

Open

Planning Committee

Agenda

6 pm
Tuesday, 14th February 2012
The Earl Baldwin Suite
Duke House
Clensmore Street
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams	
Vice-Chairman: Councillor G C Yarranton	
Councillor J Aston	Councillor D R Godwin
Councillor I Hardiman	Councillor M J Hart
Councillor H J Martin	Councillor C D Nicholls
Councillor F M Oborski	Councillor J W Parish
Councillor M Price	Councillor M A Salter

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sue Saunders, Civic Centre, Stourport-on-Severn. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

DECLARATIONS OF INTEREST - GUIDANCE NOTE

Code of Conduct

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Director of Legal and Corporate Services or Director of Planning & Regulatory Services before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Planning & Regulatory Services.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 110D will always include the case Officer's written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 14th February 2012

The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Legal & Corporate Services, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interest In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered. Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992. (See guidance note on cover.)	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 10th January 2012.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
6.	Applications Pending Decision To receive a schedule of planning and related applications which are pending.	247

7.	<p>Planning and Related Appeals</p> <p>To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.</p>	266
8.	<p>Monthly Progress Report on performance against NI157 targets for determining planning applications</p> <p>To consider a report from the Director of Planning & Regulatory Services that provides Members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).</p>	275
9.	<p>Section 106 Obligation Monitoring</p> <p>To consider a report from the Director of Planning and Regulatory Services that gives details of the most current Section 106 Obligations which require monitoring.</p>	280
10.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
11.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

12.	<p>New Enforcement Case</p> <p>To receive a report from the Director of Planning & Regulatory Services on a new enforcement case.</p>	305
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13	<p>Live Enforcement Cases</p> <p>To receive a report which lists live enforcement cases as at 1st February 2012.</p>	309
14.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

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

10TH JANUARY 2012 (6.00 PM)

Present:

Councillors: S J Williams (Chairman), J Aston, H E Dyke, D R Godwin, I Hardiman, M J Hart, H J Martin, C D Nicholls, T L Onslow, J W Parish, M Price and M A Salter.

Observers:

There were no members present as observers.

PL.90 Apologies for Absence

Apologies for absence were received from Councillors G C Yarranton (Vice-Chairman) and F M Oborski.

PL.91 Appointment of Substitutes

Councillor H E Dyke was appointed as a substitute for Councillor F M Oborski. Councillor T L Onslow was appointed as a substitute for Councillor G C Yarranton.

PL.92 Declaration of Interests

Councillor S J Williams declared that he had spoken to the applicant on application number 11/0661/FULL but came to the meeting with an open mind. Councillors J Aston, I Hardiman, M J Hart, H J Martin, C D Nicholls, F M Oborski, J W Parish, M Price, M Salter and S J Williams had received an email on application number 11/0634/FULL, Land off Grey Green Lane, Bewdley.

PL.93 Minutes

Decision: The minutes of the meeting held on 13th December 2011 be confirmed as a correct record and signed by the Chairman.

PL.94 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 493 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 493 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.95 Applications Pending Decision

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

Decision: The schedule be noted.

PL.96 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

PL.97 Monthly Progress Report on performance against NI157 targets for determining planning applications

The Committee considered a report from the Director of Planning and Regulatory Services that provided members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).

Decision: The details be noted.

The meeting ended at 6.55 p.m.

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE**10th January 2012 Schedule 493 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Director of Planning and Regulatory Services, Duke House, Clensmore Street, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 11/0634/FULL
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Site Address: LAND OFF GREY GREEN LANE, BEWDLEY
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APPLICATION DEFERRED PENDING A SITE VISIT. APPLICATION TO BE RECONSIDERED AS A PART A REPORT WITH A FICHE AT THE NEXT MEETING OF THE COMMITTEE.
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Application Reference: 11/0661/FULL
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Site Address: SION BARN, HILLPOOL, KIDDERMINSTER, DY10 4PF

REFUSED for the following reasons:

- | |
|---|
| <ol style="list-style-type: none"> 1. The site is located within the West Midlands Green Belt. The proposed development constitutes 'inappropriate development' in the Green Belt through the extension of a dwelling created through the re-use and adaptation of a rural building. No very special circumstances have been demonstrated by the applicant to outweigh the harm created by reason of its inappropriateness. The proposal is therefore considered to be contrary to Policy RB.5, the aims of part (ii) of Policy RB.1 and Policy GB.1 of the Adopted Local Plan, Policy D39 of the Worcestershire County Structure Plan and PPG2. 2. The design of the car port is alien to and would detract from the character and appearance of the former barn which was only permitted to be converted because of its particular architectural interest. The proposal is therefore considered to be contrary to the aims of Policies RB.5 and RB.1 of the Adopted Local Plan, and Policy CP11 of the Adopted Core Strategy. |
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Application Reference: 11/0309/FULL
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Site Address: 1 FREDERICK ROAD, HOO FARM INDUSTRIAL ESTATE, WORCESTER ROAD, KIDDERMINSTER, DY11 7RA
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Delegated APPROVAL subject to the signing of a Section 106 Agreement for off site bio diversity enhancement as mentioned in the report to Planning and the following conditions:
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| <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1972 as amended or the Town and Country Planning (General Permitted |
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Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), this permission gives no consent whatsoever for a general A.1 use but relates to a trade and specific retail use for the sale of the following range of goods strictly as defined below:

- Agricultural products, including farm machinery and parts, spares, animal feed and accessories (amounting to no less than 50% of the net area of the building);
- DIY goods, ironmongery and builders merchant; Tools and plant; Gardening products and accessories; Country pursuits (including fishing tackle, riding equipment, shooting equipment); Outdoor Clothing and Footwear (amounting to no more than 15% of the net area of the building, i.e. no more than 393sq m); Household Goods (amounting to no more than 10% of the net area of the building i.e. no more than 262 sq m); and Domestic Electrical Goods but not televisions, fridges, ovens, washing machines, (amounting to no more than 5% of the net area of the building i.e. no more than 131 sq m).

4. The yard and bulk store shall be used for retail sale and storage of bulky agricultural related goods and other ancillary bulky goods and shall not be used for any other purpose whatsoever including any other purpose in Class A1 and Class B8.
5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1972 as amended or the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) the building and yard shall trade as a single trade and retail unit only and there shall be no sub-division of this unit without the formal permission of the Local Planning Authority.
6. The goods stored in the external storage yard shall not exceed 4.5 metres in height.
7. Highway.

Reason for Approval

The application has been carefully considered in terms of the effect on the town centre and with regards to the loss of employment land but on balance after taking account of the retail assessment which demonstrates that there will not be a significant effect on the town centre, the nature of the business which does not lend itself to a town centre location, the absence of any suitable alternative sites, the lengthy marketing exercise that hasn't resulted in any Industrial/warehouse/office uses, the surplus of employment land, the number of jobs that will be created by the development on balance the proposal is considered to be acceptable as a departure from some of the policies contained within the Development Plan.

Application Reference: 11/0310/FULL
Site Address: UNIT 1 FREDERICK ROAD, AND LAND TO THE WEST, HOO FARM INDUSTRIAL ESTATE, WORCESTER ROAD, KIDDERMINSTER, DY11 7RA
Delegated APPROVAL subject to the signing of a Section 106 Agreement for off site bio diversity enhancement as mentioned in the report to Planning and the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. Notwithstanding the provisions of the Town and Country Planning Use Classes

Order 1972 as amended or the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), this permission gives no consent whatsoever for a general A.1 use but relates to a trade and specific retail use for the sale of the following range of goods strictly as defined below:

- Agricultural products, including farm machinery and parts, spares, animal feed and accessories (amounting to no less than 50% of the net area of the building);
 - DIY goods, ironmongery and builders merchant; Tools and plant; Gardening products and accessories; Country pursuits (including fishing tackle, riding equipment, shooting equipment); Outdoor Clothing and Footwear (amounting to no more than 15% of the net area of the building, i.e. no more than 393sq m); Household Goods (amounting to no more than 10% of the net area of the building i.e. no more than 262 sq m); and Domestic Electrical Goods but not televisions, fridges, ovens, washing machines, (amounting to no more than 5% of the net area of the building i.e. no more than 131 sq m).
4. The yard and bulk store shall be used for retail sale and storage of bulky agricultural related goods and other ancillary bulky goods and shall not be used for any other purpose whatsoever including any other purpose in Class A1 and Class B8.
 5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1972 as amended or the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) the building and yard shall trade as a single trade and retail unit only and there shall be no sub-division of this unit without the formal permission of the Local Planning Authority.
 6. The goods stored in the external storage yard shall not exceed 4.5 metres in height.
 7. Highway.

Reason for Approval

The application has been carefully considered in terms of the effect on the town centre and with regards to the loss of employment land but on balance after taking account of the retail assessment which demonstrates that there will not be a significant effect on the town centre, the nature of the business which does not lend itself to a town centre location, the absence of any suitable alternative sites, the lengthy marketing exercise that hasn't resulted in any Industrial/warehouse/office uses, the surplus of employment land, the number of jobs that will be created by the development on balance the proposal is considered to be acceptable as a departure from some of the policies contained within the Development Plan

Application Reference: 11/0655/TREE
Site Address: 1-6 ANTON CLOSE, BEWDLEY, DY12 1HX
APPROVED subject to the following conditions: 1. TPO1 (Standard time) 2. C17 (TPO Schedule of Works) Schedule of Works Only the following works shall be carried out: Common Lime (<i>Tilia x europaea</i>) – Fell

Application Reference: 11/0679/FULL
Site Address: 4 BROCKTON PLACE, STOURPORT-ON-SEVERN, DY13 0LE
APPROVED subject to the following condition: 1. Completion of driveway within three months of this permission. Note Approved Drawings <u>Reason for Approval</u> On balance, notwithstanding the non-previously development nature of part of the site, it is considered that there are sufficient positive arguments in favour of the retention of the development. The buildings are well designed and provide a completeness to the street scene. There are no highway or neighbour amenity issues in this case. The application is considered to be in accordance with H.2, TR.17 of the Adopted Wyre Forest District Local Plan, DS01, DS03, CP01, CP03, CP11, CP12 of the Adopted Wyre Forest Core Strategy, QE3 of the West Midlands Regional Spatial Strategy and Planning Policy Statement 1 and Policy Planning Statement 3.

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

14/02/2012

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
11/0420/FULL/OUT	LAND AT CHURCHFIELDS KIDDERMINSTER	REFUSAL	14
11/0634/FULL	LAND OFF GREY GREEN LANE BEWDLEY	APPROVAL	154
11/0701/FULL	27 WOODLANDS ROAD COOKLEY KIDDERMINSTER	APPROVAL	168
11/0703/RESE	FORMER MORGAN CERAMICS SITE BEWDLEY ROAD STOURPORT-ON-SEVERN	DELEGATED APPROVAL	174
11/0706/FULL	ROBIN HOOD PH DRAYTON ROAD DRAYTON BELBROUGHTON	APPROVAL	182
11/0747/FULL	PLOT 4 WOODROW LANE BLUNTINGTON CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	188

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
11/0609/TREE	ELFIN GLEN GORST HILL, ROCK KIDDERMINSTER	APPROVAL	194
11/0675/FULL	10 ADAM STREET AND REAR OF 6 ADAM STREET KIDDERMINSTER	APPROVAL	197
11/0681/FULL	37 & 38 OLDNALL ROAD KIDDERMINSTER	APPROVAL	202
11/0711/FULL	28-29 SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN	APPROVAL	220
11/0717/FULL	37 CHESTNUT GROVE KIDDERMINSTER	APPROVAL	232
11/0749/FULL	WOODHOUSE FARM POUND GREEN ARLEY BEWDLEY	APPROVAL	235
12/0002/FULL	157 SION AVENUE KIDDERMINSTER	APPROVAL	240
12/0006/FULL	WEST MIDLAND SAFARI PARK, SPRING GROVE BEWDLEY	APPROVAL	243

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH FEBRUARY 2012

PART A

Application Reference: 11/0420/FULL/OUT **Date Received:** 15/07/2011
Ord Sheet: 383149 277178 **Expiry Date:** 14/10/2011
Case Officer: Julia Mellor **Ward:** Broadwaters

Proposal: HYBRID APPLICATION: AREA A - FULL DETAILS:
 PROPOSED FOODSTORE (USE CLASS A1) AND
 PETROL FILLING STATION; ASSOCIATED PLANT,
 MEANS OF ENCLOSURE, RECYCLING, PARKING AND
 HIGHWAY WORKS INCLUDING NEW LINK ROAD
 BETWEEN THE RINGWAY AND CHURCHFIELDS;
 DEMOLITION OF EXISTING BUILDINGS, WITH
 EXCEPTION OF THE 1902 BUILDING (PART
 DEMOLITION PART RETENTION AND CHANGE OF
 USE TO CAFE, CUSTOMER AND COLLEAGUE
 FACILITIES)
 AREA B - OUTLINE: PROPOSED RESIDENTIAL
 DEVELOPMENT OF UP TO 26 UNITS WITH
 ASSOCIATED ACCESS AND PARKING; DEMOLITION
 OF EXISTING BUILDINGS. (LAYOUT AND ACCESS TO
 BE DETERMINED)

Site Address: LAND AT CHURCHFIELDS, KIDDERMINSTER,

Applicant: Asda Stores Ltd

Summary of Policy	H9, D4, D10, D11, D12, D15, NR2, NR11, NR12, LB1, LB5, CA1, CA6, AR2, AR3, NC7, TR17, RT5, RT6, RT8, RT13, TC4, KTC3, CY2, TC15 (AWFDLP) DS01, DS02, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP09, CP11, CP13, CP14 (AWFCS) UR2, PA11, PA13, CF4, CF5, QE1, QE2, QE3, QE4, QE5, QE7, T1, T2, T3, T4, T5, T6 (WMRSS) CTC9, CTC17, CTC19, CTC20, CTC21, T4 (WCSP) Policies 1, 9, 10, 11, 14, 15, 16, 19, 22, 23, 24, 25, 26 (SA&P DPD) Policies 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 19, 23, 26, 31 (KCAAP)
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11/0420/FULL/OUT

	Churchfields Masterplan (2011) ReWyre Prospectus Wyre Forest Retail and Leisure Update 2010 Design Quality SPG (2004) By Design RSS Phase 2 EIP Panel Report PPS1, PPS3, PPS4, PPS5, PPS9, PPS12, PPS23, PPS25, PPG13, PPG24
Reason for Referral to Committee	‘Major’ planning application Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

PROPOSED LOCATION

- 1.1 The application site encompasses two adjoining areas of land which together total approximately 3.8 hectares. The site lies within the Churchfields part of Kidderminster with the first larger area comprising part of the former Tomkinsons carpet factory and the second smaller area encompassing land between the existing road known as Churchfields and the ring road roundabout which currently accommodates the CMS Vauxhall garage and 50a/51 Blackwell Street.
- 1.2 By 2003 carpet production at the former Tomkinsons carpet factory had closed down and now the majority of the units on this part of the site are rented out to a range of companies mainly for storage and distribution. A section of the application site has a boundary to Pleasant Street to the north and Broad Street to the east, although the existing residential properties which front onto Broad Street are excluded from the site. No.3 Broad Street is also excluded from the application site and is surrounded by existing commercial premises. The area to the north and east is predominantly residential in character. Notably 223 houses have recently been approved at the former Georgian carpets site to the north, a site now named ‘Keepers Lock’.
- 1.3 To the west the site borders buildings called the 1885 building and the 1895 building which are both locally listed. The latter will be familiar as it provides office accommodation for the District Council and contains the Earl Baldwin Suite and Loom Room. Beyond these buildings to the north and west lies Duke House and the remainder of the existing Churchfields Business Park. The Grade I listed St. Mary’s church lies at a distance of approximately 110m from the application site.

11/0420/FULL/OUT

- 1.4 With the exception of the portion of the application site adjoining the ring road roundabout the southern boundary to the application site has a boundary to the highway known as Churchfields. The frontage to the road includes the 1902 building, a three storey brick built warehouse which is also locally listed. The area to the south and south east of the application site is largely commercial in character and accommodates the Horsefair local centre. The Blackwell Street area is a designated Air Quality Management Area (AQMA).

DESCRIPTION OF DEVELOPMENT

- 1.5 A hybrid planning application has been submitted. This comprises of a full planning application for:

(i) an A1 use class retail store;

- The store layout integrates the existing 1902 building which fronts Churchfields, although it is proposed to truncate the existing building by 9.5m and re-build the gable in its new location
- The retail store would provide 7,322 sq.m. gross floorspace
5,990 sq.m at ground floor (new build and retained 1902 building); 803 sq.m at first floor (new building and retained 1902 building); and 529 sq.m. second floor (retained 1902 building only)
- The proposed net floorspace would be 3,600 sq.m
- the service yard accommodating delivery vehicles and associated plant would be positioned towards the south west boundary

(ii) A 398 space car park

- 353 standard spaces (25 wheelchair access spaces + 20 parent and child spaces)
25 spaces for motorbikes
25 cycle hoops under a covered cycle shelter for 49 bicycles

(iii) a four pump petrol filling station

11/0420/FULL/OUT

- 1.6 The second part of the proposal is an outline planning application for 26 dwellings incorporating 8 affordable units. All matters are reserved with the exception of the proposed layout and access. The proposed dwellings would turn the corner of Churchfields and Broad Street providing a residential frontage to both streets. Whilst the design of the dwellings is reserved for future consideration the agents on behalf of the applicants have provided illustrative elevations showing 2, 2½ and 3 storey buildings reaching a maximum height of 12.1m to the ridge.
- 1.7 The proposed alterations to the highway within the application site comprise the following:
- A proposed new dual carriageway connection between the A456 St Mary's Ringway and Churchfields with a new signalized junction on Churchfields. One of the four arms to the new junction would provide the main vehicular and pedestrian access into the site. The site of the existing CMS Vauxhall garage together with the premises at 50a/51 Blackwell Street are proposed to be demolished to provide the proposed new point of access to the site from the ring road roundabout;
 - The widening of Churchfields to accommodate two way traffic and delivery vehicles necessitating the truncation of the 1902 buildings by 9.5m;
 - A separate delivery access from a new length of road off Churchfields along the south western edge of the site; and
 - An access off Broad Street to access the rear of the proposed residential properties.
- 1.8 Alterations to the highway beyond the application site comprise the following:
- Stopping up of the end of Blackwell Street where it currently meets the ring road roundabout. This would allow vehicles to enter Blackwell Street from the north but would prevent through traffic to the ring road roundabout;
 - Altering the principal route into and out of the town centre via Horsefair (in front of Maureen Aston Court) and Churchfields; making the section of Horsefair in front of the Nisa convenience store one way towards the town centre; re-aligning the junction of Hurcott Road and Stourbridge Road / Horsefair by building out the pavement in front of Nos. 430/431 Hurcott Road and 24/25/25a Horsefair;
 - Removal of the existing traffic signal controlled arrangement at the junction of Blackwell Street / Radford Avenue / Horsefair

11/0420/FULL/OUT

- 1.9 In addition new bus stops are proposed on Churchfields.
- 1.10 A public exhibition was held on site over 11th and 12th March 2011.
- 1.11 The supporting information indicates that the proposals will provide up to 400 jobs.
- 1.12 In November 2009 a screening opinion was requested, and after considering the Environmental Impact Regulations 1999 it was concluded that the development did not require a full Environmental Impact Assessment.
- 1.13 The following documents have been submitted in support of the application:
 - Planning Statement
 - Design and Access Statement
 - Retail Assessment / Applicant's response to WYG Appraisal of Retail Planning Issues
 - Acoustic Consultancy Report
 - Pre Development Arboricultural Survey
 - Air Quality Assessment / Supplementary Response
 - Geotechnical & Environmental Assessment Report & supplementary information
 - Flood Risk Assessment
 - Archaeological Assessment
 - Historic Buildings Assessment
 - Phase 1 Habitat and Scoping Survey
 - Statement of Community Involvement
 - Transport Assessment /Supplementary TA
 - Asda Colleague Travel Plan
 - Accessibility Assessment
 - Reptile Survey
 - Internal Building Inspection

2.0 Planning History

- 2.1 WF.428/96 - Erection of an extension to existing dye house and offices :
Approved 6/8/96
- 2.2 WF.433/96 : Advertisement - Display of a 48 Sheet gables Mounted
Advertisement Hoarding at 50a Blackwell Street : Refused 16/7/96
- 2.3 WF.433/97 - Erection of an extension for warehouse purposes :
Approved 15/7/97

11/0420/FULL/OUT

- 2.4 WF.70/99 - Erection of a stack/flue for water vapour extraction :
Approved 10/3/99
- 2.5 WF.135/99 - Erection of three chimney stacks : Approved 13/4/99
- 2.6 WF.547/99 - Erection of a first floor extension to form six new offices,
boardroom and shower room, linking canopy and revised elevation
treatment including new entrance canopy at Central Motor Services,
Churchfields : Approved 2/9/99
- 2.7 WF.182/02 - Demolition of existing stores to rear of 50/51 Blackwell
Street, cladding side and rear elevation, erection of security gantry with
shutters, tarmac surfacing for car display area and landscaping at
CMS : Approved 28/5/02
- 2.8 WF.643/03 : Outline - Demolition of existing building and erection of
two blocks to contain total of 9 no 1 bedroom flats with associated car
parking at "The Unicorn", 1 Broad Street : Approved 25/9/03
- 2.9 WF.1067/03 - Change of Use to independent canteen with take away
and delivery service at Unit 16 Churchfields Business Park : Approved
9/12/03
- 2.10 WF.128/05 - Exterior cladding to car showroom at CMS : Approved
1/4/05
- 2.11 WF.156/05 Change of Use from industrial/storage to vehicle sales and
repairs at Unit 9 Churchfields, Kidderminster : Approved 8/4/05
- 2.12 WF.366/05 – Various signage at CMS : part Approved/part Refused
16/5/05
- 2.13 WF.458/05 - Continued use of unit 13a for retail outlet in association
with carpet products being warehoused on the Churchfield Business
Park, Unit 13a Churchfield Business Park : Approved 16/6/05
- 2.14 05/1028/FULL - Change of use to car sales with portable office
accommodation at Broad Street : Refused 7/12/05
- 2.15 05/1231/FULL - Change of use of land to car sales (resubmission of
05/1028/FULL at Horsefair Car Sales, Broad Street : Refused 9/2/06
- 2.16 05/1242/ADVE - 2 Sets of Illuminated Letters at CMS Kidderminster
Churchfields : Approved 16/2/06

11/0420/FULL/OUT

- 2.17 07/0071/ADVE - 1 x 48 sheet ultra-vision display unit with illumination at 50a Blackwell Street, Kidderminster : Refused 16/3/07
- 2.18 07/0377/FULL - Change of Use to car wash, portable office building, resiting of 2.0m high fencing, car parking area on land at Broad Street : Refused 31/5/07
- 2.19 08/0876/FULL - Canopy over car wash at Broad Street : Approved 18/11/08

3.0 Consultation Responses

- 3.1 Highway Authority - The County Council is fully cognisant and supportive of the District Council's aspirations for the regeneration of the wider Churchfields area. The County Council is a partner in the District's ReWyre initiative of which Churchfields is a key project and recognises the adopted Churchfields Masterplan Supplementary Planning Document (SPD). This SPD forms part of the Kidderminster Central Area Action Plan Development Plan Document which has been out to consultation and is scheduled for adoption in 2012. It is noted that this development proposal does not accord with the adopted Churchfields SPD. The County Council will continue to offer support to the District Council in achieving the strategic aims as set out in the Masterplan, which offer a comprehensive approach to the traffic management of the area.

However, notwithstanding the County Councils view of the strategic ambition set out in the adopted SPD and developing DPD, the County Council has considered the technical evidence submitted in support of this proposal in its role as Statutory Consultee. It is the County Council's opinion that the technical evidence surrounding this proposal are such that the County Council cannot raise any objection to the proposal being granted planning permission subject to suitable provision being made through a section 106 obligation to secure an appropriate financial contribution and subject to the following conditions:

- Single access outline consent - Residential
- Access closure - use of site - vehicular
- Access, turning and parking
- Disabled Parking Need
- Cycle Parking (Single Unit)
- Motorcycle Parking (Single Unit)
- Turning/parking commercial No spaces
- Highway improvements / offsite works
- Parking for Site Operatives
- Travel Plan Condition

11/0420/FULL/OUT

The following notes are advised:

- Mud on Highway
- Private Apparatus within the Highway
- Section 278 Agreement
- Section 38 Agreement Details
- Drainage Details for Section 38
- No Drainage to Discharge to Highway
- Design of Street Lighting for Section 278

It is advised that the applicant should enter into a section 106 agreement to provide financial contributions to the following:

- £5000 Towards Traffic Management Proposals in Broad Street
- £3660 Towards Traffic Regulation Orders to Prohibit Driving in Blackwell Street
- £3660 Towards Traffic Regulation Orders to introduce a one way order and amendments to parking restrictions in Horsefair
- £3660 Towards Traffic Regulation Orders to Amend Waiting Restrictions in the area to facilitate the Section 38 and 278 highway works.

The applicant should enter into a section 106 agreement to provide a delivery vehicle access strategy which will manage access routes and timing of arrivals of delivery vehicles.

The planning officer is advised that these heads of terms have been agreed by the applicant.

3.2 Arboricultural Officer - I have no overall objection, however there are a few points that need to be addressed before I can recommend approval.

I am in agreement with the submitted Arboricultural Survey, that there are not any trees on the site worthy of preservation or even retention. I therefore have no objection to the removal of whichever trees are necessary to facilitate the development, as long as suitable replanting takes place.

Group 4, which is within the area for the outline permission for the new dwellings, contains the only trees within the street scene and although they are not of a high quality, the loss of any street trees is always regrettable. Unfortunately the proposed houses will not have any garden space to the Broad Street side and therefore replacement trees will not be able to be planted to mitigate for the loss. If this could be altered to allow new tree planting, it would be very beneficial to the area.

11/0420/FULL/OUT

My main issue is with tree species choice, number of trees to be planted and the proposed location of the trees. Developing this site gives a great opportunity to improve the green infrastructure within the area. Therefore I feel more trees should be included within the landscaping, especially within the car park. Species choice is vital so any tree planted can reach its full potential without the need for excessive and unnecessary pruning. Native tree species are best for local wildlife and site well within the landscape.

Unfortunately, although some of the proposed species are acceptable there are a number of species I do not feel are appropriate and much more suitable species are available. I am also not convinced by the proposed locations of some of the trees, especially the limes along the new access road from the roundabout. This could be a very impressive avenue of trees leading to the store along the road, however they are currently proposed at different distances from the road which I feel will lose the effect.

The other issue is with the maintenance of the newly planted trees, which should last for 5 years. More details are required for the tree planting specification and should include types of stakes, ties and irrigation tubes. Protection measure for the trees to prevent vandalism and damage from cars (especially in the car park) is also needed.

I am content for my requirement for better landscaping and maintenance plans to be included within the conditions if the application is approved.

- 3.3 British Waterways – No comments to make.
- 3.4 Countryside Conservation Officer - There is little in the way of BAP habitat on the site to worry about, however there is a small area that it is suggested that its loss is mitigated against through the landscaping scheme. Species wise the site has some potential for bats, and a visual inspection has been carried out, this has concluded that there is very little chance that there is a bat roost within the development. However there is the potential that a small number or individual bats may be present in some of small features on some of the buildings. It is recommended that these structures found on units 7b, 14 and 12 are dismantled in a sensitive manner with all involved being made aware of the potential for bats and all works to stop and specialist ecological advice undertaken if bats are found. (I would be happier that an ecologist was employed at this point to act as a clerk of works during this stage). If demolition is not complete by August 2012 then the site should be re surveyed as access points exist but are not being used.

11/0420/FULL/OUT

Given that there are no bats not much mitigation could be expected but there is some potential for bats to use the existing structure as part of their habitat, as good quality feeding habit exists near by and certainly within flight time for most bat species, hence it would not be unreasonable to request some mitigation / enhancement from this development in the form of some built in bat features into the new/renovated development.

The original 2010 report highlights the site to have some potential for nesting birds including the Wildlife and Countryside Act Schedule 1 bird the Black Redstart. It is hence recommended that all works to demolish and or begin alterations to the retained buildings are scheduled for outside of the bird nesting season. If this is not possible then an ecological clerk of works will be needed to inspect each area immediately prior to any works taking place and action taken to prevent any works interfering with or disturbing the nest(s). Similarly to the bats we will want to have some mitigation for the loss of potential nesting habitat. The original report goes as far as recommending a brown roof for redstarts, I could see no evidence that this has been acted on but we will need to see some appropriate mitigation for birds loss of nesting potential. A suggestion is made that the landscaping plan provides some additional habitat through native planting however it is a little vague.

The reptile survey of summer 2011 survey has confirmed the lack of presence so all is well

There is some badger activity, a latrine was found during the 2010 survey. This itself is not a problem but given the vagrant and abundant nature of badgers in our area they will need to carry out another badger survey prior to any works. This needs to be a condition.

3.5 Conservation Officer (Latest comments)

The application site is bisected by Churchfields, an historic street shown on Sheriff's 1780 map of Kidderminster, leading from St. Mary's church to the Horsefair.

The site itself contains one locally listed building: LLK89, the "1902" former warehouse building, the prominent SE-facing gable end of which borders the north side of Churchfields.

The proposed development will in my opinion also affect the setting of the following statutorily and non-listed buildings and conservation area:

11/0420/FULL/OUT

Church of St. Mary and All Saints - Grade I
22 Church Street – Grade II
5&6 Horsefair – Grade II

Two buildings running NW to SE at Tomkinsons – LLK92
18 & 19 Churchfields – LLK90-1

Church Street Conservation Area

The Design and Access Statement, at 3.8, is factually incorrect. There are lines of sight between the Church Street conservation area and the application site. My photographs DSC_0352A and DSC_0353A of 29th September 2011 prove that buildings currently within the proposed site boundary can be seen from the Conservation Area, even when partially obscured by trees in full leaf. I have circled these in red. The impact will be greater in winter when there are no leaves on the trees. As such the development proposals will have an impact on the setting of and views in or views from the Conservation Area I will comment on the impact of the application on the following:

- a) The existing historic factory site and its locally listed heritage assets
- b) The surrounding statutorily and non-statutorily listed heritage assets
- c) The nearby Church Street Conservation Area
- d) The existing historic street pattern
- e) Heritage assets which have not yet been assessed for designation (either statutorily or non-statutorily).

- a) The existing historic factory site and its locally listed heritage assets

LLK89 The “1902” Building

This building is a significant landmark clearly visible from the ring road, rising well above the surrounding industrial and retail buildings. There are a number of issues relating to the proposals which will be detrimental to the character appearance and setting of this building.

It is most unfortunate that the proposed highway intersection outside the store necessitates the complete demolition of the SE gable end of the building. This is its principal elevation as seen from the public domain, has been the least altered and which features the best architectural detailing.

The truncation of the building by 9m removes the important visual element of the hoist entrance, without which the building loses its legibility as a warehouse. The loss of the rather elegant staircase removes all trace that this end of the building was used as a showroom for a time.

11/0420/FULL/OUT

The bland elevation treatment proposed for the SE gable-end of the truncated building is a poor substitute for the genuine article, and pays mere lip-service to conserving this locally important building.

The demolition of the adjacent north-lit factory premises and their replacement with a taller building containing the supermarket will serve to further diminish the interest of the 1902 Building, which will lose its much of its SW facing elevation behind a drab battleship grey shed.

The creation of a “bookend” on the SE elevation facing Churchfields, 14m in height as opposed to the 1902 Building’s 15m height will create a competing feature.

I would prefer the ridge of the roof of this bookend building to match the height of the new wall to Churchfields – this would reduce the competition between the two buildings visually.

When viewed from the churchyard entrance, the imposing gable end of the 1902 Building will no longer be the principal structure on the north side of Churchfields, its presence being further diminished by being truncated some 9m behind the current building line.

The opportunity exists within the 1902 Building to create exciting internal open spaces which celebrate and reflect its history and give it a new lease of life as the focal point for a new store. Instead the internal layouts illustrated on drawings PL15D and PL16D are a great disappointment.

The truncation of the building by 9m reduces the floor space so that to accommodate the necessary vertical and horizontal circulation space the restaurant, kitchen and toilets appear crammed into the structure with little thought given to convenient circulation.

The cast-iron columns, made in Kidderminster and such a strong architectural feature of the building are here relegated to inconveniences, one even shown abutting the servery counter!

The first floor layout is little better. Once the services have been installed the building will tell little of its history.

11/0420/FULL/OUT

An alternative approach would be to start off with three clear floors, and build a two-storey pod abutting the building within the supermarket “shed”. This could accommodate all the toilets and catering restaurant facilities to modern-day standards with complete freedom of layout, enabling the historic building to provide open accommodation for a generous restaurant and staff offices and facilities over. Within the 1902 Building the insertion of a feature lift could realise lettable space on the top floor left unallocated in the current proposal.

I think the proposals do not comply with policies LB1, 2, 3, and 5 in the Adopted Local Plan.

Two buildings running NW to SE at Tomkinsons – LLK92

Whilst outside the development site these two locally listed buildings form part of the current factory site and will be impacted upon by the proposals. The siting of delivery and servicing functions so close to the buildings, particularly the access road and HGV parking, removes the potential to enhance their setting in the future. I think this will adversely impact on the buildings potential future uses. The bookend building also appears to dominate these buildings. Policy LB 5 requires new buildings affecting the setting of these buildings to relate well to them in terms of design, style and materials, proportion and plan and otherwise harmonise with the buildings, their curtilage or setting. I am not convinced the proposals achieve that here.

1932 Building and other walls to Churchfields

Given that historic factory buildings have been retained in other parts of the town, even if simply to serve as facades (as opposite Caldwell Hall), I think the proposed demolition of the factory walls with their dynamic shape dictated by the requirement for north-light within is a retrograde step. I would prefer a design which incorporates these characterful elements into a modern building, retaining the historic building line along Churchfields, perhaps introducing some fenestration into what is otherwise a blank facade.

It seems ironic that there is deemed to be insufficient highway width to access the service yard (when for the past 30 years or so articulated lorries have made their way along Churchfields to Clensmore and round into the site without too much difficulty) and as a result the entire site boundary to Churchfields has to be demolished.

b) The surrounding statutorily and non-statutorily listed heritage assets

11/0420/FULL/OUT

Church of St. Mary and All Saints - Grade I

The church is situated close to an industrial area of Kidderminster. The tranquillity of the churchyard is to a large degree compromised by its proximity to the dual carriageway and the close proximity to industrial premises.

The orientation of the supermarket as proposed sites the service entrance at the corner of the site closest to the church. I think this is unfortunate as will perpetuate the current situation.

I do not think that the proposed bookend building will have a significant impact on the setting of the nearby church of St. Mary and All Saints Listed at Grade I. This is because it will be sited further away from the church than the existing steel-clad structures which are to be demolished.

To summarise I think the proposals are neutral in respect of the church and its churchyard.

5&6 Horsefair – Grade II

To clarify my previous comments, I think the proposal will have little if any visual impact on these listed buildings.

Church Street Conservation Area

22 Church Street

The application site will be visible from the public domain within this Conservation Area, contrary to the Design and Access Statement. It will also be visible from 22 Church Street, a listed building within the Conservation Area. It will, however, have little direct impact on the conservation area, except that the demolition of the 1932 building and the reconstruction of the supermarket set further back from the present Churchfields alignment will remove the visual relationship between the carpet factories and the “town centre”.

c) The existing historic street pattern

Churchfields

A review of the maps of Kidderminster from 1780 onwards indicates that Churchfields was an important thoroughfare to access St Mary’s Church from the East. It was the site of intensive development in the late 18th and early 19th centuries, much of it removed during the early 20th century to make way for larger manufactories. Smaller streets have now been lost entirely. The area has thus always been in a state of flux with probably very few decades during which some form of development or redevelopment has not taken place.

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One feature which has remained constant, however, is the building line to the back of pavement on the north side of Churchfields. This has remained since at least 1842 and probably 1780. The total loss of the building line to the south side of Churchfields has diminished the understanding of this once important thoroughfare, and the proposed removal of the factory walls and truncation of the 1902 Building to the north will serve to completely eradicate the historic street pattern in this area.

I am not of the opinion that the illustration on page 58 of the Design and Access statement represents an improvement on what could be achieved if the 1902 Building and existing boundary walls were retained in their entirety and incorporated within a new supermarket structure. I believe the illustrations feature a degree of artistic licence which may be misleading and may be mis-interpreted by consultees and the public alike.

- d) Heritage assets which have not yet been assessed for designation (either statutorily or non-statutorily).

50 and 51A Blackwell Street

The application refers to these buildings as Building 22. The buildings are illustrated in plates 149 and 150 of the Historic Building Assessment.

The 1780 Sheriff Map indicates buildings on this site, however having been afforded the opportunity to visit the site, I conclude that the current buildings date from the second quarter of the 19th century.

There is clear evidence of the re-use of a number of substantial oak beams (salvaged I assume from the building which previously stood on the site). These are to be found built into the rear elevation wall, spanning the principal rooms on the first floor, and used as trusses and purlins within the wing building to the rear.

All fireplaces and original staircases appear to have been removed, so that access to the living accommodation above the shops is now only possible by ladder. The massive chimney of 50a Blackwell Street remains, and this may well pre-date the rest of the present structure.

The buildings were comprehensively “modernised” during the 1950’s and 60’s during which period the façade was rebuilt, incorporating Crittall’s steel windows to the living accommodation. All historic features have been lost internally with the exception of the survival of some historic plasterwork in the attic space.

Although there is a cellar, access to this is no longer possible.

11/0420/FULL/OUT

In my opinion, due to the fragmentary remains of any pre-19th century building on this site, and due to the extensive remodelling of the existing buildings, these do not meet the criteria for inclusion on the statutory list of Buildings of Special Architectural or Historic Interest.

As there may be significant information to be yielded by excavation of the yard and cellars I would recommend that an archaeological recording of the building, its cellars and yard should take place prior to any future demolition.

I have read the comments submitted by RPS on 1st December 2011, however as the application currently stands I am unable to support it – primarily due to the treatment of the 1902 building LLK89, the impact on the setting of the LLK92 buildings and the replacement of the 1932 façade.

- 3.6 Watercourse Officer - A Flood Risk Assessment (FRA) FRA is required to comply with PPS25 as the site is approx. 3.80 ha in size. The site is identified within the SFRA as a potential development site.

Flood Risk associated with the site

- Site is located within flood zone 1 (risk of flooding less than 1:1000)
- Ground levels of the development site are at a minimum of some 8 metres above the river Stour and as such the site is not affected by fluvial flooding
- Severn Trent Water (STW) have confirmed that there are no recorded incidents of sewer flooding within the vicinity of the site
- ground levels of the development site are at a minimum of some 8 metres above the canal and as such the site is not affected by flooding incidents associated with raised water levels in the canal

Current Drainage

- The site is a Brownfield site and therefore the existing discharge rate can be calculated as $Q = 2.78 \times 50 \times \text{existing impermeable area in ha}$ - existing discharge rate is calculated to be 469 l/s
- Foul sewers close to the site are modelled with an annual surcharge frequency

Future Drainage - starting-points

- Correspondence with EA states that the runoff from the application site should be improved and the 1:100 year + climate change event catered for
- Proposed drainage on site will be designed to cater for the 1:100 year + 20 % rainfall event for the Asda Store area and the 1:100 year + 30 % for the residential portion of the development
- STW request that surface water flows from Brownfield sites will be reduced by 20%

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- It may be desirable at the detailed design stage and a requirement of the local highway authority that surface water from the highway access area is allowed to drain un-attenuated to the public surface water sewer and the 20 % reduction in runoff (13 l/s) which would have been associated with the highways area needs to be transferred to the Asda and residential area.

Future Drainage - calculations

- Proposed discharge rates are 278 l/s from Asda, 45 l/s from residential area and 52 l/s from highways. These are Brownfield discharge rates minus 20 %.
- Storage required to achieve proposed discharge rate is 658 m³ for Asda, 56 m³ for residential area, and 24 m³ for highways
- The surface water storage volumes required to meet the proposed maximum discharge rates need to be recalculated should existing sewers have insufficient capacity - STW should be contacted to ensure capacity is available.

Future Drainage – SuDS

- SuDS will be assessed for use where technically feasible
- Due to the previously industrial nature of the site and surrounding area it is likely that infiltration based SuDS techniques are unsuitable for use at this location
- Due to the proposed site use it would not be technically feasible to propose the use of an infiltration basin or other such large scale above ground attenuation feature. Alternative methods of sustainable drainage must be considered at the detailed drainage design stage. Permeable paving systems and water butts could be considered a practical means of accommodating SuDS at the site
- Most likely that surface water will need to be detained in an underground tank with the outflow limited by way of a flow device control
- It may be practical to use permeable paving in the parking spaces of the social housing area and it is most likely that water butts will be provided for each plot
- It is most likely that the onsite drainage system both within the Asda and residential portion of the development will remain private and the responsibility of Asda and either property owners or housing association in respect of the residential area.
- Only if soakaways can't be used due to contamination present or unsuitable ground conditions STW would consider a connection to the public sewer

My conclusions and recommendations

At present the site is not at risk from any type of flooding. The aim is to design a surface water drainage system for the site to accommodate flows arising from the 1:100 year + climate change event for all areas.

