.2 Environment Agency – Awaiting comments

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- 3.3 Arboricultural Officer – The proposed extension and alterations to the car parking layout will have a direct effect on a number of trees within the site. Many of which would have been planted as part of a planning condition for the original development of the store.

There are very few trees on the site that have a high amenity value as individual trees, however when looking at them collectively the trees and shrubs *in-situ* add to the amenity of the area and help to soften the harshness of the Sainsbury Store and Car Park.

The most important trees are situated on the boundary with the canal and towpath as they act as very good screening for the site and allow the towpath to have a semi-rural nature. Some of the trees within this belt are proposed to be removed, however I do not feel that this will have an adverse affect on the character of the area as there are only a small number being removed and the retained trees will be a sufficient distance from the development as to not have an affect on them.

The trees growing within the car park have taken very well and it will be a shame to lose these trees, however they will need to be removed to facilitate the development and I do not feel that they give sufficient amenity to the area to be worthy of a Tree Preservation Order.

The landscaping proposals are acceptable; however there has been a request from British Waterways to replace the proposed ash with oak, which I would be happy to support as I am not convinced that ash and cherry would look very good.

I have concern with the inclusion of *Populus nigra Betulifolia* in the shrub bed located at the entrance of the car park. These trees will grow to 30m+ and I am not sure they will be the right tree for the right place, unless they are planning to manage them as shrubs.

Located around the petrol station and the canal is an area of landscaping that I believe was part of the original landscaping condition when the store was built. This area has not been managed recently and is in desperate need of being managed and enhanced which should be included within the planning proposals for this development and isn't.

The species of trees to be planted within the car park to mitigate against the loss of the current trees are acceptable and the planting pit design is in accordance with good practice.

The final consideration is the lack of information for the proactive management of the trees and shrubs during the establishment phase, which will need to be addressed.

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Recommendations:

I have no objection to the proposed development, however the following information will need to be provided:

1. Details of landscape improvements for the area situated around the petrol station and canal.
2. New planting schedule to include oak and remove ash from the designs
3. Details on how the *Populus nigra Betulifolia* is proposed to be managed (This can be included within requirement below).
4. Detailed 5 year management plan for the landscape for the whole site

- 3.4 British Waterways – Welcomes the proposed new access way and is content with the proposed site layout and scale and massing of the development. We support the upgrade of the site and the modern design of the proposed building frontage.

BW is calling many of the UK's supermarkets to account for the £150,000 of public money spent every year recovering thousands of abandoned trolleys from the waterways. We also intend to name and shame the best and worst of the retailers whose trolleys have the potential to enter the waterway.

Walking and Cycling - BW is content with the principle of the creation of a new access way to the towpath. We require this linkage to be accessible to both walkers and cyclist and to be DDA compliant. We would appreciate revised signage to indicate both the location and directions along the towpath and signage visible from the towpath and boaters to indicate the presence of the store and other retail opportunities. The surface treatment of the path should be agreed with BW. Access to the towpath by cyclists should include a visibility splay which enables cyclists to be seen entering and leaving the towpath from the site by towpath users. Failing this a barrier should be provided to slow down cyclists at the interface of the access with the towpath.

Delivery Vehicles - The measures to prevent the accidental ingress of large deliver vehicles into the waterway should be agreed with BW third party works engineers.

Effect on integrity of canal - There is potential for the works to affect the integrity of the canal due to the close proximity of the new structures and planting to the waterway.

Effect on users of the canal - It may at times be necessary to close the towpath whilst works are being carried out or to put in protective measures. Consideration should be given to the creation of hard standing adjacent to the waterway access which can incorporate moorings for visiting boaters. This may be supported through a 106 agreement which should benefit both parties.

Hydrology and Hydrogeology - BW is content with the flood management provisions for the site and surrounding land.

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Pollutant entering the canal during works. - Any lack of oxygen caused by sediments disturbed can impact on the water quality. Important that British Waterways are consulted prior to the commencement of development and planning with respect to the methods to be used in the control of dust, wind blow and potential pollutants from run offs.

Surface Water drainage - It is apparent from the Flood Risk Assessment that it is currently unknown where all the drainage systems discharge to. BW must be consulted if it becomes apparent that any surface water discharges to the Staffordshire and Worcestershire Canal. There should only be surface water drainage to the canal with the specific permission of BW. Any run off to the canal should first be filtered through interceptors. BW is content that all discharge from the site is through the adopted sewerage system. All land surfaces should be permeable to water.

Ecology - The Staffordshire and Worcestershire canal is an important ecological asset to the local area, for flora and fauna. The canal contains important species and it is important that these are protected and enhanced. These include locally important fish communities, such as Perch and Roach. These must be protected from any potential negative impacts from lighting, vegetation removal and surface or direct discharge.

BW supports the tree planting on the whole but would like to see the inclusion of English Oak planted and more diversity of native shrubs, including honeysuckle along the canal. Bioengineering should be considered on the canal off-side when developing the towpath side and the wall between the delivery area/store and the canal bank should be a green wall.

After due consideration of the application details, British Waterways has no objections to the proposed development, subject to the imposition of suitably worded conditions and/or the applicant first entering into a Legal Agreement relating to:

- Surface water discharge
- Suitable barriers to prevent the risk of vehicles entering the waterway
- Waste water disposal
- Protective fencing to safeguard the waterway infrastructure during construction of the development
- Foundations shall not be erected within 5 metres of British Waterways' property
- A revised landscaping scheme
- Notwithstanding the plans submitted no trees shall be planted within 5 metres of the waterway.
- Landscape management plan
- Details of the proposed lighting for the development
- Materials to be used in the construction of external surfaces
- A scheme for the management of supermarket trolleys

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- Details to demonstrate that suitable measures shall be implemented to prevent damage to the waterway infrastructure from parked and moving vehicles within close proximity to the canal and towpath
- 3.5 Conservation Officer – The proposed alterations/extension to the store are minor and do not in my view change adversely the impact of the existing building on the conservation area. The removal of the pyramidal roof is to be welcomed. Details of the cladding materials should be submitted and approved prior to works commencing.
- 3.6 Worcestershire County Council Historic Environment and Archaeology Service – Comments awaited
- 3.7 Countryside and Conservation Officer – There are a few losses here that need to be addressed. Some loss of low value greenery and some trees and possible lighting impacts on the Canal Special Wildlife Site and the species that use it. It is proposed these are mitigated for by introducing baffles on lighting to reduce the possibility of light spillage (need to check this refers to all site lighting or to just new lighting and the retention of the tree boundary between the development and the Canal Special Wildlife Site. I am a little worried about the retention of the tree screening as this looks a little at odds with the tree management plans. It would be good for the significance of the retention of this tree screening from an ecological perspective being picked up in the tree management plan. The loss of greenery is not really mitigated for anywhere but the addition of some bat boxes / swift boxes onto the exterior of the building in a suitable unlit location would address this. The ecological report does however have a worrying hole. It addresses protected species that could be affected on the site, these are defined as bats and water voles. These would be very unlikely and there would be a better chance of both otter and badger. The chances of otter are very small on this site but we should at least ask for them to have been considered as they are known to be operating on both the Stour and the Canal. Badgers are frighteningly common in our district and whilst the chances are low they should also be considered. This needs to be addressed before it moves forward.
- 3.8 Environmental Health (Pollution Control) – No objections subject to conditions
- 3.9 Environmental Health (Food Safety) – Plans do not show how refuse provision will be addressed. Clarification on toilet provision for use by staff on first floor required
- 3.10 Forward Planning – Comment as follows:

Retail Element

The proposed development comprises a new extension totalling 1,930sqm Gross of new retail floorspace (1,267sqm net).

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The principle considerations for the retail element of this application are identified in PPS6: Planning for Town Centres. PPS6 provides a number of criteria which need to be evaluated when considering retail development proposals. In terms of local policies, Policy RT.5 is considered most pertinent.

As part of the application, consultants have submitted a 'Retail Impact Assessment (RIA)' which supports the need for this proposal.

In reviewing this application, regard has been had to the various guiding policy principles, which are discussed in turn below:

National Policy

As identified above, this application has been considered in line with the guidance set out in PPS6. The submitted RIA provides the information which is assessed below.

Assessing the need for new development

Quantitative Need

PPS6 identifies that need must be identified for proposals in an out-of-centre location. (It should be noted that the RIA suggests that the store is in an edge –of-centre location. However, the measurements used in the RIA are disputed and the Inspectors report into the Local Plan of 2004 identifies that the store in question is considered to be out-of-centre). However, notwithstanding this, need for the proposed development is required to be identified.

The submitted RIA provides an update of a retail study that was produced by WYG consulting for the District Council in 2006. The RIA is therefore essentially an update of the Council's 2006 study, following the same methodology that was used in 2006.

Convenience Floorspace

The RIA is uses trend projections to justify the additional need for floorspace. The figures identify that the Sainsbury's store is currently overtrading and that this can justify the uplift in convenience floorspace provision identified. These figures are supported by the Council's study of 2006 (which also identified over-trading at the Sainsbury's store) and also by the 2009 retail update which is currently being undertaken by WYG. Therefore it is considered that the proposed increase in convenience floorspace has identified sufficient need, through both the submitted RIA and the Council's independent retail studies.

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Comparison Floorspace

It must be noted that under the current lawful use this Sainsbury's store has permission to split the range of goods sold on a 50:50 Comparison/Convenience split basis. Therefore, the increase proposed in comparison floorspace could be implemented without the need for planning permission. The RIA and emerging WYG study highlights that the proposed increase of 1,267sqm could be supported for convenience floorspace alone. Furthermore, the new breakdown of floorspace within the extended store stands at 67:33 in favour of convenience goods and therefore it would be difficult to see how a refusal based on an increase in comparison sales floorspace could be justified in these particular circumstances. However, the opportunity should be taken to further limit the potential for Comparison sales by seeking to limit the split to at least 60:40 in favour of convenience floorspace.

Qualitative Need

The qualitative need for new development is suggested based on Sainsbury's internal business model and to address current deficiencies within the store. The applicant provides a reasoned case in support of the qualitative improvement to the store format.

Securing the appropriate scale of development

Extensive pre-application discussions took place on this application and it is considered that a more appropriate scale of development is now proposed that more closely reflects the emerging findings of the WYG Update.

Applying the Sequential Approach to Site Selection

The applicants have provided a sequential test within the RIA. The sites selected for the sequential test were agreed with the District Council prior to the assessment being undertaken to ensure that all suitable alternative sites were considered.

The sequential test carried out is considered appropriate in identifying that no other, sequentially preferable, site would be able to accommodate the development proposed. The justification for this is primarily based on the fact that this application is for an extension of an existing store. The proposal is required by the applicants to meet existing qualitative deficiencies within the store and so it is not appropriate to locate this increase elsewhere. Furthermore, PPS.6 identifies that *"A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated."* Therefore, taking into account national guidance, it is difficult to identify any robust justification for insisting that elements of the store are split into sequentially preferable locations.

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Assessing Impact

The proposal is based on the availability of expenditure within the catchment area and is an extension to an existing store which is currently overtrading. This latent capacity in the store will be met by the proposed extension and the RIA identifies that this should not have a detrimental impact on the Town Centre. Close regard should be had to minimising the potential effect on the town centre. This could be done through an appropriate condition limiting the amount of comparison goods that can be sold from this destination.

Ensuring Locations are Accessible

The application site is located in an out-of-centre location. However, as is identified in the RIA there is anecdotal evidence to suggest linked trips are made between the store and the centre. As part of the application, changes to the highway are being proposed to ensure that the increase in turnover can be met within the surrounding infrastructure. Links to the canal towpath also provide opportunities for walking and cycling to the store, directly from the town centre. Furthermore opportunities for future studies into how the area might be more effectively linked to the surrounding town are likely to be developed. A contribution towards this work could usefully be sought.

Local Policy

Policy RT.5 of the Adopted local Plan reflects the national objectives that have been discussed in turn above. For the above reasons and subject to appropriate s.106 contributions/ conditions the proposal is considered to be acceptable in terms of meeting the requirements of this policy.

- 3.11 Inland Waterways Association – Because the canal is on an embankment overlooking the store in general, other than the proposals to alter the roof profile and east elevation, the works once completed will not be visible from the canal. Consequently, our comments are limited to these elements of the building, the consequential effect of the activities related to trading and landscaping. Taking each in turn we would comment as follows:
- Roof – Clearly the glazed pyramid roof feature adds interest to the present building. However, the large amount of angled glazing therein together with the similar positioned glazed adjacent canopies can cause glare onto the canal at certain times on sunny days so their loss will have a positive benefit. Consequently we support the proposed revisions
 - East Elevation – Lengthening this using like materials clearly shows consideration for the setting of the building within its environment. The use of vertical glazing to light the checkouts is much better than the angled glazing used previously, as indeed is the similar application to light the exit, so again we support the proposed revisions to this part of the building.

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- Consequential effect of trading activities – one of the biggest problems with this store has been the considerable number of shopping trolleys that have ended up in the canal and that no action has been taken by the store's owners against the culprits nor have they arranged for their immediate removal from the canal. Over the years they have caused considerable damage to boats and have had, more often than not, to be removed by British Waterways at their expense as a nationalised industry a cost effectively put onto the State and eventually the boater, rather than being paid for trolley owners as statute now requires.) Clearly therefore as part of the planning conditions Inland Waterways Association would like to see some arrangements put in place whereby Sainsbury's will prevent trolleys leaving their site and that they will, by means of CCTV, monitor their improper use; and take action against any culprits.
- Landscaping – we are pleased to see the retention of the present canalside landscaping. However, we feel that, given their positive contribution to CO2 reduction and thus the reduction of global warming, there is room for some more trees in this green corridor to provide additional screening of the store from the canal.

3.12 Natural England – No objections

3.13 Severn Trent Water - No objections subject to condition

3.14 Worcestershire Wildlife Trust - We note that the development falls close to two Special Wildlife Sites but the level of work is unlikely to have an adverse impact on the features for which either site was selected and we do not therefore wish to object to the proposals.

3.15 Town Centre Manager – Awaiting comments

3.16 Neighbour/Site Notice/Press Notice – Whilst no comments in response to the consultation process with neighbours have been received, Members should note that a Statement of Community Involvement has been submitted as part of the application. This explains that prior to the submission of the application comments were sought via:

- consultation brochures distributed to local Councillors;
- a meeting held with ward Members in August 2009;
- brochures with a tear off freepost comment card distributed to 900 properties in August 2009;
- an advertisement placed in the Kidderminster Shuttle on 13th August;
- a press release;
- a public exhibition held between 22nd August and 7th September 2009 with a comments book;
- an online exhibition launched on 13th August with a digital reply card; and
- a free-phone number to allow feedback.

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90 reply cards have been received together with 21 comments submitted to the website exhibition and 75 entries were made in the comments book at the store.

The key comments made were with respect to the retention of the existing herringbone parking and one-way flow within the car park and the need to improve access / egress junction to the retail park, increase parent and child parking and govern parent and child and disabled parking to restrict abuse.

4.0 Officer Comments

4.1 The proposed development comprises:

- i. Extensions to the front and rear of the store including a first floor mezzanine to accommodate a café;
- ii. Alterations to the car park and internal layout; and
- iii. New jet wash and fuel pump at the petrol filling station and a new exit for tanker delivery vehicles.

4.2 It is considered that the key policy considerations relate to the following topics:

- Retail impact;
- Proposed design and the impact upon the setting of the adjacent listed building and Conservation Area;
- Highways;
- Flooding; and
- Nature conservation.

RETAIL IMPACT

4.3 The application site is designated under two distinct policies within the Adopted Local Plan. First, the existing Sainsbury's store is allocated under Policy RT.5 as an out of centre store, and secondly the associated car park is defined under Policy D.15 – Car Park Design.

4.4 Policy RT.5 states that the need for an extension must be demonstrated. Furthermore it must also be demonstrated that the extension cannot be accommodated within the Primary Shopping Area or an edge of centre location.

4.5 The above two points are expanded upon in PPS6, which at paragraph 3.4 states that local planning authorities should require applicants to demonstrate:

- a) the need for the development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites;

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- d) that there are no unacceptable impacts on existing centres; and
- e) that the location is accessible.

4.6 The development proposes the following floorspace:

	Gross external floorspace (sq m)	Net sales area (sq m)
Existing	7 821	4 307
Proposed	9 751	5 574
Change	+1 930	+1 267*

(* the additional 1 267 square metres net floorspace will be split 67% convenience goods / 33% comparison goods.)

4.7 The planning application has been accompanied by a retail impact assessment which seeks to demonstrate that there is both a quantitative and qualitative need as required by PPS6. The assessment is based on the findings of the Wyre Forest Retail and Leisure Study (December 2006) which has been updated by the agents to take account of the replacement Morrisons store which opened in 2008, and a new household survey undertaken by the agents in April 2009.

4.8 The assessment considers the vitality and viability of Kidderminster town centre against a number of health check key indicators as advised in PPS6 – diversity of uses; vacancies; retailer representation and demand; rental levels; commercial yields; pedestrian flows; the ease and convenience of access by a choice of means of travel; perception of safety and occurrence of crime; and the state of the town centre environmental quality. The conclusions of the health check indicate that the centre has performed well given recent market conditions plus, while it lacks larger units to attract more national retailers, the commercial yields and rental levels remain attractive to investors.

Quantitative Need

4.9 The retail assessment goes onto consider the turnover of the existing store together with the turnover of the extended store and concludes that the quantitative need for the additional convenience floorspace is justified solely on an identified overtrading at the existing store.

4.10 The Wyre Forest Retail and Leisure Study 2006 acknowledges that,

“... observations indicate that most stores in Kidderminster are performing at normal levels (i.e. there are no signs of significant overtrading or undertrading). The possible exception is the Sainsbury’s at Crossley Retail Park, which appears to be trading strongly based on observed levels of patronage.”

(Para. 7.13)

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- 4.11 With respect to comparison goods the assessment concludes that the turnover from the proposed extension will be absorbed entirely by the growth in available expenditure between 2009 and 2012 and no trade will be diverted from existing comparison goods retailers.