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For the residential part of the site climate change is 30 %, for the Asda and highways part it will be 20 %. This is in line with EA's policy and will mean that the development won't increase flood risk elsewhere. The assumption is made that infiltration will not be feasible due to the former industrial use of the site. I believe that this needs to be concluded formally first, especially since STW has stated that only if soakaways can't be used due to contamination present or unsuitable ground conditions a connection to the public sewer will be considered. All three parts of the site (Asda, residential and Highways) will in principal have a separate drainage system and calculations are therefore carried out separately as well. However, as is stated in the document it may be desirable / necessary that surface water from the highway access area is allowed to drain un-attenuated to the public surface water sewer. In that case the 20 % reduction in runoff associated with the highways area (13 l/s) will have to be transferred to the Asda and residential area. I believe discussions with highways regarding the drainage should start as soon as possible to ensure that the highways drainage strategy will form an integral part of the drainage strategy for the entire site.

Although a definite decision regarding the type of SuDS is not yet made, the document emphasizes the possibility to store a volume of water on site in some kind of storage device and then discharge the water into the public sewer with a discharge rate equal the current discharge rate minus 20 %. This discharge rate is in line with STW's policy. The discharge will be limited by using hydrobrakes. Indicative calculations are included in Appendix G of the document. As is commented in the document, the surface water storage volumes required to meet the proposed maximum discharge rates need to be recalculated should existing sewers have insufficient capacity, I believe STW should be contacted as a matter of urgency to ensure capacity is available.

As stated above, a definite decision regarding the type of SuDS is not made yet. The document seems to stress the use of underground storage tanks with hydrobrakes limiting the outflow into the sewers. However, it is also stated that it may be practical to use permeable paving in the parking spaces of the social housing area and I don't see why this could not be incorporated. The document states that it is unlikely that permeable paving systems will be practical in the Asda area, but these systems seem to be working satisfactorily in numerous other similar developments. It is stated that most likely water butts will be provided for each plot in the residential area. I believe these should be regarded as a short-term promotional statement rather than a long-term integral part of the surface water drainage system.

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At present there is not enough information available to decide on a recommendation. I would recommend that the drainage strategy gets finalised soon considering all methods of SuDS available, taking into account the actual, not assumed, limitations arising from Highways requirements, former industrial use of the site and existing sewer systems capacity. Other benefits than flow control and attenuation should be considered too, i.e. water quality control and amenity value, and the strategy should include details for the situation that the design event is exceeded.

I would like the final drainage strategy to answer the following questions:

1. What are the agreed design criteria (management flood risk, management of water quality and provision of biodiversity / amenity) and does the scheme deliver these?
2. Has the SuDS management train been delivered?
3. Does it provide source control?
4. Where possible is water managed above ground?
5. Have all the opportunities of the site been exploited (location, site topography, views)?
6. Has existing flood routes and drainage exceedance been considered?
7. Has health and safety been considered (gradients, inlets, outlet control structures)?
8. Has maintenance and access been considered?
8. Is there a maintenance plan?
9. Has adoption been resolved?

- 3.7 Worcestershire County Council (Archaeology) - The Archaeological Desk Based Assessment and the Historic Building Assessment provide a good account of the current understanding of the sites potential in terms of above and below ground heritage assets, (however the Desk Based Assessment refers to much of the site having low potential, which could be misleading as without direct investigation there remains a certain degree of unknown potential, which is inevitable when dealing with archaeological deposits). This aside, I concur that the potential for national important remains is low and as such I have no objection to the proposed development, and that no further pre-determination investigations are required.

Both these reports do identify areas and structures that would require further recording or investigation prior to and during development (if approved). Therefore as a condition of both the full and outline consents, I advice that a formal programme of archaeological works be carried out. This will entail detailed historic building recording of the key structures identified in the appraisal, and targeted trenching and or watching brief to identify and record any deposits of archaeological significance.

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The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by Planning Policy Statement 5 – Planning for the Historic Environment.

In this instance it is believed, *on current evidence*, that the site is not of such significance to warrant further pre-determination evaluation or preservation in situ, and that the impact of the proposed development on the historic environment can be appropriately mitigated by a conditional programme of archaeological work.

- 3.8 Worcestershire County Council (Education) - If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with your Supplementary Planning Document on planning obligations for education facilities.
- 3.9 Worcestershire County Council (Planning) – no comments received
- 3.10 West Mercia Police Crime Prevention Design Advisor – (Latest Comments)

Asda Supermarket and Petrol Filling Station - My only concern with this aspect of the application concerns the car park. With car parks of this size there is always the potential for anti-social behaviour and people in vehicles causing a nuisance. In my view because it is closer to a large residential development the potential for anti-social behaviour on this car park is greater than any other supermarket car parks in the Kidderminster area. In view of the above I think it essential that the car park is well lit and covered by a comprehensive CCTV system.

Houses - I appreciate that the application for the houses is an outline application only and when full permission is applied for the design may well be different. Working on the basis that the supplied drawings give an indication of what will be put forward in any full application the layout of the houses as indicated by the drawings is in my opinion an invitation to crime. All the car parking is at the rear of the houses, it is unsecured and there is no natural surveillance over the vehicles, this makes them extremely vulnerable to attack. To make matters worse there is a footpath through the parking area which will provide an easy escape route to thieves. The point of entry in the majority of house burglaries is from the rear. The back gardens to all of the houses are exposed. Even with 1.8 metre high fencing they are vulnerable as fencing can be climbed. In addition using solid fencing to protect the backs of the houses further reduces the surveillance over the parked vehicles. The footpath through the houses to the supermarket creates two brick walls that face onto the path and will be vulnerable to graffiti. In order to reduce the opportunity for crime I suggest that the following options be considered.

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Remove the path through to the supermarket. Put electronically controlled gates at the entrance to the parking area and secure the parking area with a 1.8 metre high fence. Alternatively, move the houses back and create parking areas at the front. Enhance rear perimeter security by planting prickly bushes along the fence line.

If the path to the supermarket is to remain, the design of the houses either side of it should follow the guidance contained in the Secured by Design New Homes Guide.

'It is important to avoid the creation of windowless elevations and blank walls adjacent to space to which the public have access. This type of elevation, commonly at the end of a terrace, tends to attract graffiti and inappropriate loitering. Where possible, provide at least one window, which can be at first floor level, to give views over the public area.

Where blank gable walls are unavoidable, one of the following methods should be used to protect them;

Provide a 1m buffer zone using either a 1.2 – 1.4m railing (with an access gate) or a 1m mature height hedge with high thorn content. Hedging will have to be protected with a fence such as chestnut paling until it becomes established. The hedge shall be contained within the boundary of the adjacent building to increase the likelihood that it will be maintained.

Where there is insufficient room for a buffer zone then an appropriate (non destructive) climbing plant should be planted adjacent to the wall, or a finish applied to the wall that will allow easy removal of graffiti.' (SBD New Homes Guide 2010 page 25)

Outline planning permission should only be granted on the basis that the final design of the houses will take into account the principles of Secured by Design in order to reduce the opportunity for crime.

3.11 West Mercia Police Headquarters (Strategic Planning) – (original comments)

As you are aware, the development falls within the operational area of West Mercia Police (WMP), which is responsible for delivering services to address community safety, crime and the fear of crime.

11/0420/FULL/OUT

Whilst our Crime Prevention Design Advisor, has provided you with the Force's comments in respect of the conformity of the proposals with the principles and requirements of "Secured by Design", this letter concerns our views in respect of the likely implications for the delivery of policing services in the Churchfields area as a whole, as a result of the proposed development.

As you know, planning application 11/0420/FULL has been submitted at a time when the Churchfields area is already the subject of a major planning consent (223 houses – Ref.11/0163/FULL). At the same time, the planning policy for Churchfields is still emerging, as demonstrated by the following recent consultations held by the Council: -

- Kidderminster Central Area Action Plan Preferred Options Paper (May 2011) (KCAAP); and
- Churchfields Masterplan (Draft) Supplementary Planning Document Consultation Paper (May 2011) (CMSPD).

The representations submitted in respect of planning application 11/0163/FULL and in response to the KCAAP and CMSPD consultations by WMP have conveyed a consistent underlying message; namely that the delivery of new developments in Churchfields, with the associated growth in population, places unsustainable pressure on WMP's existing infrastructure and resources in the area. In this case, this includes the Police Post located at Windermere House, which delivers policing services to the Churchfields area. It also includes the vehicles from which our personnel operate from in the area.

The Police Post and vehicles in the area are already being utilised to their operational capacity and cannot accommodate the additional demands on policing services that will arise from the ASDA development without additional resources being provided. The police service no longer receives central grant funding for infrastructure projects, whilst all available revenue funding provided by the Home Office and the Council Tax precept is used to pay for the staff necessary to deliver front line services. The only available option left, namely borrowing, has a direct impact on the delivery of safe and sustainable communities because loans have to be repaid from revenue budgets. Consequently, the inevitable outcome of this is a reduction in the money available to deliver operational policing.

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Although new development brings a revenue resource through local rates which the police use to pay for staff, this is insufficient to allow borrowing to fund premises and equipment to accommodate those staff. This revenue resource is also delayed because of the nature of development and there is usually a three year gap in policing as a result.

To confirm, WMP are not seeking S106 funds for either short term or long term revenue funding. Where a developer contribution is secured towards capital facilities and resources, we will provide the necessary staff to ensure that the new development receives cover.

Having assessed the available information on planning application 11/0420/FULL, a contribution is requested towards the following: -

Infrastructure Item	Reason why required	Estimated Cost
IT infrastructure	To enable existing staff to maximise their presence in and around the proposed development through ready access to police computer applications.	£3,000
Police Car	To provide greater mobility for existing staff to cover the development.	£14,000 (or £7,000 if split with application 11/0163/FULL)

For the avoidance of doubt, the contribution requested in relation to IT infrastructure is in addition to that requested in relation to planning application 11/0163/FULL.

However, you will recall that in our representations to planning application 11/0163/FULL that we requested £14,000 towards the cost of a new police car to patrol the area. We are of the view that this cost could be split between the two proposed developments. Such a pooling of contributions would be in accordance with Circular 05/05 and the Community Infrastructure (CIL) Regulations 2010. At the same time, the splitting of the cost would guarantee that the proposed contributions were proportionate to the developments proposed whilst enabling us to capture the deficiency in funding that WMP would otherwise experience.

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WMP therefore considers that a reasonable and justified case can be made to warrant the requested contributions in this instance. The delivery of infrastructure to accompany growth, achieving sustainable development, is a primary responsibility of planning enshrined in PPS1, PPS4 and PPS12. Therefore, without adequate infrastructure being provided to enable the delivery of policing services to the proposed development, it would be unacceptable in planning terms.

The requested contributions comply with Circular 05/05 and the Community Infrastructure Levy (CIL) Regulations 2010, in that they are directly related to the proposed development, as well as being fairly and reasonably related to the scale and type of development proposed by ASDA.

With reference to Policy CP07 – ‘*Delivering Community Wellbeing*’ of the Wyre Forest Core Strategy (adopted December 2010), it is clear that developer contributions can be made towards the cost of emergency services resources and infrastructure. In addition, Development Objective 13 of the Core Strategy (adopted December 2010) states that new developments should maximise community safety and contribute positively towards crime reduction across the District for the benefit of all residents.

Furthermore, the ‘*Wyre Forest Matters Sustainable Communities Strategy 2008-2014*’ identifies the key challenge of creating communities that are safe and feel safe. It is also worth noting that Section 17 of the Crime and Disorder Act 1998 places local authorities under a statutory duty to consider crime and disorder reduction in the exercise of all their duties.

(Latest Comments) - We write in response to the letter submitted to the Council by RPS Planning & Development Ltd (RPS), dated 01 December 2011, commenting on the request by West Mercia Police (WMP) for a Section 106 contribution to ameliorate the direct impacts on the delivery of policing services arising from the proposed development. We are surprised and concerned that RPS have taken the view that there is no link between the proposed development and the contributions sought. The scale of development proposed, once delivered, will represent a significant intensification in use of the application site. This in turn will necessitate significantly intensifying the provision of policing services to the site, to ensure the safety and security of those occupying and visiting. At present, the application site is occupied by two large former carpet factories, which are leased to a number of businesses on rolling short term leases. It is the intention of Asda to replace this relatively low level of activity.

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We are able to make a reasonable estimate of the likely demands on policing that will arise from the proposed development, once delivered, using two sources of data.

The first source of data is the '*Retail Crime Survey 2010*', compiled by the British Retail Consortium (BRC). This Survey, which represents the 17th Retail Crime Survey prepared by the BRC, is accepted by the Home Office and the Association of Chief Police Officers (ACPO) as the most authoritative and reliable source of data for retail crime. The Survey came to the following conclusions regarding crimes suffered by supermarkets: -

- There is a positive correlation between floor space and incidents per store. This shows that large format stores, such as the proposed Asda development, will experience a greater than average number of customer thefts per outlet;
- Supermarkets account for 47% of all incidents of customer thefts in the retail industry; Supermarkets account for approximately 70% of all robberies in the retail industry; and
- Supermarkets account for approximately 21% of all incidents of criminal damage in the retail industry.

The second source of data is provided by WMP's own Performance and Strategy Team. They examined the crime rate and anti-social behaviour incidents recorded in relation to five existing superstores, similar in specification to the proposed development, located in WMP's geographical area. Whilst we cannot publish the underlying data publicly, the survey showed that such superstores suffer, on average, at least one incident of crime and one incident of anti-social behaviour, requiring a police response, per week throughout the year.

It is consequently reasonable to assume that the proposed development, once operational, will unfortunately suffer crime and anti-social behaviour incident rates comparable with those predicted by the above sources of data.

For this type of development we would therefore normally request that a Police Post be provided as part of the superstore, as an integral component of the package of measures to ensure safety and security. This type of provision enjoys established precedent, such as in the case of Asda's Shrewsbury store where they have kindly provided us with a Police Post. We are also aware that Asda have provided 13 other Police Posts nationally at their superstores. The officers occupying a Police Post then work with store staff and customers to deter and tackle the kind of crimes and incidents described above.

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However, as our existing Churchfields Police Post is relatively close in geographical terms, it is far more prudent in fiscal and personnel terms to upgrade this Police Post to enable WMP officers to deliver required policing services to the store, rather than make a Section 106 request for the provision of an entirely new Police Post in the store itself.

Without upgrading the IT infrastructure of the Police Post, our officers will be forced to make time consuming detours to our Kidderminster Police Station to access the full range of police computer systems necessary to support them in delivering services to the new store. With upgraded IT systems in place at the Churchfields Police Post, the need for this would be negated and in turn enable WMP officers to work more efficiently with Asda to deliver a safer environment for its staff and customers.

We therefore maintain our request for £3,000 to upgrade the IT infrastructure of our existing Churchfields Police Post.

Turning to the request for Section 106 monies to support the provision of a Police Car, the request was made because the new development, once delivered, will create a direct requirement for more intensive patrolling of the area to ensure the safety and security of those working at and visiting the site. Statistical data on the exact numbers of people who will visit the store is not available. However, the store's anticipated annual turnover of approximately £41.9million, as set out in the applicant's supporting Retail Assessment, gives a reasonable indication of the significant intensification of activity at the site that will take place relative to current levels.

RPS's letter appears to suggest that Asda are concerned about the geographical coverage provided by a Police Car. The reason for requesting it was to enable the Churchfields Local Policing Team to have maximum mobility for patrolling around the store's locality and in turn provide the best possible deterrent effect against the type of problems described earlier in this letter. However, in the spirit of positive engagement with Asda, monies could be used instead to equip the Local Policing Team for Churchfields with bicycles.

Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,486 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,785. To provide, equip and maintain two bikes for the Churchfields Local Policing Team for patrolling around the proposed development and its immediate locality would therefore be £5,570.

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Its worth noting in respect of this request that the BRC's good practice guide '*Neighbourhood Policing: A store manager's guide*' advises that retailers should promote and facilitate the delivery of local neighbourhood policing. One of the recommended means of achieving this is supporting the delivery of police patrols around the store in question. In view of the likely issues with the proposed development once delivered, as described earlier in this letter, we hope that Asda will concur with this advice.

Overall, we trust that this letter has provided a sufficient response to the concerns raised by RPS and that you find the comments useful.

- 3.12 Disability Action Wyre Forest – no comments received
- 3.13 English Heritage – (original comments) English Heritage objects to this application which we consider will have an adverse impact on the setting of the grade I St Mary's church and its churchyard, views from the Church Street conservation area, an adverse impact on the vitality of the historic town centre of Kidderminster and prejudice links between the centre and surrounding residential areas.

The application site lies outside Kidderminster town centre in a mixed residential and industrial area of the town. It lies on an important and historic series of pedestrian routes from the centre to surrounding housing areas. The land is currently occupied by the remaining weaving sheds and warehouses of the former Tomkinson's carpet works. These consist primarily of north light weaving sheds with characteristic brick sawtooth gables to Churchfields itself erected at a variety of dates through the 20th century and a substantial brick built three storey warehouse of 1902. The latter stands gable end to the highway. Besides being the dominant building on the site it also forms a distinctive eyecatcher both within the Churchfields area and when viewed from the town centre within the ring road. The buildings ceased to be used for carpet weaving in the last 20 years and are currently temporarily occupied by numerous small businesses.

The wider impacts of the development also affect Blackwell Street and Horsefair. Although the former has no formal conservation recognition at present it is of historic interest and contains a number of 18th and 19th century buildings whose townscape potential is spoiled by the presence of heavy traffic. Horsefair is fronted by the Weavers' Cottages, a terrace of grade II listed buildings the future preservation of which is under active consideration at present.

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English Heritage objects to the principle of developing this site as a supermarket and petrol filling station. As well as the specific adverse heritage impacts discussed below we consider that the proposal does not accord with current and emerging planning policy for the town and the Churchfields area. We understand this is seeking to direct retail activity to sites within the ring road and to promote Churchfields as a residential development opportunity. Erection of a large supermarket with its ancillary car parking on this site (which unlike Crossley Retail Park has no easy links to the town centre)

- a) Is likely to draw trade away from the historic town centre to the detriment of its vitality;
- b) Will interpose a large, monolithic development reinforcing the existing separation of surrounding residential areas from the centre created by the ring road and the present inherited industrial use;
- c) Is likely to exacerbate the physical separation through the increase of traffic in the area both to the supermarket and through diversion of Blackwell Street;
- d) Will prejudice the opportunity to redevelop Churchfields as a residential community and to reconsider and reinforce its linkages with the town centre.

In heritage terms the proposed new retail shed will locate a building of substantial and undistinguished massing in close proximity to St Mary's church and its churchyard. Although the new building aims to recreate the varied form of the existing weaving sheds the false sawtooth gable effect in sheet materials will be lifeless and unconvincing; the departure from the historic appearance of Churchfields emphasised by the widening of the existing carriageway. The new building will moreover turn its back on the existing streets with its principal entrance being from the car park at the rear of the site. It will not contribute a lively or active street scene to the area.

While within the terms of the development the gesture towards retaining part of the three storey warehouse is welcome, in practice foreshortening it by two bays and substituting a glazed gable end will reduce its historic significance and townscape presence. We concur with your conservation officer's comments about the adverse impacts of the proposal on the interior of the warehouse.

Similarly while the removal of through traffic from Blackwell Street is welcome in principle as affording an opportunity to enhance its environment its redistribution into Churchfields and Horsefair will impact adversely both on the Weavers' Cottages and more closely encroach heavy vehicular flows close to St Mary's church.

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English Heritage consider that this is an inappropriate site for a supermarket development because of the harm it will cause to heritage assets and their settings and for its potential to undermine the wider health of the historic town centre and its relationship to surrounding residential areas. We understand that your Council has identified a semi-vacant site within the town centre where a supermarket would be better located and would strongly encourage the applicants to redirect their aspirations to that site.

Recommendation - English Heritage objects to this application as being an inappropriate site for a supermarket development because of the harm it will cause to heritage assets and their setting and for its potential to undermine the wider health of the historic town centre and its relationship to surrounding residential areas. We would strongly encourage your Council to persuade the applicants to reconsider their proposals and to relocate the development within the town centre.

(Latest Comments) - This letter contains the English Heritage response to the comments by RPS on our original consultation letter of 25 October 2011. We use the same numbering sequence as RPS.

We have not seen a copy of the Civic Society comments so cannot verify if they do diverge from the English Heritage view that development of a supermarket here will prejudice the opportunity to redevelop Churchfields for residential purposes. Our grounds for stating this were clearly set out in sub paragraphs b), c) and d) of our letter which we repeat below for clarity. Namely that it:

- b) Will interpose a large, monolithic development reinforcing the existing separation of surrounding residential areas from the centre created by the ring road and the present inherited industrial use;*
- c) Is likely to exacerbate the physical separation through the increase of traffic in the area both to the supermarket and through diversion of Blackwell Street;*
- d) Will prejudice the opportunity to redevelop Churchfields as a residential community and to reconsider and reinforce its linkages with the town centre.*

We consider that these comments are self explanatory and would only add at d) that we understand that this proposed large retail development would be at variance with your Council's emerging local planning strategy for creating a varied housing community in Churchfields (a strategy which English Heritage would support),

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It is disingenuous to state there is a contradiction between the advice of your conservation officer and that of English Heritage in relation to potential impacts on the Weavers' Cottages and St Mary's Church without being clear about the context and thinking behind these comments.

For clarity English Heritage is concerned that rerouting a main traffic flow into Kidderminster directly in front of Weaver's Cottages will have an adverse effect on their visual setting and also on their residential amenity. The latter is a key consideration given the amount of effort made over the last three years and still ongoing to procure the restoration of the listed buildings.

Similarly we are concerned both by the diversion of the major traffic route closer to St Mary's (its setting already compromised by the 1970s ring road on the south side) and by the adverse visual impact of the monolithic retail warehouse on its setting.

RPS wholly misunderstand our comments. Our concern is clearly articulated – namely that the proposed new building does not present a live street frontage to Churchfields and does have its access from the rear away from the public road. We do acknowledge that the diversion of the main road into Kidderminster town centre along Churchfields will result in an increase in traffic but argue that this is very much a disadvantage_(and a far cry from a live pedestrian frontage).

English Heritage made it clear in our letter of 25 October that we "object" to the application as being an inappropriate site for a supermarket. We would expect your Council to interpret this comment as advising refusal but we can, if you so require make that explicit.

English Heritage has not sought specific retail expertise on this application. It is nonetheless entirely legitimate for us in our role as heritage advisors and calling on wide experience from observing other developments in historic areas to draw attention to the potential of this scheme to undermine the wider (economic) health of the historic town centre.

We see nothing in the comments from RPS to either challenge or undermine our previous objections or cause us to reconsider our position. We remain opposed to the development.

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- 3.14 Environment Agency – (Summary of original comments) - Under Planning Policy Statement (PPS) 23 ' Planning and Pollution Control', the application should not be determined until information is provided to the satisfaction of your Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

To address the above, we would request that the applicant submits: 1) a detailed proposal for further SI works (scope of works) and an assessment of generic remedial options; 2) a risk assessment to demonstrate that the use of underground storage tanks for hazardous substances is acceptable in this location.

The application is currently considered contrary to PPS23 and maybe refused on this basis. If your Council is minded to approve the application we would request that you inform us of this with your reasons why so that we can make further comments.

Once additional information has been submitted we will be in a position to review our stance on the proposed development and recommend suitable conditions where appropriate. In the meantime we would object to the proposed development as submitted.

Flood Risk Standing Advice (FRSA) - The site is less than 5ha in size and located within Flood Zone 1 (low probability). Given the scale and nature of the proposed development, in this location, we would not provide bespoke flood risk comments in relation to this application, in line with our West Area FRSA. However, I would refer you to our West Area FRSA process note for 'development plus 1ha in Flood Zone 1', for consideration in consultation with your Land Drainage Officer.

(Latest Comments) - We have the following comments to make:

Scope for Intrusive Investigation Works:

-We note Figure 2 showing the proposed detailed site investigation (SI). In terms of the distribution of sampling a general grid spacing has been adopted. Whilst 'random' sampling should be undertaken, the desk study information (relating to current and historical activities) should be utilised to target the sampling locations. It is not clear whether this has been undertaken. The site walkover and historical maps indicate a number of features that should be targeted such as tanks etc. Whilst they only cover a phase in the carpet factory development, the DTS Desk Study Figures 24 and 25 are also valuable in identifying some of the high risk areas associated with the carpet factory.

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-A map indicating the key potential areas of concern (PAOC) should be presented with the proposed sampling locations overlaid.

-The sampling in the garage area (Area 3) is limited. Again the targeting of the SI in relation to infrastructure such as interceptors, waste oil tanks, inspection pits etc. is not clear.

-Whilst it is appreciated that access to the area may be limited at present, the SI proposals should be modified to ensure that such specific PAOC are targeted.

-Allowance for a number of samples (rather than 1) should be made for each sampling location to allow a vertical contaminant profile to be established.

-We would concur that sampling of the on-site existing wells will be of value if possible. However these are relatively deep and significant mixing of any contaminants in the water column may occur.

-It is noted that only 5 deep boreholes have been proposed in Area 2 and 1 in Area 3. This is limited coverage in terms of characterising the groundwater conditions at the site. Further boreholes should be installed.

-It should be noted that at least 3 groundwater sampling rounds should be undertaken in the first instance to allow statistical confidence in the results.

-Confirmation should be provided of the determinants included in the 'brownfield suite'.

-Given the wide range of current and historical uses a wide and complex range of contaminants is expected at the site. Extensive analytical testing suites and scans (e.g. GC MS broad scans) will therefore be necessary. The DOE industry profiles should be referenced although site specific information may allow analysis to be more targeted.

Summary - Further information should be submitted on the scope for SI to address the above comments in satisfying point 1) of our previous response. In addition, we have not yet received any information to address point 2) of our previous response. A risk assessment should be provided to demonstrate that the use of underground storage tanks for hazardous substances would be acceptable in this location.

Based on the above, we are unable to change our position at this time. The application is currently considered contrary to PPS23 and maybe refused on this basis. If your Council is minded to approve the application we would request that you inform us of this with your reasons why so that we can make further comments.

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Upon receipt of additional information, we would review our stance on the proposed development and recommend suitable conditions where appropriate. In the meantime we would object to the proposed development as submitted. (*Officer comments - Additional comments are anticipated, and will be reported on the update sheet*)

3.15 Worcestershire Regulatory Services

Noise - The report does not address noise from the demolition/construction phase of the development. Dust and light is also not addressed. During the demolition and construction phase care should be taken to reduce any adverse impacts caused to local residents. I would therefore recommend that the applicant follow Worcestershire Regulatory Service's Code of Best Practice for Demolition and Construction Sites.

When considering the noise impact from fixed plant, as long as the recommendations detailed in the report are adhered to noise impact should be minimal. However, regular maintenance should be carried out to ensure the effectiveness of the mitigation measures is maintained.

The compactor shall not be used between 2200hours and 0700hours as recommended in the report.

For delivery noise, although the proposed screen will mitigate against noise to a large extent the applicant should still endeavour to reduce any noise at source by following best practice such as that detailed in module 3 of "Delivering the Goods; Guidance on Delivery Restrictions" published by Department of Transport. Any screens used to mitigate against noise should have an absorptive surface to reduce the reflections.

The PFS shall not be operational, including deliveries, between 2300 and 0700hours as recommended in report.

Deliveries to the recycling centre should only take place between 0700hours and 2200hours

Contaminated Land - Following submission of the extra information below I am happy with the Asda site as far as contaminated land is concerned is dealt with by planning condition. The scheme of work is acceptable, site should be full WRS1 condition.

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Air Quality – (Original comments) The air quality assessment has been undertaken for the above numbered application and has detailed modelling predicting future NO₂ trends in the area and the adjacent AQMA, however application drawings refer to areas of future potential development, although not directly related to this application, that appear from the assessment not to have been considered for any cumulative impacts. It is essential that the cumulative impact of unrelated developments in the same area are considered in any air quality assessment as the EU make it very clear that we as Local Authorities are expected to reduce air pollution even where there is no breach of the limits. Any modelling for the area must take into account possible traffic increases and associated potential deterioration of Air Quality due to other strategic developments.

It is unclear from the predicted modelled annual mean results for NO₂ why proposed 4 and proposed 5 at 34.6 and 34.3 µg.m⁻³ respectively are so much lower than the predicted level on the opposite side of the road at 19 Churchfields at 43.4 µg.m⁻³.

The property 19 Churchfields and its neighbour are according to the assessment to suffer a significant impact on their air quality; the impact descriptor describes it as Substantial Adverse and despite the report stating that mitigating measures are in place for any nuisance dust from construction, no mitigating measures are suggested for these two properties in regard to general air quality. The two properties appear to have been disregarded on balance due to the overall beneficial effects on the declared AQMA. Whilst guidance suggests that the overall balance can be considered it is felt in the case of these two properties that no options or mitigation have been considered and thought should be given to this.

Background levels for NO₂ from 2007 have been used along with measured NO₂ data from 2008 for modelling; data is available for 2009 on the website and 2010 on request. It is unclear why up to date data has not been used or requested for modelling predicted concentration in 2012. It is felt that forward projections would be over a shorter timescale and more accurate with up to date data.

On overall balance we are currently unable to endorse the Air Quality assessment until the queries raised have been attended to.

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(Latest Comments) - Following review of supplementary information provided for Air Quality and Traffic Assessment for the above application I comment as follows:

The air quality assessment originally provided was based on modelling using traffic flow data from 2006 with projections based on that data, it is clear from traffic flow data now undertaken in late 2011 that there are significant reductions in traffic flows from 12-20%. These reductions accordingly mean that the air quality assessment provided has capacity for up to a 20% increase in traffic flows to the area concerned and therefore provides a robust assessment.

The Air Quality Management Area (AQMA) Horsefair – Radford Avenue of which the Horsefair, Blackwell Street, is the oldest section, has a history of poor air quality mainly due to the “canyon” effect of the area. It was proposed in Wyre Forest District Councils Masterplan for the area that a one way traffic flow system through Blackwell Street would achieve the reductions required in monitored NO₂ for the AQMA in Blackwell Street. This application provides a new road which is more open and should not suffer the “canyon” effect that Blackwell Street currently does and the data supplied in the air quality assessment indicates an improvement in air quality for the AQMA.

The application indicates the introduction of new bus stops in the Horsefair area this coupled with the introduction of new cycle paths and improved footpaths should negate the need for some car journeys promoting alternative transport in the local area and a corresponding improvement to air quality.

It is stated in the application that free parking that is not time limited will be available to allow short trips to the town centre encouraging town centre shopping, this facility is available to be utilised by local traders in the Horsefair area and should help promote the local shops.

Based on the information provided to date I have no adverse comments to make and have no objections to the application with regard to air quality.

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- 3.16 Forward Planning / Economic Regeneration - The application is split into two main component parts. Area A is seeking permission to develop a new Supermarket of 7,322sqm gross, a car park and petrol filling station. The net floorspace of the proposal (3,600sqm) is envisaged to have a 61:39 split, resulting in 2,196sqm of convenience goods and 1,404sqm of comparison goods.

Area B is seeking outline permission for the construction of 26 residential units of which 8 will be affordable.

Due to the complex nature of this application the relevant areas proposed and subsequent planning policy issues are considered in turn below.

Area A: Proposed Foodstore

The main element of this application is the proposed new supermarket. As part of the accompanying information the applicants have provided a planning statement along with a retail assessment. These documents indicate why, in their view, the development of a supermarket would be acceptable within this location. In reviewing the proposal regard has been had to a number of key planning policy considerations, which are outlined in turn below.

PPS.4: Planning for Sustainable Economic Growth

The key national planning policy considerations for new retail proposals are contained within PPS4: Planning for Sustainable Economic Growth. As the proposal is for a town centre use, located outside the town centre and not in accordance with an up to date development plan, policies EC.17, EC.15, EC10.2 and EC16.1 are all considered to be relevant to its determination.

Policy EC.17 is clear at EC17.1 part a, that planning permission should be refused where the *“applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC.15).* In reviewing this application it is considered that there is a sequentially preferable site for the proposal to be developed and therefore this key test of national planning policy is not conformed to.

The sequentially preferable site that the Council are promoting is known as the Eastern Gateway, which is located along Bromsgrove Street and is located within the proposed Primary Shopping Area, as identified within the Kidderminster Central Area Action Plan Preferred Options DPD. As the alternative site would be classified as ‘in-centre’ it is considered to be sequentially preferable to the application site at Churchfields. In order to ensure that the alternative option being considered is robust, the Council have instructed consultants to

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undertake a Feasibility Study highlighting how a scheme within this location could be developed. Furthermore, at their meeting on the 22nd November 2011 the Council's Cabinet resolved that the Eastern Gateway Concept and Feasibility Study be adopted as informal planning guidance in support of the Kidderminster Central Area Action Plan and the Kidderminster Regeneration Prospectus/ReWyre Initiative and that it therefore carries material weight as a planning consideration.

The following section responds to the key retail tests included in national planning policy and where appropriate makes reference to the Eastern Gateway Concept and Feasibility Study, which is now adopted informal planning guidance.

Policy EC.15 of PPS4 sets out the criteria that need to be followed when considering sequential assessments. These are considered further in detail below.

The policy refers to the need to ensure that sites are assessed for their availability, suitability and viability and to ensure that all in-centre options have been thoroughly assessed. In terms of assessing this further, the PPS.4 practice guide offers the following advice on understanding availability, suitability and viability of sequentially preferable sites, and each of these tests are assessed with regard to the Eastern Gateway site in turn below.

Availability

The practice guidance accompanying PPS.4 identifies at para 6.38:

A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. Two related points include:

- *Whether there are any key policy pre-conditions to bringing forward the site, for example through allocation in the LDF, and if so the timescales and progress made towards meeting them*
- *The ownership of the site and any evidence of whether the owner(s) of the site appear willing to bring forward the site for development in question within a reasonable timescale (or alternatively the progress made by the authority on site assembly through compulsory purchase where relevant).*

The issue of availability and the sequential approach have to be considered together with the impact of development occurring in edge or out of centre locations, and the long term consequences for town centres.

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In assessing this, regard has been had to the work undertaken through the concept and feasibility study, which helps to identify that the proposed site is available for development.

In terms of the ownership of the site, more detail is included within the concept and feasibility study and this identifies that the area is predominantly in the ownership of public bodies that have an appetite for delivering redevelopment within the area and are actively working together in terms of considering a disposal strategy for the site. It is therefore considered that there are *“no insurmountable ownership problems”* that would prevent a site from coming forward for development. With regard to the two bullet points that are referenced the following comments are made:

1. The alternative site is considered to be better suited in planning terms given that the area has been identified as a potential site for new retail provision within the Kidderminster Central Area Action Plan Preferred Options DPD (KCAAP). Therefore, in terms of policy considerations it is felt that the Eastern Gateway site would provide a better fit with planning policy. The site is identified as a redevelopment site that would come forward through the KCAAP and progress has been made (through the Concept and Feasibility Study) to ensure that the site can be delivered.
2. There is evidence to identify that the owners of the site are *willing to bring forward the site for redevelopment* and therefore this element of the test is satisfied. The phrase a *‘reasonable timescale’* is one that is open to interpretation. The applicants on Para 3.11 of their initial retail assessment identify that *“In terms of availability, the land required to accommodate the development should be available within a reasonable period of time. No information is given in PPS4 over what a ‘reasonable’ time period is, but the accompanying Practise Guidance says that it will be determined on the merits of the particular case, having regard to, inter alia, the urgency of the need.”* Officers agree with this approach and in considering this, the view is taken that the ‘need’ is not urgent within Kidderminster. Whilst agreeing that the regeneration of the town is a key element of the Council’s focus, there does not appear to be an urgent ‘need’ for new Supermarkets. This is because within Kidderminster, there already exists three large superstores (Sainsbury’s, Tesco and Morrisons) as well as smaller stores such as Aldi, Asda, Co-op, M&S, Iceland and Cool Trader. Therefore, it is not considered that there is an ‘urgent’ quantitative or qualitative need for new convenience retail floorspace. This is also confirmed by the Retail Report carried out by White Young Green (WYG) Planning in February 2010 which identified that there was not an urgent qualitative or

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quantitative need for new convenience floorspace within Kidderminster (Paragraphs 3.3.19 and 3.4.2). Furthermore, since this time one of the existing stores (Sainsbury's) has received, and implemented, a planning permission to enlarge their store which again throws into question the urgency of the 'need'. This approach was also translated into local policy within the Adopted Core Strategy which makes no provision for new convenience floorspace to be developed within Kidderminster. It can therefore be assumed that the urgency to develop should not be used as a reason to rule out the Eastern gateway site, which is in a sequentially preferable location, from coming forward.

Suitability

The PPS4 practice guide identifies a number of criteria to assess the suitability of a particular site to meet development requirements and highlights that there should be a proper understanding of scale and form of development needed. The guide states that the following factors are considered likely to be relevant in assessing whether or not a site offers a suitable location for development (Para 6.43):

- *Policy restrictions (designations, protected areas, existing planning policy and corporate, community strategy policy)*
- *Physical problems or limitations (Access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination)*
- *Potential impacts (including effects on landscape features and conservation)*
- *The environmental conditions (Which would be experienced by potential users of the proposal)*

Taking each of these points in turn:

- **Policy Restrictions:** It is considered that the Eastern Gateway site does not have policy restrictions that would prevent it from coming forward. In fact, it is considered that the Eastern Gateway site offers a better 'fit' with policy than the site being promoted through this application.
- **Physical problems or limitations:** The Eastern Gateway concept and feasibility study considers the physical makeup of the site and identifies how a store could be developed in this location. It is therefore considered that the physical aspect of the site would not be a reason to discount its suitability.

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- Potential Impacts: It is considered that the development of this previously developed site would not bring about any adverse impacts on the landscape/built heritage of the area, as evidenced by the concept and feasibility study
- Environmental Conditions: It is considered that, through an appropriate re-design of the area the environmental conditions for potential users could improve, especially with regards to links to the existing town centre environment.

Therefore, through assessing the site's suitability in terms of the criteria included within the practice guide on PPS.4, it is considered that the Eastern Gateway site (through the work included in the concept and feasibility study) is suitable for the proposed use.

In considering this further the Case Study used on p.40 of the accompanying practice guide is particularly relevant. The Case Study within the document identifies the Asda development in Halesowen, which is built over two levels with an internal traveller linking the levels and with checkouts and exits on both floors, as a good practice example of 'retailer flexibility'. This study identifies that retailers can be flexible in delivering sites in more central locations. The store built in Halesowen was also of a similar size to what is being proposed for Kidderminster with a Gross Floorspace of 6,970sqm and a net floorspace of 4,452sqm. Moreover, the case study is from a town in close proximity to Kidderminster which is considered to have similar characteristics and costs associated with development and therefore it could be argued that this same approach should be considered here. This would be in line with Policy EC15 of PPS4 which states that *developers and operators are expected to demonstrate flexibility in seeking to find a sequential site*. It should also be noted that in the applicants 'Response to WYG Appraisal of planning issues', they identify that they have completed a layout for the Bromsgrove site to consider its suitability. Although there are some concerns regarding the detail of the site, the overall assessment does not rule out the suitability of the site to provide a store in a more sequentially preferable location. It is therefore considered that the site would be suitable to meet the needs of the applicant, subject to detail. This is in line with paragraph 6.45 of the Practice Guide which states that:

Those promoting less central sites should not discount more central locations as unsuitable unless they are able to clearly demonstrate that a development on the site in question would be unable to satisfactorily meet the demand/need their proposal is intended to serve. They should not reject sites based on self imposed requirements or preferences of a single operator, or without demonstrating a serious attempt to overcome any identified constraints.

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In this case, it is clear that the applicant (by their own admission in their *'Response to WYG Appraisal of planning issues'*) could satisfactorily develop this sequentially preferable site, and the list of factors included within their *Response to WYG appraisal of planning issues* as to why the site wouldn't be suitable does not, in our opinion, "*demonstrate a serious attempt to overcome*" the perceived constraints.

Paragraph 6.46 of the practice guidance goes on to say that:

"Conversely if LPAs suggest alternative, more central sites as being sequentially preferable, they should be satisfied that the alternatives are genuinely likely to be suitable for the scale/form of town centre uses proposed, having regard to their planning policies, their stated intentions for the site, and any other planning conservation or environmental constraints affecting the site"

It is considered that the work undertaken through the concept and feasibility study identifies that the alternative site is suitable for the scale/form of the proposed use. The site would also appear to conform more fully to emerging planning policy (KCAAP) and there are no built heritage or environmental constraints that would prevent this site from being delivered.