Qualitative Need

- 4.12 The agents indicate that consequences of over trading at the exiting store are a reduced quality of customer shopping experience within the store, and the qualitative indicators which they submit to support the need for the extension are:

- Improved customer choice – 30 000 lines, bakery and patisserie; delicatessen; food to go; fresh meat and fish; café; salad bar.
- Customer comfort – spacious layout; additional checkouts; baby changing facilities;
- Just in time form of delivery – limited back up storage space and substantial stocking on the sales floor.

Scale of Development

- 4.13 PPS6 seeks to ensure that the scale of development should relate to the role and function of the centre within the wider hierarchy and catchment served. On the basis that the proposed extension would only increase the store by 1 930 square metres gross (a 25% increase) the agents contend that it is modest in scale and proportionate to the identified quantitative need within the core survey catchment area.

Sequential test

- 4.14 When selecting sites for development PPS6 states that all options within the town centre should be thoroughly assessed before less central sites are considered. The current proposal is not so straight forward however as it comprises an extension to an existing store rather than a new development. On one hand PPS6 explains,

“... the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally located sites in accordance with the objectives and policies in this policy statement.”

(Para. 3.17)

- 4.15 However the following paragraph states,

“A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites.”

(Para. 3.18)

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- 4.16 The applicants do not wish to separate the proposed additional floorspace from the existing store on the basis that they consider that the extension is necessary to resolve the existing qualitative deficiencies to customers. Notwithstanding this they have undertaken a sequential assessment which compares other sites that reasonably match the fundamental requirements of the application site – extensive areas for display of goods, car parking for customers, off road servicing/delivery and dispatch area.
- 4.17 The sites considered are as follows:

Name Of Site	Summary of Reasons Why Site Discounted
Timber Yard	Not available for redevelopment and is unlikely to come forward within a reason timescale. Being promoted for residential uses in the emerging Area Action Plan. Not a sequentially preferable site.
Council Depot, Green Street	There is no publicly identified replacement facility for council depot. More distant from primary shopping centre than application site. The configuration of the site would pose difficulties in relation to accommodating a stand alone retail development and associated car parking, access and servicing arrangements are likely to be substandard given the site's surroundings
Childema Mill, Green Street (Boucher Building)	Total floor area insufficient. Locally listed building is not available whilst the internal layout and configuration of the building is not suited to the operators needs
Elgar House, Green Street	It is partially occupied and the site's availability is unknown. The building is unsuitable for retail and redevelopment is an unlikely prospect given that it is locally listed.
Crown House, Bull Ring	Does not provide a viable development option due to the costs of redeveloping the site into a store. Constrained access and the lack of parking make it an unsuitable redevelopment opportunity
Former Telephone Exchange, Blackwell Street	The site's availability is unknown but is not considered to be sequentially preferable to the application site
GT Cheshire & Sons, Coventry Street	The site is currently in active use and is therefore unlikely to become available for redevelopment within a reasonable period of time. In addition the site is being promoted for residential, retail and commercial uses in the emerging Area Action Plan. It does not present a viable option for the proposed use.
Former Magistrates Court, Worcester Street	Forms part of a larger site which is identified in the local Plan and emerging Area Action Plan as a key regeneration opportunity. It is reasonable to assume the proposals for redevelopment will be progressed in the near future and it is therefore unavailable.
Littlewoods / Woolworths	The council is currently considering various options for the redevelopment of this area which could include the refurbishment of the existing buildings or comprehensive redevelopment for retail, office and residential uses. The sites are not a suitable alternative to a superstore extension.
20 – 22 High Street (currently vacant, formerly M & S)	The site is assumed to be available but is not suitable or viable alternative to a superstore extension.
62 – 63 Worcester Street	Premises are too small to accommodate the required floorspace

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Former Morrisons, Oxford Street	Premises are too small to accommodate the required floorspace
10 Worcester Street (former book shop)	Premises are too small to accommodate the required floorspace

4.18 From the analysis summarised above the agents consider that there is no identified suitable or available site that would accommodate the proposal in isolation, and that the application site is sequentially preferable and constitutes the most suitable, viable and available site within the area for the proposed additional floorspace.

Impact upon Existing Centres

4.19 It is necessary to evaluate the level of trade diversion or impact likely to be experienced by existing retailers and defined centres as a consequence of the proposed development.

4.20 Once again the assessment highlights that the turnover from the proposed extension will be absorbed by the growth in levels of expenditure between 2009 and 2012 and the extensions will only alleviate existing over trading at the store. However taking into account a worse case scenario it is anticipated that the trade diversion of convenience goods will be primarily taken from existing large foodstores, in this case Morrisons at Green Street. The household survey indicates however that the Morrisons store is significantly overtrading and therefore the trade diversion will not have a harmful impact upon this store.

4.21 With respect to comparison goods it is estimated that the additional floorspace will only result in marginal trade diversion from existing stores however not so much as to have a harmful impact.

Accessibility

4.22 The submitted Transport Assessment explains that there are a number of bus stops within walking distance of the Sainsbury's store. Within a 12 minute walk there are services stopping at the Proud Cross Ringway, (northbound and southbound), Bewdley Road (opposite Wood Street), Swan Centre on Blackwell Street, the Town Hall on Exchange Street and the Bus Station.

4.23 Members may recall that there was a commercial bus service which directly served the retail park which was part funded by the retailers. However, the funding ended and the patronage was insufficient to make the service viable. It is not considered that there is sufficient justification to require a new bus service to the retail park as a result of the additional floorspace proposed.

4.24 There are also 3 access points for pedestrians – off Carpet Trades Way adjacent the pedestrian crossing, off the access road into the site and from the canal towpath. A pedestrian survey undertaken in April 2009 showed that there were a total of 59 two way pedestrian movements (into and out of site combined) during the hour long survey.

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- 4.25 The site also benefits from a traffic free cycle route along the canal towpath.
- 4.26 It is therefore considered that the site has a reasonable level of accessibility by a choice of means of transport.

Conclusions on retail impact

- 4.27 Whilst the proposed development comprises an extension to an existing store rather than a new store PPS6 and Policy RT.5 are still relevant and seek to ensure that such a development does not compromise the vitality and viability of existing centres. The list of tests have been undertaken in accordance with PPS6 and they demonstrate that the retail impact of the extension is acceptable.

PROPOSED DESIGN AND THE IMPACT UPON ADJACENT LISTED BUILDING AND CONSERVATION AREA

- 4.28 The extension to the north of the store would be located adjacent to the existing service area and would face the highway. It is necessary to provide additional bulk storage area to facilitate the introduction of 'Sainsbury's to You' online delivery service. This would allow the temporary marquee visible from Carpet Trades Way to be removed. It is also necessary to re-align the gates into the service yard.
- 4.29 The more significant extension is to the south elevation facing the existing car park. This will provide a double height entrance lobby with new ATM's, and provide additional sales floorspace at ground floor with a customer restaurant and colleague facilities above.
- 4.30 The application site lies immediately adjacent to the Staffordshire and Worcestershire Canal Conservation Area and within close proximity, to the Grade I listed St. Mary's Church which overlooks the Ringway. Taking these constraints into account the main design considerations are whether the proposed extensions relate well to the existing store and whether the impact of the extended store upon the conservation area and the setting of the listed church are acceptable.
- 4.31 The most noticeable elements of the extension to the south elevation are its height and materials. The existing store is predominantly brick with contrasting brick detailing which provide attractive facades. Whilst the proposed extension would accommodate a mezzanine floor the design and access statement advises that care has been taken to ensure that the first floor remains significantly lower than the existing pyramid roof (which is to be removed) to reduce its impact upon its surroundings. The chosen materials for this extension are a mixture of opaque glazing and light grey cladding, and whilst this will contrast with the existing brick it is considered that the extension will appear as an attractive modern facelift to the original store.

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The proposed new steel canopy will also add a contemporary feel. The extension provides a significant amount of glazing to provide views into the store and an active frontage to the car park and the canal. Furthermore whilst the part of the extension facing the canal will be higher than existing, a significant part of the extension will continue the existing brick façade plus 14m of the 19m contrasting clad extension will be set back to reduce its dominance.

- 4.32 The application has been accompanied by a detailed tree survey, landscaping plan and landscape design statement which state that it has been sought to retain as much of the vegetation along the boundary to the towpath as possible. Where this has not been possible replacement tree and shrub planting is proposed. As the Arboricultural Officer's comments note, a sufficient screen to the Canal Conservation Area will be retained.
- 4.33 Whilst the views of the conservation officer are awaited, it should be acknowledged that the design of the store has given due regard to the canal conservation area and listed building constraints.

HIGHWAYS

- 4.34 The proposed development would provide an alternative access arrangement into the car park with a single carriageway leading to and from the roundabout at the junction of Carpet Trades Way, Lower Mill Street and Mill Street. A new separate arm leading from the roundabout is also proposed to cater for petrol tankers egressing the petrol filling station.
- 4.35 Perhaps of more interest is the alteration to the existing car park. A total of 511 spaces are proposed, an increase of 86 spaces. This total comprises 30 staff spaces and 481 customer parking spaces including 31 for disabled customers and 21 parent and child spaces. The increase has been achieved by replacing the previous herringbone layout with 90° angled parking. Whilst, as indicated previously this would not be popular with customers, the proposed more conventional layout is a more efficient use of land and, it is considered by the agent, provides the number of spaces necessary to serve the store's operational needs.
- 4.36 The Transport Assessment indicates that the scale of the extensions do not warrant any highway improvements and the Lower Mill Street / A456 junction has sufficient capacity. However, during the public consultation exercise customers expressed difficulty exiting Crossley Retail Park onto the A456. The highway consultants have therefore proposed two ways that this could be resolved:
- a. by widening the bridge over the River Stour on Lower Mill Street to provide a longer queuing lane for vehicles to turn left at the traffic lights; and

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- b. by providing a right turn lane across Lower Mill Street allowing traffic to exit along Mill Street removing traffic from the signalised junction and providing a second point of egress from the retail park.

- 4.37 Whilst the Highway Authority raises no objections to the remainder of the proposed scheme they cannot support the second of the above highway improvements. Highway Officers have advised that this junction was previously closed due to accidents as a result of confusion. The proposed right turn to Mill Street would be located in an area where the highway network is complicated and Officers do not believe that its re-opening would improve road safety. There would also be a knock-on impact on the Marlpool Lane roundabout which is a difficult junction for drivers to access. The anticipated increased flows to this area would create congestion and potential accidents for a variety of reasons.
- 4.38 At the time of report preparation a revised Transport Assessment removing the right turn into Mill Street is awaited, as are the formal comments from the Highway Authority.

FLOODING

- 4.39 The application site lies within defined flood zone 3a however there are no records of sewer or surface water drainage flooding. The submitted flood risk assessment concludes that the proposals will have minimal impact on the flood risk from any source with minimal impact of causing flooding elsewhere.
- 4.40 The Assessment does however indicate that there are a number of initiatives which could be implemented to reduce run off and therefore reduce the likelihood of flooding. These are:
- Greywater initiatives - reuse water from sinks or basins to flush wc's;
 - Rainwater harvesting – collecting rainwater to flush wc's;
 - Underground storage – with a flow control device installed to restrict the discharge flow into the adopted drainage system; and
 - Oversized pipes - to provide additional storage volume for run off.
- 4.41 At the time of report preparation the views of the Environment Agency are awaited.

NATURE CONSERVATION

- 4.42 With the Staffordshire and Worcestershire Canal plus the River Stour within close proximity of the site there is much ecological interest. A phase one ecology report has been undertaken and it notes that within 1km of the application site there are the following sites of nature conservation interest.

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Sites of Special Scientific Interest SSSI's	Special Wildlife Sites (SWS)	Non – statutory Special Wildlife Sites of at least County Importance
i. Puxton Marshes ii. Hurcott and Podmore Pools iii. Stourvale Marsh	i. Puxton Marshes ii. Hurcott and Podmore Pools iii. Wolverley Court Lock Carr iv. Staffordshire & Worcestershire Canal v. River Stour vi. Honeytop Farm Pastures	i. Staffordshire & Worcestershire Canal ii. River Stour

4.43 The report describes the species and vegetation found both within and outside the site with particular attention given to the canal and the River Stour. The habitats on site are dominated by ornamental planting and are indicated as having negligible biodiversity value. Furthermore the site and areas that would be affected by the proposed extensions do not support any protected species.

4.44 In respect of the canal and River Stour it is indicated that no direct impact or loss of habitat would occur. It has been suggested that the impact upon bats and birds could be mitigated by a suitably worded condition.

4.45 Whilst the submitted ecology survey is acceptable as far as it goes comments from the Countryside and Conservation Officer raises concern about the lack of reference to firstly badgers and secondly otter which the report itself acknowledges have been recorded on the River and canal corridors. This matter has been raised with the agents and a further ecological statement covering these two points is anticipated.

SECTION 106 AGREEMENT

4.46 According to the Supplementary Planning Document on Planning Obligations the proposed extensions could require a contribution towards the following:

- Biodiversity;
- Sustainable transport;
- Travel plan; and
- Public realm.

4.47 Taking these in order, it is considered that the proposed development would not have a direct impact upon any natural habitats. On the basis that the updated ecology is acceptable it is felt that a suitably worded condition to provide bat and swift boxes on site could provide the biodiversity enhancement required.

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- 4.48 Next, the location of the site is such that the County Council do not require any contribution towards implementing sustainable transport policies. However considering the future of the area in the long term and the regeneration aims of the town centre as explained in 'A Prospectus for Regenerating Kidderminster' the applicants are agreeable to a contribution of £10 000. This contribution would be used towards a study to assess improvements to the transport infrastructure affecting Crossley Retail Park.
- 4.49 The applicants have submitted an interim travel plan with a list of actions which could be undertaken and a timescale for their completion. It is considered that a condition could ensure its implementation.
- 4.50 Finally with respect to improvements to the public realm, it has been noted that the area of open land between the rear of the petrol station and the Ringway has become rather unkempt and uninviting over recent years. This area was landscaped and made publicly accessible as part of a Section 106 Agreement with the applicants which was signed in 1994. Sainsbury's have agreed to submit an amended landscaping plan which will incorporate this area of land and have indicated that the retention of public access would be acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposed development is considered to be of an appropriate design with an acceptable impact upon the canal conservation area and the setting of the Grade I listed St Mary's Church. The retail impact of the proposed extensions has been found to be acceptable. Highway safety matters have been assessed and are satisfactory subject to the alterations as explained in the report. The effect upon the ecology of the site and its environs is considered to be acceptable subject to the update relating to badgers and otters as described previously.
- 5.2 I therefore recommend **delegated** authority to **APPROVE** the application subject to:
- a) the following:
 - i. no objections from the Environment Agency;
 - ii. an amended Transport Assessment and no objections from the Highway Authority;
 - iii. an updated ecology report and no objections from the Countryside and Conservation Officer;
 - iv. amended plans indicating a landscaping scheme for the open space south of the petrol filling station;
 - b) the signing of a **Section 106 Agreement** for £10,000 towards:
 - a study to assess improvements to the transport infrastructure of Crossley Retail Park

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- to carry out the landscaping of the open space between the petrol station and the Ringway and thereafter make the open space available to members of the public and to maintain it to the reasonable satisfaction of the Council; and

c) the following conditions:

1. A6 (Full with no reserved matters)
2. B1 (Samples/details of materials)
3. B15 (Owl/bat box)
4. Tree retention in accordance with submitted scheme
5. Tree protection in accordance with details submitted
6. Landscaping in accordance with submitted scheme
7. C14 (Landscape maintenance)
8. D1 (Contaminated land)
9. D2 (Landfill gas investigation)
10. E2 (including car wash)
11. E11 (Site drainage, oil interceptor)
12. Details of all boundary treatment
13. Details of all existing and proposed external lighting including luminance levels and means of mitigating the impact upon ecology
14. No levels change unless otherwise agreed
15. Details of retaining structure as shown on proposed site layout
16. No works to be undertaken during the bird nesting season (March – September)
17. No more than 40% of the net sales area shall be available for the sale of comparison goods
18. Protective fencing to safeguard waterway infrastructure
19. Scheme for management of trolley traps
20. Implementation of travel plan
21. Details of cycle & motorcycle parking

Notes

- A SN2 (Section 106 Agreement)
- B SN5 (No advertisements)
- C British Waterways

Reason for Approval

The proposed extensions are considered to be of an appropriate design and an acceptable impact upon the adjacent Conservation Area and Grade I Listed Building. The retail impact of the extensions has been evaluated and is considered to be acceptable with respect to its impact upon the vitality and viability of the town centre. The ecological impact of the extensions and wider alterations can be mitigated whilst the highway implications have been assessed and are considered not to have a significant adverse impact. For these reasons the proposals are considered to accord with the Policies listed at the top of the report.