Overall it is considered that the Eastern Gateway site is suitable to meet the needs of the applicant, in line with national policy and guidance highlighted in PPS.4 and its companion guide.

Viability

The PPS4 companion guide identifies that factors relating to whether a site is considered viable or not relate to the judgement about whether there is reasonable prospect that development will occur on a site. The factors to consider are market factors, cost factors and delivery factors. The viability of the site at Eastern Gateway has been assessed through the Concept and Feasibility Study and this work identifies that proposals for the foodstore have been tested against the cost plan and commercial appraisal to understand viability from a financial perspective. The Council are therefore satisfied that a scheme can be developed at Bromsgrove Street to meet the retailers requirements and be financially viable.

Again, reference is made within the companion guide (para 6.48) to the need for retailers to demonstrate flexibility, with reference specifically made to the case study in Halesowen, which officers have commented on previously.

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Reference is also made at paragraph 6.49, to the level of detail required to assess viability, and identifies that LPA's should consider the *"commitment of the local authority to promoting alternative sites, and bring them forward at the earliest opportunity."* In this instance, the Council are actively promoting an alternative site and are working with partners to bring forward the redevelopment of the Eastern Gateway at the earliest opportunity. In this regard, therefore, the Council is in conformity with the guidance provided on judging whether sites are viable or not.

The companion guide goes on to state that (Para 6.50) *"It will rarely be necessary to undertake detailed appraisals to test the viability of alternative sites"*

The guidance in this paragraph is important to the current application and the proposed alternative, sequentially preferable site as the Council have undertaken a piece of work which provides the comfort that a store would be viable in this location, which goes above and beyond the guidance set out in the companion guide.

Concluding thoughts on Availability, Suitability and Viability

Overall, it is considered that through the work on the Eastern Gateway Concept and Feasibility Study, the Council have provided a strong case that a sequentially preferable site is available, suitable and viable. The comments provided by planning policy officers reaffirm this position in line with the guidance set out in PPS4 and its companion guide.

Other national policy considerations

PPS4 identifies, through Policy EC16, the need for planning authorities to consider the impact of proposals where applications are made for town centre uses that are not in a centre and not in accordance with an up to date development plan. A number of criteria are included to test the impact of any application. With regard to this particular application, officers would offer the following comments:

Criteria a refers to the impact of the proposal on existing, committed and planning public and private investment in centre. In considering this, there is a concern that the redevelopment of the Churchfields site for this particular use will cause potential problems for the potential to unlock the development of a sequentially preferable site (Eastern Gateway), through diverting the investment to an out-of-centre location.

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Criteria b refers to the potential impact on town centre vitality and viability. In their initial retail assessment the applicants did not provide a Health Centre Check, this was justified in their *'Response to WYG Appraisal of Planning Issues'* in which they state that since the last health check that was undertaken by Turley Associates in 2009 *the centre has remained comparatively stable and is still vital and viable*. The applicants also go on to say that *"the main issue facing the town centre is still the shift in emphasis away from the traditional town centre, towards newer developments on the western edge."*

The key consideration here is that, whilst the centre may on the whole be considered to be 'holding its own' in difficult conditions, there are pockets of problems associated within the town centre, and the vitality and viability of the eastern side of the town, specifically along Worcester Street, is one of the Council's key areas of concern. Therefore, the redevelopment of the Eastern Gateway site is seen as pivotal in bringing about a step change in this particular area of the town centre, and therefore the impact of this should be considered, especially in light of the opportunity being presented by the applicant for investment within Kidderminster.

The consultants also identify that the proposed store would draw the majority of its trade from outside the Primary Shopping Area. Whilst agreeing that it is likely a new store will compete with existing supermarkets, officers feel that the impact of developing a sequentially preferable site should be considered in terms of the potential for a positive impact to occur within the eastern side of the town centre, through the development of an retail anchor to drive footfall and increase the vitality and viability of this part of the town.

Criteria c is not considered relevant to this application as there are no allocated sites outside the town centre being developed.

Criteria d has been considered in detail by the Council's retail consultants and officers do not wish to add anything further than what has been outlined in the submitted reports.

It is considered that the application conforms to Criteria e in that it is at an appropriate scale in relation to the size of Kidderminster.

In respect of Criteria f, there are some concerns in relation to the potential impact on the proposed regeneration of the wider area, and these are discussed further in proceeding sections.

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Therefore, as well as the concerns regarding the proposed location of the application, there are also concerns regarding the potential impact of the application on the existing town centre and the potential detrimental impact on proposals for new investment in more central locations.

Recent Government Announcements and Publications - Although the weight that can be attached to the recent national announcements and publications by the Government regarding proposed changes to the planning system is questionable; it is considered prudent to assess this application in light of the recent consultations and statements from the Government, and also to respond to the applicant's interpretation of these.

The applicants refer to a recent ministerial statement that identified that the *"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in National Planning Policy."* In appraising this it is considered that the sequential test is a *'key sustainable development principle'* which is included in national planning policy and this would be compromised by allowing the proposed development within this location, given that the Council consider that there is a sequentially preferable site that could be developed. Furthermore, the ambition for regeneration, development and growth proposed is welcomed in the District but in this instance it could be provided in a sequentially preferable location, which would still meet the emerging aims of the Government, which are about growth.

On 28th July 2011 the Government released for consultation the Draft National Planning Policy Framework (NPPF). Although only at consultation stage, it is worth noting that the NPPF currently retains the requirement for the sequential approach to be followed; this is identified in paragraph 77 that states:

Local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

This highlights the Government's commitment to retaining the sequential test with regards to retail planning which again reinforces the point made in the previous paragraph about development not compromising *key sustainable development principles*. Although this is only a consultation document, it is considered that the sequential test will remain a key requirement to consider in assessing applications both now and in the future.

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The most recent action from the Government in terms of retail planning has been to commission Mary Portas to undertake an independent review into the state of the high streets and town centres within the country. In this review, Mary Portas provides a number of recommendations, with two of these being:

14 – make explicit a presumption in favour of town centre development in the wording of the National Planning Policy Framework

15 – Introduce Secretary of State “exceptional sign off” for all new out-of-town development and require all large new developments to have an “affordable shops” quota

It is clear to see that independent advice provided to the Government recommends that future planning considerations with regards to retail should continue to robustly place the emphasis on ensuring protection of a town centre first approach.

Overall, it is considered that the thrust of the Government’s announcements are in favour of a town centre first approach and regenerating the High Streets and therefore, regardless of its current weight, Officer’s do not agree with the applicant’s summary that the submitted application would conform to emerging guidance being issued by the Government.

Local Planning Policy

Adopted Core Strategy, (December 2010) - The Wyre Forest Core Strategy was adopted in December 2010 following Independent Examination, with the resulting Inspector’s Report concluding that it was in conformity with national planning policy. Therefore, much of what has already been commented on is reflected within local planning policies. Given the nature of the application, Policy CP09: Retail and Commercial Development, is considered to be most pertinent to determining the application. Policy CP09 identifies that:

“In line with the settlement hierarchy and national planning policy, new development for retail and commercial uses should follow a sequential approach and be directed to Kidderminster town centre, as the strategic centre, in the first instance.”

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This policy reinforces the national stance, which has been assessed in detail in the previous section. This chapter in the Core Strategy goes on to talk about convenience floorspace specifically and identifies that, unlike comparison floorspace figures, specific targets are not set out and that need would have to be justified. Therefore, it is considered that the application fails to comply with Policy CP09 as a sequential approach, directed to Kidderminster town centre first, has not been followed.

Local Plan (Adopted January 2004) - Although parts of the Local Plan of 2004 were replaced through the adoption of the Core Strategy a number of policies still remain and form part of the existing Development Plan. Therefore, Local Plan Policy RT.5: Retail Parks and Major Stores, is still an important policy consideration. Policy RT.5 also identifies the importance the Council places on protecting its existing retail centres, with the policy identifying that:

“Out of centre proposals involving the removal of conditions, the development of a new store, or extension to an existing large out-of-centre retail premises (A1), must first demonstrate that there is a need for the development or alteration. It must also be demonstrated that such proposals cannot be accommodated within the Primary Shopping Area or Edge-of-Centre locations.”

Given the comments provided on the sequential test previously it is considered that the application is also contrary to Local Plan Policy RT.5.

Kidderminster Central Area Action Plan DPD – Preferred Options Paper, May 2011 - Although only at Preferred Options stage the Kidderminster Central Area Action Plan (KCAAP) Development Plan Document provides the preferred approach to new development that the Council plans to take within the central area of Kidderminster.

The KCAAP identifies both of the sites in question (Churchfields and Eastern Gateway) as potential new regeneration opportunities for the town. Comments are made in respect of each of these sites below:

Policy 31: Bromsgrove Street Area - This proposed policy covers the Bromsgrove Street area and makes up the initial phase of the Eastern Gateway. The draft policy is clear in that the area will form part of the Primary Shopping Area and that amongst other acceptable land uses, A1 retail will be permitted. The ambition for this area is clearly set out in the reasoned justification of the policy which identifies that:

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“This collection of sites provides a significant opportunity to regenerate this part of the town and provide a significant retail development to give additional footfall to Worcester Street and improve the quality of the built environment...The ambition for an improved retail offer on Worcester Street and improved links to Bromsgrove Street will help to bring people further into this site...This area is located within the Primary Shopping Area to reflect the ambition for a major retail development on the eastern side of the town.”

The draft policy and accompanying justification therefore clearly highlights the ambition for retail led regeneration to occur within this part of Kidderminster. This site is sequentially preferable and would allow for a retail development to come forward within an area proposed as an expansion to the existing Primary Shopping Area.

Policy 19: Churchfields Masterplan - This draft policy encompasses a number of interrelated sites that combine to form what is known as the Churchfields Masterplan area. This overarching policy identifies the key policy strands for considering redevelopment within the wider Churchfields area. A number of key principles and objectives relating to this area are provided within Policy 19, and specific attention is drawn to the following criteria included within this draft policy:

- *Criteria b: Provide a housing-led urban village with a limited amount of commercial activity interspersed within a new homes environment.*
- *Criteria c: Provide for nodes of commercial (office, leisure and local needs retail) activity focussed on the Horsefair Local Centre and small opportunities adjacent to the canal side.*

It is clear to see that the current application does not conform to the criteria identified above for the Churchfields Masterplan area. Furthermore, it could be argued that the implementation of the application could have an adverse effect on the existing Horsefair Local Centre and rather than focussing on the Local Centre, as the Policy suggests, it could detract from the existing retail offer found in this location.

There is also a site specific policy for the proposed application site that is included within the KCAAP, which is as follows:

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Policy 23: Phase 3a – Churchfields Business Park - This policy is specific to the Churchfields Business Park area and the ambition for this area is for “*a residential-led redevelopment that links in with the town centre and existing Horsefair community.*” The reasoned justification does identify that retail development might be suitable but at a scale no more than 1,000m², which is a lot less than what is currently being proposed. Therefore, although the policy identifies that A1 retail provision may be suitable within this location; it is capped at a certain size to ensure that the scale is appropriate to the ambition for this area as a whole.

Through reviewing emerging planning policy it is clear to see that there exists a sequentially preferable site to meet the applicant’s requirements. A redevelopment of the Eastern Gateway site would therefore be more in line with emerging site specific policy, which has been drafted in line with the Adopted Core Strategy and national planning policy.

Churchfields Masterplan – Supplementary Planning Document, Adopted September 2011

A further level of planning guidance has recently been adopted in the form of Supplementary Planning Document for the Churchfields Masterplan area. The Churchfields Masterplan SPD sets out a detailed design framework to guide new development in the Churchfields area and provides a number of key design principles and identifies a number of character areas for the successful future redevelopment of this area.

One of the key design considerations is covered by Design Principle 1: Improve Connectivity, and looks for a connected and legible street pattern with greater pedestrian and cycle priority. The form of the applicant’s development does not accord with this principle as it maintains the impenetrable block format and does not promote easy pedestrian movement through the site to the surrounding residential areas.

Design Principle 3: ‘Creation of character areas and legible development’ looks to provide character areas within Churchfields to define place. The application site is within the character area known as the Churchfields Historic Quadrant and the SPD provides key design guidelines for this. The SPD states that that *new development will create a tight urban form based on an urban grid.* The layout of the proposed supermarket is not conducive with the urban form that is desired for this area of Churchfields.

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The SPD also suggests an altered highway network to overcome the issues of traffic congestion and the air quality on Blackwell Street. The proposed scheme includes an alternate layout to the SPD and it is felt that this also does not adequately address connectivity around the Churchfields area, and in particular the Horsefair local centre on Blackwell Street.

Design Principle 5 states that *streets should be designed as a series of connected spaces with a sense of enclosure*. Furthermore it sets out that new development should *create active edges and avoid the creation of streets and spaces characterised by blank walls and fences – they will not be supported*. The proposed development presents a large amount of blank frontages that would have a negative affect on the surrounding space. This is not considered to be acceptable.

A number of further points from the SPD, which officers feel are relevant to the determination of this application, are included below:

- Within the preface of the SPD, it states that the Homes and Communities Agency (HCA) recognised Churchfields as one of a limited number of priority housing locations within the West Midlands.
- During the extensive community consultation, local residents and businesses identified their priorities which included, amongst other things, regenerating the Horsefair and improving the existing retail area and providing new homes to replace industry.

Concluding Thoughts - Overall, it is considered that there exists a sequentially preferable site which is available, viable and suitable to meet the needs of the store being proposed at Churchfields. It is therefore considered that the proposal fails to meet one of the key strands of retail planning – the sequential approach. This is a test that is both current in PPS4 and is also proposed to be retained in the Government's Draft National Planning Policy. Furthermore, the proposal is considered to be inconsistent with local planning policy, in the shape of the adopted Core Strategy, and the ambitions for the wider Churchfields area that are identified in the Kidderminster Central Area Action Plan Preferred Options Paper, the Churchfields Masterplan SPD and the ReWyre prospectus,

Officers are keen to support growth and regeneration within the area, in line with recent Government announcements. However, it is felt that in this instance there is a more suitable and preferable site for this investment to be made, which would mean that the proposal would be in line with planning policy, both national and local, and would benefit the long term regeneration and rejuvenation of the main town centre within the District.

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Area B: Outline Application for 26 Residential Units

The second part of the application seeks outline approval for the construction of 26 residential units, 8 of which will be affordable.

This element of the proposal, unlike the proposed foodstore, is considered to be in line with the priorities identified in the Council's adopted Core Strategy, as well as the emerging site specific policies that have been referenced in previous sections. The proposal seeks to provide 30% affordable housing, which is in line with CP04 of the Adopted Core Strategy. In terms of design, the proposals appear to conform to the principles set out in the Churchfields Masterplan SPD, with the units fronting the existing road network and reflecting the existing character of the area.

There are some concerns in relation to the access to the proposed foodstore through the rear of the proposed residential units, but in general the residential element of the application is considered to conform to policy, both existing and emerging.

3.17 Housing Services Manager - I have looked at the application with regards to the affordable housing and in principle the proposal of 8, 2 and 3 bed houses (which equates to 30%) is acceptable. In terms of tenure, I would expect a 50/50 split social (not affordable) rent and shared ownership and we would expect ASDA to work with one of our preferred partners

3.18 Natural England - This application is in close proximity to Puxton Marshes Site of Special Scientific Interest and Stourvale Marsh Site of Special Scientific Interest. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

Protected species - Furthermore, the ecological surveys for bats and reptiles (RPS) submitted as part of this planning proposal indicate that the site is not being utilised by either bats or reptiles and that these protected species will not be impacted by this development. Therefore, Natural England has no objection to this development based on potential impacts to Protected Species.

The following link to some guidance Natural England Standing Advice on our website has been produced to help the authority better understand the impact of this particular development on protected or BAP species should they be identified as an issue at this site and whether following receipt of survey information, the authority should undertake further consultation with Natural England.

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The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

However, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

Local wildlife sites - If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

- 3.18 Parking & Streetscene – No comments received
- 3.19 Severn Trent Water – No comments received
- 3.20 Worcestershire Wildlife Trust - We note the contents of the various associated documents and the proposed conditions put forward by the applicant. Unfortunately having read through the information we are minded to object to the development on the ground that it lacks necessary information pertaining to bats.

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We note that the phase one survey states that further work will be required but we do not believe that this can be left to condition as suggested by the applicant in their proposed condition 3. Guidance in PPS9 and the NERC Act 2006 makes clear that planning decisions must be based on up to date ecological information and this is especially important with respect to European protected species. Clearly in the absence of the relevant detail it will be impossible for you to be sure that proposed mitigation and enhancement will be fit for purpose and accordingly we believe that you require further information prior to determination.

Should you be minded to progress the application we would recommend that the following are covered by condition.

1. SUDS design to include an element of above-ground biodiversity enhancement where possible.
2. Site landscaping to use native species wherever possible. This should also include the relevant mitigation for reptiles, bats and birds as required.
3. Roof-based enhancements for birds and bats. These will need to be informed by further work as recommended in the ecological survey report and we would not necessarily advocate directing enhancement towards black redstart unless further records on this site come to light. A diverse green/brown roof with a range of invertebrate and potential nesting / roosting niches would make a positive contribution to the area and in particular the inclusion of a number of swift boxes should be encouraged. We would be pleased to engage in discussions concerning this aspect of site enhancement once additional detail becomes available if that would be helpful.
4. Strict control over runoff and pollution designed to protect the nearby Wildlife Sites from harm.

(Officer comment – a bat survey has been received and Worcestershire Wildlife Trust have been consulted, however no further comments have been received).

3.21 Kidderminster Civic Society –

1. We are broadly speaking comfortable with the "truncation" of the 1902 building and quite like the principle of the visualisation of the partially glazed frontage (provided the top part bearing 1902 is retained) but do need assurance that the rest of the building, including its interior with the pillars will be retained intact

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2. We would like the opportunity to inspect the one or two other buildings on site that are of interest for posterity and record - Jubilee Shed for instance - photographically but don't think these are of sufficient merit to impede the development.

3. Churchfield frontage of the site should be in keeping and sympathetic to the heritage - ASDA seem to have incorporated the roof shape in the plans which is satisfactory

4. Just to remind everyone the Workhouse plaques on Broad St need preserving and replacing pretty well where they are - funding for some blue plaques here and perhaps on the 1902 building and perhaps by the Jubilee building would be welcome

5 a) We view this as the "door opener" to the regeneration of Churchfields/Clensmore/Horsefair as per ReWyre Regeneration proposals so we shall need to ensure ASDA buy into this with s106 funding and in particular

b) traffic - this should help but the Blackwell St island is already very tight and will need more thought than just adding an exit - can this be the opportunity to at last think about making Blackwell St one way and improving that gateway to the town generally

3.22 Neighbours / Site Notice / Press Notice

A total of 33 letters of objection have been received in addition to two petitions. The first petition has been described as a local action petition and has been signed by 531 local people and businesses. The second petition has been described as a Kidderminster town centre petition and has been signed by 114 town centre businesses.

One letter of support has been received.

The following summary of the comments received has been subdivided into topic areas:

Retail Impact on Town Centre

In this instance the proposed Asda store is not justified by quantitative or qualitative need.

There is insufficient expenditure capacity for a foodstore of the size proposed. The proposed development is not supported by evidence of quantitative need in convenience goods. There are no deficiencies in convenience shopping provision in Kidderminster. The proposed ASDA store is not justified by quantitative or qualitative need.

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There are no deficiencies in convenience shopping provision in Kidderminster and there is no lack of choice and competition for food shopping.

The conversion of the former Netto store to an Asda supermarket has taken up a significant part of the available expenditure capacity to support addition convenience goods floorspace in Kidderminster.

Evidence of quantitative need continues to be an important indicator of whether a proposed development may have a trading impact on existing centres. If there is evidence of need for the amount of floorspace and turnover proposed, there is less likely to be a significant impact on existing centres. However, if there is a lack of evidence of need, it is likely that there may be an adverse trading impact.

In the Retail Assessment RPS have not carried out a health check of Kidderminster town centre. A health check is fundamental to understanding the vitality and viability of the town centre. We [England & Lyle] have carried out an up-to-date health check which shows that the vitality and viability of the town centre is not strong. The retail core area is vulnerable to pressure for retail development outside the centre. This pressure should be resisted in order to sustain the vitality and viability of the town centre.”

In 2006 [England & Lyle] concluded that the centre was vulnerable to further losses of trade. The current health check appraisal shows that two indicators are rated as ‘good’ – the capacity for growth or change, and the accessibility of the town centre. Retailer representation is rated as ‘fair’ to ‘good’. However, the large amount of floorspace outside the town centre and the level of vacancies and vacant floorspace in the town centre are rated as ‘poor’. The general health of the centre has, in our view, worsened since 2006 and, despite the attraction of the large edge-of-centre stores, the retail core area remains at risk from further pressure for retail development outside the centre. This pressure should be resisted in order to sustain the vitality and viability of the town centre.

We disagree with the view expressed by RPS that the proposed Asda store is likely to compete to a greater extent with Sainsbury’s than Morrisons or Tesco because Asda and Sainsburys would be located close together in out-of-centre locations. In our view Asda, Morrisons and Tesco have similar shopper profiles. Sainsbury’s has a different shopper profile that is less focused on ‘value retailing’.

Morrisons and Tesco would both compete with a new Asda store for the same type of trade.

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We have reviewed the assessment of trade draw and trade diversion made by RPS. We have concerns about the relative trade draw between the main foodstores. The estimates made by RPS do not reflect the amount of convenience goods turnover in these stores. The trade draw attributed to Sainsburys appears excessively high compared to Morrisons which has a higher turnover. In the table in the lower part of Appendix 3 we present a more realistic assessment of retail impact using different estimates of trade draw of 40% from Morrisons and 25% from Sainsburys. We have made minor adjustments to some of the other trade draw percentages.

We agree with the view expressed by WYG that trade diversion from the large edge-of-centre Tesco and Morrisons stores will reduce the extent of linked trips between these stores and the town centre, which will have an adverse knock-on effect on town centre store turnover and have a negative impact on the town centre's vitality and viability.

The proposed Asda development is likely to have a significant adverse impact on convenience goods trade in the town centre. The predicted trading impact on the town centre will inevitably have an adverse effect on the role of the town centre foodstores. A reduction in trade and overall vitality and viability of the town centre could prejudice the prospects for successful redevelopment in the Bromsgrove Street area and have a negative effect on the overall vitality of the town centre, in order to protect the vitality and viability of the town centre the Council should not allow a major foodstore development at Churchfields which would take trade away from the town centre and weaken its vitality and viability.

It is important to note that the town centre is currently showing high levels of vitality and viability only in one area which is the new Weavers Wharf Development. The health of the remainder of the town centre is poor and is the part of the centre which most benefits currently from the link trips associated with the Aldi and Morrison's stores. The likely outcome from permitting the Asda store would therefore be significant harm to the part of the town centre which is already in poor health, accentuating the difference in performance of the two parts of the centre, Weavers Wharf and the rest and damaging the overall vitality and viability of the town centre.

The proposals are in conflict with draft KCAAP Policies 19 and 23. The development of a large food store of 3,600 sq m net is over three times larger than the 1,000 sq m stated in paragraph 10.22 of the explanatory policy text (KCAAP).

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In the Site Allocations and Policies Development Plan Documents, Draft Policy 10 Town Centre Retail states that proposals for new retail development should be targeted towards the Primary Shopping Area unless the proposals can not be accommodated within the same.

Based on the findings of the Retail Study, the LDF Core Strategy does not explicitly set out any requirement for additional convenience goods retailing in Kidderminster.

The applicant provides no other assessment of the impact of its proposals on the delivery of the important retail proposals set out in the Core Strategy, namely the delivery of an additional 25,000 sq m of comparison retail floorspace balanced in the two retail 'dumbbells' of Weavers Wharf and Bromsgrove Street. Such an assessment is required by PPS4 EC.16.1a).

The pedestrian routes from the development to the town centre are convoluted and involve using existing subways which involve significant additional walking due to the location of the ramps. Whilst these linked trips are encouraged by Asda, the distances walked from the store to the centre will increase the length of time that vehicles are parked within the car park.

Asda store is very unlikely to result in linked trips between the store and the town centre. The levels of trading impact on the town centre would in our view be 'significant adverse impacts' in PPS4 terms.

The predicted trading impacts on town centre convenience goods shopping of up to 20% will inevitably have an adverse effect on the role of the town centre foodstores. This in turn will have a negative effect on the overall vitality of the town centre which, as we have shown is vulnerable to further losses of trade from retail development outside the centre

The proposed links amount to little more than is currently in place. It is very unlikely that customers of the proposed superstore will make 'linked' trips to the town centre. Furthermore, it is clear that superstores of the kind that is being proposed, routinely stock a very wide range of products and services, many of which are duplicated in the town centre offer. Once a customer enters an out of town superstore there is very little need or desire to shop anywhere else.

The proposed superstore is too far away from the Primary Shopping Area for the links to the town centre to be effective and there is the insurmountable barrier of the ring road.

11/0420/FULL/OUT

The suggestion that customers of the proposed superstore will use Asda's free car park to shop in the town centre is a common myth, frequently promulgated as part of an attempt to secure backing for an out of town supermarket. There is much empirical evidence and research data to show that out of town superstores draw shoppers away from town centres.

Lord Oakeshott, a prominent property developer has said that the position of supermarkets is a critical factor in whether towns are successful. He has adopted a strategy where he targets towns anchored by at least one large supermarket and avoids those ringed by three or more supermarkets. The Mayor of London, Boris Johnson has also said recently that he will now be ruthless in considering supermarket applications to build new stores out of town because of their damaging effect on local communities.

The proposal will also impact the town centre by diverting trade away from the centre of Kidderminster. The proposed junction at Churchfields will create a "dog leg" approach to the town centre making it more difficult for people approaching Kidderminster from Stourbridge Road to see the town centre. In fact, they will first be greeted by the proposed superstore.

The Sequential Approach

The applicant refers to its own assessment of a 'range of layout options' and concludes that the Eastern Gateway site is not suitable. However, the assessment work is not included. It is not possible to assess the robustness of the work undertaken in the absence of this.

We concur with the points made:

- The KCAAP does not preclude the potential to accommodate a foodstore on the Bromsgrove Street allocation site.
- The Bromsgrove Street site is a realistic alternative, more central location for the proposed store.
- A foodstore on that site would fulfil the objectives of creating a retail counter magnet to the Weavers Wharf development, which would enhance the vitality and viability of the town centre as a whole.

The proposal to consider the Glades/Worcester Road area seems to me to be dismissed without proper consideration of the need for the long term development of Kidderminster Town Centre.

The appropriate timescale over which to assess availability is to be determined on a case by case basis.

11/0420/FULL/OUT

The Practice Guidance recognises that in complex town and city centre schemes, a longer time frame should be considered with regards to site availability. The applicant does not refer to any specific timeframe but we consider that a time horizon beyond 2016 (five years) should be adopted for the purposes of considering the site's availability. Further information should therefore be submitted to support the assertion that the site is 'not available in the short to medium term'.

The applicant accepts that the site has some difficulties but that it would be suitable in principle for a food store. The applicant's suggestion that the site is not sequentially preferable because food retail is not included in the KCAAP allocation is not sufficient reason to discount it from the assessment. The proposals themselves include a significant amount of comparison goods floorspace, which could be disaggregated onto this site. This would not run counter to Asda's business model and could represent a realistic prospect.

Long Meadow Mills: In our view this site should not be discounted on the grounds of availability and suitability.

RPS it seems has tried very hard to find reasons why Asda cannot invest in Bromsgrove Street. I have looked carefully at the reasons they have given. In my view not one single reason that RPS has raised is insurmountable. In fact all of the issues raised can easily be addressed by the Council. Furthermore, in light of the new Asda Supermarket in New Road, there is compelling case for scaling down the size of the proposed superstore to work as an alternative choice for food shopping in the town centre rather than a duplication of the model of the three existing supermarkets in Kidderminster.

I would strongly urge the Council to address the issues that RPS has raised in relation to the Bromsgrove Street site. The RPS case against the Bromsgrove Street site is largely based around issues of availability as it is clear that the site is suitable for a supermarket development. The issues of availability can be resolved by demonstrating defined mechanisms for the component sites to be released for development and reasonable timescales to achieve this. If this can be done it will be very difficult for Asda to overlook the best and most central site for the proposed development.

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I fully agree that the town centre needs a proper development of the (wider) Churchfields Site. However the town also needs a Centre and the Centre needs additional retail outlets. Kidderminster has the space if it has the will. The old mill building (Magistrates Court/Indoor Market) beside the Boars Head Taphouse in Worcester Street is potentially available and that site stretches back to the car park and Glades Leisure Centre (The Glades being said to be fully written off, beyond its 'natural life' and increasingly economically unmaintainable) all in Council ownership.

Impact on Horsefair

The Asda proposals will result in an overwhelming retail dominance in the local area.

The existing shops include toys, florist, electrical goods, second hand goods and motor cycles. However, the proposed truncation of Blackwell Street could have a major adverse effect on the businesses in the Horsefair local centre that attract trade from customers using Blackwell Street. Horsefair could suffer a significant decline and land at Bromsgrove Street is available for redevelopment and is identified by the Council as being suitable for retail uses.

Most of the shops in Blackwell Street are specialist retailers who sell collectables, toys, electricals, second hand goods, motor cycle parts flowers. These shops are highly dependent upon passing trade and the flow of traffic along Blackwell Street also helps to keep them firmly 'on the map' (for most of the shops, up to 70% of their trade is gained from passing trade) and it is very likely that the impact of the proposed road layout will result in a downward spiral of decline in this local retail centre.

The suggestion by Asda that a post development Horsefair and Blackwell Street will suddenly become a haven for pedestrians, is totally unrealistic. The overwhelming experience of all of those retailers is that the only way to attract shoppers to the area is through a combination of passing traffic and convenient car parking.

The car park in Broad Street is never used by customers of shops in the Horsefair and Blackwell Street because it is too far away. In fact for the vast majority of time it is completely empty.

By contrast, the small car park on the Horsefair Triangle area is the main car park used by customers of shops in the Horsefair and this clearly demonstrates that the proximity of any car parking facility is crucial in order for it to be effective.

11/0420/FULL/OUT

Asda have mentioned proposals to provide signage and parking around the local area to help mitigate the effect of the closure of Blackwell Street. These proposals are superficial and tokenistic and will not in any way compensate for the closure of Blackwell Street.

The option to designate Blackwell Street as open to one way traffic only, with on-street car parking will safeguard the future of local businesses by enabling a powerful combination of passing traffic with convenient customer car parking.

The Horsefair Traders would ask the Council to consider making any approval subject to conditions requiring:

- Shop front improvement scheme for all local shops
- Signage content and location in accordance with the preferences of local businesses.
- An open ended commitment to allow free car parking on the car park of the proposed superstore without any restrictions.
- the adoption of a one way system along Blackwell Street towards the town centre with a contra flow heading out of town along Churchfields.

Without the passing traffic I might as well put my shutters down and wind up my fledging business. I've worked very hard to get this project up and running and it really saddens me that someone can come along and threaten to put everything in jeopardy.

The vast majority of our customers are not local people. In fact 99% of our customers travel to our showroom from outside the local area and in many cases from outside Kidderminster. Our showroom frontage is currently on the busy main road and seen by all of the passing traffic. This is a very significant factor in bringing new people into our showroom.

In the Air Quality Assessment report there is a traffic data table which shows the average daily traffic flows with and without the proposed development. It shows that the average daily traffic flow along Blackwell Street will reduce from 13,610 vehicles to 27. This is very significant for local businesses that rely upon passing trade and it will have a major adverse impact. A one way system with short stay car parking would be a much better alternative solution.

It is estimated that the businesses located within the large area including The Horsefair and Blackwell Street sustain around 100 jobs. A large number of those jobs will be at risk if the proposed development is allowed to go ahead.

11/0420/FULL/OUT

It is ludicrous for Asda to propose to take away all of our passing trade just because they want to build a giant new store in the area. Do we have less of a right to exist than they do?

It is really ironic that Asda are claiming that they will regenerate the area because if they are allowed to go ahead with this development, it will lead to the inevitable de-generation of the Horsefair as a neighbourhood shopping centre and it will be blighted with dereliction.

In July, Blackwell Street was closed for 2 days while road resurfacing work was being carried out on Stourbridge Road. Most of the shops closed early because without cars driving through, they were not getting any customers. I believe that a one way system would make much more sense for local businesses, local residents and the town centre area.

RPS has also said that Asda will provide additional signage and that the car park of the proposed superstore will be made available for customers of shops in the Horsefair. There are already existing signs for the Horsefair and simply adding a few more will not in any way mitigate the effect of closing Blackwell Street. The suggestion that people will park in the Asda car park and walk into the Horsefair is misguided.

Impact Upon Residential Amenity

The Horsefair Traders would ask the Council to consider making any approval subject to conditions requiring:

- No 24 hours trading in the proposed superstore to safeguard the amenity of local residents.
- No delivery vehicles for proposed store to use Radford Avenue or Broad Street to safeguard the amenity of local residents.
- The removal of the petrol filling station from the proposed development to safeguard the amenity of local residents and ease local traffic congestion.

As a local resident I am most of all concerned about the loss amenity for people who live locally. We do not want on our doorstep a giant superstore open 24 hours a day and 7 days a week with a petrol filling station.

11/0420/FULL/OUT

Impact Upon Heritage Assets

We believe that it would be a travesty to “shove back” from its original location this landmark building and bolt it on to a giant retail shed. The 1902 building has the potential to be converted into residential apartments as part of a wider residential scheme or a business centre comprising offices and small workshops to attract new businesses to the area and reignite the spirit of local enterprise that once reverberated within its walls.

There are much better alternative uses for the building that will more effectively help to preserve its rich history and retain its original character

Highways

I have been unable to find any indication of any consideration of a significant range of options. In fact it looks as if the prime aim was to cause all traffic to pass the front entrance to the proposed store.

The proposed bus stops in Horsefair would cause considerable interruption to traffic flow in an already tight road. With the two way proposal I suggest that a bus lay-by should be provided in Churchfields north in lieu of one or two of the houses proposed (or set them back further) for northbound buses and a similar lay-by be created within the current Horsefair island with the southbound buses.

With the current proposal it is unclear how traffic from Radford Avenue would reach Broad Street or turn onto the A451 (either way) or the reverse – Broad Street to Radford Avenue. As a minimum additional traffic lights would appear to be needed at the Broad Street / Radford Avenue junction. The Hurcott Road junction is already a difficult one to navigate by car – either northbound from A451 northbound or exiting onto the A451 southbound. The enlarged pedestrian footpath outside no. 431 Hurcott and nos. 24, 25 and 26 Horsefair and the squared off ingress to Hurcott Road would surely exacerbate this problem.

The other improvement option that I was unable to find reference to was the provision of a feeder slip road from St. Mary’s ring road onto Clensmore Street / Churchfields south through the current car park between St. Mary’s and Trinity. Such a road would remove approximately half the traffic travelling north up the new access road and thus greatly reduce congestion on the Blackwell Street roundabout (such a feeder road would also greatly help congestion during the rebuilding of the roundabout

11/0420/FULL/OUT

It is apparently accepted that the pedestrian subways introduced in the middle of the 20th century are a failed experiment. I have been unable to find any plans within the application which demonstrate that provision has been reserved for the conversion of this roundabout to a traffic tunnel carrying the ring road with shared pedestrian and turning / local traffic on the surface. With major works proposed to this junction it is surely the right time to take a long term view and ensure that the currently proposed works do not inhibit the long term changes perceived necessary even if there is no finance available to do these desirable works at this time.

It is very difficult to see how the roads will cope with all the additional traffic that will be generated by the proposed store.

We are aware that there will be a change to the traffic management at the top of Broad Street which is our only exit from Waterside Grange / Churchfields / Stoney Lane into Kidderminster – we fear long delays getting out of our estate especially during peak shopping hours and at holiday times. There is currently only one road into Waterside Grange / Churchfields / Stoney Lane so it would make sense if money was spent to improve the current problems rather than make them considerably worse.

The proposed changes to the road system are nowhere near enough to cope with the all the additional traffic that will be generated by a new superstore with 400 car parking spaces and a petrol filling station.

The increase in local traffic volumes will create “rat runs” along the surrounding residential streets and make life very difficult for residents. Even now, cars are cutting through Queen Street to get to Broad Street when Stourbridge Road is busy.

The proposal to make Churchfields a main thoroughfare will seriously affect our ability to safely dispatch our pizza delivery drivers.

The layout proposes that part of the existing Horsefair carriageway is to be made a pedestrian area. This will create a very narrow and awkward vehicular access into the Horsefair making it difficult to access the area by car and almost having the effect of guiding traffic away from the Horsefair and towards Churchfields where the entrance to the proposed superstore is situated. In view of the fact that this access will be the only remaining and main access onto Horsefair and Blackwell Street from Stourbridge Road it is totally unacceptable for it to be made so difficult to access by car.

11/0420/FULL/OUT

In my view the development will result in much greater increase in local traffic than the projections have illustrated. It has also been assumed that most customers of the proposed superstore will travel along the ring road to get to the store but I believe that there will be considerably more traffic than has been estimated, approaching the store from Stourbridge Road.

The Horsefair Traders Partnership sincerely hope that the application is refused, however if it is approved in its current form then we would ask you to consider 12 conditions (including the following highway related conditions) – (No. 1) - On the plans submitted there are 5 car parking spaces shown situated outside the Horsefair post office building. In addition to these parking spaces we would like to see the retention of the existing 5 spaces on the Horsefair triangle area with a new access from opposite side to where it is currently gained.

(No.2) – The plans show that at the junction of Hurcott Road a new layout is proposed where part of the existing Horsefair carriage is to be made into a pedestrian area. This will create a very narrow and awkward vehicular access into the Horsefair and have the effect of guiding traffic away from the Horsefair towards Churchfields. This road layout must be redesigned to allow the free and unfettered flow of traffic into the retail centre.

(No.3) - The Horsefair, which links Stourbridge Road to the Blackwell Street junction to be designated two way traffic to allow better circulation of traffic for local businesses and encourage customers.

(No.4) – Short stay car parking provision to also be made along Blackwell Street.

(No.5) – If truncated the provision of a 360 degree turning circle at the end of Blackwell Street to make it easier for vehicles to turn around and encourage motorists not to abandon Blackwell Street altogether.

The proposed changes to the local highway network appear to have been designed with a single objective to service the proposed superstore with as much traffic as possible. Access to the wider Churchfields area will be a by-product of this scheme.

There are alternative options for access to Churchfields such as a one-way system which would allow a much better scheme of highway improvement with a flow of traffic towards the town centre along Blackwell Street counter-balanced with a contra flow heading out of Kidderminster along Churchfields.

11/0420/FULL/OUT

Unrealistic assumptions have been made about the number of shoppers arriving on foot, by bike or on public transport. The inclusion of a petrol filling station as part of the development will 'rubber seal' the prospect of a huge increase in road traffic in the local area. The proposals include the removal of the existing traffic signal controlled junction between Blackwell Street/Radford Avenue/Broad Street. The distance between these signals and the existing A456/Blackwell Street Roundabout provides queuing space for around 19 vehicles. Currently congestion during peak periods regularly extends back from these signals and blocks the roundabout on St Mary's Ringway. The proposed link road only provides sufficient queuing space for around 15 vehicles before it blocks the existing roundabout with the Ringway. This is clearly insufficient to cater for the existing demand and will exacerbate an existing capacity problem.

In addition, the new traffic associated with the proposed Asda store is also only provided with queuing space of 15 vehicles before it blocks back to the existing roundabout. The Transport Assessment (TA) suggests that the proposed foodstore alone could result in 487 arrivals during the PM peak; however traffic flow diagrams are not available so analysis of the likely number of vehicles entering the site from the Ringway cannot be determined.

The TA proposes the new traffic signal junction operates on a long cycle time, however the access from the Asda car park only has space for around 12 vehicles before it blocks access to the PFS. In addition the TA proposes to run the junction on MOVA. This is normally proposed for existing junctions which have reached capacity limits. It infers therefore that this junction has insufficient capacity.

The above issues raise concerns that the existing problems of traffic blocking back to St Marys Ringway will actually increase and the effects of such congestion are far reaching impacting in turn on other nearby junctions in the network.