PLANNING COMMITTEE

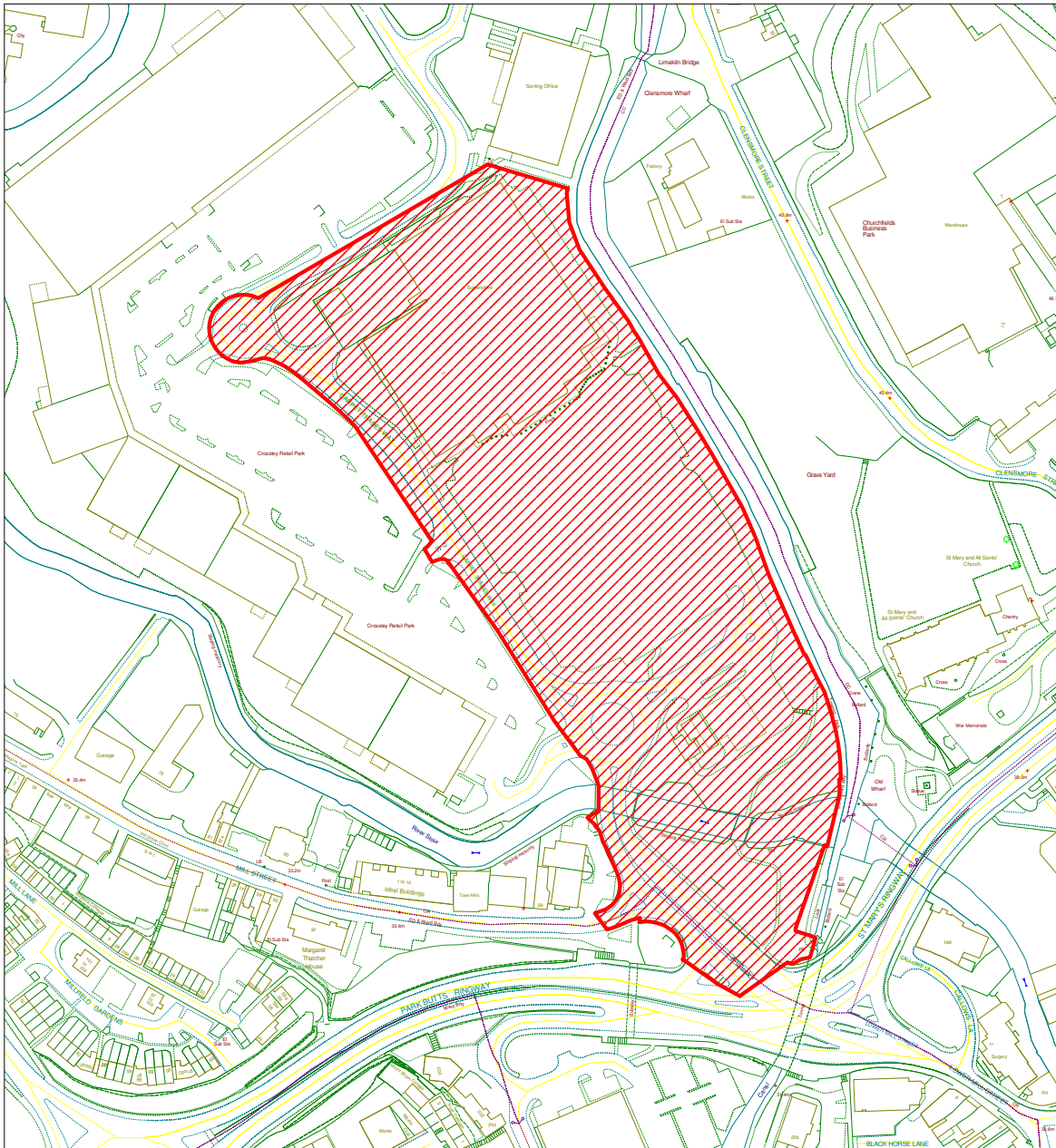
09/0775

Date:- 15 December 2009

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
12TH JANUARY 2010

PART B

Application Reference:	09/0728/TREE	Date Received:	21/10/2009
Ord Sheet:	379708 276120	Expiry Date:	16/12/2009
Case Officer:	Alvan Kingston	Ward:	Wribbenhall

Proposal: Fell tree in rear garden

Site Address: 26 ANTON CLOSE, BEWDLEY, DY121HX

Applicant: Mr Ian Brookes

Summary of Policy	D.3, D.4 (AWFDLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The tree is situated in the rear garden of 26 Anton Close, which is part of a residential estate on the outskirts of Bewdley. The tree, the subject of this application, is a Horse Chestnut and along with other trees located around the estate, was once part of the grounds for Warstone House. It is proposed to fell the tree.

2.0 Planning History

2.1 None

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection received. “The application should be refused on the grounds that this tree forms one end of a belt of trees separating Anton Close from the neighbouring estate and, as such, it plays an important role in the locality being clearly visible and contributes to the amenity of both estates”.

3.2 Ward Members – No objections received

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3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 The tree is clearly visible from public vantage points and does sit within a belt of trees between the two housing estates. However, it is an average specimen that is located in a small rear garden, which has not reached full maturity. As it continues to grow it will take up more and more usable space within the garden and the relationship between the tree and the nearby dwellings will only worsen.

4.2 Due to the tree's average condition and the questionable suitability for its location, the tree has not been included within the proposed new Tree Preservation Order, which is due to be served sometime within the New Year. Whilst the concerns expressed by Bewdley Town Council are fully appreciated, it is considered that, for the reasons above, it would not be appropriate to refuse this application. A suitable replacement tree would be required by condition, to mitigate for the loss of the existing Horse Chestnut tree.

5.0 Conclusions and Recommendations

5.1 It is recommended that the application is **APPROVED** subject to the following conditions:

1. Non-standard Condition '2 year restriction of Consent Notice'
2. C17 (TPO Schedule of Works)
3. C16 (Replacement Tree <the first planting season> <Prunus sargentii> <14 to 16> <As close to the original as possible>).

Schedule of Works

Only the following works shall take place:

Horse Chestnut – Fell

Agenda Item No. 5

Application Reference: 09/0731/FULL **Date Received:** 21/10/2009
Ord Sheet: 384491 275121 **Expiry Date:** 20/01/2010
Case Officer: Paul Round **Ward:** Aggborough and Spennells

Proposal: Provision of 24 bedroom extension to existing Nursing Home on site of existing disused building

Site Address: HERONS PARK NURSING HOME, HERONSWOOD ROAD, KIDDERMINSTER, DY104EX

Applicant: Royal Bay Care Home Ltd

Summary of Policy	H.2, H.13, D.1, D.3, D.10, D.11, D.17, D.18, TR.9, TR.17 (AWFDLP) SD.1, SD.3, D.3, D.9, T.1 (WCSP) QE.1, QE.3 (WMRSS) Design Quality SPG, Planning Obligations SPG PPS1, PPS3, PPS9
Reason for Referral to Committee	'Major' Application
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 8 DECEMBER 2009 PLANNING COMMITTEE MEETING FOR MORE INFORMATION RELATING TO CAR PARKING PROVISION

1.0 Site Location and Description

- 1.1 The Herons Nursing Home occupies a prominent position on the inside of a bend in Heronswood Road on the Spennells Estate in Kidderminster. At the front of the new nursing home stands the original two storey building that is proposed to be replaced.
- 1.2 The site is served by two car parking areas one of which lies immediately adjacent to the nursing home opposite to the junction with Mandarin Avenue and the other on the south-side of the complex.
- 1.3 The application proposes the demolition of the existing original two storey building and the replacement of this with an extension to provide 24 additional bedrooms.

2.0 Planning History

- 2.1 Numerous – most recent:

WF.1066/87 – 38 bedroomed nursing home : Approved 19th May 1988
WF.0239/89 – Extension and alteration to approved layout : Approved 14th March 1989

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WF.126/92 – Provision of 8 partially self-contained elderly person care units :
Approved 15th September 1992
WF.288/93 – Provision of new bedroom wing : Approved 25th May 1993
WF.866/93 – Conservatory, lounge extensions at first floor level : Approved
14th December 1993
WF162/96 – Erection of 15 bedroom extension with new sitting room stairs
and stores : Approved 21st May 1996
07/0715/FULL – Erection of 11 No apartments (close care retirement
dwellings) on site of existing disused building, amendments to laundry
facilities & entrance approach together with new visibility splays &
landscaping : Approved 12th October 2007

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection. The improvement to the visibility splay requires highway verge to be reprofiled. The applicant should discuss this with WCC to agree the most appropriate way to facilitate this improvement.

Following comments raised at the planning committee of 8th December 2009 I have reviewed the car parking provision.

The current parking level is 22 spaces shared between 2 car parks and I believe there is 58 bedrooms existing

This application proposes 24 bedrooms extra.

The car parking standard for C2 Nursing homes is 1 space per 4 beds and 1 spaces per bed for residential staff.

There are no residential staff on this site, so the latter requirement is not applicable.

Based on 58 bedrooms there is a requirement for 14.5 car parking spaces as a maximum, therefore 14 spaces.

This application for an additional 24 bedrooms requires 6 spaces spaces which results in a maximum parking provision of 20 spaces. This number is provided in the existing car parking provision and therefore the application is acceptable with no further parking requirement.

Therefore in short there is sufficient capacity in the existing car park to allow this application to be consented without the need to provide additional parking spaces.

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- 3.2 Environmental Health – No adverse comments
- 3.3 Countryside and Conservation Officer – Suggest introduction of bird box/bat boxes to provide habitat and compensate for any disturbance on site.
- 3.4 Arboricultural Officer – Views awaited
- 3.5 Conservation Officer – Views awaited
- 3.6 National Care Standards – No comments
- 3.7 Severn Trent Water – No objections subject to condition
- 3.8 Ramblers Association – Kidderminster Footpath 534 passes adjacent to the site. We cannot see that this is materially affected and hence we have no objection.
- 3.9 Worcestershire Wildlife Trust – Views awaited
- 3.10 Worcestershire County Council Historic Environment and Archaeology Service – No objection subject to imposition of appropriate condition
- 3.11 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Members may recall the previous application in 2007 that sought for an extra care facility at this location. Following the downturn in the residential market, the owners have had cause to reconsider the viability of the previous project and as such have reverted to this application for an extension to the existing nursing home. The bulk, form and general design is the same as previously approved. The key issues to be considered are as follows:
 - Whether the loss of the existing building is acceptable
 - Design/Visual amenity issues
 - Highway Access issues
 - Impact on neighbouring property
 - Other issues

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WHETHER THE LOSS OF THE EXISTING BUILDING IS ACCEPTABLE

4.2 This is not a statutory Listed Building and it is not on the Local List. The building has character and some historic interest and it is always regrettable when an old building such as this is proposed to be removed. English Heritage and the Council's Conservation Officer have previously looked at the building and have concluded that it is not worthy of statutory listing, or inclusion on the Local List. In addition there are other issues that need to be taken into consideration. These are:

- i) The Council has given permission for this building to be demolished and replaced on 4 previous occasions and the building then, was in a much better condition than it is now, and the considerations were similar except that there is now the possibility of placing it on the Local List. Although, as stated above, the Council's Conservation Officer has now concluded that the building's inclusion on the Local List would not be warranted.
- ii) The building, according to the applicants, has been unused for 12 years. Having inspected the interior of the building there is no reason to doubt this claim as there is evidence of considerable damp and deterioration and if permission were to be refused it is difficult to image it being brought back into use as part of the nursing home.

4.3 After taking account of all of the issues and weighing the character and the history of the building against the planning history, the view of the Conservation Officer, and the benefits that will arise to future residents I am of the view that it would be appropriate for the building to be removed and the site redeveloped.

DESIGN/VISUAL AMENITY

4.4 The proposed wing is to be set at a lower level than the existing building so that it is accessible to disabled people. This would integrate better as it would enjoy a common floor level with the existing nursing home. With this lowering of levels the ridge height of the building proposed is no higher than the building to be demolished even though it will incorporate rooms in the mansard roof area making it a two and half storey building. With the exception of the lift tower it would nevertheless be higher than the main nursing home.

4.5 Policy D.17 which sets a size limit to extensions is not judged to be appropriate in this case as this is not an extension to an existing residential property. Policy D.18 has greater relevance but this does not set an upper limit on the size of extensions. The other clauses of this Policy D.18 are judged to be met.

4.6 Overall the proposal is an interesting design solution, constructed in matching materials, which is judged to complement the existing nursing home building.

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ACCESS ISSUES

- 4.7 The Highway Authority has verbally agreed that the car parking areas are sufficient to cater for this increased accommodation but require improved visibility at the junction. The visibility splay will necessitate earthworks around the bend of Heronswood Road and the proposed landscaping may take a little while to mature. However, this work is considered to be essential as the access point to the car park opposite Mandarin Avenue is substandard. The request for an improved visibility splay is consistent with advice from the Highway Authority previously.
- 4.8 When Members considered this matter previously questions were raised in respect of car parking provision for the facility. At present the property is registered for 58 beds provided in 18 single rooms and 20 double rooms. The applicants are phasing out the use of double rooms and currently have approximately 48 beds in use. The aim is to reduce the existing situation to 38 single rooms. The proposed additional 24 beds would replace those lost through the phasing out of the original double rooms and would bring the eventual overall accommodation within the home to 64 beds, all in single rooms. Car parking provision for this type of establishment is based on 1 space per 4 bedrooms. I have produced a table below to show the car parking requirements for the various scenarios.

	Total No of Bedrooms	No of Car Parking Spaces Required	No of Car Parking Spaces Existing	+/- % Existing over Required
Existing Registered Situation	58	15 (rounded up)	22	+30% overprovision
Existing Situation	48	12	22	+45% overprovision
Extant Permission 07/0715/full for 11 close care apartments (8 no 1 bed & 3 no 2 bed)	72	19	22	+13% Overprovision
Proposed Extension for 24 bedrooms (Based on additional plus Registered No)	82	21 (rounded up)	22	+ 5% Overprovision
Proposed Extension for 24 Bedrooms (Based on Applicants desire for all single rooms)	64	16	22	+27% overprovision

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- 4.9 The Highway Authority has provided a detailed response which is reported above. As shown above, even taking the worst case scenario of 22 beds on top of the registered number of bedrooms, there is sufficient car parking to serve the site. When taken into account with the improvements that will be delivered via the visibility splays, I consider that there is no highway reason to refuse the application.

IMPACT ON NEIGHBOURING PROPERTY

- 4.10 As stated previously the development is on the opposite side of the road to other residential properties. The normal separation distance from a 2 ½ storey building to a boundary of a neighbouring property is 12.5 metres. The proposed building is well in excess of this distance and even allowing for any difference in ground levels and the fact that there will be windows facing the properties opposite, the level of privacy is considered to be acceptable. There are no issues with regards to loss of light or overshadowing of the existing dwellings.

The refusal of the application on grounds of loss of amenity could therefore not be sustained.

OTHER ISSUES

- 4.11 All developments are required by PPS9 to demonstrate an enhancement to the biodiversity of the site. The applicant has agreed to provide the Bat/nesting boxes required by the Council's Countryside Conservation Officer. This can be dealt with by a condition.

5.0 Conclusions and Recommendations

- 5.1 The design and massing of the extension is acceptable and provides additional accommodation without compromising the visual amenity of the surrounding area. Neighbouring properties will not be adversely affected and ample parking has been provided within the scheme. I therefore recommend **APPROVAL** subject to the following conditions.

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Tying the use of the extension to occupation in association with Herons Nursing Home the introduction of the nesting boxes as required by the Countryside and Conservation Officer
5. B3 (Finishing materials to match)
6. B9 (Details of windows and doors)
7. C2 (Retention of existing trees)
8. C3 (Tree protection during construction)
9. C6 (Landscaping – small scheme)
10. C8 (Landscape Implementation)

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11. C14 (Landscape maintenance)
12. Drainage
13. Visibility splay
14. Bat survey to be undertaken before any work on site commences and should bats be present no work to commence before the necessary mitigation measures/ licence has been obtained.
15. Historic building recording

Reason for Approval

The proposed development is considered to be acceptable in terms of design, affect on neighbouring property, car parking and highway safety. The loss of the existing building has been carefully examined against its history, architecture and setting, however it is not protected by either statutory or Local Listing and in these circumstances the benefits of redevelopment are judged to outweigh its retention. After taking into account these and all other issues the application is judged to be in accordance with Policies H.2, H.13, D.1, D.3, D.10, D.11, D.17, D.18, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

Application Reference: 09/0740/FULL	Date Received: 22/10/2009
Ord Sheet: 376772 270013	Expiry Date: 17/12/2009
Case Officer: Emma Anning	Ward: Rock

Proposal: Extension and Alterations

Site Address: JOANS HOLE, DUNLEY, STOURPORT-ON-SEVERN,
DY130UJ

Applicant: Mr T Newbold

Summary of Policy	D.1 D.5 D.17 LA.1 LA.2 NR.6 NC.2 NC.5 NC.7 LR8 (AWFDLP) CTC.1 RST.3 RST.4 RST.9 (WCSP) QE.1 QE. 6 QE.9 (WMRSS) PPS 1 PPS7 PPS9
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 Joan's Hole is a small detached dwelling located in a rural spot adjacent to Dick brook. The property is accessed via a lengthy unmade track and wooden bridge which crosses the brook. The site forms part of the Landscape Protection Area and shares a boundary with the Worcester Way public footpath network.

2.0 Planning History

2.1 09/0316/FULL - Private vehicular driveway and associated access : Approved 15/06/09

3.0 Consultations and Representations

3.1 Rock Parish Council – No objection and recommend approval

3.2 Highway Authority – No objection

3.3 Ramblers Association - In a previous application for work adjacent to this site the agent, stated that the proposed access was in a Landscape Protection Area and further went onto state that other developments would 'seriously detract from this beautiful setting in a Landscape Protection area'. Yet he has now submitted an application for further development at the very spot.

09/0740/FULL

The chalet is situated no more than a couple of metres from the Worcestershire Way (the County's premier long distance footpath), which at this point is in fact Rock FP823 although it is also paralleled by Rock BW792. The Dick brook is also designated a Special Wildlife Site in the Local Plan. We believe that this proposal will have a material and deleterious effect upon the enjoyment of the aforementioned paths and their immediate vicinity.

Further we believe that the proposed development runs contrary to Local Planning policies CH1 or CH2 or CH3 (however the chalet is designated), LA1, LA2, NC2 and NC3 and that the application should be rejected.

Moreover to access the site for the delivery of raw materials etc it will be necessary to cross the brook by fording it and this will lead to further degradation of the natural environment.

Will you please ensure that members of the planning committee/delegated officers are advised of the contents of this letter and that the applicants are made aware of their responsibilities

The Ramblers Association would like to object most strongly to the above application.

- 3.4 Worcestershire County Council Public Path Orders Officer - No objection subject to notes/condition relating to the need to keep the public right of way free from obstruction.
- 3.5 Countryside and Conservation Officer – Awaiting comments
- 3.6 Natural England – Awaiting comments
- 3.7 Neighbours – No representations received
- 3.8 Severn Trent Water – No objections
- 3.9 Worcestershire Wildlife Trust - Provided that the materials etc. for the proposed extension are taken across the existing bridge, and assuming that no machinery will need to ford the brook, I do not think that there should be any adverse effect on the SWS. Accordingly we would not wish to object to this application. I recall that full surveys were done for the previous access application and I know that Paul Allen was closely involved in the discussions at the time. However, assuming that you can condition the means of access across the brook we would not wish to make further comments on that aspect of the development. Obviously control of runoff from the site and some degree of control over extraneous noise and light, both during and post construction would be helpful. Opportunities for biodiversity enhancement, perhaps through the installation of bird and bat boxes should be taken in line with PPS9.