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Asda propose to provide 400 car parking spaces which, when compared to the proposed gross floor area provides a ratio of 1: 18.3. This is a lower ratio than the approved parking at Sainsburys however there is to be no limit on parking duration at the Asda car park with emphasis on encouraging linked trips with the retailing within Kidderminster town centre. This may lead to commuters and non Asda customers parking within the car park and walking into the centre of Kidderminster which will have an effect on the number of spaces available for shoppers. In addition, the proposals include a café which will also lead to extended parking durations; however, as no car park accumulation assessments have been provided, the effect that this has on car park capacity and therefore potentially on safety within the car park due to increased circulation and manoeuvres cannot be determined.

The pedestrian routes from the development to the town centre are convoluted and involve using existing subways which involve significant additional walking due to the location of the ramps. Whilst these linked trips are encouraged by Asda, the distances walked from the store to the centre will increase the length of time that vehicles are parked within the car park.

Finally, there are safety concerns regarding the movement of HGV traffic travelling north eastwards along Churchfields. As these HGVs approach the bend opposite Hurcott Road they will come into conflict with vehicles waiting to turn right into Hurcott Road. It is highly likely that the swept path of HGVs will overrun most of this right turning facility as they traverse the bend making the junction unsafe and being a potential congestion point.

There will not be enough parking of existing and proposed residents and businesses in Broad Street.

The additional traffic will affect the running of business particularly in rush hour.

Air Quality

I understand that Blackwell Street currently has air quality that is considered poor or bad. The proposal to close Blackwell Street will certainly improve the air quality there, but that proposal merely transfers the A451 Stourbridge Road traffic from Blackwell Street to Churchfields. It is not obvious why the air quality problem will not be simply shifted. This will be a particular problem for the proposed new houses in Churchfields and the existing houses on Horsefair which will abut the newly polluted road at ground and first floor compared with the dwelling units in Blackwell Street which are predominantly on the first and second floors.

11/0420/FULL/OUT

The proposed bus stops in Horsefair (and possibly the traffic lights at the junction with the new road with possible others) will hold up traffic so exacerbating the problem.

The air quality modelling input data appears to be seriously flawed and appears to give a traffic AADT figure for the Horsefair to ring road traffic which falls on the introduction of Asda. I put it to you that it is disingenuous for Asda to suggest within their modelling that their opening of a store and petrol station will reduce the predicted traffic flow on the A451

If my reading of the data is correct then I suggest that the whole of the air quality modelling is so much junk and that therefore one must assume for planning purposes that air quality in Churchfields North, should this plan go ahead, would become at least as bad as it currently is in Blackwell Street.

Asda have highlighted the well known air quality issue around the Blackwell Street area and stated that the truncation of Blackwell Street will resolve this issue. However, the council's own emerging local plan shows the proposed designation of Blackwell Street as One Way (into the town centre) with on-street car parking and this I feel, would more than adequately resolve the air quality issue while at the same time protecting the opportunity for local shops to attract vital passing trade.

The 50% improvement in the air quality on Blackwell Street could easily be achieved by designating Blackwell Street as open to one way traffic only. As a result of the proposed development there will be significant increase in traffic in the local area anyway and this will cause an overall reduction in air quality around Churchfields.

Other

The applicant has clarified the minimum and maximum height parameters in relation to the outline residential elements but has not specified width and length for each of the proposed dwellings, not provide parameter plans to enable the LPA to frame any permission. The application therefore still fails to meet the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Per 2, 4(4).

The Design and Access Statement give approximate areas for the food store. If the floorspace is fixed it should be clearly stated. This has not been clarified.

11/0420/FULL/OUT

Policy 19 of KCAAP requires a full viability assessment to be submitted with application proposals that do not comply with the design principles set out in the Churchfields Masterplan which is now adopted. The applicant has not produced such an assessment and on this basis, the proposals are in conflict with adopted and emerging policy.

The applicant includes no assessment of the proposals against the design criteria of the Churchfields Masterplan.

Requirement for a Bat Survey has not been addressed by the applicant.

However, there is no analysis of the residential proposals in the planning statement only limited consideration in the Design and Access Statement, which in itself is deficient in setting out the required information.

They have stated that 2,500 sq.m of B1 office workshop space would create “circa 130 jobs at the most”. The figure of 130 jobs is in our view a conservative estimate but for the moment, if we take their figure as a starting point, it could reasonably be assumed that the combination of other uses of the land i.e.; schools, health facilities, small retail and a hotel would create at least another 100 jobs. This would take the total to 230 incremental new jobs for the town.

Asda’s claim that their development would create 370 jobs must also be put into context. Firstly a significant number of the jobs created will be part time. Secondly, there will inevitably be a displacement of jobs from other retailers, both large and small. Thirdly, the impact of the proposed store on the local centre and its effect on the main town centre area will result in the loss of existing jobs. Finally, it is also worth noting that Churchfields is not a derelict site and currently provides employment through a variety of small local businesses. An allocation for the site to be redeveloped as a supermarket will result in the loss or displacement of all of those jobs.

Churchfields site has been identified as being suitable for residential development and the building of affordable homes would be a positive contribution to that end. However, in order to meet the wider housing needs of Kidderminster, the site requires residential development on a scale, much larger than that which is being proposed by Asda.

11/0420/FULL/OUT

Under the heading of Continued Engagement, Asda have stated that the team working on the proposals are working with Blackwell Street traders on proposals of parking provision, signage, and a shop front improvement scheme. At the meeting that was held by Asda with the Horsefair Traders Partnership, we put forward a number of concerns about the proposed development. However, the plans that have been submitted as part of the formal planning application do not address any of those concerns. Since the meeting we have not had any contact with Asda and we would be very interested to know precisely which proposals the project team at Asda are working on.

The questions on the feedback cards were generic and essentially a collection of positive statement which most people would naturally agreed with. Any sensible regeneration of Churchfields would achieve the statement objectives set out in the feedback cards anyway.

I take this opportunity to ask you to give serious thought to gaining much needed 'planning-gain' elements to benefit the ugly and blighted Horsefair environs.

I think I would speak for many with mine. These are that, at long last, to get something sensible moving with regards to the 'Weavers Cottages' which, though they could be a heritage gem, are but a crumbling blight.

Should the Planning Committee agree Asda's contentious ambitions, I hope they will be required contractually, to liaise with WF Housing, the Civic Society and other interested groups to move the 'Weavers Cottages' into a useful condition as an addition to our area's heritage trail, rather than allowing them to continue as the scruffy blemish they currently are.

I am very encouraged to see the Council's local plan at the consultation in May and I hope that you will follow your own plan for the area rather than let Asda hijack the site for their own selfish purposes.

The fuel station and superstore will be open 24 hours for shopping or deliveries and with the huge volume of traffic cause noise and air pollution. This with the affordable 26 houses will decrease the value of my property and make parking on Broad Street very difficult.

Churchfields is not the right place for a new supermarket and housing with some offices and small business units would be a far better option, both for the community and existing businesses.

11/0420/FULL/OUT

At a very early stage, local traders made Asda aware of their concerns on a number of issues but the application that has been submitted does not address any of the concerns that were raised.

It is surely the case that the additional availability of alcohol the apparent provision of areas of trees and the fitting of glass into the ground floor walls of the 1902 building; will be a driver for increased Anti-Social Behaviour and alcohol fuelled crime. Once can only pitch the residents of the houses bordering Churchfields, Broad Street and Horsefair should this be allowed to happen.

4.0 Officer Comments

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

- Planning policy
- The principle of development
- Retail Impact
- Highways
- Air quality
- The proposed design and layout
- Impact upon heritage assets
- Impact upon Residential Amenity
- Green infrastructure and biodiversity
- Flooding
- Land Contamination

PLANNING POLICY

4.2 **PLANNING FOR GROWTH MINISTERIAL STATEMENT (23/03/11)**
This statement, given by the Minister of State for Decentralisation outlined the Government's expectation that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. It advised that Local Planning Authorities should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

11/0420/FULL/OUT

DRAFT NATIONAL PLANNING POLICY FRAMEWORK

- 4.3 This was published in Draft for consultation in July 2011. The framework is intended to streamline the national planning policies set out in the existing PPG's and planning policy statements. It outlines a presumption in favour of sustainable development. With respect to retail policy it advises local authorities to pursue policies to support town centre vitality and viability.

REGIONAL SPATIAL STRATEGY

- 4.4 The planning system is currently undergoing reform. It remains the Government's intention to revoke the Regional Spatial Strategy (RSS), however the information and evidence base of the RSS is still a material consideration as is the decision to revoke it. It is for Local Planning Authority's to consider how much weight they attach to either in their consideration of planning applications.
- 4.5 The RSS provides a long term land use and transport planning framework for the region and identifies the general distribution of new development.
- 4.6 Policy UR2 seeks to encourage local authorities and other agencies to bring forward local regeneration policies and programmes in a number of settlements outside of the Major Urban Areas, one of those settlements listed is Kidderminster.
- 4.7 Policy PA11 identifies a strategic network of 25 town and city centres which will be the focus for large scale retail, cultural, tourism, community, leisure and office uses. Kidderminster is one of the 25 centres listed. Policy UR3 recognises these particular centres as playing a leading role in urban renaissance programmes. The Policy explains that this can be achieved by developing strategies to maintain and enhance the role and function of the centre; promote local distinctiveness; identifying opportunities for development; encouraging people to live close to centres, ensuring high quality design; and enhancing the centre as a primary node for public transport.
- 4.8 With respect to out of centre retail developments referred to in Policy PA13, the advice given is that they should be considered in the light of policies and proposals in development plans and take full account of Government guidance.
- 4.9 Policy CF4 seeks to optimise the opportunities for recycling land and buildings for new housing development and for re-using redundant employment land and premises in urban areas.
- 4.10 Policy CF5 sets out how local authorities should plan for the provision of affordable housing.

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- 4.11 Policies QE1 and QE2 seek to promote the restoration and enhancement of degraded areas and those areas with distinctive character due to their built heritage.
- 4.12 Policy QE3 pays attention to providing new developments which secure a high quality of townscape, urban form, building design and urban spaces through the use of architecture, urban design and landscape design. Incorporating sustainability considerations, creating a safe environment and minimising noise and light pollution.
- 4.13 Policy QE4 focuses on urban green space and advises that the overall quality of public space especially in city and town centres.
- 4.14 The protection, conservation and enhancement of the historic environment is advised by Policy QE5.
- 4.15 Policy QE7 seeks to protect, manage and enhance the region's biodiversity and nature conservation resources.
- 4.16 Policies T1 to T5 highlight the need to introduce measures to reduce the need to travel, expand travel choice, tackle congestion, improve safety and protect the environment. Policy T3 specifically encourages the provision of greater opportunities for walking and cycling.
- 4.17 Finally in respect to the RSS Policy T7 refers to parking standards and the need for local authorities to develop maximum standards in line with those given in PPG13, and identify those areas where more restrictive standards should be applied.

PHASE 2 REVISION EIP PANEL REPORT

- 4.18 The Panel Report of September 2009 recommended that Kidderminster be identified as a strategic sub-regional centre (Policy PA12B) with a requirement for 25,000 sq.m of comparison retail floorspace between 2006 and 2021 and a further 10,000 sq.m between 2021 and 2026.

PPS4: PLANNING FOR SUSTAINABLE ECONOMIC GROWTH

- 4.19 This sets out the Government's national policies for economic development. It provides guidance on plan making policies and determining planning applications for main town centre uses.
- 4.20 First, this national guidance sets out the Government's objectives for a prosperous economy. These include improving the economic performance of towns, promoting regeneration, delivering more sustainable patterns of development and promoting the vitality and viability of town centres.

11/0420/FULL/OUT

- 4.21 Policies EC1 to EC5 provide guidance on plan making policies to plan positively for sustainable economic growth. The policies focus on encouraging growth within definable centres.
- 4.22 The latter part of the document refers to policies applicable to the determination of planning applications for town centre uses.
- 4.23 Policy EC10 specifically refers to determining planning applications for economic development and advises that local planning authorities should adopt a positive and constructive approach, and applications that secure sustainable economic growth should be treated favourably. However it does go on to state that applications should be assessed against five impact considerations which in summary are:
- the impact upon the environment and its resilience to climate change;
 - the accessibility of the proposal by a choice of means of transport;
 - whether the proposal secures a high quality and inclusive design;
 - the impact upon economic and physical regeneration; and
 - the impact upon local employment.
- 4.24 Policy EC13 refers to the potential impact of new developments upon local centres and seeks to safeguard existing shops and services.
- 4.25 Policy EC14 indicates that an application for the type, size and at the location proposed requires both a sequential and an impact assessment, whilst Policies EC15 and EC16 set out what the relevant considerations are when appraising the submitted assessments.
- 4.26 When considering the sequential assessment Policy EC15 advises that local planning authorities should ensure that:
- sites are assessed for their availability, suitability and viability;
 - all in-centre options have been thoroughly assessed before less central sites are considered;
 - where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access; and
 - in considering sites in or on the edge of existing centre, developers and operators have demonstrated flexibility in terms of scale and format of their development, car parking provision and the scope for disaggregating specific parts.

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- 4.27 By way of further explanation the guidance states that local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.
- 4.28 The relevant impacts to be considered as part of the impact assessment are set out under Policy EC16. In short the Policy refers to the following:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
 - the impact of the proposal on town centre vitality and viability;
 - the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
 - the impact of the proposal on in-centre trade / turnover and on trade in the wider area;
 - if located in or on the edge of a town centre whether the proposal is of an appropriate scale in relation to the size of the centre and in the hierarchy of centres; and
 - any locally important impacts on centres.
- 4.29 Following the consideration of the relevant sequential and impact assessments Policy EC17 advises that applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused where:
- (a) the applicant has not demonstrated compliance with the requirements of the sequential approach; or
 - (b) there is clear evidence that the proposal is likely to lead to significant adverse impacts as set out above under Policies EC10 and EC16, taking into account the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 4.30 The Policy goes onto advise that judgements with respect to the extent and significant of any impacts should be informed by the development plan, a recent local assessment of the health of town centres and any other published local information such as town centre or retail strategies.

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- 4.31 Policy EC18 refers to parking standards whilst Policy EC19 refers to the effective use of planning conditions which can be attached to approvals for main town centre uses to manage their impact. The Policy recommends the consideration of conditions to prevent developments from being sub-divided; to specify the maximum size of units or floorspace; to ensure that ancillary elements of a development remain ancillary; to limit the range of goods sold and the proportion of convenience and comparison goods; and to resolve issues relating to the impact of the development upon amenity.

WORCESTERSHIRE COUNTY STRUCTURE PLAN

- 4.32 Policy CTC9 requires development to demonstrate that it would not cause the pollution of surface water or groundwater
- 4.33 Policy CTC17 seeks to preserve regionally or locally important archaeological remains or where preservation in situ cannot be justified to record those parts of the site that may be destroyed or altered
- 4.34 Conservation Areas, their setting and features within them are identified as important by Policies CTC19 and CTC20. These policies seek to ensure their protection and enhancement. Policy CTC21 seeks to retain buildings of special architectural or historic interest.
- 4.35 Out of centre retail proposals are referred to in Policy D33. As per the now superseded guidance of PPS6 it advises that it should be demonstrated that there is a need for such proposals and that the location of the development accords with the sequential test, would not affect the vitality and viability of an existing town centre and be easily accessible. It should also not be located on land allocated for other uses where it can be shown that retail development would limit the range and quality of sites available for such uses.
- 4.36 The provision of car parking standards expressed in terms of a maximum provision are proposed as part of the Policy T4

ADOPTED LOCAL PLAN (2004)

- 4.37 Until such time as the policies with the Kidderminster Central Area Action Plan and the Site Allocations and Policies DPDs have been adopted there still remain relevant policies within the Adopted Local Plan which have been saved and are material to the consideration of the current application.
- 4.38 The application site lies within an area allocated for employment purposes, outside of an area allocated for housing within the Adopted Local Plan. New residential development proposed to be located outside of those areas allocated for such development is guided by Policy H.9.

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- 4.39 Policy D.4 requests a detailed tree survey where necessary with clear justification for the felling of trees.
- 4.40 The detailed design of boundary treatment and landscaping schemes are the subjects of Policies D.10 and D.11.
- 4.41 Policy D.12 seeks to include the provision of public art within major developments.
- 4.42 Policy guidance with respect to the design of new car parks is provided by Policy D15.
- 4.43 A detailed contaminated land survey which identifies remedial measures is requested by Policy NR.2 where contamination is known to exist or is suspected. Development will not be allowed where it will either cause or increase pollution of watercourses and groundwater resources, or where the fundamental ground conditions render a site unsuitable for the development proposed.
- 4.44 Policy NR11 seeks to ensure that the noise generated by developments do not adversely affect nearby sensitive locations. It promotes the use of appropriate attenuation measures where necessary.
- 4.45 Proposals for development likely to need external lighting are required, by virtue of Policy NR.12, to include details to demonstrate that light spillage is minimised, there would be no adverse impact upon residential amenity or areas of nature conservation importance or protected species.
- 4.46 Development affecting a statutorily or non statutorily listed building is guided by Policy LB1 which seeks to ensure that development adversely affecting the building is not permitted unless there is no reasonable alternative of meeting the need for the development elsewhere, or the reasons for the development outweigh the importance of the structure.
- 4.47 The guiding principles relating to alterations to statutorily or non statutorily listed buildings are set out under criteria (i) to (vii) of Policy LB2.
- 4.48 According to Policy LB5 new buildings and structures which affect the setting of statutorily or non statutorily listed buildings should relate well to and harmonise with them.

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- 4.49 Policy CA.1 seeks to preserve or enhance Conservation Areas and their settings or views into or out of these areas. It states that particular regard will be paid to the relevant Conservation Area Character Appraisal.
- 4.50 Policy CA6 refers to areas outside of designated Conservation Areas which have special character and appearance. Within these areas of value to built heritage, development should preserve or enhance their character and appearance and demolition of buildings which contribute positively to the area will be resisted.
- 4.51 Policies AR.2 and AR.3 recognise the importance of sites containing archaeological remains of regional, county or local importance and their settings. Development that would have a direct or indirect adverse effect will not be permitted unless there are no reasonable alternative means of meeting the need for the development or the reason for the development outweighs its archaeological importance. The latter policy requires the submission of field evaluation and appropriate mitigation measures.
- 4.52 The information necessary to accompany a planning application which would affect an area known for its nature conservation value is explained in Policy NC.7. This includes mitigation plans.
- 4.53 Policy TR.17 refers to the current parking standards adopted by the District Council. They should be regarded as maximums and should not be exceeded. The Policy allows for the provision of lower levels of car parking in locations which are highly accessible by other modes of transport as part of a co-ordinated package of planning and transport measures.
- 4.54 Proposals for out of centre retail proposals are the subject of Policy RT5 which refers to the requirement to meet retail need and sequential tests.
- 4.55 Policy RT6 identifies local centres within the District, including the Horsefair local centre. The reasoned justification explains that they perform a vital role for local communities.
- 4.56 Policy RT8 explains that other than for those retail uses subject to specific policies in the Plan, proposals for retail development outside the towns and villages will not be allowed.

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- 4.57 Developments which include provision for the sale of food and drink are the subject of Policy RT13. The Policy advises that such uses would be permissible in town and local centres; however this is subject to the proposal not having a serious affect on residential amenity or crime and disorder.
- 4.58 Policy TC4 seeks to ensure sustainable access is provided to the District's town centres by expecting developments that are sited along, or adjacent to, or proposals placing additional demand on a key movement corridor adjacent to the main arterial routes to make an appropriate contribution towards improving the environment and / or infrastructure of the corridor.
- 4.59 It is also considered relevant to refer to Policy KTC3 which is a site specific policy relating to an area centred around Worcester Street and the former Magistrates Court. The Policy seeks to encourage a comprehensive redevelopment of the site for a mix of town centre uses including small scale A1 retailing. With respect to this particular site Policy CY2 seeks to retain the existing community facilities to the north of this site (which include the Glades Leisure Centre and Health Centre), whilst Policy TC15 seeks to safeguard the existing Bromsgrove Street car park.

ADOPTED CORE STRATEGY (2006 – 2026)

- 4.60 The Core Strategy, adopted in December 2010, highlights the key issues and challenges facing the District both now and in the future up to 2026 and it shapes these into a Vision and Objectives for the District's future development. The development objectives include the provision of market and affordable housing; the growth and diversification of the District's economy; the conservation and enhancement of the District's heritage assets; the improvement of air quality; and the continuing development of Kidderminster as the strategic centre for the District.
- 4.61 The Strategy sets out five strategic core policies relating to the broad location of future development, the role of the District's settlements and the phasing and implementation of new development. There are then a further fifteen policies to deliver the development strategy which are grouped together into four themes.
- 4.62 The strategic policies which explain the development strategy for the District are labelled DS01 to DS05. Policy DS01 advises that provision needs to be made for 25,000 square metres of comparison retailing and 4000 dwellings between 2006 and 2026. These figures are consistent with the soon to be revoked RSS. The Core Strategy states that the Council considers that it has sufficient local evidence and support to justify retaining these figures.

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- 4.63 Policy DS01 states that new development will be concentrated on brownfield sites within the urban areas of Kidderminster and Stourport. Furthermore it recognises that preference will be given, when allocating future sites for development to key regeneration sites within the Kidderminster Central Area Action Plan (KCAAP) boundary as highlighted within the Kidderminster Regeneration Prospectus. The Policy advises the adoption of a sequential approach to the location of new development.
- 4.64 The significant opportunities for redevelopment and regeneration within Kidderminster are recognised by Policy DS02 which indicates that new development will focus on opportunities presented on identified brownfield sites. As an indicative guide the Policy advises that the town will meet approximately 60% of the District's requirement for new homes. The Policy sets out the retail hierarchy for the District and indicates that Kidderminster town centre is expected to meet the District's comparison retailing requirement of up to 25,000 square metres.
- 4.65 DS05 refers to the phasing of housing and employment development over the plan period to provide a total of 4,000 houses. The Policy does not refer to the phasing of retail or commercial floorspace on the basis that there is considerable uncertainty in projecting comparison retail requirements.
- 4.66 The first theme is entitled 'Adapting to and Mitigating Against Climate Change'. Policy CP01 states that consideration will be given to the design, layout, siting and orientation of a proposed development together with the proposed construction methods and materials in order to deliver a sustainable development which maximises energy conservation and reduces waste.
- 4.67 Policy CP02 refers to flood risk and advises that new development should incorporate a sustainable urban drainage system (SuDS).
- 4.68 Policy CP03 promotes an integrated transport system and enhancing accessibility. In doing so the Policy acknowledges that development proposals should have full regard to the traffic impact on the local highway network and provide a travel plan to demonstrate that accessibility by all modes of transport has been fully considered. Furthermore the Policy advises that developers must take account of the Worcestershire Local Transport Plan and where appropriate contributions will be sought to support transport infrastructure schemes which will assist regeneration. Notably one of the examples quoted in the policy is the improvement to facilitate the multi-modal use of the

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Kidderminster Ring Road and to enhance the accessibility to the town centre and in particular pedestrian access. Finally this policy refers to the need to take the impact of a proposed development on air quality into account and the proposed parking requirements.

- 4.69 The next theme is entitled 'A Desirable Place to Live'. The provision of affordable housing is the subject of Policy CP04 which states that the District Council will generally seek to secure the provision of 30% on sites of 10 or more dwellings within Kidderminster.
- 4.70 Policy CP05 seeks to ensure that the density of housing development is appropriate and indicates that at the application site new development should incorporate a density of 50 dwellings per hectare. The Policy does however acknowledge that there may be circumstances where these minimum standards will not be applied due to the character and surroundings of the site. The Policy also seeks to promote the creation of mixed communities through a range of house types, tenures and sizes.
- 4.71 Policy CP07 seeks to resist the loss of existing community facilities including open space and recreational uses and encourages developers to provide community infrastructure as part of their schemes or by way of off site contributions.
- 4.72 'A Good Place to do Business' is the title of the next theme. Support is given to safeguarding, maintaining and enhancing the vitality and viability of the existing retail centres by Policy CP09. The Policy is in line with national planning policy by advocating a sequential approach for the location of new retail development and it directs such proposals to Kidderminster town centre first. The reasoned justification explains how the need for a figure of 25,000 square metres of comparison floorspace within the District up until 2026 has been determined. With respect to convenience floorspace the Policy refers readers to the latest retail and leisure update. (The latest version dated 2010 indicates a need for additional floorspace within Kidderminster, Bewdley and Stourport but is not specific in terms of floorspace). The reasoned justification goes on to advise that neighbourhood retail centres will be safeguarded for retail use, whilst within the existing centres those areas of retail decline will be carefully considered.
- 4.73 The final theme is entitled 'A Unique Place' and the creation of successful places is encouraged by Policy CP11 which seeks to ensure that developments connect sensitively to their surroundings, improve sustainable transport, take into account heritage assets, provide well planned streets and spaces, present active frontages, secure private areas and buildings which are capable of future adaptation. Proposals must reflect design quality.

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4.74 Through Policy CP13 the existing green infrastructure within the District is recognised. All new development will be expected to provide open space where technically feasible.

4.75 CP14 states that new development will be required to contribute towards biodiversity by enhancing opportunities within the site or by making a contribution to off-site projects. In addition proposed developments must include measures to ensure that they have a positive impact on the ability of species to migrate. The opportunity to increase biodiversity by conserving and enhancing existing trees is recognised.

DRAFT SITE ALLOCATIONS AND POLICIES DPD

4.76 The Draft Site Allocations and Policies DPD allocates areas of land for particular uses to meet the requirements set out in the Adopted Core Strategy. It includes Development Management Policies which apply across the whole of the District and are used for determining planning applications. The Draft DPD is set out under the same headings or themes as the Adopted Core Strategy and it reiterates the Development Strategy.

4.77 It was published for a second stage of consultation in May 2011. This second stage is referred to as the Preferred Options Stage and therefore represents the Council's preferred sites for allocation.

4.78 Policy 1 directs residential development to brownfield sites within the urban area of Kidderminster or on allocated sites within the Kidderminster Central Area Action Plan (KCAAP).

4.79 Policy 9 identifies areas for employment uses over the plan period.

4.80 Under Policy 10 the boundary of the Primary Shopping Area (PSA) in Kidderminster is defined. It acknowledges that large scale retail developments should be targeted towards Kidderminster as the strategic centre within the District. It then goes sets out the sequential approach for retail proposals of more than 250 sq.m net floorspace and the necessity to demonstrate compliance with the sequential test and impact test in accordance with PPS4.

4.81 Policy 11 seeks to resist the loss of existing retailing within local centres.

4.82 According to Policy 14 development should safeguard and enhance the existing cycle route network, not adversely affect bus priority routes and provide shared surfaces with an emphasis on connected and legible layouts which give priority to pedestrians over vehicles.

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- 4.83 Policy 15 seeks to ensure that new developments meet the parking standards set out in the Worcestershire County Highways Design Guide.
- 4.84 Policy 16 refers to major transport infrastructure and states that proposals that would benefit from the infrastructure highlighted in Core Strategy Policy CP03 will be required to make a significant contribution towards the implementation of those schemes
- 4.85 The implementation of SuDS schemes is promoted by Policy 19.
- 4.86 Policy 22 seeks to safeguard the existing green infrastructure network and ensure that new developments provide adequate children's play space. The interests of nature and biodiversity conservation must be taken into account on all land within and outside of designated sites. Policy 23 advises that any development which would have a detrimental impact will not be permitted unless there are no reasonable alternative means of meeting the need for the development nationally and the reasons for the development outweigh the nature conservation value of the site itself.
- 4.87 Policy 24 refers to Heritage Assets and requires that any development proposal affecting the District's heritage assets or their setting should demonstrate how these are to be protected, conserved and where appropriate enhanced. A Heritage Statement should be submitted where appropriate. Development that would have an adverse impact will not be permitted unless there are no reasonable alternative means of meeting the need for the development, the reasons for the development outweigh the individual importance of the building or structure and in the case of demolition that the proposal meets the criteria of PPS5.
- 4.88 Policy 25 seeks to achieve development which is of the highest design quality. In attempting to do so it seeks to ensure that development demonstrates compatibility with a list of 16 criteria. These include maximising the use of corner plots; promoting accessibility by non-car modes; integrating well with the street scene; and having regard to the traditional design of the locality..
- 4.89 Finally Policy 26 seeks to ensure that proposed landscaping schemes and boundary treatment are appropriate.

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- DRAFT KIDDERMINSTER CENTRAL AREA ACTION PLAN (KCAAP)
- 4.90 The Draft KCAAP provides detailed planning policy which sets out the strategy and policies for the development and regeneration of the central area of Kidderminster. It has passed through two stages of consultation with the most recently published Preferred Options stage representing the Council's preferred sites for development. Consultation closed in July 2011.
- 4.91 Like the Adopted Core Strategy the Plan seeks to promote Kidderminster as a strategic centre. Policy 1 seeks the provision of at least 900 dwellings within the KCAAP area within the plan period, whilst Policy 2 encourages a mix of uses on development sites where such a mix is consistent with other policies within the LDF.
- 4.92 Policy 3 targets retail growth to the Primary Shopping Area (PSA), in particular to Weavers Wharf and the Eastern Gateway.
- 4.93 Policy 6 requires retail proposals to comply with the sequential test and states that it must be demonstrated that there would be no harm to the vitality and viability of the PSA.
- 4.94 It is recognised that the Churchfields area has the potential for B1 and B2 uses by Policy 7 and more limited one off opportunities to meet leisure needs (Policy 9).
- 4.95 Policy 10 recognises the ambition to create a well connected and accessible town centre that provides safe and easy access to the surrounding neighbourhoods. It states that where practicable and appropriate development should contribute to one of a list of major projects. The list includes improved access to Churchfields and Crossley Park.
- 4.96 Policy 11 seeks to promote a walkable town and states that developments that would block or reduce pedestrian movements both through a site and the wider town will not be acceptable.
- 4.97 Key urban design objectives which new developments will be expected to meet are set out under Policy 12. These build upon the principles of good design described by Core Strategy Policy CP11.
- 4.98 Part B of the KCAAP provides site specific policies for the seven key development and regeneration sites within Kidderminster. The first is Churchfields within which the application site is located.

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- 4.99 Policy 19 refers to the Churchfields Masterplan and states that new development will have to conform to its guiding principles and objectives. The 17 criteria listed include not prejudicing the comprehensive development of the wider Masterplan area; providing a housing led urban village; providing vibrant thoroughfares and interconnected streets and squares; working with an appropriate block structure and landmarks; providing new infrastructure and movement choices; incorporating functional recreational space; and providing new pedestrian linkages to the town centre. The Policy accepts that the viability, deliverability and phasing of regeneration proposals will be taken into account. Proposals must demonstrate consistency with the comprehensive masterplanning approach and will only be acceptable where they meet the criteria of the Policy unless they are accompanied by a full viability assessment.
- 4.100 There are specific policies relating to the different sites within the Churchfields area. The application site is known in the Draft KCAAP as Phase 3a – Churchfields Business Park. Policy 23 states that the redevelopment of the site will be expected to include a mix of uses including residential and retail. The Policy explains the key design aspirations and the expectation that development will contribute to solving the problems of the Horsefair AQMA.
- 4.101 Policy 26 is specific to the Horsefair. The reasoned justification explains that the ambition is to maintain and enhance its role as a local centre. New retail developments of in excess of 250 sq.m will not be supported.
- 4.102 Policy 31 refers to Phase 1: Bromsgrove Street Area which is located within the Eastern Gateway. The site encompasses the existing public car park, medical centre, former Magistrates Court and the Glades Leisure Centre. The Council is seeking the comprehensive redevelopment of this area and the Policy allows for a mix of uses including retail. The reasoned justification explains the ambition to provide an improved retail offer to increase footfall and bring vibrancy back to this area. Enhanced links to Worcester Street are sought as is the creation of a high quality public realm and improved access to the ring road.

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RE-WYRE PROSPECTUS

- 4.103 The Re-Wyre Initiative was launched in September 2009 with the publication of the Regeneration Prospectus for Kidderminster. Its publication meets the aspirations of Policy UR2 of the RSS which seeks to encourage local authorities and other agencies to bring forward local regeneration policies and programmes in places such as Kidderminster. The Prospectus highlights the importance of four 'key action areas' for regeneration. One of these action areas is Churchfields, within which the application site lies. Churchfields is earmarked in the prospectus as an "urban village" with a strong housing focus. Another action area is the Eastern Gateway.

CHURCHFIELDS MASTERPLAN

- 4.104 The Masterplan, adopted in September 2011 was commissioned as part of the Re-Wyre Initiative and has been prepared by Midlands Architecture – the Designed Environment (MADE) on behalf of the Re-Wyre Board and the District Council, in partnership with the Homes and Communities Agency (HCA). The overall vision for the Churchfields area is described in the Masterplan as an 'urban village' of mixed housing, business and community uses. The aim is to recreate a residential community around a host of existing and new community assets.
- 4.105 One of the purposes of the Masterplan is to provide an evidence base to inform the development of the KCAAP, it has been adopted as a Supplementary Planning Document (SPD) and therefore it is also a material consideration in the determination of planning applications which carries significant weight.
- 4.106 It is intended that the Masterplan will provide a comprehensive approach to the development of Churchfields as well as detailed design and access policies. The Masterplan lists seven specific objectives which include determining the types of land uses to take place in the area, however this specific objective acknowledges that this needs to be ratified through the KCAAP. The Masterplan clearly states that any land use suggestions are purely indicative as such an SPD cannot allocate land. That is the primary role of Development Plan Documents.
- 4.107 The Masterplan refers to the historic context of the area referring to the Grade I listed St. Mary's Church which lies at the historic centre of the community, together with the statutorily and locally listed buildings within the Churchfields area.

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4.108 One of the key themes of the Masterplan is movement and access; in terms of improving access to Churchfields together with connectivity within the Masterplan area. Through the Masterplan, opportunities will be explored to provide new points of access to the area by a variety of travel modes. It explains that development will need to open up access to the site and allow better connections to, and within the area.

4.109 The Masterplan refers to opportunities to enhance facilities for play and recreation, and providing development which positively addresses its public frontages in order to create a vibrant area with natural surveillance.

4.110 The Masterplan gives a list of top five constraints within the area as:

- access, traffic and parking;
- environmental quality;
- out-of-centre location limiting land use options;
- land ownership; and
- delivery issues.

4.111 In contrast the top six opportunities are, to:

- include links to the town centre;
- create a series of connected spaces and squares;
- support and strengthen the town centre;
- improve the traffic capacity at Blackwell Street;
- incorporate heritage assets; and
- ensure development form respects topography.

4.112 These constraints and opportunities are relayed within the nine design principles entitled as:

- 1) Improve connectivity (as this was the most important issue for local people so the Masterplan makes this the first principle);

Of particular note is that in order to relieve congestion and improve air quality along Blackwell Street the Masterplan seeks to:

- i. replace the existing roundabout junction at the junction of Blackwell Street and the ring road with traffic signals incorporating at-grade crossings over the ring road;
- ii. make Blackwell street one-way southbound, enabling footways to be widened and on street parking to be introduced;
- iii. Construct a new one-way link from the ring road to Churchfields to carry traffic away from the town centre; and

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- iv. introduce one-way traffic around the Horsefair, enabling carriageways to be reduced in width and the central public space to be enlarged.

The total cost of all of these works is estimated at £4.2m.

The Masterplan does acknowledge that the specific transport proposals presented in the document are ambitions for the area and have been developed using specialist transport advice, *“However, at this stage they are indicative and have not been fully tested. Specific proposals will need to [be] supported by technical evidence to show their impacts on the wider traffic network”*.

- 2) Utilise the open space network and topography for visual interest and recreation;
- 3) Creation of character areas and a legible development;

This principle highlights the selective use of landmark buildings to terminate vistas and define active spaces and junctions, and the integration of heritage assets and open spaces to strengthen character.

- 4) Provide a positive frontage to the Staffordshire and Worcestershire Canal;
- 5) Create a series of new public spaces;

The fifth principle seeks to avoid the creation of streets and spaces characterised by blank walls and fences.

- 6) Integrate existing heritage assets into new development;

The sixth principle seeks to protect, re-use and enhance the setting of all listed buildings, including locally listed buildings and other heritage buildings of complementary group value.

- 7) High quality architecture and finish;

This principle advises that building forms should respond positively to context, ensure that the mass and land use reflects the location, incorporate secure by design principles with high quality finishes and energy efficient measures.

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8) Vibrant mixed communities;

This principle promotes maximising vibrancy at strategically positioned nodes and along key movement corridors through layout, building form, orientation and land use.

9) Deliverable and realistic.

The final principle advises that proposals that fail to demonstrate consistency with the design principles of the Masterplan will be refused unless the applicant can demonstrate very special circumstances in terms of viability.

4.113 The Masterplan provides design guidance for Churchfields and breaks down the area into five character areas. The application site forms a significant part of the area entitled 'Churchfields Historic Quadrant'. The design aspirations for the site include the following;

- maintaining views towards St March's Church;
- removal of the roundabout and provision of a new signaled junction at the ring road;
- new one way link north west out the town centre;
- new one way link along Blackwell Street into the town centre;
- retention of the 1902 building;
- provision of a pedestrian / cycle connection to York Street; and
- a mixed use development.

4.114 The Masterplan indicates that Section 106 financial contributions could be required for the following (in priority order):

- i. off site highway works;
- ii. public transport (for commercial development);
- iii. affordable housing (for proposals involving residential development);

4.115 With additional contributions towards

- off site improvements to cycle and pedestrian routes;
- open space, play provision and maintenance;
- education;
- public art;
- drainage infrastructure; and the
- upgrading of police presence.

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- 4.116 Where these cannot be achieved, any departure from the Masterplan and associated DPD policies will need to be robustly justified with an open book viability exercise. It will also be necessary to demonstrate that the attainment of the overall Masterplan objectives will not be adversely compromised or prejudiced.

THE PRINCIPLE OF DEVELOPMENT

- 4.117 The starting point, in terms of determining the acceptability of the proposed development at this location is the Adopted Local Plan, where the current allocation is for employment purposes (i.e. B1, B2, B8). Hence the proposed retail and residential uses are contrary to this designation.
- 4.118 However the Employment Land Review (ELR), undertaken by the Council and GVA Grimley in 2008, identified this site as a potential 'switch site' for other uses. This is because the site was considered to be a fairly poor employment area which is not suited to modern day business practises and would benefit from being considered further through the Development Plan process. On the basis of the ELR, the loss of this site for employment purposes and the consideration of the site for other uses is consistent with Core Strategy Policy CP08. Furthermore Policy 9 of the Draft Site Allocations and Policies DPD does not allocate this site for continued employment use.
- 4.119 Also, according to the Core Strategy development strategy new development should be concentrated on brownfield sites and be directed towards key regeneration sites identified within the Draft KCAAP and Re-Wyre Prospectus. Kidderminster, it advises, is the correct location for residential development and additional retail development to meet the District's requirements and needs.
- 4.120 It is however considered appropriate to consider the proposal in two parts. First is the proposal for 26 residential units. The principle of additional residential units on the application site accords with the Core Strategy, Policy 1 of the Draft Site and Allocations DPD, Policies 1 and 19 of the Draft KCAAP together with the aims of the Churchfields Masterplan and the Re-Wyre Prospectus which seek to recreate a residential community or a housing led urban village.
- 4.121 It is also fair to acknowledge that the Churchfields Masterplan, the Re-Wyre Prospectus together with Policy 2, and Policy 19 of the Draft KCAAP (specific to the Churchfields Masterplan area) and Policy 23 of the Draft KCAAP (specific to application site) suggest a mix of uses which could include retail development. At a floorspace of 7,322 sq.m. (gross), plus a petrol filling station, the second part of the proposal, for retail development, is significant.

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- 4.122 However Policy 2 of the Draft KCAAP requires consistency with other LDF policies, and the reasoned justification to Policy 23 of the Draft KCAAP gives a maximum 1,000sq.m of retail floorspace so that it does not detract from the aim of enhancing the local centre. Furthermore due to the scale of the retail development proposed, Policy 6 of the Draft KCAAP and Policy 10 of the Draft Site Allocations and Policies DPD refer to the sequential test. This is to ensure that first preference is given to sites located within the town centre to protect its vitality and viability.
- 4.123 It is acknowledged that the proposals for retail and residential development would regenerate the Churchfields area which is identified as a key regeneration site within the emerging policies of the LDF. It is however the detail of the proposal which requires further consideration as well as the opportunity cost of seeing that investment going out of the town centre. Whilst there is support for the 26 residential units, it is also recognised that the application site is not located in an area where major retail development is targeted within the policies of the emerging LDF. Policies RT5 of the Adopted Local Plan and CP09 of the Core Strategy direct new retail growth towards Kidderminster town centre, with Policy 3 of the Draft KCAAP targeting the Primary Shopping Area and Weavers Wharf and Eastern Gateway (Bromsgrove Street) in particular. Therefore the case for the proposed retail development, at the scale proposed will be considered in greater depth later in the report.