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4.0 Officer Comments

- 4.1 Permission is sought to erect a forward projecting, single storey side extension to the above property.
- 4.2 The property is a modest two room dwelling comprising a living/sleeping area and a separate bathroom. There is also a single storey extension to the rear which is not part of the house as it is accessed externally only and appears to be used for storage. This proposal would provide a bedroom to the side of the property and projecting to the front.
- 4.3 The relevant policy considerations in this instance are detailed at the beginning of the report. Despite appearing as a shack/chalet the property was not identified as such in the District Council's Shack Survey 1979 and as such the chalet policies of the Adopted Wyre Forest District Local Plan do not apply. The relevant policy consideration for assessing the impact of the proposal is D.17 which clearly states that extensions to existing dwellings should remain subservient to the original and should be in keeping with its architectural form and character. Having assessed the proposal against this policy it is felt that the extension, by virtue of a reduced ridge height, would appear subservient to the host property and because it would mirror the architectural design of the original would harmonise with the existing dwelling. The proposal is therefore considered to accord with Policy D.17.
- 4.4 There are no neighbouring properties which lie immediately adjacent to this dwelling and therefore there are no concerns that neighbour amenity will be harmed as a result of this proposal.
- 4.5 A key consideration in this instance is the impact of the proposal on the visual amenity of the Landscape Protection Area in particular as this site, despite being in an isolated rural spot, shares a boundary with the Worcestershire Way public footpath network and is therefore highly visible along this part of the route. For the reasons outlined above it is felt that the proposed extension would harmonise with the existing building and would not result in the creation of an incongruous feature in this setting. As such I consider it would harmonise with the landscape setting and would not cause harm to visual amenity, in accordance with Policy LA.1 of the Adopted Wyre Forest District Local Plan.
- 4.6 Concern has been raised that the proposal would impact on the enjoyment of users of the public right of way network and its immediate vicinity. Whilst I appreciate that for a short period during the construction process there may be some temporary visual intrusion this will be short lived and will subside once the project is complete. Notably the extension would be sited away from the public footpath. Feedback from the County Council's Public Path Orders Officer confirms that they do not object to the scheme but they do wish for the applicant to be made aware of their responsibilities relating to the Public right of way network. Notes suggested by the Public Path Orders Officer will alert the applicant's attention to the need not to obstruct the public right of way and to keep it open for users at all times. Any alterations proposed to be made to

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the footpath would require written consent in their own right. For these reasons I consider the proposal would not cause harm to the enjoyment of the public footpaths and that satisfactory conditions and notes could be added to an approval to ensure that this is the case.

- 4.7 The site sits next to Dick brook, an identified Special Wildlife Site. Concern has been raised that the development may lead to harm being caused to the brook through its fording to facilitate access to the development site. Clarification from the applicant's agent has been sought on the means by which materials would be delivered across the brook to the development site. The agent has confirmed that the brook will not be forded or crossed other than via the existing footbridge. All building materials will be delivered to site initially by vehicle along the access track and parking area approved under planning permission 09/0316/FULL and will then be carried on foot across the pedestrian bridge. In light of the comments made by Worcestershire Wildlife Trust on this matter I am minded to believe that no harm would be caused to the brook as a result of the proposed development.
- 4.8 It should be noted that the access track has not yet been implemented and as such the means of access described by the agent would not, at this present time be possible. It is therefore proposed to include a condition on any approval which would require the appropriate access to be completed prior to the implementation of this permission.
- 4.9 At the time of report preparation comments from the District Council's Countryside and Conservation Officer and Natural England are awaited.

5.0 Conclusions and Recommendations

- 5.1 Whilst it is considered that the proposal accords with the design and landscape policies of the Local Plan, comments are still awaited from Natural England and the Council's Countryside and Conservation Officer. I therefore recommend **delegated** authority to **APPROVE** subject to no objections and thereafter subject to the following conditions:-
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
B3 (Materials)
 3. Means of access as approved under 09/0316/FULL to be completed prior to the commencement of development.
 4. Bat boxes

Note
Public Right of Way

Reason for Approval

The proposed extensions are of a scale, form and design which relate well to the architectural characteristics and scale of the original dwelling and would harmonise with the character and setting of the Landscape Protection Area. No harm to the public right of way network or Special Wildlife Site would arise as a result of the development. The proposal therefore complies with the policies of the Adopted Wyre Forest District Local Plan.

Application Reference: 09/0764/FULL **Date Received:** 04/11/2009
Ord Sheet: 381949 275120 **Expiry Date:** 30/12/2009
Case Officer: Stuart Allum **Ward:** Oldington and
 Foley Park

Proposal: Extension of existing convenience store to provide extra retail and storage space together with extended residential accommodation at first floor level.

Site Address: GODSON FOOD & WINE, 2 GODSON CRESCENT, KIDDERMINSTER, DY117JT

Applicant: Mr N Thuraiajah

Summary of Policy	RT.8, D.1, D.3, D.7, D.18, TR.9, TR.17 (AWFDLP) QE.1, QE.3 (WMRSS)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 No 2 Godson Crescent is a retail supermarket (the primary use) with first floor living accommodation located on a visually prominent site, within an allocated residential area to the south west of Kidderminster Town Centre.

1.2 The site is bounded to the west by an area of open land, and to the north and east by neighbouring residential properties.

1.3 The applicant and his family run the supermarket on a day to day basis, and live 'over the shop' the first floor element of the proposed extensions are for their benefit.

1.4 The applicant's agent has submitted a short statement of need thus:-

'The proposal is for the construction of an extension to the rear of the existing retail unit to increase the size of the shop floor and an additional domestic bedroom at first floor level.

The concept is to increase the size of the 'retail shop unit' to permit more and a wider range of goods to be displayed and stored at the premises. This proposal is in response to discussions between the shop owner/manager and his present customers.

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A local map of the area is included with the application to indicate the locality of other similar premises, from which it can be seen that the nearest competitors are within 2 miles radius.

With the ever increasing emphasis on the public not being reliant on using motor vehicle transport, it is considered that travel distance to a local 'mini market' is an essential part of the community. The proposal will enhance the local community as a focal point and improve the present retail facilities.

The increase in the first floor accommodation ensures that the domestic facilities are adequate for the family of the owner/shop manage to remain on at the premises, which will assist in security and customer service.'

2.0 Planning History

- 2.1 KB2/62/88 – Shop extension and covered access : Approved
- 2.2 KB6/58/225 – Canopy to shop premises : Approved
- 2.3 08/0728/FULL – Extension of existing convenience store to provide extra shop floor and storage space : Withdrawn

3.0 Consultations and Representations

- 3.1 Highway Authority – Recommends refusal - The application does not demonstrate sufficient car parking to ensure that vehicles using the store are not displaced onto the Highway. The existing accessible car parking layout (4 spaces) is below what the County would consider to be an appropriate car parking number by 2 spaces. The situation is worsened by the amount of space for access via dropped kerbs and the location of the declared car parking spaces and the ability to make best use of the spaces.

The application proposes to extend the store and the scale of the extensions warrants the addition of 3 further spaces. It is considered that the failure to provide the additional spaces will make car parking on the carriageway in close proximity to the store to be intensive and this will hinder the free passage of vehicles. This situation is considered to be of greater significance due to its proximity to the roundabout and the risk of queuing as vehicles have to wait to pass parked vehicles.

I also note the absence of any cycling facilities which is not addressed as part of this application, the absence of these measures reduces choice of access modes and encourages persons to drive rather than use sustainable access for people living within the local area.

- 3.2 Severn Trent Water Ltd – No objections subject to condition

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- 3.3 Environmental Health – No objections
- 3.4 Forward Planning – Views awaited
- 3.5 Neighbour/Site Notice – No representations received.

4.0 **Officer Comments**

- 4.1 This is a resubmitted application following the withdrawal of 08/0728/FULL on officer advice. The design, location and massing of the proposed extension on that occasion was considered to create an unacceptable over dominant and oppressive impact upon the amenity of the neighbouring residential property at No. 3 Godson Crescent.
- 4.2 Following discussions and negotiations with the applicant and his agent, the proposed extension has been redesigned and re-orientated, the effect of which removes the previous amenity concerns. Although the arrangement of the extension roof plan is somewhat convoluted, the general bulk and presence of the extension has been adapted considerably to favour the neighbouring property to the east, and is now acceptable. This aspect of the scheme is now considered to be in compliance with the appropriate design and amenity policies in the Local Plan.
- 4.3 Regarding highways matters, Worcestershire County Council have responded in accordance with current car parking standards relative to the gross floor area of the original building and the proposed extensions. The minimum requirement under the current Local Plan standard would be 6 car parking spaces, but only 4 can be provided as easily accessible spaces on the site frontage. The whole of the frontage cannot be accessed due to the absence of a continual run of dropped kerbs.
- 4.4 This approach is capable of being challenged in the circumstances of this case, particularly in the context of Policy RT.8 of the Local Plan, which states:-

“Subject to other material considerations and policies, proposals involving the development of a new small-scale retail (A1) of less than 250 sq. metres Net, or the modest extension of an existing shop may be permissible where there is an identifiable local need within residential areas or rural villages, and where such development would not undermine the retail strategy or have a detrimental impact on a nearby centre or other grouping”
- 4.5 2 Godson Crescent is a ‘stand alone’ retail food unit located in the heart of a residential area. There is a clear and identifiable local need, as articulated in the agent’s statement. As such, and in the interests of promoting improved and locally accessible food shopping facilities within walking distance of the surrounding area, the car parking formula promoted by the Highway Authority is considered to be unrealistic in this case.