RETAIL IMPACT

- 4.124 As advised by development plan policy the applicants have submitted a retail impact assessment. This incorporates an appraisal of alternative sites known as the sequential test, an assessment of the impact upon existing centres and an evaluation against the economic development test criterion which are all required by PPS4. The consideration of these retail issues has flowed through the following four documents:
- Retail Assessment - original submission by RPS on behalf of applicant
 - Appraisal of Retail Planning Issues -submitted by White Young Green (WYG) on behalf of the Council
 - Applicant's Response to WYG Appraisal of Retail Planning Issues – second submission by RPS on behalf of applicant
 - Comments on the RPS Response to the WYG Appraisal of Retail Planning Issues – second submission by White Young Green (WYG) on behalf of the Council
- 4.125 The applicants and WYG have also considered the relevant objections raised by England & Lyle, submitted on behalf of the Horsefair Traders Partnership and representations made by other retailers.

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RETAIL ASSESSMENT - ORIGINAL SUBMISSION BY RPS ON BEHALF OF APPLICANT

4.126 In summary the original Retail Assessment submitted by RPS on behalf of the applicants advises the following:

- The application site is considered to be out-of-centre in terms of retail planning policy. The entrance to the store lies 350m from the primary shopping area within Kidderminster town centre;
- It is envisaged that the net sales area of the store (3,600 sq m) would have a 61:39 sales split resulting in 2,196 sq.m of convenience goods sales space and 1,404 sq m of comparison goods sales space;
- The size of the proposed store is below Asda's average, however it is roughly comparable to the existing Morrisons at New Road, Kidderminster. It would be smaller than the existing Tesco and Sainsbury stores; and
- It is considered that there is a clear need for a large superstore that is substantially orientated towards the sale of food.

SEQUENTIAL TEST

4.127 The sequential approach to site selection as set out in PPS4 requires that first preference be given to sites within existing centres, followed by edge-of-centre locations then out-of-centre locations. In order to satisfy the test applicants must demonstrate that a site located more centrally is not available, suitable or viable to accommodate the proposed development.

4.128 The applicants carried out a sequential test and discounted the following sites within the table below. The table also indicates their location according to retail policy and provides a summary of the reasons why each site was rejected.

1	Former Woolworths, Worcester Street	Town centre	Would be necessary to trade from both the ground and 1 st floors. Not viable in operational terms. Lack of dedicated surface level parking. Access to existing car park by shoppers with trolleys impossible. Not suitable or viable.
2	Former Morrison store, Oxford Street	Town centre	Unsuitable, unviable and unavailable. (Now occupied by Dunelm.)
3	Batemans Yard	Town centre	Not large enough. Not available
4	Land at Waterloo Street (BT / Cheshires)	Edge of centre	Neither available nor suitable

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5	Long Mills Industrial Estate and Frank Stone site, Green Street / Dixon Street	Edge of centre	Not readily available. Requirement to retain existing building frontage, flood zone 3, inferior size and layout to nearby Morrisons therefore not viable
6	Land Between New Road and Green Street	Edge of centre	Currently occupied by carpet and furniture retailers, nightclub, snooker hall and cinema. Long narrow shape. Draft KCAAP promotes uses alternative to A1 retail. Therefore neither available nor suitable.
7	Land at Bromsgrove Street	Edge of centre	Only a narrow step entry to existing shopping area. Difficult to integrate with existing primary shopping area. Existing community uses and car park protected by Policies CP07 and TC5 of the Adopted Core Strategy. Possible requirement to relocate adjoining Glades Leisure Centre. The Draft KCAAP makes no reference to food retail only non-food retail. Therefore suitability is marginal and site not genuinely available.
8	KTC3 Former Magistrates Court	Edge of centre	Policy KTC3 of the Adopted Local Plan refers only to small scale retailing. The Council has a contractual arrangement with alternative developers for a mixed use. Therefore not suitable or available.
9	Park Lane Canalside (Matalan / car park and timber yard)	Edge of centre	The proposed A1 retail use would not accord with the Draft KCAAP and its aspiration for an active frontage to the canal. Neither available nor suitable.

4.129 Given the above, the applicants consider that there are no sequentially preferable sites that are suitable, available and viable to support the proposed store. Furthermore the Assessment indicates that whilst developers are expected to demonstrate flexibility and adapt their business model in terms of its scale, format and car parking it is not considered that the proposed development could be subdivided or radically reduced in size.

THE IMPACT TEST

4.130 Policy EC16 of PPS4 identifies the main impact considerations associated with a retail development proposed to be located outside of a centre. These are as follows:

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- a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- b) The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
- c) The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
- d) The impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made;
- e) If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres;
- f) Any locally important impacts on centres.

4.131 The originally submitted Retail Assessment indicates the following summary of points:

- In terms of potential impact it is believed that it will be entirely limited to Kidderminster where there is an imbalance between levels of expenditure and the benchmark turnover of existing floorspace;
- The majority of the trade diversion is expected to come from the existing large food stores in Kidderminster, with the impact upon other centres being insignificant;
- We are not aware of any committed or planned schemes that could be compromised by the proposed development. It can be expected to have a positive impact upon the emerging strategy for the regeneration of Churchfields;
- The largest diversion is expected to be from Sainsbury although since the store is estimated to be over trading it is predicted that it will actually trade only 3% below its 2011 company average. In any event Sainsbury is an out of centre store and so any impact on it is valid commercial competition which is encouraged by PPS4;
- There will also be trade diversion from Morrisons, Tesco's and a number of other stores in Kidderminster and other centres including M&S foodhall, Aldi and Co-op, however it should not jeopardise their continuing viability;
- The comparison goods turnover of the proposed Asda store can be accommodated by only a single year of projected growth in residents' spending in Kidderminster between 2011-2016;

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- In terms of the turnover of existing floorspace, the potential turnover of floorspace in 2016 and available expenditure for convenience goods there is an indication that there is a quantitative need for additional floorspace in Kidderminster;
- Based on the proposed floorspace the total turnover of the proposed store is estimated at £41.9m of which £29.9m will be from convenience goods and £12m from comparison goods;
- The comparison element of the store cannot be disaggregated from the main part of the store and the product is limited in its range such that it is unlikely to have any significant impact upon comparison goods within the town;
- Superstores are rarely comparison shopping destinations in their own right and any trade draw associated with the development's non-food offer will therefore be primarily from other superstores;
- The comparison goods turnover that Asda would generate is far outstripped by the predicted growth in comparison spending available in Kidderminster over the next five years;
- The previous Netto store has been rebranded as Asda, however the store fulfils a different function to the proposed larger store and the existing smaller store will by no means fulfil the representation required to match and compete with other superstores in the town. To do that requires a store comparable in size to the proposal;
- The proposed store will encourage competition. Asda are the only one of the 'Big Four' national food retailers that are not present in Kidderminster and therefore it would provide both a quantitative and qualitative improvement to the town's retail offer;
- The proposed development would not only provide increased consumer choice but also access to cheaper goods, Asda having been consistently voted the UK's cheapest supermarket in the annual 'Grocer Gold Awards' for the last 13 years in a row;
- The applicants are not aware of any allocated sites specifically identified for food retail development within Kidderminster and therefore see no reason why the development should prejudice any proposals that may be allocated or committed in other towns within Wyre Forest or beyond;
- The proposed scale of the store is considered appropriate to the role of Kidderminster; and
- There are no locally important impacts upon any of the centres within the identified hierarchy;

ECONOMIC TEST

4.132 The Retail Assessment also includes an explanation as to how the proposal meets the five criteria of the economic test as set out in Policy EC10 of PPS4, and this is summarised below:

- The design of the proposed store would limit its impact upon climate change;

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- The site is well located in terms of accessibility by bus, bicycle and foot;
- The proposal secures a high quality and inclusive design and would improve the character of the area;
- The provision of the new access road would assist bringing forward the redevelopment across the wider Churchfields area;
- The development accords with the regeneration strategy for Churchfields in so far as it will remove the existing unattractive and dated buildings and replace them with a modern and more attractive comprehensive mixed use development;
- The development would provide local employment by creating up to 370 new jobs;
- The proposal would meet the main food shopping needs of not just the new housing within the application site but the entire urban village proposed in the LDF. The development will therefore make a positive contribution to meeting local regeneration objectives;
- The proposal will be of particular benefit to the more deprived residents in the town given the company is a value retailer whose prices are consistently lower than its main competitors;

APPRAISAL OF RETAIL PLANNING ISSUES -SUBMITTED BY WHITE YOUNG GREEN (WYG) ON BEHALF OF THE COUNCIL

- 4.133 The originally submitted Retail Assessment has been considered by WYG, consultants commissioned by the Council to appraise the applicant's technical retail report.

SEQUENTIAL TEST

- 4.134 In terms of the sequential test the WYG appraisal provides the following summary of points:

- There is no explanation as to why Asda's requirement in Kidderminster could not be met by a combination of their existing store plus a separate 'Asda Living' store on a smaller, sequentially preferable site. This is a material consideration in a situation where neither the Adopted Core Strategy nor the 2010 Retail Study underpinning the Core Strategy have identified any overriding need to allocate additional convenience retail floorspace within Kidderminster. We recommend that the Local Planning Authority seeks further information from the applicant;
- We conclude that in respect of sequentially preferable sites 1 to 6 and 8 to 9 none of them are able to meet all of the requirements of being available, suitable and viable for the proposed development. In reaching this view we have taken on board the PPS4 requirement for applicants to demonstrate flexibility in meeting their requirements and the need for Local Planning Authority's to take into account the legitimate difficulties of retailers operating their business model from a sequentially preferable site;

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- It is considered that the applicants have failed to fully demonstrate compliance with the sequential approach in respect of Site 7 (Land at Bromsgrove Street), or more accurately they have not fully addressed the development potential of an enlarged area of land consisting of Site 7 plus the adjoining land currently occupied by the Glades Leisure Centre;
- It is considered that a more appropriate site to consider as a potential sequential alternative to the Churchfields site is that encompassed by Policy 31 of the Draft KCAAP- Phase 1 Bromsgrove Street Area, which includes the Glades Leisure Centre. It is considered that this wider opportunity site merits further consideration and cannot be ruled out on the basis of non availability;

RETAIL IMPACT ASSESSMENT

- Whilst we are not aware of any committed public or private sector investment proposals within Kidderminster town centre that the proposed development would potentially compromise there are concerns regarding the potential of the Asda store proposal to undermine the prospects for delivery of the planned KCAAP Policy 31 Phase 1 Bromsgrove Street Site regeneration proposals;
- It is clear that there is only modest demand from comparison goods retailers seeking representation within Kidderminster and that, coupled with the tough market conditions being experienced by the comparison retail sector makes it highly unlikely that the investment needed to unlock the Bromsgrove Street site will arise from the comparison retail sector in the foreseeable future;
- It is recommended that the applicants be requested to carry out a detailed health check assessment of the town centre and be requested to analyse more closely the potential for harm to the Primary Shopping Area (PSA) associated with loss of trade from the existing three edge of centre foodstores;
- There are some concerns over the assumptions adopted regarding annual rates of expenditure growth on convenience goods and it is considered that the perceived flaws in the assessment of quantitative capacity as indicated by England and Lyle (objectors on behalf of the Horsefair Traders Partnership) have merit;
- It is acknowledged that there is ample capacity to accommodate the level of comparison retail floorspace proposed in the Asda store at the design year;
- The predicted levels of trade draw from the individual stores are not necessarily accepted. Too much of the new stores' trade is assessed to be drawn from Sainsbury compared to Morrisons, which is assessed as having a higher turnover than Sainsbury. In our view the customer profile of Morrisons is much more akin to Asda than Sainsbury and that factor weighs in favour of a higher estimated trade draw from Morrisons than predicted;

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- It is recommended that the applicants be requested to carry out a sensitivity test of the impact assessment adopting revised trade draw figures in order to re-assess the retail impact in the context of a town centre health check;
- There will undoubtedly be marked changes to the character of and levels of activity in Blackwell Street in particular as a result of the stopping up of that road. We conclude that the potential effects of the proposal on the Horsefair Local centre are a material consideration and that the submitted Retail Assessment fails to address this issue in a meaningful way. We therefore recommend that the applicant be requested to provide more detailed evidence to consider the potential effects of the proposed development (incorporating an up to date 'health check' of the local centre);
- It is considered that the proposed store is of a scale and type that is appropriate for a location within Kidderminster, which is the highest order centre in the District centre hierarchy;

4.135 To reiterate, the Appraisal of the retail planning issues undertaken by WYG in response to the original submission advised that further consideration be given to the site identified within the 2009 Re-Wyre Prospectus and outlined by Policy 31 of the Draft KCAAP. This site is located at Bromsgrove Street and encompasses the existing Health Centre, public car park and former Magistrates Court together with the Glades Leisure Centre. The site incorporates KTC 3 as identified within the Adopted Local Plan which promotes a mix of uses. The site is now commonly referred to as the Eastern Gateway. Within the Draft KCAAP it is identified as part of the Primary Shopping Area.

4.136 WYG's advice was given in the knowledge of the decisions made by Members with respect to the future arrangements for the management of sport and leisure centres within the district, including the future of the Glades Leisure Centre.

4.137 In January 2011 Cabinet agreed to carry out a full strategic options appraisal with the aim that after March 2013 the future provision of leisure facilities within the District would cost the Council less than the current annual subsidy.

4.138 In June 2011 Members noted that the refurbishment of the Glades is not considered to be an option and the preferred option is for a new build facility within Kidderminster but at that stage neither the preferred site nor facilities could be commented upon. It was also agreed that a public consultation exercise be carried out alongside a further in depth financial appraisal of future options.

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4.139 The results of the consultation exercise carried out in August and September 2011 were reported to the meeting of Cabinet Members in October 2011 when as part of a list of decisions it was resolved that officers be given delegated authority to work on an affordable new build option; the management contract for the Glades be extended for two years from April 2013; and options to close (without a new build) or refurbish the Glades Leisure Centre be put on hold.

4.140 To reiterate, in June 2011 Members noted that the refurbishment of the Glades was not considered to be an option. Most recently on 31st January 2012 Cabinet decided that in line with this principle the site of The Glades Leisure Centre would not form an appropriate location for future leisure provision for the district. This decision includes, if necessary, vacating the site in order to allow its development by any purchaser prior to the building of a new leisure centre.

4.141 At 31st January 2012 meeting Cabinet also note the recommendations in paragraphs 2.1 to 2.7 of the report which included the following:

“Wyre Forest Glades Leisure Centre should be closed in order for a new leisure centre to be built to serve the district. Closure will be the earliest of:

- (a) when a new leisure centre is complete; or
- (b) if the site needs to be vacated in order to allow its development by any purchaser of the site; or
- (c) the end of the 2 year extension to the current contract in March 2015;”

and agreed to take a final decision on these matters at its meeting on 21st February 2012 including the advice of Overview and Scrutiny Committee.

4.142 In order to establish whether the Eastern Gateway is a sequentially preferable site in terms of retail planning policy, one of the criterion it must meet is that it must be available. The future of the Glades Leisure Centre is clearly important to the availability of the site.

4.143 In tandem with the review of leisure provision within the District work has progressed on a study specific to the Eastern Gateway site. This work entitled a ‘Concept and Feasibility Study’ (CFS) was agreed by Cabinet Members in November 2011 to be adopted as informal planning guidance in support of the emerging KCAAP. It is also important when considering whether the Eastern Gateway site is available, viable and suitable for the proposed development.

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- 4.144 The CFS, undertaken by a team of consultants commissioned by the Council, tests the viability of the redevelopment of the site in line with the Council's ambitions to attract a major new retail store to this part of the town centre, as recognised by Policy 31 of the Draft KCAAP. It is hoped that a major retailer will help to drive footfall over to this side of the town to rebalance the loss of vitality and viability which has arisen as a result of the Weavers Wharf retail park to the west of the town centre.
- 4.145 The Eastern Gateway site accommodates three main landowners namely the District Council, the County Council and the Primary Care Trust (PCT). The first part of the Study highlights the potential for these landholdings to accommodate new development as part of Phase 1. Within this first phase three parcels of land are identified. The largest parcel is sited adjacent to the ring road, currently accommodates the Glades Leisure Centre and is earmarked within the Study for a retail foodstore.
- 4.146 The CFS identifies the constraints within the study area. These include the existing retaining walls which are necessary as a result of the significant changes in level across the site, the presence of the former Magistrates Court which is a locally listed building and existing services running through the site. It also explains the potential requirements of a foodstore operator in terms of the size of the store and the number of car parking spaces required.
- 4.147 Thereafter the CFS provides 3 layout options:
- Option 1 – store with 40 000 sqft (3716m²) net sales area on stilts to maximise the car parking potential.
 - Option 2 – store with 30 000 sqft (2787m²) net sales area at grade
 - Option 3 - store with 40 000 sqft (3716m²) net sales area (including 10 000 sqft (930m²) located on a mezzanine floor)
- 4.148 The advantages and disadvantages of the options are highlighted including the identification of additional plots within the Study area for potential redevelopment.
- 4.149 The preferred option is identified in the Study as Option 3 however it is explained that, "*The constraints of the site, namely the level differentials and utilities mean that there is quite a significant deviation from the ideal model store to accommodate the requirements within the constraints of the site. This has implications in terms of the costs associated with the construction of the store.*"

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- 4.150 This third option for parcel one is analysed in further depth with Option 3A identifying a possible public transport connection via Prospect Hill. The Study also provides options for redeveloping parcel two (the former Magistrates Court) as a possible site for the PCT and parcel three (the existing Youth Centre) as a possible petrol filling station and residential scheme. This would provide a comprehensive scheme for the whole of Phase 1 of the Eastern Gateway site. This comprehensive redevelopment would require a new traffic controlled junction on the Ringway with a new vehicular route to access the proposed shoppers car park and a new bus route through the site. The new junction would accommodate traffic into the site from the ring road subject to a right hand turn lane being provided. The highway alterations would also require the infilling of the existing subway on the southern side of the Coventry Street roundabout and its replacement with an at grade pedestrian crossing.
- 4.151 Three similar iterations of the final option are displayed (3A, 4, and 4A) showing different options for the re-routing of the existing utilities and the development of parcel three.

APPLICANT'S RESPONSE TO WYG APPRAISAL OF RETAIL PLANNING ISSUES – (SECOND SUBMISSION BY RPS ON BEHALF OF APPLICANT)

- 4.152 The second RPS submission made on behalf of the applicants was dated December 2011. It takes account of the leisure review, albeit at that stage the options to close the Glades Leisure Centre without a new build, or refurbish the existing Centre were put on hold. The applicants were also aware of Cabinet Members approval of the CFS for the Eastern Gateway site.

SEQUENTIAL TEST

- 4.153 Prior to the analysis of the Eastern Gateway site, the second RPS submission provides a response to a specific query raised by WYG. The query related to the existing Netto store which now trades as an Asda convenience store. WYG queried why Asda's requirement in Kidderminster could not be met by a combination of their existing store plus a separate 'Asda Living' store on a smaller, sequentially preferable site. In response it is explained that the identified need in Kidderminster is for another superstore and that the scale and format of the former Netto is such that it cannot meet that quantum of need. Its estimated convenience goods turnover is approximately £3m with the identified quantitative need in Kidderminster estimated to be £28m.

THE EASTERN GATEWAY

- 4.154 The comments of RPS, on behalf of the applicants and the rebuttal from WYG are tabled below. The comments made by WYG have been summarised from their second submission entitled 'Comments on the RPS Response to the WYG Appraisal of Retail Planning Issues'

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4.155 To reiterate, PPS4 advises that when considering a sequentially preferable site, Local Planning Authority's should ensure that it is available, suitable and viable for the proposed use. The table below divides the comments into these three considerations.

Availability	
Summary of Comments by RPS on behalf of applicants	Summary of Comments by WYG commissioned by the Council
It is vague. There is no demonstrable mechanism or timescale to achieve the availability of the sites required. There is little to suggest that this site would be available in the foreseeable future and no detail to confirm that the site could be available and developed in the next 5 years.	The Council is showing strong commitment to bringing forward the site by undertaking the CFS, by proactively aligning the property asset strategies with other landowners within the site and by developing a land assembly strategy with partners. WFDC are not opposed to using CPO powers if required but consider there are reasonable prospects that they will not be required.
There is no certainty that the Glades Leisure Centre will be available, no decision has been made to close it and no alternative site has been identified. To the contrary the management agreement to operate the Glades Leisure Centre has been extended for 2 years to 2015	There is a commitment by the Council to close the Glades Leisure Centre and to find an alternative location.
The PCT relocation requirements have not been specified.	Each public sector landowner is actively seeking the replacement of existing facilities

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<p>Central government are seeking sustainable economic development now to strengthen the economy in the current recession. Bromsgrove Street is a long term aspiration.</p>	<p>The question of timescale is not fixed; the PPS4 practice guidance recognises that major town centre schemes can take more than 5 years to deliver. The issue of availability must therefore be considered together with the impact associated with an out of centre development, taking a long term view of the consequences for the town centre. There is no short or medium term need for a new large foodstore, there is however a strategic requirement to deliver regeneration on the Eastern Gateway site as a crucial element of the economic rebalancing strategy within Kidderminster town centre.</p>
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Suitability	
Summary of Comments by RPS on behalf of applicants	Summary of Comments by WYG commissioned by the Council
<p>The Draft KCAAP is seeking non-food retailing not food retailing</p>	<p>The Draft KCAAP does not preclude a foodstore on the site.</p>
<p>The store would be about 8m above Worcester Street and in practice the only direct pedestrian route between the site and the existing shopping area is a step entry. This route is not navigable for the disabled or parents with pushchairs. The site is isolated from the Primary Shopping Area and orientated to the Ringway.</p>	<p>Prospect Hill could provide access for vehicles and it has adequate footways which would be retained for pedestrians.</p> <p>The site is within the PSA within the Draft KCAAP and includes one of the town centre car parks which is already used by shoppers to access the town centre's shopping area. There is therefore a strong likelihood that a foodstore at Bromsgrove Street would function as an integral part of the town centre.</p>

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<p>Asda have completed a layout for the site to consider how suitable it would be to trade in competition with the existing foodstore operators. (This has not been submitted as part of the application). It is considered unsuitable due to the removal of the Youth Centre to accommodate access arrangements; and it is not certain that other highway requirements could be achieved, namely;</p> <ul style="list-style-type: none"> - the re-alignment of The Ringway - central island widths - pedestrian crossing facilities - new footways to both side of the Ringway - capacity to handle queuing traffic on the Ringway - Junction improvements at Bromsgrove Street / Coventry Street to handle buses / articulated vehicles - the stopping up of, retention of access to existing car park & provision of turning head at Prospect Hill 	<p>The District Council is satisfied that none of the constraints submitted by RPS to the provision of appropriate access by vehicles and pedestrians to Bromsgrove Street are insuperable, and none are of sufficient severity to undermine the suitability of the site</p>
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Viability	
Summary of Comments by RPS on behalf of applicants	Summary of Comments by WYG commissioned by the Council
<p>Third party land interests and the necessary boundary / retaining walls could have a dramatic effect on viability</p>	<p>There are no insurmountable ownership problems to bring the site forward. The District Council have separately commissioned a cost plan and commercial appraisal which specifically addresses the options for development set out in the CFS.</p>

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<p>The design challenges associated with an atrium and traveller adds cost.</p> <p>The design and internal arrangement to take account of the chamfered corner to the Ringway would add to the costs</p>	<p>There are options within the CFS which show at grade parking for the proposed store. We are aware of several examples of recently built Asda stores that incorporate undercroft parking, atriums and travellers so this is an arrangement that can be accommodated if the need arises.</p>
<p>The location of the store and the inclusion of a decked car park could inhibit the performance of the store. Based upon optimistic trading in line with a store at Churchfields and the considerable development costs there is very little residual value.</p>	<p>The Council is likely to use the capital receipt associated with the potential sale of the WFDC land at Bromsgrove Street to a retail operator as a contribution towards the new leisure centre. There would be no specific requirement for the developers to fully fund the provision of a new leisure centre.</p> <p>The implication is that Asda will not invest in the alternative site unless it achieves the same level of store performance as it anticipates achieving at Churchfields. The advice of the PPS4 Practice Guidance is that the fact that a specific retailer is said to be unwilling to locate on a particular site is not necessarily evidence that it is unviable.</p>

RETAIL IMPACT ASSESSMENT

4.156 WYG previously advised the applicants to undertake a health check of Kidderminster town centre. Despite not undertaking their own and relying on the health check undertaken by Turleys in 2009, the RPS second Report indicates that:

- Kidderminster is still vital and viable and notwithstanding the economic down turn it continues to hold its own positioning in the retail hierarchy
- The direct impact of the proposed Asda on the town centre would result in no significant impact on its vitality and viability; and

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- Little weight should be given to the possible trade diverted from Morrisons, Tesco and Aldi and the further impact upon the PSA as a result of fewer linked trips. It is equally possible that the potential for linked trips might be largely cancelled out by the linked trips to the proposed Asda.

- 4.157 WYG also raised some concerns over the assumptions adopted regarding annual rates of expenditure growth on convenience goods. As a consequence the RPS second report carries out further statistical analysis using more up to date estimates. In terms of impact, the second report acknowledges that a reduction in the amount of available expenditure means that the impact of the proposed store would increase but only marginally, and the subsequent effect on existing stores would not be materially different to that predicted previously.
- 4.158 In response WYG acknowledge that there will be sufficient expenditure capacity to accommodate the new convenience floorspace in Kidderminster by 2016; however it is considered that the level of available expenditure to support new convenience floorspace is not as great as RPS suggest.
- 4.159 WYG also consider that there is no qualitative need for a large new foodstore in Kidderminster, particularly in an out of centre location by 2016. However acknowledging that a lack of need is not a reason in itself for refusing a retail application
- 4.160 WYG's first report also recommended that the applicants carry out a sensitivity test of the impact assessment adopting revised trade draw figures from existing stores. This is in order to re-assess the retail impact. In response, RPS has undertaken a sensitivity test on trade drawn assumptions provided by WYG. This subsequent test indicates that there would be a reduced impact upon Sainsbury and a greater impact upon Morrison and Aldi however the impact remains largely the same and acceptable in terms of PPS4.
- 4.161 WYG concur with RPS that the direct impact on the convenience sector retail provision in the town centre would be minimal. The main impact would be through trade diversion from existing edge of centre stores.

IMPACT UPON HORSEFAIR LOCAL CENTRE

- 4.162 Notwithstanding the potential impact upon of the additional floorspace upon the vitality and viability of the town centre it is also relevant to consider the impact upon the Horsefair local centre, a designated local centre under Policy RT6 of the Adopted Local Plan. In its first report WYG recommended that more detailed evidence be submitted to consider the potential effects of the proposed development, and that this evidence should incorporate an up to date 'health check' of the local centre.

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4.163 RPS consider that the existing shops are unlikely to be directly affected by the proposed Asda store due to the differences in the goods and services offered. Rather it is the indirect impact that may arise from the changes that are being proposed to the highway network, particularly to the stopping up of Blackwell Street. RPS acknowledge that the traders are concerned about the loss in activity in the area and the reduction in passing trade.

4.164 On behalf of the applicants and in support of the proposals RPS indicate that:

- the provision of the link road would reduce traffic along Blackwell Street and improve air quality and accords with the Draft KCAAP and Churchfields Masterplan;
- the layout provides wider footways to improve access for pedestrians
- there would be 5 additional parking space on Horsefair (the Highways Authority advise that these are likely to offset the loss of the existing 5 spaces within the Horsefair triangle);
- there is the potential for on street parking in Blackwell Street and that the Highways Authority have no objections in principle to this idea;
- the provision of additional signage to the Horsefair shops has been offered (this could form part of a S106 Agreement); and
- no delivery vehicles would use Radford Avenue or Broad Street (this could form part of a S106 Agreement)

It is considered that contrary to the opinions of RPS and WYG the impact of the proposed retail store upon the traders within Horsefair, a designated local centre would be significant and contrary to local and national policy.

CONCLUSIONS ON RETAIL IMPACT

4.165 It is agreed that for the purposes of retail planning policy the application site is an out of centre site. Therefore in accordance with PPS4 there has been consideration of the sequential test, an impact test and an economic test.

4.166 First the applicants have discounted a total of nine sequentially preferable sites on the basis that they are all either not available, not suitable or not viable.

4.167 However, through the emerging LDF the Council has identified the Eastern Gateway, a site specifically identified by Policy 31 of the Draft KCAAP to attract a major new retail store to the town centre, to increase footfall, bring vibrancy back to this part of the town and to counteract the shift in retail focus towards the west of the town centre.

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- 4.168 Whilst the emerging LDF looks to the Eastern Gateway to meet the need for additional comparison floorspace, it is considered that the Draft Policy does not preclude the provision of a retail foodstore. Furthermore with little realistic prospect of a comparison led retail scheme, and three of the four big food retailers already represented in Kidderminster the proposed investment by Asda in the town therefore represents a scarce, and potentially unique opportunity to unlock the development potential of the Eastern Gateway, and achieve the strategic objective of enhancing this poorly performing part of the town centre.
- 4.169 Members have agreed, that the existing site of the Glades is not the right location for a replacement leisure centre in the future, and the site could be vacated in order to allow for its redevelopment should it be required. This decision also allows for the Glades to be closed prior to the building of a new leisure centre. Furthermore by the end of this month there will be certainty over the possible dates of closure, with a decision being made on 21st February 2012 by Members of the Cabinet.
- 4.170 In addition, according to national guidance timescales are not fixed and it is recognised that major town centre schemes can take more than 5 years to deliver. The accompanying Practice Guidance to PPS4 says that an appropriate timescale for the availability of a site will be determined on the merits of the particular case, having regard to the urgency of the need. In this case it should be noted that there is no short or medium term quantitative or qualitative need for a new large foodstore in Kidderminster, there is however a requirement in the emerging LDF to deliver regeneration on the Eastern Gateway. Officers have given the Draft KCAAP significant weight in the determination of the current application.
- 4.171 It is considered that there is a good prospect of the Eastern Gateway being made available to accommodate a foodstore, of a similar scale and type to that proposed in Churchfields within a reasonable period of time.
- 4.172 As discussed previously the Eastern Gateway Concept Feasibility Study (CFS) has identified possible options for the redevelopment of the site which include a retail store of the same scale as proposed on the application site at Churchfields. The applicants have also completed a layout for the site, although it has not been submitted as part of the application. Officers are satisfied that the Eastern Gateway is genuinely likely to be suitable for the scale and form of the town centre use proposed. There are considered to be no overriding policy restrictions, physical limitations, potential impacts or environmental conditions as identified in the Practice Guidance to PPS4 which would prevent the site from being delivered.

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- 4.173 In terms of viability, the Council have separately commissioned a cost plan and commercial appraisal which specifically addresses the options for development set out in the CFS. Notwithstanding the adverse costs put forward by the applicants it is considered that there is a reasonable prospect that development of the Eastern Gateway could occur.
- 4.174 Therefore it is considered that the applicants have failed to satisfactorily demonstrate compliance with the sequential approach, as there is a more centrally located site which is available, suitable and viable for the proposed retail use.
- 4.175 In terms of the impact test there is sufficient evidence as to the degree to which this effect will result in a significant impact on the town centre. The forecast in expenditure growth is adequate and the main impact would be through trade diversion from existing edge of centre stores. The proposed scale of the store is considered appropriate to the role of Kidderminster within the retail hierarchy.
- 4.176 There is however significant objection to the impact that the proposed development would have on the planned public and private investment within the town centre at the Eastern Gateway, a sequentially preferable site which would conflict with Policy EC16.1a of PPS4. The Council's ambition to redevelop this town centre site to safeguard, maintain and enhance the viability of the existing centre is supported by Policy CP09 of the Adopted Core Strategy and Policy 3 of the Draft KCAAP. As stated previously the opportunity for a major food retail development to be located within Kidderminster is scarce, and locating such a development on an out of centre location at Churchfields would have a significant adverse impact on the prospects for securing new planned investment at the Eastern Gateway. Whilst it should be acknowledged that the applicants consider that the proposed development at Churchfields would not prejudice the redevelopment of the Eastern Gateway by a comparison retailer, in the light of the existing range of comparison retail representation in Kidderminster and in the current market there is little prospect of a comparison retail led scheme.
- 4.177 There is also the impact of the proposals on the Horsefair which need to be carefully assessed. Horsefair is a local centre which is recognised as such by Policies RT6 of the Adopted Local Plan and Policies 19 and 26 of the Draft KCAAP. It is considered that the proposed alterations to the highway network, in particular the stopping up of Blackwell Street to through traffic would have an indirect effect upon the existing businesses within the Horsefair by virtue of directing vehicles and activity away from this commercial centre.

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4.178 With respect to the economic test within PPS4, it is considered that the proposed development is acceptable in terms of its environmental credentials and it would be accessible by a choice of means of transport. Furthermore it cannot be denied that the development would physically redevelop Churchfields and create jobs. There is however objection to the design of the scheme which is contrary to part c of the economic test under Policy EC10.2 of PPS4. This is discussed later in the report.

HIGHWAYS

- 4.179 The proposals include some significant alterations to the existing highway network.
- 4.180 First, the site of the existing CMS Vauxhall garage together with the premises at 50a/51 Blackwell Street are proposed to be demolished to provide a new dual carriageway connection between the A456 St Mary's Ringway and Churchfields with a new signalized junction at Churchfields to provide the main vehicular and pedestrian access into the site. This new access would require the stopping up of the end of Blackwell Street where it currently meets the ring road roundabout. Whilst this would allow vehicles to enter Blackwell Street from the north, it would prevent through traffic to the ring road roundabout.
- 4.181 It is also proposed to widen Churchfields to accommodate two way traffic and delivery vehicles. This would require the truncation of the 1902 building by 9.5m.
- 4.182 A second separate point of access sited 100m west of the customer entrance is also proposed to provide access for deliveries.
- 4.183 A third new point of access is also proposed off Broad Street to provide an access to the rear of the proposed residential properties.
- 4.184 The closure of Blackwell Street to through traffic and providing a new access to the ring road via Churchfields would have the effect of altering the principal route into and out of the town centre. The proposed amended route relies on the following additional alterations to the existing highway network:
- amending the section of the Horsefair in front of the Nisa convenience store to one way towards the town centre;
 - re-aligning the existing kerb line at the junction of Hurcott Road and Stourbridge Road / Horsefair by building out the pavement in front of Nos. 430/431 Hurcott Road and 24/25/25a Horsefair. This would ensure that vehicles travelling towards the town are directed towards Churchfields in front of Maureen Aston Court; and

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- the removal of the existing traffic signal controlled arrangement at the junction of Blackwell Street / Radford Avenue / Horsefair.
- 4.185 Proposals have been submitted together with a Traffic Assessment (TA). In summary this Assessment indicates that in respect of the existing roundabout at St. Mary's Ringway (A456) / Blackwell Street the applicants' highway consultants considered:
- 1) a traffic controlled junction to replace the existing roundabout; or
 - 2) the retention of the existing roundabout.
- 4.186 The conclusion drawn was that due to capacity issues the roundabout option would be more acceptable. However in response to the original TA the County Highways Authority did not accept that the junction had sufficient capacity. It also raised objection to the proposed new signalised junction at the entrance to the site off Churchfields, again due to capacity.
- 4.187 Following these concerns the applicants' highway consultants undertook a comparison of previous traffic surveys which were submitted as part of a Supplementary TA. These were carried out by:
- the County Council in January 2006 and November 2011,
 - Travis Baker in 2011 (submitted on behalf of Bellway Homes for the planning application for 223 dwellings at Churchfields North); and
 - Cottee Transport Planning in November 2008 (the current applicants' transport consultant).
- 4.188 The results indicate that there has been no growth in traffic during the AM and PM peak hours between 2006 and 2011 at the Blackwell Street / Horsefair / Radford Avenue signal controlled junction. Traffic flows recorded at the junction indicate a percentage difference of up to minus 20%. There has also been a decrease of 21.5% in traffic flows recorded at the PM peak hour at the St. Mary's Ringway / Blackwell Street roundabout between 2008 and 2011.
- 4.189 On the basis of these findings the transport consultants undertook a 'Sensitivity Analysis' of the earlier figures which incorporated a reduction in the growth applied to the base traffic flows. This sensitivity analysis also incorporated deductions in traffic flows due to transferred trade from existing retail stores within Kidderminster.

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4.190 The Supplementary TA concludes that the St. Mary's Ringway / Blackwell Street roundabout would operate satisfactorily. It also states that with the introduction of a MOVA, the proposed new signal controlled junction at the entrance to the site off Churchfields would be acceptable. The Highways Authority have subsequently raised no objections to the technical evidence submitted on behalf of the applicants.

4.191 The car park proposed would provide a total of 398 spaces comprising of:

Standard spaces	353
Parent and child	20
Disabled spaces	25
Total	398 +25 motorcycle parking spaces

4.192 The Highways Authority originally raised objection to the proposed parking provision as the total provided is below the maximum level (which would be 491 spaces plus disabled spaces for a proposed food store of 7,322 sqm gross floorspace according to the County Council Highway Design Guide). The consultants subsequently provided car park accumulation data as part of the Supplementary TA. This information indicates the provision at existing Asda stores at Brighton, Nottingham, Stafford, Lincoln and Birmingham and explains that the proposed 398 spaces would meet the maximum anticipated demand at peak hours on Fridays and Saturdays. The Highways Authority subsequently consider that the parking provision is acceptable.

4.193 It is proposed that the car park will operate without a maximum stay for customers to link their trip to the store with a trip on foot to Kidderminster town centre.

4.194 The Applicants propose to introduce the following measures to encourage pedestrian and cycle use of the new facilities and to provide connections to existing pedestrian and cycle routes in association with the development:

- Toucan crossing facilities on the proposed traffic signal controlled site access junction on;
- A 3.5m pedestrian / cycleway on the eastern and western sides of the proposed new access road;
- A 3.5m pedestrian / cycleway along Churchfields providing a link with the National Cycle Network Route (54) which aligns the Staffordshire and Worcestershire Canal, accessed via Limekiln Bridge;

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- A 3.5m pedestrian / cycleway within the site providing a connection to York Street / Pleasant Street (incorporating a ramp) and a route to the recently approved residential development by Bellway Homes on Clensmore Street;
- A pedestrian connection from Broad Street into the development site;
- A signed cycle route on Blackwell Street to provide a link between the existing recommended route located on Radford Avenue and the proposed development site;
- dropped kerbs and tactile paving at the Horsefair / Blackwell Street junction; and
- Upgrading of the existing subway located on The Ringway (specification to be agreed with the Highways Authority).

4.195 It is proposed to provide a total of 49 secure covered cycle parking spaces (25 Sheffield stands) located close the store entrance and new bus stops on Churchfields and Horsefair. The list above could be secured either via planning conditions or a S278 or S38 Agreement with the Highways Authority.

4.196 A number of the objections received during the consultation process refer to additional specific highway issues. These are summarised in the table below together with a summary of the Highways Authority response.

<p>The proposed bus stops in Horsefair would cause considerable interruption to traffic flow - I suggest that bus lay-bys should be provided</p>	<p>It is good practice to ensure bus stops are not placed in lay-bys, this gives the bus a better opportunity to re-enter the traffic and is considered to provide a degree of bus priority</p>
<p>It is unclear how traffic from Radford Avenue would reach Broad Street or turn onto the A451 (either way) or the reverse – Broad Street to Radford Avenue</p>	<p>The proposed road layout will create a cross roads and vehicles will be able to go straight ahead, turn left or right. No additional traffic control is necessary.</p>

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<p>The Hurcott Road junction will be difficult to navigate by car and the re-alignment of the kerb line would exacerbate this problem.</p>	<p>This is a necessary build out as part of the self enforcing one way order in front of the Nisa store. There is no safety or capacity concern at this junction. The proposed alterations will not prohibit access by vehicles, the access will be different to that presently experienced. Satisfactory tracking drawings for HGV movements have been submitted.</p>
<p>No consideration has been given to a feeder slip road from St. Mary's ring road onto Clensmore Street / Churchfields south through the current car park between St. Mary's and Trinity.</p>	<p>No comment is made as a slip road does not form part of the proposals. This concept is untested for capacity and there are level changes which would create complications in providing any additional access point.</p>
<p>No information has been submitted to demonstrate that provision has been reserved for the potential future conversion of the roundabout to a traffic tunnel carrying the ring road with shared pedestrian / local traffic on the surface.</p>	<p>Whilst it is widely accepted that subways create antisocial behaviour the planning process is to consider the proposals as submitted. The Re-Wyre initiative does try to address this point and the Highways Authority supports these aspirations.</p>
<p>It is very difficult to see how the roads will cope with all of the additional traffic that will be generated by the proposed store with 400 car parking spaces and a petrol filling station.</p>	<p>The proposal has been considered against a Kidderminster wide traffic model and also specific junctions have been modelled and tested. The results are that a nil detriment to network improvement is shown.</p>

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<p>The proposed highway alterations would affect the ability to safely dispatch deliveries from our premises onto Churchfields.</p>	<p>There will be increased vehicle flow past the existing access in Churchfields, but this does not affect the ability to access this area. It should be noted that the reduced traffic along Blackwell Street would allow short term staying vehicles easier access.</p>
<p>On the plans submitted there are 5 car parking spaces shown situated outside the Horsefair post office building. In addition to these parking spaces traders would like to see a planning condition to retain existing 5 spaces on the Horsefair triangle area with a new access from opposite side to where it is currently gained.</p>	<p>The spaces are to be provided by amending Traffic Regulation Orders (TRO) which the Highways Authority is seeking financial support to implement through a Section 106 agreement. The retention of the existing parking spaces on the Horsefair triangle is unlikely due to the conflict with reversing movements and an increase traffic past them. The proposed 5 spaces would offset this loss.</p>
<p>The proposals include the build out of the kerb line at the junction of Horsefair and Hurcott Road. Horsefair traders request a condition to require the re-design of the junction to <i>“allow the free and unfettered flow of traffic into the retail centre”</i>.</p>	<p>It is considered that the proposed kerb line is necessary for highway safety and to provide the proposed 5 parking spaces along this one way section of highway.</p>
<p>The Horsefair, which links Stourbridge Road to the Blackwell Street junction to be designated two way traffic to allow better circulation of traffic for local businesses and encourage customers.</p>	<p>The one way proposal is considered to function better and allows for easier access to the on street parking areas.</p>
<p>The Horsefair traders would like a condition requiring that short stay car parking provision is to be made along Blackwell Street.</p>	<p>TRO amendments in the area are proposed and this could be considered as part of a holistic traffic management review.</p>

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<p>If Blackwell Street is truncated the Horsefair traders would like a condition requiring the provision of a 360 degree turning circle at the end of Blackwell Street to make it easier for vehicles to turn around and encourage motorists not to abandon Blackwell Street altogether.</p>	<p>Whilst there is space to do this, the provision of a turning circle beyond the buildings fronting Blackwell Street would come very close to conflicting with movements on the proposed new link road. It would also reduce the area available for a pedestrian route alongside the new link road. Turning is possible using Silver Street as a turning head, and this has been demonstrated with tracking drawings.</p>
<p>Unrealistic assumptions have been made about the number of shoppers arriving on foot, by bike or on public transport.</p>	<p>The figures used in the transport assessment are considered to be robust.</p>
<p>The proposals include the removal of the existing traffic signal controlled junction between Blackwell Street/Radford Avenue/Broad Street. The proposed link road only provides sufficient queuing space for around 15 vehicles before it blocks the existing roundabout with the Ringway. This is clearly insufficient to cater for the existing demand and will exacerbate an existing capacity problem.</p>	<p>The existing highway network is already heavily congested and experiences queuing on the ring road. The detailed junction analysis shows that the junction would function well and is an improvement on the current situation. The Highways Authority consider whether or not the development adversely impacts and if nil detriment is demonstrated any improvement on the existing situation is considered to be favourable.</p>
<p>The new traffic associated with the proposed Asda store is also only provided with queuing space of 15 vehicles before it blocks back to the existing roundabout. The TA suggests that the proposed foodstore alone could result in 487 arrivals during the PM peak; however traffic flow diagrams are not available so analysis of the likely number of vehicles entering the site from the Ringway cannot be determined.</p>	<p>The supplementary TA shows nil detriment. The applicant has provided the Highways Authority with the junction models and these have been interrogated. The Highways Authority consider that there would be no adverse impact on the ring road. Traffic flow diagrams are in the Supplementary TA</p>

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<p>The proposed parking ratio is lower ratio than the approved parking at Sainsburys, however there is to be no limit on parking duration at the Asda car park with emphasis on encouraging linked trips. The proposals include a café which will also lead to extended parking durations. The effect on car park capacity and potentially on safety within the car park due to increased circulation and manoeuvres cannot be determined</p>	<p>The car parking numbers are confirmed to be appropriate by using TRIC's data and considering the cumulative number of vehicles on site. The store proposes more than the analysis indicates is needed, but less than the maximum permitted. The parking provision is considered to be an appropriate balance. A degree of link trips are expected and are encouraged to prevent additional car trips.</p>
<p>There will not be enough parking of existing and proposed residents and businesses in Broad Street</p>	<p>There is no change in parking in this area. There is a publicly available car park very close by for shoppers.</p>

4.197 The proposed closure of Blackwell Street to through traffic is contrary to the proposals put forward in the Adopted Churchfields Masterplan. It should also be noted that whilst the proposals would deliver part of the indicative highway and infrastructure requirements it would not deliver all of the highway aspirations understood to be in the region of £4.2m. The Masterplan also proposes to replace the existing roundabout junction with traffic signals and at grade crossings; connect Clensmore Street to the ring road; construct a vehicular bridge across the canal; provide an at grade crossing of the ring road opposite St. Mary's Church; and construct pedestrian and cycle bridges across the canal.

4.198 Whilst the Highways Authority offer their continued support for the Masterplan it is conceded that after considering the submitted TA, Supplementary TA and objections received during the consultation period no objection is raised on the basis that the proposals are considered to be technically acceptable.

AIR QUALITY

4.199 As a consequence of the relatively high volumes of traffic, the narrow space between the buildings and traffic congestion at the junctions with the ring road and the Horsefair, Blackwell Street experiences high levels of nitrogen dioxide. In 2002, the Council designated the Horsefair Air Quality Management Area (AQMA) however following a detailed assessment of air quality in 2007, the AQMA was extended to include parts of The Ringway, Coventry Street and Radford Avenue.

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- 4.200 According to PPS23 air quality is likely to be particularly important where a development is proposed inside, or adjacent to an AQMA, where it could result in the designation of an AQMA or render elements of a local authority's air quality action plan unworkable. Therefore an Air Quality Assessment which considers the air quality impacts during the construction phase and once the development is fully operational has been submitted as part of the application.
- 4.201 The Assessment concludes that the most important consideration during the construction phase is nuisance dust which, with appropriate mitigation measures secured by a planning condition, could be reduced to a minimum.
- 4.202 Once the development is operational the Assessment indicates that changes in road vehicle emissions are the most important consideration. In order to assess the potential impact of the development, levels of nitrogen dioxide and particulate matter have been predicted at a total of 24 existing receptors and 5 proposed receptors. The existing receptors are sited at a number of locations including Radford Avenue, Blackwell Street, Silver Street, The Ringway, Horsefair, Churchfields, Broad Street and Stourbridge Road. The proposed receptors were located within the application site facing onto Churchfields and Broad Street.
- 4.203 The impact of the proposals upon the separate receptors, taking the closure of Blackwell Street to through traffic into account, is described as ranging from 'Substantial Beneficial' impact (at Blackwell Street) to 'Substantial Adverse' impact (at Churchfields). However as the report explains, "*.....there are widespread improvements in air quality within, and on the periphery of the AQMA. The results of the assessment suggest that a greater number of residents would experience an improvement in air quality than would experience deterioration in air quality and, on balance, the overall effects might be deemed beneficial in the context of air quality effects on the existing environment.*"
- 4.204 Following receipt of the original Assessment Worcestershire Regulatory Services requested additional information including options for mitigating the adverse effect upon Churchfields. In response, the applicants' air quality consultants have advised that measures already taken into account include the provision of new bus stops, pedestrian and cycle facilities throughout the development to encourage trips by means alternative to the car and the widening of Churchfields to accommodate two way vehicle movements, to reduce the 'canyon' effect that Blackwell Street currently experiences. In addition a draft Travel Plan has been prepared to encourage employees to travel by

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non-car modes. Worcestershire Regulatory Services have found the supplementary information to be acceptable. It also acknowledges that the supplementary TA indicates that there has been decrease in traffic flows on the highway network within the vicinity of the site. Therefore no objections are raised.

- 4.205 Subject to a condition to reduce the adverse effects of dust during the construction phase it is considered that the proposals meet the relevant policy guidance in respect of air quality.

THE PROPOSED DESIGN AND LAYOUT

- 4.206 The proposed layout of the development indicates that the retail store would provide a frontage to Churchfields of approximately 89m in length. This measurement includes the 1902 building which is to be retained although, as stated previously, the front 9.5m of the building is to be removed to allow the widening of the highway.
- 4.207 The highest part of the retail store would be the 1902 building which reaches a height of approximately 15.6m. The frontage to Churchfields would then be completed by the store gable with a north light or saw tooth profile reaching a height of approximately 10.7m and the store warehouse gable, described by the applicants as the 'bookend' reaching an overall height of approximately 14m. To the west of the site beyond the bookend gable is the service yard enclosed by a part 3m part 4m high wall.
- 4.208 The north west and north east elevations of the proposed store face into the site towards the proposed 398 space car park with the customer entrance located beyond the 1902 building on the north east elevation.
- 4.209 The proposed 26 residential units front onto Broad Street and the eastern part of Churchfields. Whilst this part of the application is in outline, with only layout and access to be determined, illustrative elevations have been submitted as part of the Design and Access Statement. These indicate two storey residential development along Churchfields (estimated 5m to eaves, minimum 8.2m to ridge) with a three storey block on the corner block at the junction of Churchfields and Broad Street (estimated maximum 12.1m to ridge) and 2½ storey residential development fronting Broad Street (estimated 6m to eaves).
- 4.210 Sited to the rear of the residential units, towards the eastern corner of the site is a proposed four pump petrol filling station, the canopy for which is proposed to reach a height of approximately 5.2m.

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4.211 Together with the cycleway / footways which are proposed to align the northern side of Churchfields and either side of the proposed link road to the ring road roundabout are two additional pedestrian routes through the site. The first would lead from the customer entrance in a north westerly direction through the car park to Pleasant Street. Steps and a ramp are proposed to bridge the level difference, which at this point is approximately 3.3m. The second route again leads from the customer entrance in an easterly direction to Broad Street via the proposed residential development.

4.212 The submitted Design and Access Statement explains that the proposed store would be designed to meet Asda's high sustainability standards, reducing the impact it would have on the environment through the lifetime of the store. It goes onto advise that the following technologies and systems are the standard specification for all new stores ensuring that they are BREEAM very good:

- Low energy lighting – adjusted to meet daylight levels and occupancy
- Roof light panels – reducing the need for electric lighting
- Full automatic monitoring and targeting system – providing real time management information
- 30 sub meters fitted – over 90% of all energy use covered
- Energy dashboard system – to provide real time smart meter information to every store manager
- Heat reclamation on all refrigeration units - capturing previously wasted energy
- Voltage optimisation units - reducing the demand for grid electricity
- Trim heater controls – avoiding unnecessary heating of chilled cabinet doors

4.213 The applicants have advised that every store has a dedicated energy manager, and that a range of technologies have “...*delivered a 42% reduction in carbon emissions [compared to 2005] and are now incorporated into all of [ASDA's] new stores as standard.*”

4.214 Asda also propose to utilise a range of technologies to deliver 10% of energy requirements on site via renewable energy. The use of solar PV, solar thermal, air and ground source heat pumps and biomass are proposed to be investigated to ensure the most effective system is designed for this site. The proposals also include a recycling area, rain water harvesting, a green travel plan, tree planting and a possible 'brown roof' for redstart nesting.

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4.215 The green credentials of the proposed development and the standard specification of Asda's stores indicate the applicants' commitment to addressing climate change and Policy CP01 of the Core Strategy. There are however wider implications of the proposed design and layout which are considered below.

4.216 The Design and Access Statement explains that a total of four layouts were considered by the applicants. The alternative layouts show the siting of the proposed store and residential elements on different parts of the application site. The final option (No.4) is the version proposed as part of the planning application and it is the applicants preferred option as they consider it provides:

- the retention of the 1902 building which is most appropriately integrated into the scheme;
- an active elevation to Broad Street by the new screening residential development;
- significant active (and semi active) elevations to Churchfields street front, with a generally similar elevation massing to the existing Churchfields street front;
- good store legibility from the vehicular site access and customer car park;
- good pedestrian legibility through and beyond the site;
- good servicing access to the store from the newly formed access road with the service yard located remotely from residential properties;
- excellent principal views from the site periphery; and
- sensitive early views from St. Mary's Ringway

4.217 Officers do not however look favourably upon certain elements of the layout and design which the applicants have promoted, which reflects the provisions and aspirations of the Churchfields Masterplan, the Design Quality SPF and policies relating to design and heritage. First there is the orientation of the store which provides a long, blank, inactive frontage to Churchfields. With the exception of the new gable end to the 1902 building and a 3m wide window set into the store the remainder of this elevation including the part previously referred to as the 'bookend' is a mixture of brick and grey cladding, with no fenestration.

4.218 In reply the applicants have advised that there is a fully glazed gable to the 1902 building making the customer restaurant, office space and stairwell as visible as possible. In addition there would be good views of the north east elevation of the 1902 building from Churchfields together with the store entrance, and the frontage to Churchfields would be an improvement on the existing totally inactive frontage.

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- 4.219 In response, Officers maintain that the elevation to Churchfields, with a totally blank frontage of approximately 73m in length provides a lifeless frontage to Churchfields. Notably whilst it is acknowledged that there is a 2.8m wide customer entrance to the gable end of the 1902 building, the first and second floor glazing appears to be dummy glazing which would not allow views through. Furthermore it is proposed that Churchfields becomes the primary route into and out of the town centre; therefore it is considered that the development does not respond to its proposed context as the store turns its back to the street and directs the focus of activity towards the inside of the site and the associated car park.
- 4.220 In addition, it is also considered that there is a lack of active frontage to address the green space either side of the proposed link road to the ring road. This green area is described by the applicants' agent as a linear park to open up views of the 1902 building from the ring road. Whilst it is accepted that it would open up views it is not considered that this green space either side of the road would form an attractive public space.
- 4.221 Next, the proposed layout shows an area to the rear of the proposed residential units as both private and public. It is private as it provides the parking spaces for the 26 residential units; however it is also public as it provides a pedestrian route to the proposed store. This is contrary to the objectives of secured by design as highlighted in the comments made by West Mercia Police and the principles enshrined within the Design Quality SPG and the Churchfields Masterplan. The agent on behalf of the applicants considers that this is a matter which can be resolved via an agreed means of enclosure or by providing a locked gate. It is not however considered that the lack of definition of public and private space could be resolved by walls or fencing to demarcate boundaries, whilst the provision of locked gates would make this pedestrian route from the proposed 24 hour store unusable at certain times.
- 4.222 The Design and Access Statement indicates that the proposed layout seeks to provide strong legible connections through the site and out in all directions. However it is considered that the pedestrian routes through the site to Broad Street and Pleasant Street are not sufficiently overlooked to encourage their use. The agent on behalf of the applicants considers that there would be a high degree of natural surveillance, they would be well defined and well lit. Officers do not however concur with these points.

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4.223 The provision of inactive frontages which fail to adequately address the public realm, the lack of definition between private and public space and the provision of pedestrian routes with inadequate natural surveillance are considered to conflict with recognised good practice and Design Principles 5, 7, 8 and 9 of the Adopted Churchfields Masterplan; Policy CP11 of the Adopted Core Strategy; Policies 12, 19 and 23 of the Draft KCAAP, Policy 25 of the Draft Site Allocation and Policies DPD and Policy QE3 of the RSS. It is also considered to conflict with the aims of the Design Quality SPG, the guidance within By Design published by CABE and PPS1 which all seek to secure high quality design to improve the character and quality of an area.

IMPACT UPON HERITAGE ASSETS

4.224 An Historic Building Assessment has been undertaken to assess the significance of the built structures within the site. To clarify, all of the existing buildings within the application site are to be demolished with the exception one locally listed building, known as the 1902 former warehouse building, of which the prominent south east facing gable end fronts onto the north side of Churchfields. The application site is also bisected by Churchfields, an historic street shown on Sheriff’s 1780 map of Kidderminster, leading from St. Mary’s church to the Horsefair. It is proposed to widen Churchfields to allow two way traffic and delivery vehicles.

4.225 It should also be acknowledged that the site and its buildings have been considered by English Heritage, following a listing application by the Kidderminster Civic Society, however English Heritage recommended that no individual buildings or the site as an entity merited statutory listing.

4.226 The Council’s Conservation Officer considers that the development would also affect the setting of the following statutorily and non-listed buildings and conservation area which all lie beyond the application site:

Listed buildings	Church of St. Mary and All Saints - Grade I 22 Church Street – Grade II 5 & 6 Horsefair – Grade II
Locally Listed Buildings	Two buildings running NW to SE at Tomkinsons (known as the 1885 and 1895 buildings) 18 &19 Churchfields
Conservation Areas	Church Street Conservation Area

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THE LOCALLY LISTED 1902 BUILDING

- 4.227 At three storeys the 1902 building is the tallest surviving building on the site. The building lies on a plateau and as the Council's Conservation officer remarks, "*is a significant landmark building clearly visible from the ring road rising well above the surrounding industrial and retail buildings*". It is currently used for furniture storage however from the quality of the internal and external detailing it is thought that it was used originally, at least in part, as a carpet showroom.
- 4.228 In order to allow the widening of Churchfields this building is to be truncated at its south end by approximately 9.5m, shortening the building from 12 bays in length, to 9 bays. The south gable fronting Churchfields would be rebuilt using the existing bricks with the existing large brick panels partially or wholly replaced with glazing. The frontage to Churchfields would also include the 1902 motif as currently exists. The existing lightweight metal outbuilding affixed to the north east elevation of the building would be removed. It is proposed to convert the building to a café with direct connections to the sales floor at ground floor. The first floor is proposed to be used for staff facilities such as a restaurant, changing rooms and toilets and the third floor would be an open plan office. The applicants advise that whilst the internal structure is adequate for reuse, the conversion works would entail the loss of the staircase at the south end and the internal fire escape at the north end, although neither of these are shown on the 1909 plans.
- 4.229 The Historic Building Assessment as submitted by the applicants acknowledges that the building is generally well preserved however, "*Like the other locally listed buildings, its interest appears to be largely visual and commemorative, probably stemming from its attractive gables and prominent 1902 date*".
- 4.230 The proposed truncation of the building in particular would, it is considered, significantly alter its appearance not least due to the proposed replacement vertical glazing panels and customer entrance fronting Churchfields, however the Historic Building Assessment reports that, "*...there is no reason to think that the building's significance would be affected by these panels or by shortening it by three bays. Indeed, doing so would yield matching facing brick and cast-iron windows that would allow the damage done by the proposal to be used to make the building good.*" It concludes that the "*direct effects on the significance of the 1902 warehouse arising from the proposed change of use and physical alterations to its fabric will thus be negligible.*"

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- 4.231 In terms of preserving the setting of the 1902 building, the Assessment submitted on behalf of the applicants indicates that the Churchfields elevation of the proposed store has been designed with reference to the existing frontage and proposes a building with a saw-tooth profile and red brick piers. Furthermore the Design and Access Statement advises that *“the height of the [new] bookend, whilst driven by a functional necessity of the high bay racking within still allows the new warehouse to balance and bookend the 1902 warehouse at the other end of the store and at the same time maintain the dominance of the 1902 building.”* The applicants consider that the proposals would open up views of the 1902 warehouse from the Kidderminster ring road and beyond, through the demolition of the modern CMS garage buildings and the creation of a new access road. *“Notwithstanding the loss of context arising from the widespread demolitions, because of the degraded existing setting and the sympathetic design of the proposed new ASDA store overall the effect of the proposed changes to the setting of the 1902 warehouse on its significance will be minor beneficial. Overall, the physical changes and changes to setting will have a minor beneficial effect on the (limited) significance of the 1902 Warehouse.”*
- 4.232 This conclusion is not shared by the Council’s Conservation officer who in summary considers that the existing south east gable facing Churchfields is its principal elevation as seen from the public domain and features the best architectural detailing. It is considered that the proposed truncation of the building would remove the important visual element of the hoist entrance, without which the understanding of the function of the building would be lost. Furthermore the loss of the elegant internal staircase would also contribute to the diminution of its architectural and historic interest and would remove all trace that this end of the building was previously used as a showroom. It is also considered that the proposed treatment of the new south east gable with dummy glazing would be a poor substitute, whilst the proposed adjoining store building would detract from the interest of the building over and above the present situation due to the height of the development.
- 4.233 In addition, it is also considered that parts of the proposed internal arrangement, with a café at ground and colleague facilities at first floor, indicate an awkward arrangement around the existing columns which are of historic interest. As such it is considered that the proposed internal arrangement would fail to preserve or enhance the historic character of the building.

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- 4.234 Whilst accepting that the proposed 'bookend' building would be approximately 1.6m lower in height than the 1902 building it is considered that it would create a competing feature and would detract from the setting of the locally listed structure.
- 4.235 Notably English Heritage agree that that the alterations would reduce its historic significance and townscape presence and concur with the Conservation Officer's comments regarding the adverse impact of the proposal on the interior of the warehouse. It should however be noted that the Civic Society find the truncation of the 1902 building acceptable and like the proposed partially glazed frontage.
- 4.236 It is acknowledged that the proposed development would open up views of the 1902 building from the town centre, would ensure that a large part of the locally listed building would be retained and would secure its long term use. However the proposed alterations and associated development to secure its retention and reuse are not considered to be acceptable as they would fail to preserve or enhance its historic character, appearance and setting. Therefore greater weight is given to the conflict with Policies LB1, LB2 and LB5, of the Adopted Local Plan, Policy CTC21 of the County Structure Plan, Policy 24 of the Draft Site Allocations and Policies DPD, Policy 19 of the Draft KCAAP, Design Principles 3, 6 and 9 of the Churchfields Masterplan and Policy QE5 of the RSS.

LISTED BUILDINGS OUTSIDE OF THE SITE

- Church of St. Mary and All Saints - Grade I
The footprint of the Church lies approximately 110m from the boundary to the application site. The submitted Design and Access Statement indicates that the character and setting of the Grade I listed St Mary's Church would not be adversely affected, a point upon which English Heritage disagrees and objects to the development, stating that a monolithic retail warehouse would affect its setting. However whilst the Conservation Officer does not wholeheartedly agree with the applicant, he concludes that the proposals would be neutral.
- 22 Church Street – Grade II
The applicants state that there are no lines of sight between the Church Street Conservation Area and the application site. The Conservation Officer disagrees citing that it would also be visible from 22 Church Street, a listed building within the Conservation Area. However the impact would, it is considered be minimal.
- 5 & 6 Horsefair – Grade II
The impact is considered to be acceptable.

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LOCALLY LISTED BUILDINGS OUTSIDE OF THE SITE

- 1885 and 1895 buildings

The locally listed carpet manufactory building (referred to as the 1885 building) and office building (referred to as the 1899 building which accommodates the Earl Baldwin Suite and Loom Room) are located just outside of the site, beyond the proposed service road and south west boundary. Previously their south west elevations fronted onto the former Duke Street.

The 1885 building is a narrow two storey brick built structure with arched segmental windows. Abutted to the east are additions dating back to 1885 – 86, 1909-1924 and the Jubilee Shed of 1887. There is also an addition to the north which dates to 1965. Only the original north / south range of the building is proposed to be retained. The Historic Building Assessment advises that the said date of 1885 pre-dates Tomkinsons and Adam's wholesale move to the site following floods of 1886, making this the oldest surviving building on site. The Assessment advises that the loss of the adjoining range running east / west would not greatly reduce the significance of the building, the appearance of the building has been marred by modern upvc windows. Furthermore whilst the proposed demolition of the surrounding buildings would undoubtedly negatively affect the historic context of the retained portion, the setting of the building has been eroded by previous demolition and compromised by nearby later 20th century buildings, *"The effect of the change in historic context will thus have a negative effect on the significance of the retained portion. Overall, the physical changes and changes to setting will have a slight adverse effect on the (limited) significance of the c.1885 carpet manufactory."*

The second building is known as the 1899 industrial and office building. Again it is a narrow two storey brick building, similar in style to the 1885 building with arched segmental windows but shorter in length. It is reported in the Historic Building Assessment that its interest, *"appears to largely visual and commemorative rather than historical or technical."* There would be no physical impact to this building, however it is reported that, *"the loss of historic context will have an adverse effect on the significance of [this building], whilst the improvement to the building's setting will have a beneficial effect. Overall, the changes to setting and historic context will have a neutral effect on the (limited) significance of the 1899 Industrial and Office Building."*

- 4.237 In contrast the Conservation Officer considers that the proposals would have an impact on these two locally listed buildings by virtue of the siting of the proposed delivery and servicing functions positioned so close to the buildings. Furthermore the proposed 'bookend' building which would front onto Churchfields is also considered would dominate these buildings. As such it is concluded that the proposals would fail to relate well to them in terms of design, style materials, and proportion.

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- 4.238 As such the impact upon their setting is considered to be unacceptable and contrary to Policies LB1 and LB5, of the Adopted Local Plan, Policy CTC21 of the County Structure Plan, Policy 24 of the Draft Site Allocations and Policies DPD, Policy 19 of the Draft KCAAP, Design Principles 6 and 9 of the Churchfields Masterplan and Policy QE5 of the RSS.

CHURCH STREET CONSERVATION AREA

- 4.239 The Conservation Area lies at a distance of approximately 150m from the closest boundary to the application site. Whilst Officers consider that the proposals would be visible from the Conservation Area it is concluded that there would be little direct impact.

OTHER HERITAGE ASSETS

- 4.240 There is considered to be no objection to the loss of nos. 50 and 51a Blackwell Street. These are neither listed nor locally listed.
- 4.241 The Conservation Officer also comments on the impact upon the 1932 building which fronts Churchfields. Whilst the proposed replacement frontage to Churchfields is discussed elsewhere in the report it is considered that the loss of the 1932 building which is neither listed nor locally listed could form a robust reason for refusal.
- 4.242 It is not considered that there would be a significant adverse impact upon the Staffordshire and Worcestershire Canal Conservation Area.
- 4.243 English Heritage also raise objection firstly with respect to the redistribution of traffic. It considers that additional vehicles along Churchfields towards St. Mary's Church would affect its setting, and that additional vehicles along Horsefair in front of Weavers Cottages would adversely affect their visual setting and their residential amenity. The second objection is with respect to the siting of the development and its potential to undermine the wider health of the historic town centre and its relationship to surrounding residential areas. However it is considered that the potential adverse impacts of the development upon these heritage assets would not be so significant as to form a robust reason for refusal.
- 4.244 English Heritage also refer to the proposed development prejudicing the redevelopment of Churchfields for residential purposes. The principle of the development has been discussed earlier in the report.

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4.245 An Archaeological Assessment also forms part of the application. The Assessment compiles an investigation of a range of information including County Council Historic Environment records, topographical, geological, cartographic and archaeological data. A watching brief on geological site investigation trial pits undertaken in September 2010 was also carried out. The Assessment concludes that the site has been subject to large amounts of truncation and redevelopment activity which appear to have compromised the low below ground archaeological potential that the site has. The archaeological remains on site are considered to be of low significance and a planning condition is suggested to cover any additional archaeological requirements. Worcestershire County Council's Historic Advisor concurs with this conclusion.

IMPACT UPON RESIDENTIAL AMENITY

4.246 It is considered that there is the potential for an adverse impact upon residential amenity firstly as a result of noise from the proposed development and associated vehicular movements. Secondly more specifically there is the potential obstruction of light and reduction in outlook to No.3 Broad Street as a result of the proposed position of the proposed residential development which is to be agreed at this outline stage.

4.247 With respect to the former, an Acoustic Consultancy Report has been submitted as part of the application. The Report sets out the results of noise monitoring surveys undertaken at three measuring positions (car park adjacent to Clensmore Street, Broad Street and York Street). Measurements were taken in September and October 2010.

4.248 The Report recommends the following to mitigate against the impact of certain elements within the proposed scheme:

- A solid or acoustic louvre be required to screen the plant
- Operation of the compactor only between 0700 and 2200 hours
- Retention of the proposed 4m high acoustic fence along the perimeter of the service yard
- An hours restriction to prevent the PFS from operating between 2300 and 0700 on any day of the week.

4.249 Worcestershire Regulatory Services raise no objections subject to conditions.

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4.250 Residential properties would be positioned to the north and south of No.3 Broad Street. Their siting is to be agreed at this stage. The existing property at No.3 has side facing habitable windows at ground and first floor, and the proposed siting of the property to the north would breach the 45° / 25° guide from these windows with respect to loss of light. However in this instance due to the orientation of the windows which are north facing and the removal of large warehouse which lies immediately to the rear of No.3 it is considered that the loss of light would not be so great as to warrant a reason for refusal. It is also considered that the impact upon outlook from this dwelling, again as a result of removing the warehousing to the rear, which currently has an overbearing effect upon the property would be acceptable.

GREEN INFRASTRUCTURE AND BIODIVERSITY

- 4.251 A total of five Special Wildlife Sites (SWS) and four Sites of Special Scientific Interest (SSSI's) are located within 2km of the site with Puxton Marsh and Stourvale Marsh SSSI both sited within 500m of the site.
- 4.252 The applicants have submitted a phase one habitat survey which has the aim of identifying any habitats of conservation importance on the site
- 4.253 An external inspection of the buildings was undertaken as part of the habitat survey which concluded that the majority of the buildings had negligible potential value for bats. Four buildings with higher potential for bats were inspected on a separate occasion both internally and externally.
- 4.254 The second survey concluded that there were no signs of bat activity and therefore there is a low likelihood of roosting bats utilising three of these four buildings.
- 4.255 It was concluded that bats may have occasional summer use of the fourth building, and therefore it is recommended that particular care is afforded to the demolition of these four buildings.
- 4.256 A reptile survey was also undertaken which incorporated seven visits to the site between July and August to check for evidence of reptiles, however no evidence was found
- 4.257 Black Redstarts have been recorded in Kidderminster and it is known that they prefer to nest on partly demolished sites, plus the existing buildings also potentially support breeding feral pigeons, gulls and swifts. Therefore it is recommended that any clearance works are undertaken outside of the bird breeding season.

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- 4.258 The ecological surveys also advise that appropriate measures are put in place to limit dust from the site which may have an adverse effect upon the Staffordshire and Worcestershire Canal SWS.
- 4.259 No objections have been raised with respect to the impact upon biodiversity and it is considered that suitably worded conditions could be imposed to mitigate any potential impact upon bats, birds and the SWS and provide measures to enhance the existing biodiversity within the site to accord with national and local policy.
- 4.260 A pre-development Arboricultural Survey has also been submitted as part of the application. The application site contains a total of 33 trees plus 4 groups of trees which were surveyed. These are positioned in three main locations. Two areas are located to the north of the site between the existing building and Pleasant Street. The third location is to the north west where four existing sweet gum and hawthorn trees can be seen from Broad Street.
- 4.261 The Survey advises that the majority of trees on the site are of low quality, unsuitable for long term retention and not likely to make a continued contribution to the character and appearance of the proposed development. It suggests long term enhancement should be made through replacement planting.
- 4.262 A total of 14 trees within the application site are proposed to be retained. These are sited towards the northern corner, to the rear of the existing residential properties which front onto Broad Street.
- 4.263 The planning application is accompanied by a detailed landscaping plan showing hedge and tree planting along the common boundary between the car parking and the residential area, hedge planting to the north west boundary, and tree planting within the car park. The proposed access road linking the ring road to Churchfields would be also planted with extra heavy standard lime trees to either side.
- 4.264 Whilst raising no overall objection to the landscaping scheme, the Arboricultural Officer has raised concern at the chosen species, number and location of the proposed trees. It is considered that a suitably worded condition could overcome these concerns and meet policy requirements.

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FLOODING & DRAINAGE

- 4.265 According to the Environment Agency's indicative floodplain map and the Council's Strategic Flood Risk Assessment the application site lies within flood zone 1, however due to the size of the site a flood risk assessment (FRA) is required to demonstrate that the development can be achieved with no risk of flooding and without increasing flood risk to third parties.
- 4.266 Based on the PPS25 classification of development the proposed use of the site is appropriate within this flood zone and an exception test is not required.
- 4.267 The FRA indicates that it estimated that between 90% and 95% of the existing application site's surface is impermeable. Therefore it advises that the development proposal would result in a significant betterment in terms of the reduction in impermeable areas in comparison to the existing site conditions.
- 4.268 The FRA advises that due to the previous industrial nature of the site and surrounding area that infiltration based on SUDS techniques is unsuitable for use at this location. It is most likely that surface water will need to be detained in an underground tank with the outflow limited by way of a flow control device. However it may be practical to use permeable paving in the parking spaces of the affordable housing area and it is most likely that water butts will be provided for each plot.
- 4.269 The FRA concludes that the proposed development will not be affected by current or future flooding from any source and that the development will not increase flood risk elsewhere. The Council's Watercourse Officer raise concerns however it is considered that the risk of flooding is acceptable and a detailed drainage strategy could be achieved via a suitably worded condition.

GROUND WATER AND LAND CONTAMINATION

- 4.270 As Churchfields has been a significant industrial area for over 100 years, there are likely to be issues of contamination. A Pre – Acquisition Geotechnical and Environmental Assessment Report has been submitted as part of the application. It includes a desk top study to determine the background to the previous uses on the site and the possible sources of contamination, as well as intrusive investigation including borehole drilling, well installation; soil and groundwater sampling and laboratory analysis. The Assessment, submitted on behalf of the applicants concludes that the existing ground conditions do not present a barrier to the redevelopment of the site and any concerns could be addressed by a planning condition.

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- 4.271 At the time of report preparation the latest formal comments from the Environment Agency indicate that they are not satisfied with the information submitted relating to the scope of the necessary further site investigation works, an assessment of the generic remediation options and a risk assessment to demonstrate that the use of underground tanks for hazardous substances is acceptable.
- 4.272 Whilst the applicants consultants and the Environment Agency have been corresponding, the latest formal comments are still awaited and will be reported on the update sheet.

5.0 Conclusions and Recommendations

- 5.1 The application site is a brownfield site, located in an area which has been identified for regeneration purposes within the Re-Wyre Prospectus, the Draft KCAAP, the Draft Site Allocations and Policies DPD and the Churchfields Masterplan. Furthermore the Government is promoting a presumption in favour of sustainable economic development, whilst PPS4 supports development which will improve the economic performance of towns and encourage regeneration.
- 5.2 The proposed retail and residential development would physically redevelop this key regeneration site and provide a new link road which would open up access to the Churchfields area in accordance with the Masterplan. It would also re-use the existing locally listed 1902 building and improve air quality within the AQMA for the majority of residents.
- 5.3 There is however significant concern with respect to the scale of development proposed. Whilst there is no in principle objection to the outline proposal for 26 residential units (it would not be appropriate to approve just the 26 units without understanding the wider development proposals) there is objection to the 7,322 sq.m gross floorspace A1 retail store at this out of centre location. Whilst PPS4 and the Draft NPPF encourages economic development they also seek to safeguard the vitality and viability of existing centres. The applicants appear to have overestimated the level of available expenditure to support a new convenience store of the size proposed which is likely to exacerbate the impact upon the town centre of a development of this scale in this location. It is considered that the proposals do not demonstrate compliance with the sequential test which is embedded in current retail planning policy, as the Eastern Gateway, identified in Policy 31 of the Draft KCAAP, is a sequentially preferable site. PPS4 advises that Local Planning Authorities should ensure that such a site is available,

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suitable and viable. Via the progress of the leisure review which will result in the closure and relocation of the Glades Leisure Centre, the relocation of the other existing facilities on this site and the Concept Feasibility Study the Eastern Gateway site it is considered to meet these three requirements.

- 5.4 Furthermore, should the proposed development be approved in Churchfields it is considered that it would undermine the Council's regeneration proposal for the Eastern Gateway significantly reduce the prospects of redeveloping the Eastern Gateway which would in turn improve the vitality, viability, and economic prosperity of that part of the town centre, which has declined over recent years. There is no proven need for a convenience store of the size proposed in the town and as the other major convenience store operators are already represented in the town there is only realistically a single opportunity for the Council to achieve the development of the scale required to support the Eastern Gateway ambitions. If the proposed development were to take place on the Churchfields site it would prevent the redevelopment of the Eastern Gateway for the foreseeable future. Consequently, the Council's plans to address the poor retail trading performance of the eastern part of the town would fail. It is an opportunity which cannot be overlooked and Officers have given significant weight to the Draft KCAAP.
- 5.5 The proposals also include significant alterations to the existing highway network. The development would ultimately re-direct all vehicles into and out of the town centre via Churchfields by stopping up Blackwell Street to through traffic which would conflict with the Churchfields Masterplan which, as it has been adopted is given significant weight. By virtue of these alterations, the visibility of the existing businesses and activity in the area would, it is considered be significantly reduced thereby harming the vitality and viability of this designated local centre. The proposed measures to mitigate this impact by providing additional parking within the Horsefair and improving the pedestrian environment would not overcome these concerns.
- 5.6 More specifically there are certain elements of the proposed layout which fails to take the opportunity to provide a vibrant development which actively addresses the public realm and proposed new route into and out of the town centre. It also does not adequately provide well thought out safe routes for pedestrians to pass though the site.

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- 5.7 Finally whilst it is acknowledged that the scheme proposes to re-use the locally listed 1902 building, it is considered that the proposed truncation of the building would significantly detract from its character and historic interest. In addition the proposed siting, massing, materials and design of the proposed development would, it is considered fail to preserve or enhance the setting of the 1902, 1885 and 1895 buildings which are all locally listed.
- 5.8 Taking account of the relevant material considerations the recommendation is for **REFUSAL** for the following reasons:
1. The application as submitted fails to adequately satisfy the requirements of the sequential test insofar as the applicants have dismissed without sound reasons a sequentially preferable and deliverable site which is located within the eastern part of the town and is referred to by the Council as “The Eastern Gateway”, as identified under Policy 31 of the Draft Kidderminster Central Area Action Plan. The development as proposed is therefore contrary to Policies EC15 and EC17.1(a) of PPS4; Policy RT5 of the Wyre Forest District Local Plan; Policy CP09 of the Wyre Forest District Core Strategy; Policy 33 of the Worcestershire County Structure Plan; Policy 10 of the Draft Site Allocations and Policies Development Plan Document; and, Policy 6 of the Draft Kidderminster Central Action Area Plan and the Draft National Planning Policy Framework.
 2. The proposed development of the Churchfields site would be in direct conflict with and undermine the Council’s regeneration proposals for the Bromsgrove Street Area of the town, otherwise referred to as “The Eastern Gateway”, which has been identified as a deliverable retail-led regeneration opportunity site which would serve to improve the vitality and viability of the eastern part of town, to the overall benefit of the town as a whole. Were the proposed development to be permitted it would remove any realistic opportunity of comprehensively redeveloping and regenerating the eastern part of the town. The development as proposed would, therefore, be contrary to Policy RT5 of the Wyre Forest District Local Plan; Policies DS02 and CP09 of the Wyre Forest District Core Strategy; Policies 3 and 31 of the Draft Kidderminster Action Area Plan; and, Policies EC16.1(a) and EC17.1(b) of PPS4 and the Draft National Planning Policy Framework.

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3. The proposed development by virtue of its scale is considered inappropriate in this location and would be prejudicial to the Council's vision for the redevelopment and regeneration of the Churchfields area including Horsefair as set out within the Churchfields Masterplan Supplementary Planning Document (SPD). The development is therefore contrary to the Adopted Churchfields SPD and Policy 19 of the Draft Kidderminster Central Action Area Plan.
 4. The proposed development, both in terms of layout and external appearance, is contrary to good design practice established in PPS1 and the Council's adopted guidance and policies, with particular reference to the visual appearance of the development; inactive frontages; lack of definition of public and private space; pedestrian linkages; and, natural surveillance. The proposed development is therefore contrary to Design Principles 5, 6, 7, 8 and 9 of the Churchfields Masterplan; Policy CP11 of the Wyre Forest District Core Strategy; Policy 25 of the Draft Site Allocations and Policies Development Plan Document; Policies 12, 19 and 23 of the Draft Kidderminster Central Action Area Plan; Policy QE3 of the Regional Spatial Strategy; the Adopted Wyre Forest Design Quality Supplementary Planning Guidance; By Design; Policy EC10.2(c) of PPS4 and the aims of PPS1.
 5. The proposed development and associated alterations to the "1902" building, which is a Locally Listed Building, are not considered acceptable as they fail to preserve or enhance the building in terms of its historic character, appearance, and setting. Furthermore, the proposed siting and layout of the development, in terms of the "bookend" building, service road and service yard, would have a detrimental impact upon the setting and appearance of the "1885" Building and the "1895" Building, both of which are Locally Listed Buildings. The development is, therefore, contrary to Policies LB1, LB2 and LB5 of the Wyre Forest District Local Plan; Policy CTC21 of the Worcestershire County Structure Plan; Policy 24 of the Draft Site Allocations and Policies Development Plan Document; Policy 19 of the Draft Kidderminster Central Action Area Plan; Design Principles 3, 6 and 9 of the Adopted Churchfields Masterplan Supplementary Planning Document; Policy QE5 of the Regional Spatial Strategy; and Policy HE8 of PPS5.
- 5.9 Should Members be minded to approve the development such a decision would be subject to a Section 106 agreement to secure the following items:

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- 8 affordable housing units
- Public art
- A contribution towards open space and education provision
- A delivery vehicle management strategy (including routing)
- Signage to the shops within Horsefair
- A contribution to secure traffic management proposals in Broad Street to lower speeds by altering road making and providing parking bays
- A contribution to amending existing or providing new Traffic Regulation Orders to:
 - Stop up Blackwell Street to through traffic
 - Introduce a one way order and amendments to parking restrictions in Horsefair
 - Pursue the ability to provide additional parking along the truncated Blackwell Street

5.10 An approval would also be subject to the following conditions which have been summarised and may be added to if necessary.