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- 4.6 If Members are minded to support this interpretation of policy, they may wish to also consider the principle of imposing a condition on any approval to provide a cycle storage facility, as alluded to in the Highways consultation response.

5.0 Conclusions and Recommendations

- 5.1 The issues surrounding this application have been carefully assessed, and, on balance, the views of the Highways Authority are considered to be outweighed on this occasion in favour of the applicant.

- 5.2 The proposal is therefore considered to be in compliance with design and amenity policies and the implied flexibility available in Policy RT.8 and is, therefore, acceptable.

- 5.3 In consideration of Articles 1 and 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED** subject to the following considerations:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Matching materials)
4. Obscure glazing to side facing bedroom window facing No. 3 Godson Crescent and no further first floor windows in that elevation.
5. Cycle rack storage.
6. Dropped kerbs to be extended.
7. Severn Trent (Drainage)

Note

SN12 (Private Matters)

Reason for Approval

The proposed extension and other alterations, by their design, scale and orientation, are considered to be complimentary to the appearance of the existing building and the surrounding residential environment. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that no serious loss of amenity or privacy would occur as a result of the development. The identified local need for the extended shop and its sustainable location within easy walking distance of its catchment area is considered to outweigh the identified shortfall of allocated car parking spaces able to be accommodated within the site. Accordingly, the proposal is considered to be in compliance with the above policies of the Adopted Wyre Forest District Local Plan.

Application Reference: 09/0765/FULL	Date Received: 03/11/2009
Ord Sheet: 373191 275190	Expiry Date: 29/12/2009
Case Officer: Stuart Allum	Ward: Rock

Proposal: New entrance to existing caravan park

Site Address: HILLVIEW, SUGARS LANE, ROCK, KIDDERMINSTER,
DY149UW

Applicant: Mr J Knapper

Summary of Policy	D.1, D.3, D.5, LA.1, LA.2, TM.1, TM.6, TR.9 (AWFDLP) CTC.1, CTC.5 (WCSP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 'Hillview' is a dwelling located to the north of Far Forest village, and adjacent to the narrow Sugars Lane, which does not benefit from pavements or street lighting.
- 1.2 'Hillview' is associated with the adjacent holiday caravan park, which is presently only accessible from the driveway leading to the dwelling. This dwelling access is to remain in place.
- 1.3 The application is, therefore, to renew an expired planning permission granted on 15 May 2003 for a dedicated access to the caravan park some 70 metres further north from the existing access. This would involve cutting into the hedgerow verge/embankment, providing visibility splays and grading the access drive up towards the caravans. The site is located within the Landscape Protection Area.

2.0 Planning History (of relevance)

- 2.1 WF/1198/78 - Caravan Site for 7 caravans : Approved
- 2.2 WF/300/84 - Extension of caravan site : Approved
- 2.3 WF/206/86 - 3 additional caravans, Change of use of land for 5 touring caravans and show block : Refused
- 2.4 WF/694/95 - Extended Occupancy period of Holiday Caravan Site (8 -11 months) : Approved

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- 2.5 WF/248/03 - Creation of additional access to caravan park : Approved 15/5/03 (unimplemented)

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Objection, the Parish Council believes the current access to the caravan park should remain.

- 3.2 Highway Authority – No objections subject to conditions and note.

- 3.3 Arboricultural Officer – There are a number of high amenity trees within the grounds of Hillview, however the proposed new driveway will only have a direct effect on three poor quality fruit trees that have no amenity and are therefore not worthy of retention.

There is a mature Oak tree close to the desired location of the driveway that may be affected by the construction process, however I feel a condition requiring protective fencing around this tree will prevent any damage occurring.

There will obviously be a section of hedgerow removed to facilitate the proposal. The hedge does not fall within the hedgerow act and I do not feel that local amenity will be adversely affected by its removal.

I therefore have no objection to the proposed new entrance as long as there is a condition to construct protective fencing around the mature oak closed to the proposed location of the entrance in accordance with BS5837:2005.

- 3.4 Neighbour/Site Notice – Five letters of objection received, the main points summarised thus:

- Railway sleepers referred to were stolen many years ago – agent should not submit untrue statements – we are local residents with local knowledge of the site over a number of years.
- Proposed entrance in very dangerous position on a bad bend – many accidents and near misses – safety paramount – widening lane with the passing point will allow cars and larger vehicles to speed faster down the lane. Traffic has greatly increased since 2003 consent. Further passing points not needed. Creation of blind left-hand bend. Existing ‘pinch point’ acts as a traffic calmer.
- Construction would involve removal of historic local stone wall – not shown on plans as well as removal of old mature hedge, a habitat for hibernating insects and wildlife.

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- ‘Eyesore’ caravan park would be exposed to open road. Quoted ‘gap’ in hedge would be at least 25 metres. Secluded site should remain so. Character of lane would be altered.
- New entrance will create more problems than it would solve.
- Levels details should be submitted to show how ground at higher level would be retained. How will surface water be prevented from discharging onto Sugars Lane.
- Previous meetings with Planning and Highway officers in the 1980’s led to advice that any access onto Sugars Lane would not be acceptable – previous owners were to provide a ‘service road’ from the existing access, running parallel to the highway. This was constructed but has since been abandoned – opening up former drive would come at no expense to the environment.
- Mature Ash tree opposite site for access was removed without any official permission to allow wider caravans to be transported to the Wyre Forest Caravan Park further down Sugars Lane.
- Rock Parish Council have objected – this is important.
- Residents still have concerns regarding Planning Application 09/0533/FULL (withdrawn).
- Feel Highways and Planning are not interested in addressing our concerns.
- Applicant has had many years opportunity to implement access under 2003 permission, but has failed to do so – indicates far from a necessity (How many residents were consulted on previous application?)
- Widening the lane would make further development down the lane more viable – generally Far Forest residents are opposed.

4.0 Officer Comments

- 4.1 When this proposal was considered in 2003, the officer’s comments to the then Planning (Development Control) Committee were as follows:

“The existing access to the caravan park runs adjacent to the applicants’ house and garden area. The proposed access would be located 70 metres away from the existing access, and is in a position to offer increased visibility. In addition, the access is located at an existing ‘pinch point’ in the highway and the proposal will help to facilitate widening this point and aiding the free-flow of vehicle and pedestrian traffic. The existing access will remain unaltered and will only be used by vehicles accessing the house. As such, there will be no increase in vehicular traffic as a direct impact from this

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development. The trees to be removed are not of significant amenity value, and as a result their loss will not adversely harm the area'."

4.2 From the information gathered at the latest site inspection, it is evident that the situation 'on the ground' within the application site and along the highway boundary has not changed significantly since the 2003 approval. As before the main planning criteria for considering the proposed access are the:

- i) impact on highway safety; and
- ii) impact on the local rural environment within a Landscape Protection Area.

4.3 To address the highways issues first, the Highway Authority has repeated their support for the scheme on this occasion.

4.4 Regarding visual amenity, the length of hedgerow embankment to be removed is significant at 25 metres. However, placed in the context of the lane as a whole, such a loss is considered to be proportionate and reasonable, and would not lead to a serious loss of landscape character in these surroundings. The stone wall is a distinctive local feature, but enjoys no statutory or formal local protection.

4.5 Likewise, the Council's Arboricultural Officer has not objected to the application, subject to conditions.

5.0 Conclusions and Recommendations

5.1 The views of the Parish Council and the neighbouring properties have been carefully appraised but overall, it is considered that the circumstances of the site have not changed to such a degree that any other recommendation than approval could be contemplated, the proposal being compliant with the appropriate policies and other guidance.

5.2 In consideration of Articles 1 and 8 of the Human Rights Act 1998, the application is recommended for **APPROVAL** subject to the following condition:

- 1. A6 (Full with No Reserved Matters)
- 2. A11 (Approved Plans)
- 3. Vehicle access construction
- 4. Access, turning and parking
- 5. Tree protective fencing

Notes

- A. HN5 (Alteration of highway to provide new, or amend vehicle cross-over)
- B. Drainage

Reason for Approval

The proposed access is considered to be an appropriate addition to the laneside scene and would not unduly harm the character or appearance of the designated Landscape Protection Area, or the interests of highway safety. As such, the proposal is considered to be in compliance with the policies listed above.