- Timescale for reserved matters submission and implementation of approval
- Net / gross floorspace and net sales area for convenience and comparison floorspace restriction
- No post office, pharmacy or laundrette within the retail store
- Archaeological Investigation
- Details of drainage including SuDS if appropriate
- Tree retention
- Details of tree protection during construction
- Notwithstanding submitted landscaping plans new landscaping details to be submitted and agreed
- Details of landscape maintenance
- Details of tree protection once store is open to protect trees within the car park
- Site investigation (subject to EA comments)
- Specification for all external plant and machinery including air handling units, air conditioning units and extract fans together with any recommendations for mitigation measures as recommended in the Acoustic Consultancy Report. Implementation in accordance with agreed Specification prior to first opening
- Compactor cannot operate between 2200 and 0700 hours
- PFS cannot not operate between 2300 and 0700 hours on any day
- Retention of the part 3m part 4m high wall to service yard
- All external materials
- All means of enclosure

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- Details of external lighting
- Any vegetation and demolition work outside of bird breeding season (i.e. works to be undertaken between September to February). If not then a survey for the presence of nesting birds is carried out
- Details of enhancement to mitigate for the loss of bat breeding and foraging habitat
- Additional Badger survey prior to the commencement development with mitigation measures if necessary
- If demolition of the relevant buildings is not complete by August 2012 then the site should be re surveyed for bats with means of mitigation if required
- Appropriate measures to limit dust during the construction phase to prevent an adverse impact on upon the Staffordshire and Worcestershire canal SWS
- Detail of how the impact upon residents (dust / noise) will be mitigated during the construction phase.
- Photographic recording of all historic buildings on site
- Re-siting of the existing plaque and date stones from the Kidderminster Workhouse
- Method of repair and materials NE elevations of units 7A and 7B
- Method of repair and materials to 1902 building
- Large scale details of the proposed elevations to 1902 building
- Prior to the first use of the development the junction of St Mary's Ringway and Blackwell Street shall be closed to vehicular traffic. Details of the means of closure and reinstatement (including surfacing and landscaping) of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved. Implementation prior to first opening.
- The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.
- Prior to the first use of the development hereby approved 25 car parking spaces shall be provided on the site for the use by the in accordance with approved layout. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments occupation.
- Prior to the first use of the development hereby approved secure parking for 50 cycles to comply with the Council's standards shall be provided within the curtilage of the building and these facilities shall thereafter be retained for the parking of cycles only.

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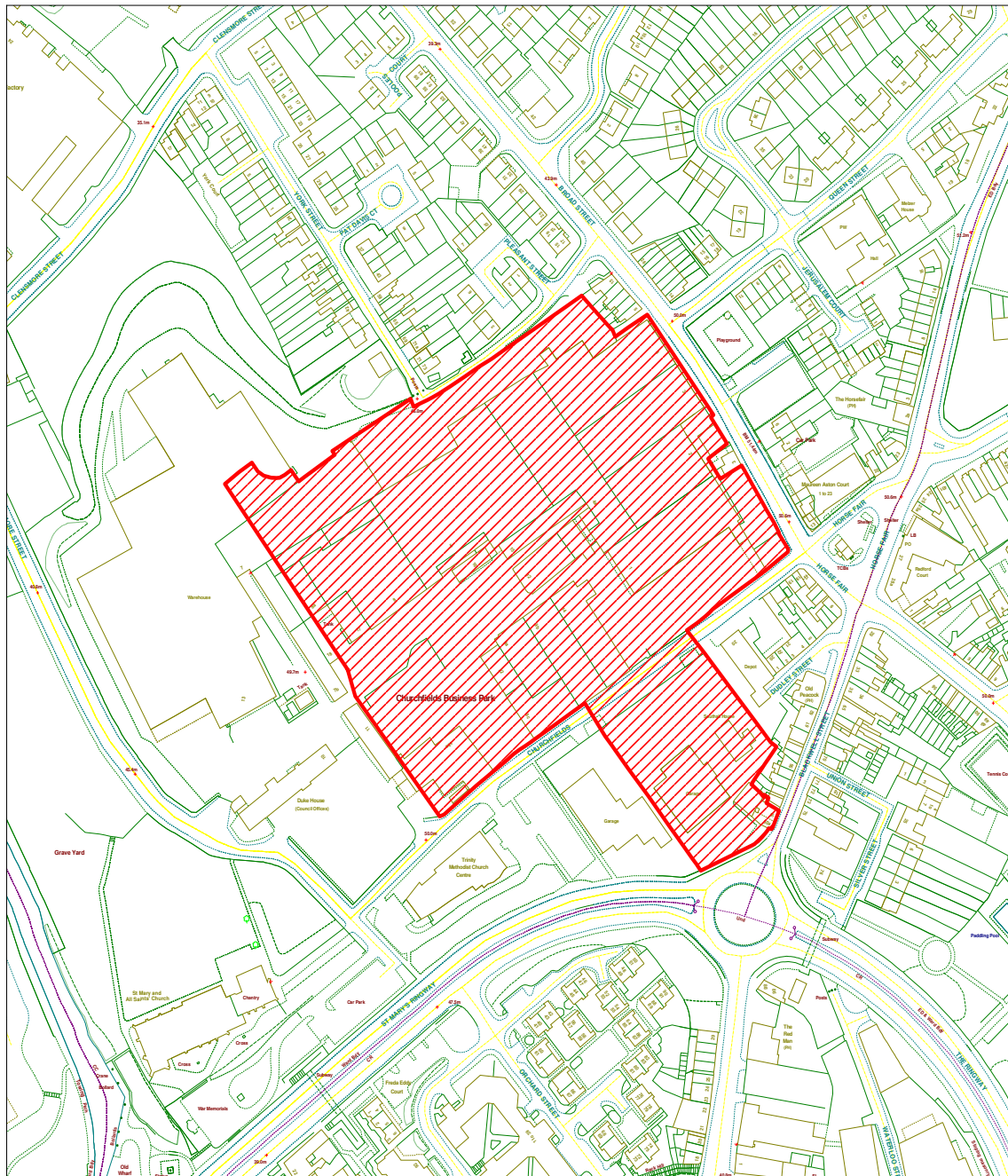
- Prior to the first use of the development hereby approved secure parking for 25 motorcycles to comply with the Council's standards shall be provided within the curtilage of the building and these facilities shall thereafter be retained for the parking of cycles only.
- Prior to the first use of the development hereby approved an area shall be properly laid out, consolidated, surfaced, drained and the spaces demarked on the ground within the application site in accordance with the approved plans for the parking of 398 cars (including 25 disabled spaces), and the loading and unloading of commercial vehicles and for cars and commercial vehicles to turn so that they may enter and leave the application site in a forward gear. The 25 disabled spaces shall be satisfactorily identified and reserved solely for that purpose. All the 373 spaces shall be made available prior to the first opening of the store to the public. These areas shall thereafter be retained and kept available for those uses at all times.
- Prior to the commencement of the development hereby permitted engineering details of the Blackwell Street Roundabout indicatively indicated on drawing 0671/57 Dec 2011 shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the scheme has been constructed in accordance with the approved details.
- Prior to the commencement of the development hereby permitted engineering details of the Churchfields signal controlled access indicatively indicated on drawing 0671/58 Dec 2011 shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the scheme has been constructed in accordance with the approved details.
- Prior to the commencement of the development hereby permitted engineering details of the Horsefair junction alterations indicatively indicated on drawing 0671/51G May 2011 shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the scheme has been constructed in accordance with the approved details.
- Prior to the commencement of the development hereby permitted and notwithstanding the drawings submitted engineering details of the retaining wall adjacent to Pleasant Street shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the scheme has been constructed in accordance with the approved details.
- The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

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- Notwithstanding the submitted Asda Colleague Travel Plan the development hereby permitted shall not be open to the public until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

There would also be Section 278 and 38 Highway Agreements to provide:

- 4 new bus stops
- Toucan crossing facilities on the proposed traffic signal controlled site access junction
- Secure a 3.5m wide pedestrian / cycleway on the eastern and western sides of the proposed access road from the ring road;
- A 3.5m pedestrian / cycleway along the southern boundary of the site providing a link with the National Cycle Network Route (54) on the Staffordshire and Worcestershire Canal, accessed via Limekiln Bridge;
- A signed cycle route on Blackwell Street to provide a link between the existing recommended route located on Radford Avenue and the proposed development site;
- A signed cycle route on Clensmore Street from its junction with Churchfields to Limekiln Bridge and National Cycle Network Route (54) on the Staffordshire and Worcestershire Canal;
- Uncontrolled pedestrian facilities (drop kerbs and tactile paving) at the Horsefair / Blackwell Street junction
- Upgrading of the existing subway located on The Ringway (specification to be discussed and agreed with WCC)



PLANNING AND REGULATORY SERVICES DIRECTORATE

**Land at Churchfields
Kidderminster**



Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556

Application Reference: 11/0634/FULL **Date Received:** 28/10/2011
Ord Sheet: 378947 275965 **Expiry Date:** 23/12/2011
Case Officer: Paul Round **Ward:** Wribbenhall

Proposal: Conversion of redundant agricultural building to form new dwelling and associated work

Site Address: LAND OFF GREY GREEN LANE, BEWDLEY

Applicant: Central Building Design

Summary of Policy	H.9, D.4, D.10, GB.1, GB.2, GB.6, RB.1, RB.2, RB.3, RB.5, RB.6, NC.7, TR.17 (AWFDLP) DS04, CP01, CP02, CP03, CP11, CP12, CP14 (AWFCS) CTC.21, D.39 (WCSP) CF4, QE3, QE6 (WMRSS) Policies 2, 15, 18, 20, 23, 25, 26, 27 (emerging SA&P DPD) Design Quality SPG, Landscape Character Assessment SPG (WCC) PPS1, PPS1 (supplement on Climate Change), PPG2, PPS3, PPS7, PPS9 Draft National Planning Policy Framework
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 10 JANUARY 2012 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

- 1.1 The site is located off Grey Green Lane to the north of Bewdley Town Centre accessed from Gloucester Way to the south and Crundalls Lane to the north. The area is rural in character with open fields adjoining the site, to the east lies a residential property known as 'The Cottage' and to the south east lies the residential properties in Damson Way.
- 1.2 The site has a gated entrance which leads to a block built agricultural building in the centre of the site. Dilapidated wooden structures lie close to the eastern hedge. To the west lies a paddock which is also in the ownership of the applicant.
- 1.3 The site lies within the West Midlands Green Belt, beyond the urban area. The County Council has recently (24th November 2011) adopted the Landscape Character Assessment and, within this now adopted document, this site is identified as falling within the Principal Timbered Farmlands Character Type.

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- 1.4 The application seeks for conversion of this rural building to a single private dwelling. Associated access and parking works are also proposed. The application is supported by a Design and Access Statement, Structural Survey, Ecological Survey for the Building and an Ecological Survey

2.0 Planning History

- 2.1 BB.0079/65 – Outline: Residential Development of 1.85 acres : Refused 22.07.1965.
- 2.2 WF/1249/79 – Siting of touring caravan : Refused.
- 2.3 WF/0422/84 – Rabbit Farm and Mobile Home : Approved 03.07.1984; Mobile Home temporary until 31.07.1985.
- 2.4 WF/0725/84 – Rabbit Breeding Farm and Mobile Home : Approved 06.11.1984; Mobile Home temporary until 30.11.1985.
- 2.5 WF/0737/85 – Rabbit Breeding Farm and temporary Mobile Home : Approved 15.10.1985; Mobile Home temporary until 31.10.1986.
- 2.6 WF/0455/92 – Rabbit Breeding Building : Approved 15.09.1992.
- 2.7 WF/0898/92 – Mobile Home : Refused 23.02.1993.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection and recommend refusal on the grounds that:
- (i) the site fell within an area that was designated as Green Belt and hence save for uses connected with agricultural operations, planning consent for any other uses should only be given in exceptional circumstances and that had not been demonstrated here as there was no reason why agricultural use could not be maintained. Furthermore the creation of a precedent of residential use was unacceptable in that it would prove difficult to resist further applications on adjoining sites which would lead in turn to an undesirable form of creeping development in an area that in Local Plan documents was intended primarily to be maintained as an open landscape area;
 - (ii) the application was for a five bedroom dwellinghouse which in terms of potential numbers of future residents could generate a relatively high number of vehicle movements for which Grey Green Lane was unsuitable having regard to its narrow width and character of a single track country lane much used by walkers and horse riders.

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- 3.2 Kidderminster Foreign Parish Council (adjoining Parish) – Objection and recommend refusal. The building has no architectural value for conservation or retention. We are concerned that the plans submitted will in effect lead to an entirely new building – totally unrecognisable in design to that of the original. We are also concerned that to cater for 1st floor accommodation, the eaves height will have to be increased, and also possibly the pitch of the roof - which we would oppose. We are also concerned about the access, and increase in vehicular traffic onto this narrow lane. Also, we feel that the building, with the extra accommodation being made with it having a 1st floor, may be split into more than one dwelling – thus increasing traffic flow further.
- 3.3 Highway Authority – No objection subject to conditions and notes.
- 3.4 Conservation Officer - The existing single storey building is constructed of re-used steel portal frames and concrete blockwork. It is particularly unattractive and lacks any architectural merit whatsoever.

The structural engineer notes that the roof will need complete replacement, but the walls may remain.

The proposals show a transformation into a rather attractive family home, with timber clad elevations under a slate roof, which must surely enhance the surroundings.

Restrained use of conservation-type roof-lights and sensibly proportioned windows enable full use to be made of the first floor for bedrooms, whilst the folding sliding doors bring light into the generously proportioned family accommodation to the rear of the ground floor.

There appears to be a lack of storage space – particularly for those effects which would usually be stored in a shed or garage. The building as adapted must be able to accommodate this in order to comply with Policies RB.1 (ii) and RB.5.

I suggest revised plans indicating storage within the building envelope are submitted; otherwise no objections.

- 3.5 Bewdley Civic Society – The Bewdley Civic Society, which has a membership of over 470, wishes to object to these proposals on the following basis:
1. The site is in designated Green Belt
 2. We do not believe this is a barn conversion. We understand the building was first constructed in recent times to breed rabbits for commercial purposes. It is in no way an historic building and has no architectural merit whatsoever.

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3. To grant permission for a building such as this would set a precedent insofar that the owners of any modern agricultural building in the green belt could, after a period of a few years, apply to convert same to a private dwelling citing this an example.
4. Not only is the building in the green belt but it is situated in a particularly attractive landscape area which is popular for walkers from the nearby areas of housing. Indeed it is a minor gateway to the town of Bewdley and while we acknowledge that the existing structure is an eyesore the conversion of the building to a dwelling will result in a compromise of design/practicability and will remain out of character with the surrounding area.
5. It appears that the building is redundant and we believe therefore that it should be removed and the landscape returned to its original attractive state for the benefit of all.

3.6 Neighbour/Site Notice – 35 letters of Objection have been received raising the following issues:

- Grey Green Lane is not suitable for any additional traffic, especially for emergency vehicles. Already seen an extremely high level of extra traffic using Crundalls Lane and Grey Green Lane as access to Bewdley, even though a signpost at the beginning of Trimpley Lane clearly states "No access to Bewdley". There are no pavements only hedges and ditches; motorists have to reverse into the hedges and ditches causing erosion of the hedges, trees & ditches. There is an open speed limit on the lane which clearly prompts speed that is in excess of safety for people hiking, taking their dog for a walk, no lighting extremely dangerous in the dark. If the application goes ahead we can look forward to extensive traffic changes that will have a great impact on Safety and the Environment.
- Looks as though it will be a care home or multi user which would not be suitable in this location.
- The site is Green Belt and will allow further development. There is a need to preserve what we have for the future generations.
- Our residential amenity is already disturbed by building works at Shaw Hedge Road [*former Wribbenhall First School*] we don't need any further disruptions.
- A two storey building would be out of place in this area. A simple bungalow would be a great improvement to the present scruffy and uncared for appearance, but the proposed building is completely out of character on that site. The proposal is far too large for this rural setting.
- Having spoken to the Farmer who owns the land adjacent to this development, and have been told if this application goes ahead he will apply for and expect to receive planning permission to develop his fields, which means the area turns from pleasant country side to yet another concrete jungle.

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- At the moment our view of the land where the development is proposed is screened by trees and hedges of sufficient height and I feel this should be a requirement that this is maintained so as not to impair the view of neighbours and walkers and other who enjoy the amenity of what is after all Green Belt. Any boundary should be green and not replaced by walls or fences.
- The proposed development is on a large plot of land and I am concerned if planning is granted at some stage in the future there is the potential for extensions or even other structures on the site. I would expect confirmation that no further development at the site would be allowed to take place.
- In my view this agricultural building was specifically built with the intention at some stage in the future to by pass Green Belt restrictions so a property could be built in the future as in now proposed. The only thing I have ever seen there is a horse! This practice should not be allowed to get around Green Belt rules.
- The Application states the site is redundant agricultural land this is not true it has not been used as such for over 15 years save for a short period when a pony and donkey were in the field, there have never been rabbits on site save wild ones' The land has been used to dump building materials. The wooden shed was demolished and the present building erected I believe without permission. I have been monitoring this site for some considerable to time there is no doubt the Applicant is attempting by 'stealth' to obtain this permission it is clear from the Application the property is not going to be a normal dwelling but some form of 'care home' The owner installed 'electrically operated gates which are hardly needed as an access to a 'shed' unless something is done now this property will be built and a retrospective application made
- The current building is an ugly building which is out of keeping with the surrounding area and requires significant rebuilding.
- The proposal is contrary to Local Plan, Core Strategy, emerging Site Allocations & Policies DPD and the National Planning Framework.
- The building is not structural sound as required by policy and will require substantial re-building.
- Impact on privacy through direct overlooking and noise and light pollution.

Subsequent to the application's deferral by Members for a site visit, further written representations have been received reiterating the objections previously reported. In one instance, however, additional comments have been submitted in relation to Local Plan Policy RB.7 which has not been previously addressed. Members are advised that Policy RB.7 related to conversion of listed buildings (the structure, the subject of this application, is not listed) and, in any event, this policy was excluded (i.e. removed) from the Development Plan in 2007.

Officers are also aware that copies of at least one of these additional representations have been sent directly to all Members of the Planning Committee.

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4.0 Officer Comments

4.1 The application seeks to convert an existing vacant rural building to a single dwelling. In order to consider the application this report will deal with the application under the following headings:

- Planning Policy and Principle of Development
- Design and layout
- Impact on visual amenity of Green Belt and the Surrounding Countryside
- Highway Implications
- Neighbouring Properties and Surrounding Uses
- Ecology and Biodiversity
- Sustainability Credentials and Building for the Future
- Other issues

PLANNING POLICY AND PRINCIPLE OF DEVELOPMENT

4.2 The site lies within the Green Belt where development is restricted. Green Belt policy as set out in policy GB.1 of the Local Plan, replicating Government advice in PPG2, allows the “re-use or conversion of buildings”, such development is appropriate subject to being in line with the policies for the re-use and adaptation of rural buildings also contained within the Local Plan. As such to ascertain whether the proposal is acceptable in principle in the Green Belt an assessment of policy RB.1 to RB.6 must be done.

4.3 The building itself was granted approval in 1992 as part of a rabbit breeding enterprise that had been on the site for since 1984. As such the building is lawful, and whilst comments have been made that it would preferable to remove the building, this cannot be achieved by the planning process. The building exists and cannot be removed. PPG2 states that it is not necessary to consider whether a building is needed or redundant and that these reasons should not be used to refuse permission. As such, the building is eligible for conversion.

4.4 Policy RB.1 sets out a seven fold criteria to base the acceptability of conversions. These criteria are considered, in turn, below

- i) *the building(s) are of permanent and substantial construction, of a form, bulk and general design in keeping with their surroundings;*

The building is of blockwork construction with a profiled sheet roof. Doors and high level windows are provided along with a large opening roller shutter door. The building is of a permanent and substantial construction.

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Whilst the design is not wholly attractive, it is of a form, bulk and general design of a typical rural agricultural building. PPG2 provides additional advice stating “*If a planning application is submitted for the re-use of a building which the Local Planning Authority considers has a significant adverse impact on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.*” Such alterations are proposed in providing a wooden clad appearance and tiled roof.

ii) they are of a size suitable for re-use without extensions or extensive alterations, or the addition of new buildings within the curtilage;

The proposal does not propose any extensions or outbuildings. All storage for the building and plant connected with the ground source heat pump will be located within the building’s envelope. The only alterations proposed other than to external appearance of the building is the change in angle of the roof pitch which results in the raising the ridge by 500mm.

This has been justified in respect of materials and aesthetics. Extensive is defined by the Oxford English Dictionary as “*large in amount or scale*” looking at the development as a whole it is not considered that the alterations proposed are excessive in scale or amount.

iii) they are structurally sound, and in a condition capable of re-use without significant building works or complete reconstruction and in the case of residential proposals, the buildings are of an appropriate form for the intended use;

A structural survey has been submitted as part of the application. The Applicant has confirmed that the following

The Structural Engineer reports that the roof line is poor, with a pronounced dip at the centre. The proposal seeks to remove the existing roof and replace with a trussed rafter timber roof. The existing steel portal roof members will be cut back to leave just the stanchions insitu. The engineers further continues that the existing 200mm block walls are true and plumb and show no signs of distress. It is intended to erect a loadbearing timber frame inside the existing blockwork built up off a thickened reinforced concrete edge. This will have a two fold effect. It will allow the building to be insulated to current Building Regulations and also ensure no loading is taken on the existing external walls. The timber frame and first floor will be tied into the existing external walls which will provide a good overall stability to the existing structure. The existing floor slab of the building will be retained and insulation and screed will be added over the top to again give suitable insulation values.

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Although works are proposed to the roof structure and additional support is required, this is not considered to be significant building works, and fall into what is normally required for all conversions. Considerations need to be given in the round based on the totality of works. As no rebuilding of the walls is required and only works to the roof, it is considered that building is structurally suitable for conversion.

iv) the conversion works would have no significant detrimental effect on the fabric, character or setting of the building;

The works proposed whilst altering the visual appearance of the appearance of the building would actually improve the character of the building in its setting.

v) satisfactory access arrangements can be made;

This is covered in detail later in the report, for the purposes of this paragraph Members will note the 'no objection' response from the Highway Authority.

vi) the proposal does not lead to the dispersal of an activity, which would have an avoidable adverse impact on the local economy, or prejudice the vitality of nearby towns or villages;

There will be no dispersal of activities.

vii) they do not involve the conversion of domestic outbuildings

The building is not currently, nor has it ever been to date, in domestic use.

4.5 Policy RB.2 seeks to promote the re-use of building for commercial uses prior to any residential proposals. In this location it is clear that a commercial operation either industrial or otherwise is unlikely to be the most appropriate re-use of the building and land due to the close proximity of residential properties and surrounding the road network.

4.6 Based on the above comments, I am satisfied that the works constitute appropriate development in the Green Belt and that in principle the building is suitable for re-use and conversion to residential accommodation. In this regard policies within the emerging Site Allocations and Policies DPD reflect the existing Local Plan policy framework.

DESIGN AND LAYOUT

4.7 The building is set into the ground and lies at the rear of the plot. The size of curtilage proposed is proportionate to the dwelling and excludes the paddock to the rear. Four parking spaces are provided within the site along with driveway access to the paddock at the rear. It is understood that this may be used by the future occupiers for horicultural, however that is not currently proposed and will need to be the subject of a separate application in due course should that indeed be the intention.

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- 4.8 The design of the building has attempted to provide an visual enhancement whilst still providing the appearance of a converted rural building. The Council's Conservation Officer has provided comments and supports the proposals from a design perspective. The resulting visual appearance of the building will blend much more into the surrounding countryside than what exists at present. I am happy that the design of the building is appropriate in this context and provides an over enhancement to surroundings.

IMPACT ON VISUAL AMENITY OF GREEN BELT AND THE SURROUNDING COUNTRYSIDE

- 4.9 As noted above the site falls within the Principal Timbered Farmlands Character Type which is described as being; *"A small to medium scale wooded, agricultural landscape characterised by filtered views through densely scattered hedgerow trees. This is a complex, in places intimate, landscape of irregularly shaped woodlands, winding lanes and frequent wayside dwellings and farmsteads. It is a landscape of great interest and exception, yet also one of balance."*

The proposal would not result in harm to this character as no new buildings are proposed and the creation of a residential dwelling in this location would fall under the definition of "wayside dwellings". In respect of materials the Landscape Character Assessment encourages the use of timber building styles. The proposed external works including timber cladding will reflect the prevailing character of the landscape in this location as described by the Landscape Character Assessment.

- 4.10 Policy GB.6 of the Local Plan seeks to protect the visual amenity of the Green Belt. It is acknowledged that the overall height of the building is to be raised by 500mm which has previously been justified in respect of design. Whilst this will make the building slightly taller, as the eaves level will remain unchanged the bulk of the building will stay the same. It is considered that this minimal change will not unduly impact of the visual amenities of the Green Belt or prejudice the purposes of including land within it, particularly given its location and surrounding topography.

HIGHWAY IMPLICATIONS

- 4.11 The majority of letters received from interested parties have made reference to the nature off Grey Green Lane and the likely traffic generation associated with the proposal based on the current traffic levels that use the lane.
- 4.12 The entrance to the site already contains a splayed frontage and 2 x five bar gates set back from the roadway. The proposal seeks to change the style of gate but maintain the position of the gateway. With some minor trimming works to the existing conifers a visibility splay of 2.4m x 11m can be provided, which is considered satisfactory.

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- 4.13 The site is approximately 380m from the junction with Gloucester Way and approximately 400m from the junction with Crundalls Lane. It is fully understood that the nature of the lane is narrow with minimal passing places. It noted locally that the traffic along the lane has increased over the last few years.
- 4.14 The building and land have a valid permission for Agricultural use and as such could be used for a number different activities using large vehicles. The fact that the site has not be used for such activities does not diminish its lawful use. It is considered that the use of the site for a single dwelling will not result in a substantial increase in vehicle movement over and above what could occur or result in increased harm to highway safety. It may be viewed that removing the potential of large vehicles using the lane could prove to be beneficial.
- 4.15 As indicated under paragraph 3.3, the Highway Authority has not objected to the proposal. On this basis I am satisfied that a suitable access can be provided for the dwelling proposed and that highway network is suitable for the development.

NEIGHBOURING PROPERTIES AND SURROUNDING USES

- 4.16 To the north, south and west of the site lies agricultural land. The closest residential properties to the east are 33 Damson Way (approx. 51m away from the building), 35 Damson Way (approx. 55m away from the building) and "The Cottage", Grey Green Lane (approx. 60m away from the building). Whilst there are properties in March Grove beyond the agricultural field to the south these are over 110m from the building. It is clear that as "The Cottage" directly faces the proposed conversion that the main consideration should be directed toward this property in respect of potential impact on neighbouring amenity.
- 4.17 "The Cottage" is set at a higher level than the site and has undergone improvements over recent years. It has been evidenced that the building can be partially seen from within the front garden area and from habitable room windows. The front elevation of the proposed conversion has been carefully planned by lowering the windows from the current level and ensuring that only one conservation roof light which serves a landing area is needed. As such only ground floor windows are proposed to the front elevation. Given the distance between the two properties of approximately 60m and approximately 36m between the proposed conversion the front garden to "The Cottage", I do not feel that a significant loss of amenity will occur to a point that a refusal of planning permission on this issue could be substantiated. This is particularly relevant due to the levels differences between the sites. No other properties will be adversely affected.

ECOLOGY AND BIODIVERSITY

- 4.18 The applicant has commissioned two ecological studies, one looking at the building and the other looking at its surrounds.

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4.19 Neither survey have found any significant evidence of biodiversity or protected species. In particular there is no evidence of bats within the building. It is recommended that the holly trees are retained as feeding habitat and that the hedgerows around the site are retained. This is accepted by the Applicant and shown on the submitted drawings. It is also recommended that bat and bird boxes are attached to surrounding trees to provide a biodiversity enhancement as required by PPS9. This too can be secured by a suitably worded condition.

4.20 The ecological and biodiversity aspects of the development have been addressed and found to be acceptable to the Council's Countryside Conservation Officer.

SUSTAINABILITY CREDENTIALS AND BUILDING FOR THE FUTURE

4.21 The applicant is keen on producing a development that has a reduced dependence on non-renewable fuels and, as a consequence, a lower carbon footprint.

4.22 In order to achieve this aim it is proposed to incorporate the following measures within the conversion:

- Increased levels of insulation to floors, walls and roof using materials that both insulate and regulate internal temperatures.
- Rainwater Harvesting
- Ground Source Heat Pump.

4.23 All these measures will achieve energy conservation measures in excess of those required by the Building Regulations. Whilst solar panels are not suitable for the building given its orientation and position, other technologies are also being researched to potentially be used in the scheme.

4.24 It is clear that the Applicant has embraced the requirement of developers to be innovative and positive towards new technologies and being sustainable. Such measures as proposed can be secured by a suitably worded condition that will require their retention.

4.25 In addition to these measures, the Applicant has endeavoured to ensure the development meets a Lifetime Home Standard in providing accommodation that is adaptable for all situations. Such measures include;

- Reinforcement of stairwell to allow retro-fitting of stairlift;
- Reinforcement of ceiling above bath to allow retro-fitting of hoist.
- Reinforcement of bathroom walls to allow for fitting of hand and grab rails.
- Provision of capped electrical outlets to adaption to provide additional electrical features such as a platform lift etc.
- All taps to be suitable for people with limited hand dexterity.

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OTHER ISSUES

- 4.26 Some representations mention that the intended end use is for a nursing or care home. This is clearly not the case based upon the submitted scheme as the application is for a single dwelling and such measures are in line with Government's best practice advice. Any proposal for a care or nursing home would require a separate planning application which would be judged on the relevant planning considerations.
- 4.27 In response to these allegations the applicant has responded: "*The converted property will be used as one single dwelling and the rumours being spread that it is to be a nursing home are totally unfounded and untrue. The property would not be suitable for a nursing home due to its location and lack of bedrooms. The proposed property has 5 bedrooms which is conducive with a family home. There are two bedrooms on the ground floor which caters for any disabled or partially disabled family or visiting family. We are more than happy to allay Members fears by agreeing to a condition attached to any permission that the converted property shall only be used as a single dwelling family home*". It is my view that such a condition is not warranted in this situation.
- 4.28 Other concerns have been expressed that to allow this development will pave the way for more developments in Grey Green Lane. The proposal is merely for a conversion of the existing building, the application does not propose any further structures. Indeed it is normal to take away permitted development rights for any additional structures or extensions on the site, and this is recommended should the application succeed. The conversion of a rural building is appropriate with the Green Belt and its approval does not give any indication that other forms of development will be allowed.

5.0 Conclusions and Recommendations

- 5.1 The re-use of this agricultural building for a single dwelling is considered to be appropriate development in the Green Belt and can be converted in line with relevant Local Plan policy. The design of the building provides an enhancement to the building and its surrounds and results in little impact on the visual amenity of the Green Belt or the character of the landscape. Impact on neighbouring properties has been carefully considered however no undue impact will be caused. The access to the property is considered to be acceptable and any resulting trip generation will not result in a loss of highway safety. Matters of ecology, biodiversity and sustainable energy requirement have been fully considered within the proposed scheme in line with current advice.

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5.2 It is therefore recommended that this application be **APPROVED** subject to the following conditions:

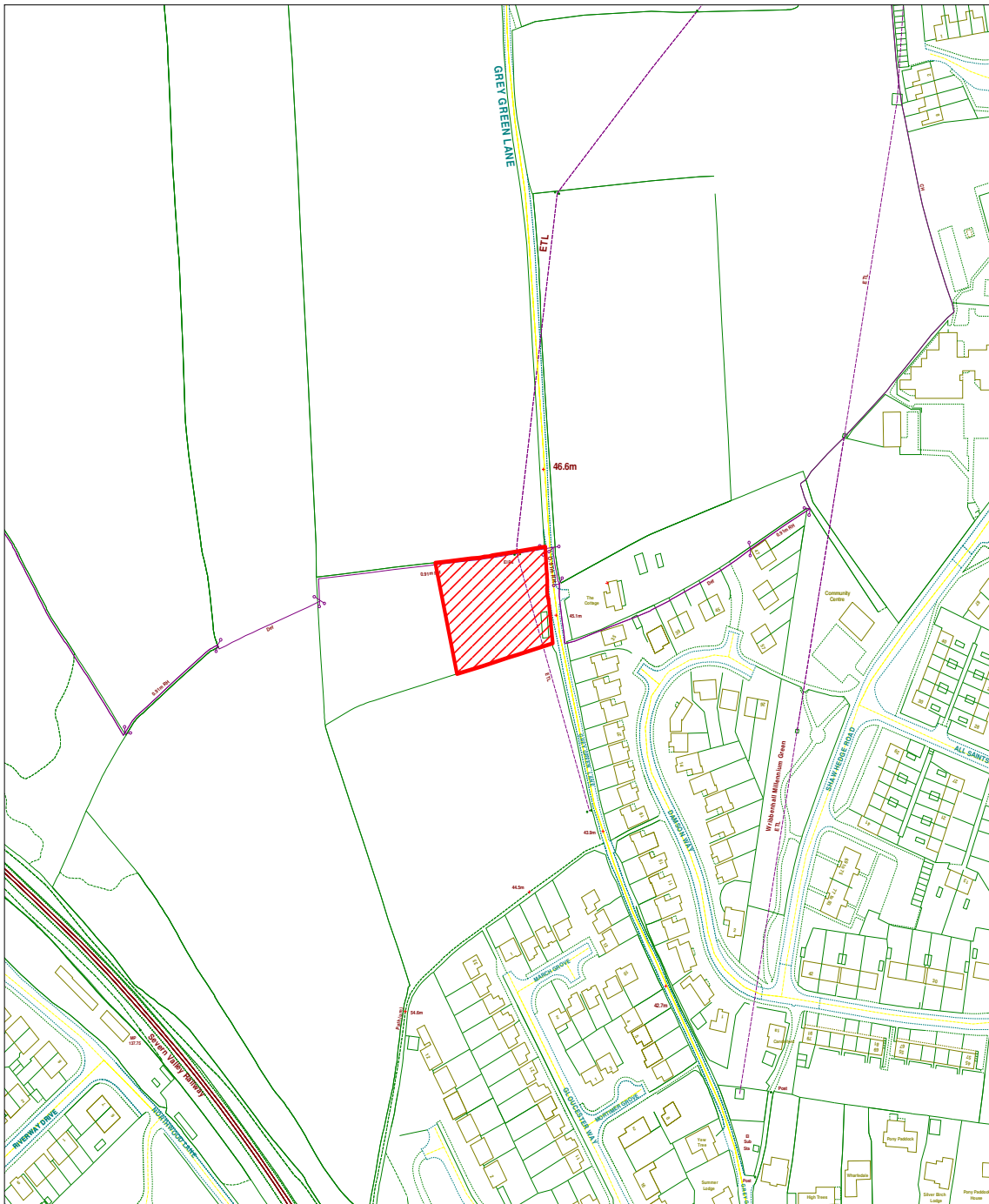
1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. No demolition
5. J1 (Removal of permitted development – residential)
6. B9 (Details of windows and doors)
7. B11 (Details of enclosure)
8. C2 (Retention of existing trees)
9. C9 (Hedge protection)
10. E2 (Foul and surface water)
11. F5 (Construction site noise/vibration)
12. Highways
13. Highways
14. B15 (Owl/bat box)
15. Sustainability measures

Notes

- A SN1 (Removal of permitted development rights)
- B SN3 (Protection of species)
- C Highways
- D The land edged blue is not affected by this application and remains as agricultural land.

Reason for Approval

The re-use of this agricultural building for a single dwelling is considered to be appropriate development in the Green Belt and can be converted in line with relevant local plan policy. The design of the building provides an enhancement to the building and its surrounds and results in little impact on the visual amenity of the Green Belt or the character of the landscape. Impact on neighbouring properties has been carefully considered however no undue impact will be caused. The access to the property is considered to be acceptable and any resulting trip generation will not result in a loss of highway safety. Matters of ecology, biodiversity and sustainable energy requirements have been fully taken account within the proposed scheme in line with current advice.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**Land off Grey Green Lane
Bewdley**



Application Reference:	11/0701/FULL	Date Received:	28/11/2011
Ord Sheet:	384206 279704	Expiry Date:	23/01/2012
Case Officer:	Stuart Allum	Ward:	Cookley

Proposal: First floor side extension over existing garage

Site Address: 27 WOODLANDS ROAD, COOKLEY, KIDDERMINSTER, DY10 3TL

Applicant: Mr & Mrs Jones

Summary of Policy	D.17, TR.17, GB.6 (AWFDLP) CP03, CP11 (AWFCS)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is located in an allocated residential area to the south of Cookley village centre. The property forms part of a curved residential frontage arranged around the end of a cul de sac.
- 1.2 This small residential estate, bounded by open Green Belt land to the east and south west, is laid out on fairly regular patterns of development with geometric spacing and generally tightly drawn building lines. This is 'low density' housing, with some very large plots and deep frontages to allow for off street parking.
- 1.3 No. 27 Woodlands Avenue is presently 'link detached' to its neighbour at No. 29 Woodlands Avenue at ground floor only, and in the form of a garage.
- 1.4 The proposal is to excavate a new footing along this side boundary, to enable a two storey side extension to be created in the space between the two dwellings. The side elevation of the extension has been designed in such a way that drainage from the hipped roofs of the extension would be totally within the applicants' site with no gutter overhang.

2.0 Planning History

- 2.1 WF.1267/02 – Two storey side and single storey rear extension : Approved 14/02/03.

11/0701/FULL

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend refusal and would request site visit; overdevelopment of the site, out of keeping with street scene, already got two storey extension.

3.2 Highway Authority – Views awaited.

3.3 Neighbour/Site Notice : 4 letters of objection received raising the following issues -

- 1) Architectural balance
The property is one of four pairs of link detached houses arranged in a cul de sac. Each pair is aligned together and separated by flat roofed garages. The proposed development above the garage would have a detrimental impact on the cohesive architectural consistency and balance of the cul de sac. Most houses in the cul de sac have been extended, some extensively. None have been built over the linked garages. This maintains the character of the cul de sac.
- 2) Terracing effect
The proposed development could give rise to a potential ‘terracing effect’ should the adjoining neighbour wish to make a similar development. This would create a precedent for others to do the same, potentially creating a semi detached or terraced effect which is not in keeping with the size or aesthetic balance of the cul de sac.
- 3) Design
Development too big for plot and would give a disproportionate appearance. Planned removal of chimneys would be out of keeping with the other houses. Property currently has three roof levels. Plans show a further (4th) roof level. Proposed twin roof levels over garage extension hardly pleasing to the eye.
- 4) Drainage and damp
Sewer blockages cause unpleasant odours and additional damp in our garage.
- 5) Light
Daylight in cul de sac already compromised and further building over garage at No. 27 would further exacerbate this.
- 6) Encroachment
Proposed ‘overhang’ over our property boundary would make it difficult for us to consider any future development, as well as being a clear encroachment on our property. Existing extension stops us from extending ourselves due to elevation overhanging our property.

11/0701/FULL

4.0 Officer Comments

4.1 Policy D.17 of the Adopted Wyre Forest District Local Plan states that:

Proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions, must:

- i) be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building;
- ii) be subservient to and not overwhelm the original building, which should retain its visual dominance;
- iii) harmonise with the existing landscape or townscape and not create incongruous features; and
- iv) not have a serious effect upon the amenity of neighbouring residents or occupiers.

4.2 Regarding the size and scale of the proposed extension, this is considered to be in visual harmony with the original building. There have been previous extensions at both ground and first floor levels, but the combined effect of the previously proposed and implemented extensions would allow the original building to retain its visual identity and integrity without difficulty.

4.3 This group of 8 dwellings (i.e. 4 pairs of linked detached) arranged around the cul de sac turning area relies to some extent on the regular spacing between them to maintain a visual 'rhythm' in the street scene. No other property in the row has been extended in a similar way to that now being proposed.

4.4 The so-called 'terracing effect' of development in residential frontages is a material planning consideration and, to mitigate against the perceived negative visual consequences of 'gap filling' or partial gap filling in development, minimum 'set back' standards for the front walls of side extensions relative to the position of the original front wall are now imposed on applications.

4.5 In this case the minimum prescribed set back of 750 mm has been incorporated into the proposal, meaning that the existing character of the residential frontage can be substantially maintained. This set back also assists in minimising the massing of the twin hipped extension roof, the design of which mirrors that of the original building.

4.6 No aspect of the proposal would impinge upon the visual amenity of the open Green Belt land, which bounds the rear of the site.

11/0701/FULL

- 4.7 Regarding issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the scope and scale of the proposal in that context.
- 4.8 No potential breach has been identified but, for clarification the points of objection raised by the Parish Council and the neighbours are addressed, and in the order in which they were presented:
- 1), 2) and 3) Architectural balance, terracing effect and design
These issues are discussed earlier in the report. In summary, it is considered that the plot is capable of accommodating a further two storey extension without compromising the form of the original building or the street scene (the chimneys could be removed at any time without the need for planning permission).
 - 4) Drainage and damp
If the sewer is beneath private land, it is the responsibility of the landowner to investigate and repair any blockage. This factor cannot be brought to bear as a material planning consideration in this application. The alleged damp issue relating to the previously approved and implemented application is a private matter between the affected parties.
 - 5) Light
The presence of an additional extension on this property would be unlikely to affect general daylight levels in the cul de sac. There are no windows in the side elevation of the dwelling located immediately to the south of the site, which may otherwise have been affected by light loss (such a situation would have been subject to consideration under the Council's 45 degree day lighting code).
 - 6) Encroachment
The responsibility for safeguarding the integrity of neighbouring property is that of the applicants. It is normal practice for the Local Planning Authority to remind applicants of their obligations in such private matters by way of a suitably worded note. Any such concerns must be the subject of negotiation between the two parties. This may incorporate recourse to the Party Wall etc Act 1996, which is not administered by the Council.

11/0701/FULL

5.0 Conclusions and Recommendations

5.1 In consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED** subject to the following conditions:

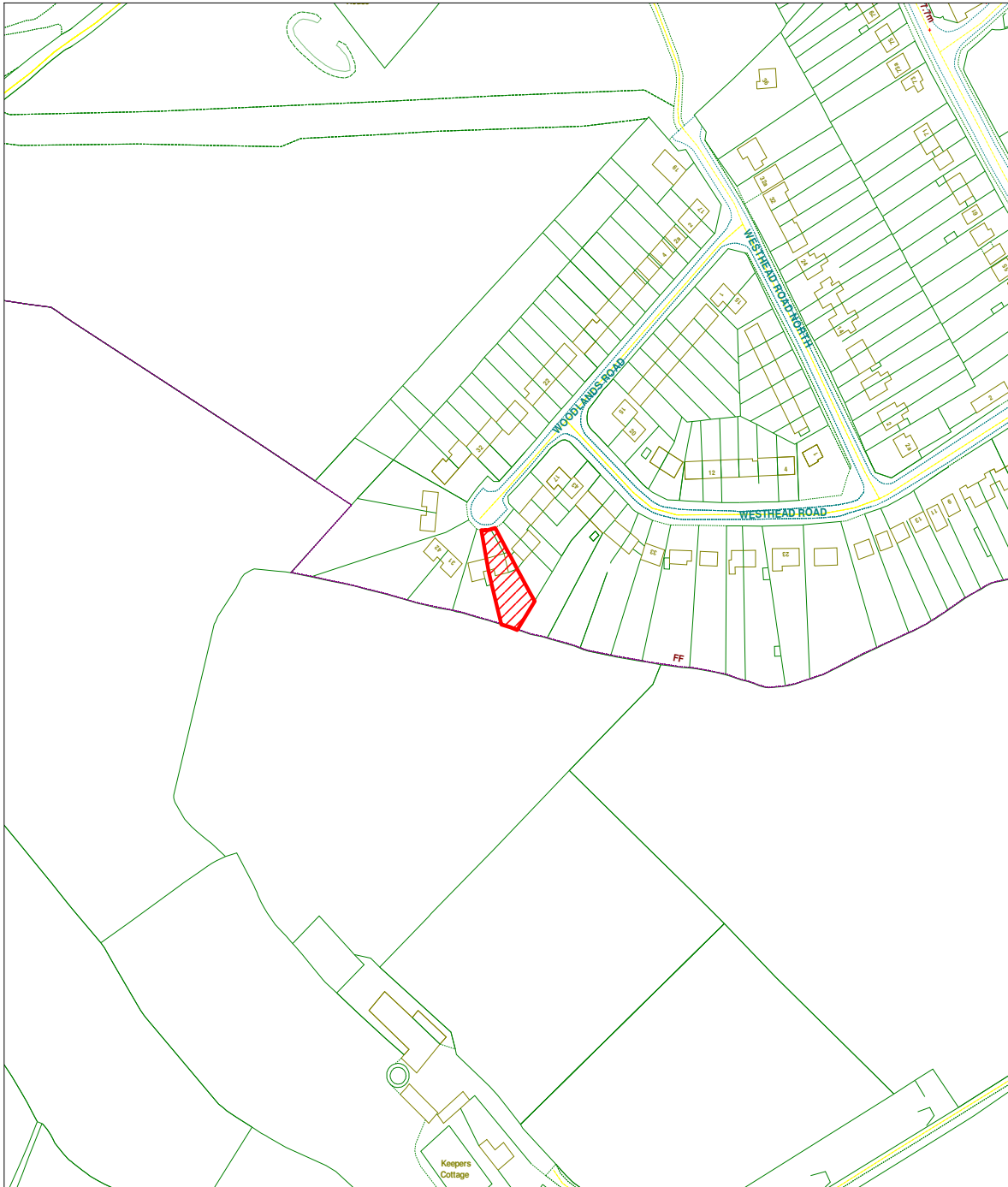
1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)

Note

SN12 (Neighbours' rights)

Reason for Approval

The proposed extension, in conjunction with the existing extensions, is considered to be of an appropriate scale and design in relation to the original building and will appear as an appropriate addition to the street scene. The impact of the extension upon the immediate neighbouring properties has been carefully assessed and it is considered that no undue loss of amenity or privacy would occur as a result of the development. Accordingly, the proposal is considered to be in compliance with the above policies.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**27 Woodlands Road
Cookley
DY10 3TL**



Application Reference: 11/0703/RESE	Date Received: 30/11/2011
Ord Sheet: 380400 272378	Expiry Date: 29/02/2012
Case Officer: Paul Round	Ward: Lickhill

Proposal: Erection of 98No. dwellings with associated garaging and ancillary car parking, hard and soft landscaping and ancillary works

Site Address: FORMER MORGAN CERAMICS SITE, BEWDLEY ROAD, STOURPORT-ON-SEVERN, DY13 8QR

Applicant: Redrow Homes Midlands

Summary of Policy	D.4, D.10, D.11 (AWFDLP) CP01, CP02, CP11 (AWFCS) Policy 25 (emerging SA&P DPD) Design Quality SPG PPS1
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to part of an industrial site previously occupied by Morgan Advanced Ceramics Limited which is located on the southern side of Bewdley Road, opposite the junction with Burlish Close in Stourport on Severn. To the north west of the site is the former Collins & Aikman site which has been let to a recycling company. Residential properties are located on the opposite side of Bewdley Road and to the east. There are also residential properties on Lower Lickhill Road which are located at a lower level than the application site.

- 1.2 This application relates to an area of land, 3.4 hectares in size, which fronts the highway.

- 1.3 There are a number of mature trees mainly within the frontage of the site, however they are not the subject of a Tree Preservation Order. There is also a hedgerow along the roadside boundary.

- 1.4 The site is located within an area identified for employment use within the adopted Local Plan, although the Local Development Framework Site Allocations and Policies Preferred Options identifies the site as appropriate for both employment use and mixed residential use.

11/0703/RESE

- 1.5 The application is for the matters previously reserved by virtue of outline permission 10/0321/OUTL as approved by Planning Committee in August 2010 and relate to layout, scale, appearance and landscape. This application was a renewal of outline permission previously granted by virtue of application 07/0469/OUTL.

2.0 Planning History (of relevance)

- 2.1 07/0469/OUTL – Outline application for residential development of up to 150 dwellings (following demolition of existing buildings), formation of new road access with associated highway, infrastructure and landscaping works : Approved 9/10/07.
- 2.2 07/0522/FULL – Demolition of part of existing factory, erection of storage building, recladding of north east elevation and minor alterations to internal road layout : Approved 16/8/07.
- 2.3 10/0321/OUTL – Residential development of up to 150 dwellings (following demolition of existing buildings) formation of new road access with associated highway, infrastructure and landscaping works : Approved 29/9/10.
- 2.4 11/0601/FULL - Removal of Condition 5 of 10/0321/OUTL to remove requirement for a continuous block of single aspect houses along the south west boundary : Approved 6/12/11.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Views awaited.
- 3.2 Highway Authority – Recommends that the permission be deferred. The proposed layout does not accord with Worcestershire County Council's adopted design guide which forms part of the local transport plan.
- 3.3 Arboricultural Officer - No objections.
- 3.4 Crime Risk Advisor - In terms of deterring crime this is a well laid out development. My only comment concerns the side entrances to some of the properties. I would like these to be gated as near to the front building line as possible.
- 3.5 Worcestershire Regulatory Services (Noise) - Views awaited.

11/0703/RESE

3.6 North Worcestershire Economic Development & Regeneration -

Design & Layout

When looking at this scheme it is important to refer back to the original masterplan layout contained within approved outline application 07/0469/OUTL and the subsequent renewal application 10/0321/OUTL. This layout was worked up in consultation with the District Council to ensure that good urban design practice and principles were integral to the scheme. It is clear from a comparison of the previously approved plans with the current submission that the layout has been altered somewhat.

The highways layout is one area that has particularly been altered. The previous layout provided a smaller block structure to the south-western part of the site that allowed for greater pedestrian connectivity. This proposal has altered this to create a much bigger block with a road around its outer edge and no through routes. This reduces the connectivity and ease of movement around the site. Furthermore, the furthest road that runs parallel with the south-west edge has also been blocked by a fence/planting that stops any movement at this point and is a significant barrier.

A further issue is the potential future connections to the site to the north-west if this industrial area were redeveloped. The previous scheme allowed for at least future pedestrian connections by providing two potential routes through along this boundary. However, the proposed layout do not allow for this.

The main through-route into the site was, on the previously approved scheme, a straight route with a central square incorporated at the cross roads of two subsidiary streets. This has become a more convoluted 'wavy' route with a staggered cross road and the square has been lost. In addition, the housing that surrounded and looked onto this square has also been diluted and reduces the strength of this area as a focal point in the development. It is considered that the loss of this feature is detrimental to the scheme and contributing to creating a development with some character.

In a similar vein, the previous scheme also provided corner feature houses on the junction with the existing access road. On the proposed scheme these corners are now green areas which would not have the impact in creating a 'gateway' into the site.

Generally the proposed scheme provides good overlooking and active frontages onto streets and spaces. In some respects it improves upon the previously approved layout, particularly on the road parallel to the south-west boundary which had a fair bit of blank frontage opposite the apartments. However, it is disappointing to see the changes to the relationship with the Bewdley Road. Where on the previous scheme the road had dwellings fronting onto it, these have now been turned away and replaced by boundary fences. The site only has one entrance/exit anyway and so is already fairly insular. To not provide an open frontage onto the Bewdley Road would only compound this.

11/0703/RESE

It is noted that the previous scheme included several areas of public open space that have now been omitted from this proposal, particularly the larger landscaped garden area to the south-west of the site. For a development of 98 dwellings, with many being family homes, it is a shame that this type of open space is not included.

Overall, it is felt that this proposed layout has reduced in quality from an urban design perspective when compared to the previously approved scheme. This is particularly the case in terms of road layout and connectivity.

Relationship to MAC Factory

The dwellings which share a boundary with the remaining factory at the south-west side of the site have a very close relationship. It is appreciated that the potential noise pollution issues have been discussed previously and measures have been looked at to mitigate against any detrimental impacts.

It is important that this development does not impact upon the future viability of this factory; and similarly important the amenity of residents is also not harmed. Therefore we would reiterate the importance of managing this relationship and mitigating against any potential impact. We would urge that Environmental Health officers from Worcestershire Regulatory Services are involved and that they should be satisfied with the arrangements to be put in place to ensure no resulting adverse effects.

3.7 Strategic Housing Services Manager - Negotiations are ongoing in respect of affordable housing provision, however the number and tenure has been agreed at outline stage. Any variation to this will require a separate deed of variation.

3.8 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The acceptability of a residential development in this location has previously been agreed by virtue of the extant outline permission previously granted, which granted permission for up to 150 dwellings (including apartments).

4.2 The reserved matters now to be considered provide the necessary details to put meat onto the bones of what has previously been considered and approved. All of the reserved matters have been submitted as part of this submission and have been supported by a Design and Access Statement and full Landscape Strategy. Each matter reserved will be discussed individually below.

11/0703/RESE

LAYOUT

- 4.3 As part of the outline application an indicative layout was submitted in order to demonstrate that the number of dwellings applied for could be fitted on the site; this indicative layout provided a mix of apartments and dwelling houses. The layout included in the reserved matters application differs as it provides no apartments relying on dwelling houses only, which in turn has implications for the actual number of units that can be satisfactorily accommodated on the site, hence the reduced number from 150 to 98 dwellings. The general form of the layout remains as per the previous indicative plan.
- 4.4 The main access road as approved under the Outline Planning Permission provides access from Bewdley Road for both the remaining Morgan Advanced Ceramics operation and the residential development. From this access road there are two access points to serve the development and then a number of smaller private drives.
- 4.5 The dwellings provided consist of a mix of 2, 3, 4 and 5 bedroom houses, with the lower density dwellings closer to Bewdley Road and the higher density located to the rear of the site on the edges adjacent to the industrial sites. Each garden provides sufficient garden areas and thereby suitable separation between units so as to avoid overlooking. Adequate parking is provided for each dwelling. Where the parking is provided in blocks to serve the small terraces proposed it is broken up with landscaping. Where terraced properties are provided access is given to each through private pedestrian routes.
- 4.6 Revised plans have been received which address some minor planning concerns in respect of the layout as well as seeking to address the outstanding concerns of the Highway Authority, although their comments are awaited at the time of writing this report and will be reported via the Addenda and Corrections sheet.
- 4.7 On balance, subject to confirmation that the amendments are satisfactory, the layout is in general conformity to that which was considered, albeit in indicative form only, at the outline stage and is considered acceptable.

SCALE

- 4.8 Condition 4 of the Outline Planning Permission restricted the development to 3 storey development, except where it fronted Bewdley Road where this could only be two storeys. The proposal provides 2 storey development, with 2½ storey development punctuating the corners within the development and is also used to break up the run of terraced properties. This is considered to be acceptable and in accordance with the parameters dictated by the outline permission.

EXTERNAL APPEARANCE

- 4.9 The developers have provided full details of the house types along with materials.

11/0703/RESE

- 4.10 The styles of dwellings provide an eclectic mix of house types that work well together providing a range of designs and styles. Street scenes have been worked up that demonstrate how the differing designs well relate to each other to provide an attractive and vibrant residential estate. There are various design elements such as gables, dormers and roof features that provide relief to the street scene, this is also helped through the use of render on some plots.
- 4.11 Where brickwork is exposed this will be through the use of two different tones of red multi brick, with detailing being picked out in a more vibrant red brick. Tiles will be a mixture of grey and rustic to provide contrast and relief.
- 4.12 The whole approach to the external appearance of the dwellings, including the styles and design and is considered to provide a high quality of built environment, which will fully be in accordance with design principles set out in the Local Development Framework and the Council's aspirations to raise the quality of development via the adopted SPG on Design Quality.

LANDSCAPING

- 4.13 The landscaping scheme provides a comprehensive landscaping scheme which provides a variety of shrubs for the dwellings. A large number of trees are also proposed through the development. The scheme works well with the overall design of the dwellings and their layout providing a green attractive approach to the development.
- 4.14 The protected trees are retained and maintained as part of the layout.

5.0 Conclusions and Recommendations

- 5.1 The principle of the residential development of this site has been accepted previously by virtue of the outline permission previously granted. It is considered that the reserved matters of layout, scale, external appearance and landscaping have been addressed in a comprehensive way and will provide a high quality and attractive residential development. The dwellings are provided in a way that gives adequate garden areas whilst safeguarding the amenity of future occupiers. Adequate parking provision is made within the development and protected trees are retained.

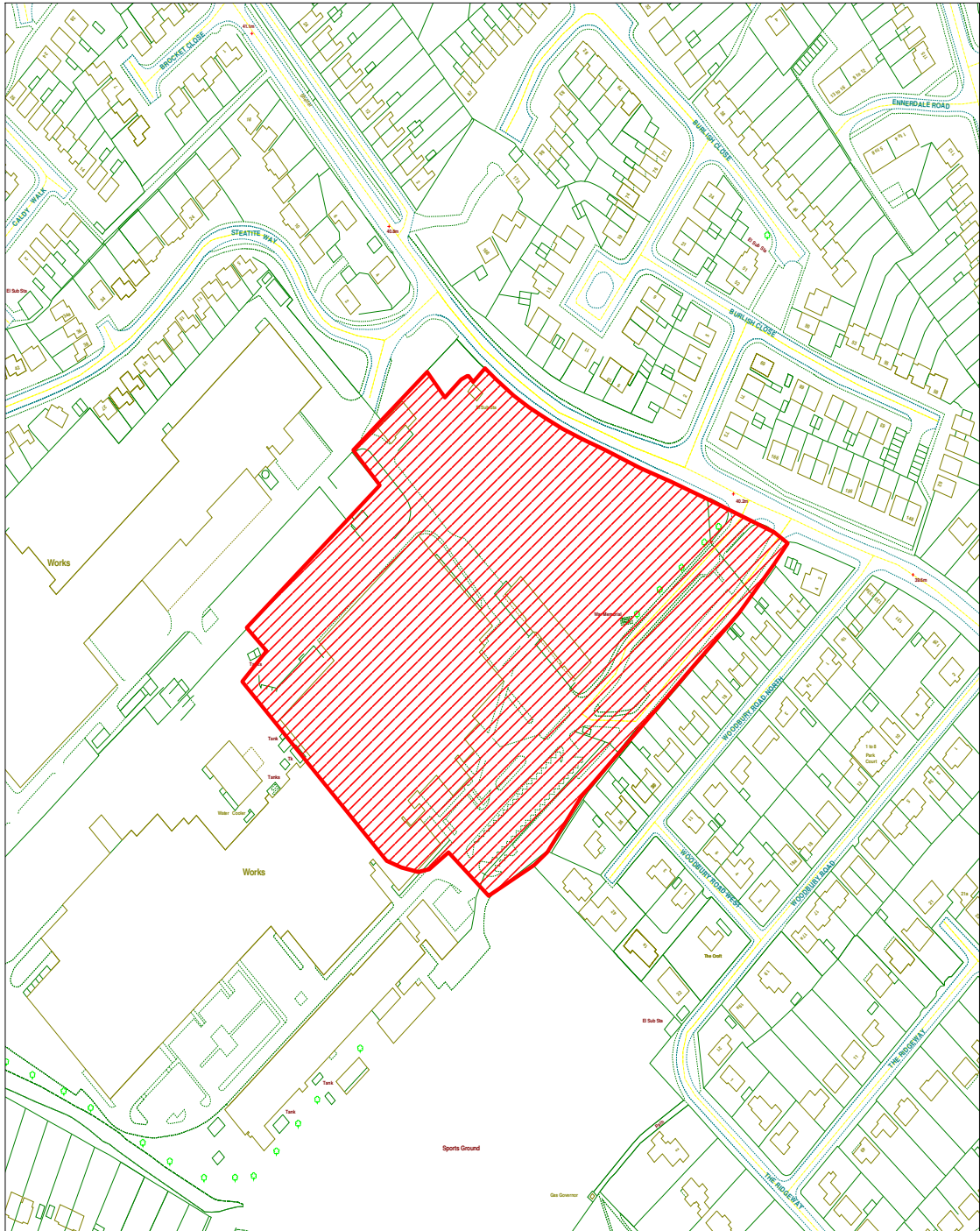
11/0703/RESE

5.2 It is therefore recommended that **delegated APPROVAL** be granted subject to a 'no objection' response from the Highway Authority following the receipt of amended plans, and the following conditions:

1. A4 (Reserved matters only)
2. A11 (Approved plans)

Reason for Approval

It is considered that the reserved matters of layout, scale, external appearance and landscaping have been addressed in a comprehensive way and will provide a high quality and attractive residential development. The dwellings are provided in a way that gives adequate garden areas whilst safeguarding the amenity of future occupiers. Adequate parking provision is made within the development and protected trees are retained.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**Former Morgan Ceramics Site
Bewdley Road
Stourport DY13 8QR**



Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556

Agenda Item No. 5

Application Reference: 11/0706/FULL **Date Received:** 01/12/2011
Ord Sheet: 390591 275885 **Expiry Date:** 26/01/2012
Case Officer: Paul Round **Ward:** Blakedown and Chaddesley

Proposal: Layout and provision of replacement children's play equipment and fencing (retrospective)

Site Address: ROBIN HOOD PH, DRAYTON ROAD, DRAYTON, BELBROUGHTON, DY9 0BW

Applicant: Mr G Attwood

Summary of Policy	D.11, GB.1, GB.2, GB.6 (AWFDLP) DS04, CP07, CP11, CP12 (AWFCS) D.39 (WCSP) Policies 20, 25, 26 (emerging SAP DPD) PPS1; PPG2; PPS7; PPG17
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The Robin Hood Public House is located within the settlement of Drayton which lies to the north-east of the District between Chaddesley Corbett and Belbroughton.
- 1.2 The site is within the West Midlands Green Belt. Residential properties lie close to the site, fronting onto Drayton Road and open land lies to the rear. Properties at Drayton Grove and Barrow Hill Lane lie further away.
- 1.3 The application seeks for the retention of play equipment at the rear of the Public House.

2.0 Planning History

- 2.1 WF.11/99 – Extensions : Approved 16/02/99.
- 2.2 WF.412/99 – Retention of boundary fences, animal compounds and pathways : Approved 19/10/99.
- 2.3 WF.1006/99 – Pathway and retention of maze and trampoline : Approved 15/02/00.
- 2.4 09/0815/FULL – Porch and alterations : Approved 15/01/10.

11/0706/FULL

- 2.5 10/0323/FULL – Conversion of pigsty to outdoor bar : Approved 02/08/10.
- 2.6 10/0500/FULL – Re-erection of pigsty and use as outdoor bar : Refused 21/10/10; Appeal Dismissed.
- 2.7 11/0489/ENF - Unauthorised erection of a building (Enforcement Appeal) : Appeal Dismissed 08/12/11.

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – No objection to the proposal subject to the following conditions:

- There should be no additional lighting for the play area.
- No music should be played from the play area.

The Parish Council expressed concerns about the increased size of the play area, in particular the height.

The Parish Council has subsequently advised that it is in receipt of new information and may wish to submit further comments. Any additional comments will be reported on the Addenda and Corrections sheet

- 3.2 Worcestershire Regulatory Services (Noise) – Views awaited
- 3.3 Neighbour/Site Notice : 4 letters of objection received raising the following points -
- Play area is on Green Belt land, no special circumstances to allow it
 - Applications have been rejected before on Appeal on this site
 - It is in a different location to previous play areas
 - Health and safety issues
 - Due to the height and positioning of the structure it is a visual impairment upon the landscape, which we can clearly see from our house
 - There is regularly 'no supervision' of children on the play ground which means it is incredibly noisy, especially in the summer months when the noise goes on late into the evening.
 - Having gone through four painful planning applications, rejections and appeals, with regards to the illegal outside bar on roughly the same plot of land, I feel there has been undue stress placed upon the local residents. I fear that this application may be approved due to a lack of response through fatigue and frustration of the ongoing problems from the local residents

11/0706/FULL

Letter received from Planning Agent representing residents of Drayton objecting on the following points:

- The original play area has been removed and new equipment must be considered afresh against Green Belt and development plan policy.
- No evidence has been submitted to show that the playing area falls within the planning unit of the public house rather than open countryside. It is inappropriate.
- The play area is related to the public house and as such pushed the use further into the countryside.
- The area is not essential and it need for to support the viability of the pub has not be proven.
- The area could have been sited within the public house curtilage.
- The area clearly causes noise issues.
- No public consultation has been undertaken contrary to policy PPG17.

4.0 Officer Comments

- 4.1 The application seeks for the retention of four pieces of play equipment which include two sets of swings, climbing net and climbing frame/slides. The area is surrounded by a 1m high close boarded fence and the floor treated with bark.
- 4.2 The equipment is of a wooden construction and of a typical design that one would expect for a children's play area. There are two natural swings and a low level climbing net. The largest piece of equipment forms three wooden towers for children to climb up and includes two slides. The height of this varies but is approximately between 3m to 3.5m. The area is located adjacent to the car park and close to the outdoor patio area.
- 4.3 Historically there has been play equipment at the public house including a maze and trampoline, along with football goals. In 2000 the Council took the view that the area where the play equipment and football goals were formed part of the operation of the public house. The adjacent paddock (where the former pig sty existed) was not. Although previous equipment has been renewed, the play equipment falls within this area of established use and, as such, consideration falls purely to the erection of the equipment and not to any suggestions of change of use of the land.

11/0706/FULL

- 4.4 Green Belt policy contained within Policy GB.1 of the Adopted Local Plan and PPG2 sets out the determining factors. PPG2 makes it clear that other operations (i.e. not buildings) are appropriate development so long as openness is maintained. In my mind I am satisfied that, due to the position of the equipment and its style and design, the openness of the Green Belt will not be harmed. On this basis I consider that the equipment represents appropriate development in the Green Belt. This approach is consistent with allowance of other play areas on Green Belt land such as Blakedown Sports Centre; adjacent to the playing fields both at Wolverley and Cookley; and at the Old Waggon and Horses Public House, Ismere to name but three. Core Strategy Policies DS04 and CP07 provide support for Rural Public Houses in their retention and their improvement.
- 4.5 Policy GB.6 requires that the use of materials should be appropriate to their surroundings. The use of timber is appropriate and avoids the use of garish colours which can be prevalent on such equipment. The fencing is also constructed of timber and, whilst being appropriate, does provide a slightly hard edge. The Applicant has offered to landscape the area to soften the impact, which I consider would be worthwhile pursuing.
- 4.6 It is noted that the Parish Council has initially raised no objections to the application subject to no additional lighting or outdoor music. I agree that these conditions would be necessary and the owner has agreed to the imposition of such conditions.
- 4.7 The main cause of concern surrounds noise issues. To the north, the nearest properties are approximately 50m away but are well screened with vegetation. To the east a property lies 120m away, which again is well screened, and to the west lies properties in Drayton Grove 150m away, with less screening. I accept the neighbours' account that topography of the location results in noise travelling, however it is difficult whether to attribute the noise issues to the play area or to the larger green area or outside patio area, both of which are authorised and cannot be restricted.
- 4.8 In response to the concerns of the neighbours the owner has confirmed that he is willing accept a restrictive hours condition on the play area. This will help with limiting the noise generated from the site although, given the distances involved and the nature of the apparatus, I do not feel that a refusal on noise grounds can be substantiated. The views of Worcestershire Regulatory Services have not been received to date.
- 4.9 Concerns have also been expressed about the safety of the equipment. This is covered by separate legislation and is not a planning issue. However the Applicant has confirmed that a RoSPA (The Royal Society for the Prevention of Accidents) inspection was carried out on the 12 July 2010 and subject to one or two minor adjustments, which were carried out, the equipment was considered to have a medium level of risk.

11/0706/FULL

- 4.10 I also note that residents object due to lack of consultation under PPG17. Members should note that this requirement relates to the removal of Public Open Space and equipment rather than its provision.

5.0 Conclusions and Recommendations

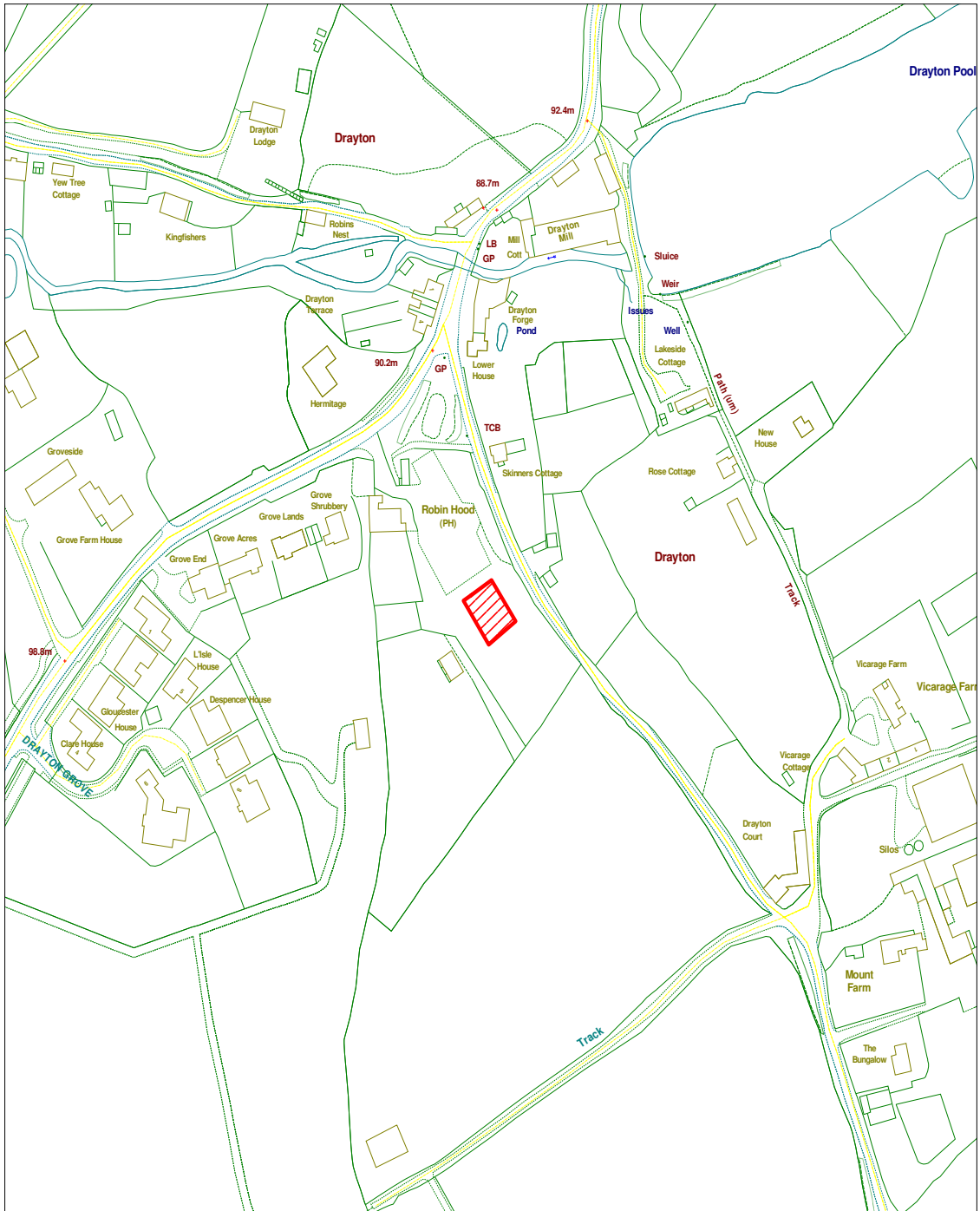
- 5.1 The play equipment is considered to be appropriate development in the Green Belt that will not adversely affect its openness or visual amenity. Impact on residential properties in respect of noise and loss of amenity has been fully considered and no adverse harm has been identified.

- 5.2 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:

1. A11 (Approved plans)
2. Hours of use
3. Landscaping
4. No outdoor music
5. No external lighting

Reason for Approval

The play equipment is considered to be appropriate development in the Green Belt that will not adversely affects its openness or visual amenity. Impact on residential properties in respect of noise and loss of amenity has been fully considered and no adverse harm has been identified. For these reasons the proposal is considered to be in accordance with the policies listed above.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**Robin Hood PH
Drayton Road
Drayton**



Application Reference:	11/0747/FULL	Date Received:	20/12/2011
Ord Sheet:	389616 274469	Expiry Date:	14/02/2011
Case Officer:	Paul Wrigglesworth	Ward:	Blakedown and Chaddesley

Proposal: Proposed new dwelling on vacant plot, previously approved

Site Address: PLOT 4, WOODROW LANE, BLUNTINGTON, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4NP

Applicant: Mr A Hartshorne

Summary of Policy	GB.1, GB.2, D.10, D.11, TR.17 (AWFDLP)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Bluntington is a small hamlet to the north east of Chaddesley Corbett that centres at the junction of Drayton Road with Woodrow Lane and Tanwood Lane. The application site is a plot of land fronting Woodrow Lane that lies within about 60 metres of this junction. Adjacent to the plot is a driveway that serves a group of three other properties that have been built within the last twelve years. Next to this group of houses on the same side of the junction is a traditional style property known as Bluntington Cottage.

1.2 The site lies within a Green Belt area and there are fields opposite and to the north and to the west beyond a group of self set trees. The site does not lie within the Chaddesley Corbett Conservation Area.

2.0 Planning History

2.1 WF.978/99 - Conversion of and extension to garage building to form dwelling and erection of 3 dwellings and garages and construction of new vehicular access : Approved 15.2.00.

2.2 WF.1096/00 - Erection of revised house type in modified position, revision to Plot 1 (Garage Conversion) and new revised access road (amendment to planning permission WF978/99) : Approved 13.2.01.

2.3 WF.192/02 - Erection of two dwellings (amendments to house types Plots 2 and 3 of WF978/99) : Approved 23.4.02.

11/0747/FULL

- 2.4 11/0581/FULL - Proposed new dwelling on vacant plot (previously approved) : Withdrawn.

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – No objection.
- 3.2 Highway Authority – No objection.
- 3.3 Worcestershire Regulatory Services – No objection.
- 3.4 Severn Trent Water - No objection subject to condition.
- 3.5 Neighbour/Site Notice : one letter of objection received raising the following issues –

This is plot 4 of a development of 4 not a single building plot – the revised plan is still not in keeping with other properties on the development and will have a detrimental effect on the aesthetics of the development. Chaddesley Corbett is a Conservation Area and as set out in the Parish Plan ‘preservation of the landscape both in quality and content is of prime importance to residents, confirmed by a majority who said that they wanted little change in the Parish’. The design principles of the Parish Plan are that ‘new houses should be sympathetic in design and materials’. Development is still incompatible and unsympathetic and will have a poor relationship with its neighbours and bring into question the historic street pattern of Chaddesley Corbett.

Plans show perimeter fence and hawthorn hedge – this would be in breach of the covenant as no tree, deep rooting plant or fence should be within 1.5m of a service installation. The application form states that there is to be a new access to a highway – further details are required as plans show access from a private drive (*Officer Comment - The applicant's agent has confirmed that there is to be no access to Woodrow Lane*).

One letter of concern received raising the following issues –

In the interests of safety and harmonious neighbourly existence we think that it is important that the ‘hammer head’ does not become more congested than at present - although the plans have addressed these concerns we request assurance that the position of the driveway will not be changed in the future so as to cause problems reversing from our driveway.

11/0747/FULL

4.0 Officer Comments

4.1 In 2000 planning permission was granted on what was then a scrap yard for the construction of three new dwellings together with the conversion of a commercial garage to a dwelling (Council reference WF.978/99). Two of the dwellings have been built and the garage has been converted but the fourth dwelling has not been constructed. However, there is an extant planning permission for a dwelling; the land looks like a building plot and the erection of the detached 5 bedroom dwelling with an attached double garage now proposed would complete and round off the development. I am satisfied that in these circumstances the site can be regarded as previously developed land; that there are no 'in principle' Green Belt issues and that the proposal should stand or fall on the details of the submitted scheme.

4.2 The main considerations in determining this application are:

- 1) Whether the proposal is in character with the area
- 2) Whether the development is compatible with the previous permission in terms of size
- 3) The effect on neighbouring property
- 4) Highway safety
- 5) Other matters

WHETHER THE PROPOSAL IS IN CHARACTER WITH THE AREA

4.3 The existing three dwellings and, to a lesser extent, an existing cottage to the rear form a group of dwellings that relate closely with each other in that they incorporate features such as dormer windows, composite roofs, porches and traditional detailing. They can loosely be described as having a cottage style. The last application (11/0581/FULL) proposed a dwelling with a contemporary design with a single main roof and incorporating large areas of glass, balconies and a variety of building materials. That application was withdrawn because of criticism levelled at it, in that it was considered to be out of character with this setting. The current application has consequently been submitted to address these issues by incorporating a design which can best be described as a contemporary dwelling based on the style of a traditional barn.

4.4 The adopted Design Quality SPG provides guidance when dealing with applications in the Parishes and states, amongst other things:

'Where development on smaller sites come forward it will be important to ensure that the original characteristic of that settlement are reflected in a thorough and high quality design.' (paragraph 5.10)

11/0747/FULL

'The massing, elevations and proportions of new development should be closely related to those established within the street, without copying other buildings too closely' (paragraph 5.13)

- 4.5 The Design Quality SPG summarises the key messages for design in Parishes. One of these states:

'New development will be expected to demonstrate sensitivity to context and provide a thorough and high quality response.'

- 4.6 I believe that the applicant's architect has now produced a design of a building which, with the use of traditional materials as proposed, will look acceptable in this setting and complement the existing grouping of buildings. It is noteworthy that the Parish Council objected to the previous scheme on design grounds but that no objection has been raised against the current scheme.

WHETHER THE DEVELOPMENT IS COMPATIBLE WITH THE PREVIOUS PERMISSION IN TERMS OF SIZE

- 4.7 In terms of the scale of the development and its impact on the Green Belt the proposed dwelling has been dug into the ground to reduce its ridge height and it will sit lower than the existing dwelling which occupies one of the earlier constructed plots, to the rear. The proposed dwelling is two storey in height, as was the previous approval and the floor area is similar (the architect states 288.8 sq metres compared with the previous approval of approximately 290 sq metres). In my view the development is compatible in terms of size when compared with the previous approval and consequently will not have an adverse effect on the Green Belt with regards to loss of openness.

THE EFFECT ON NEIGHBOURING PROPERTY

- 4.8 The applicant has taken into account criticisms associated with the previous withdrawn scheme and has moved the garage so that it is in line with the dwelling rather than at 90 degrees to it. This improves the relationship with neighbours and the street scene. On the front of the dwelling at first floor level now proposes just two small bathroom windows and the stairwell glazing and no consequential overlooking should arise. There are no side facing windows that should cause problems for neighbours. To the rear, which faces towards a field bounded by trees, there is a small balcony on both sides of the property but these do not project beyond projecting brickwork on either side and no serious overlooking should occur.

HIGHWAY SAFETY

- 4.9 The proposed access is to be served off a private driveway with no new access to Woodrow Lane. The Highway Authority is raising no objection to the development.

11/0747/FULL

- 4.10 A neighbour would like permitted development rights removed in order to ensure that the vehicular access is not changed at a later date. The applicant has been contacted on this point and has no intention of changing the driveway but feels that it would be unfair to impose a condition of this kind when one was not imposed on the previous plots. I do not consider that such a condition would pass the test of being either reasonable or necessary and, as a result, a condition of this kind is not recommended.

OTHER ISSUES

- 4.11 The applicant has been made aware of the restrictive covenant affecting this property (as referred to in the objection received) so that the proposed fencing and planting can take account of this but in the final analysis this is a private matter and not a planning consideration.

5.0 Conclusions and Recommendations

- 5.1 This scheme will, in my view, conform with planning policy, complement existing properties and complete this development site in a manner that will add to the visual amenity of the area.
- 5.2 The application is consequently recommended for **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)
 4. B9 (Details of windows and doors)
 5. C6 (Landscaping – small scheme)
 6. C8 (Landscape implementation)
 7. Provision of driveway and parking area prior to occupation.
 8. Details of fencing to be submitted and agreed
 9. Drainage

Note

SN12 (Neighbours' rights)

Reason for Approval

The application has been carefully considered with regards to the principle of allowing a dwelling, the appropriateness of the design, size and layout of the dwelling, the impact on neighbouring amenity, highway safety and other issues and the proposal is judged to be acceptable and compatible with the above mentioned policies in the Development Plan.

PLANNING COMMITTEE

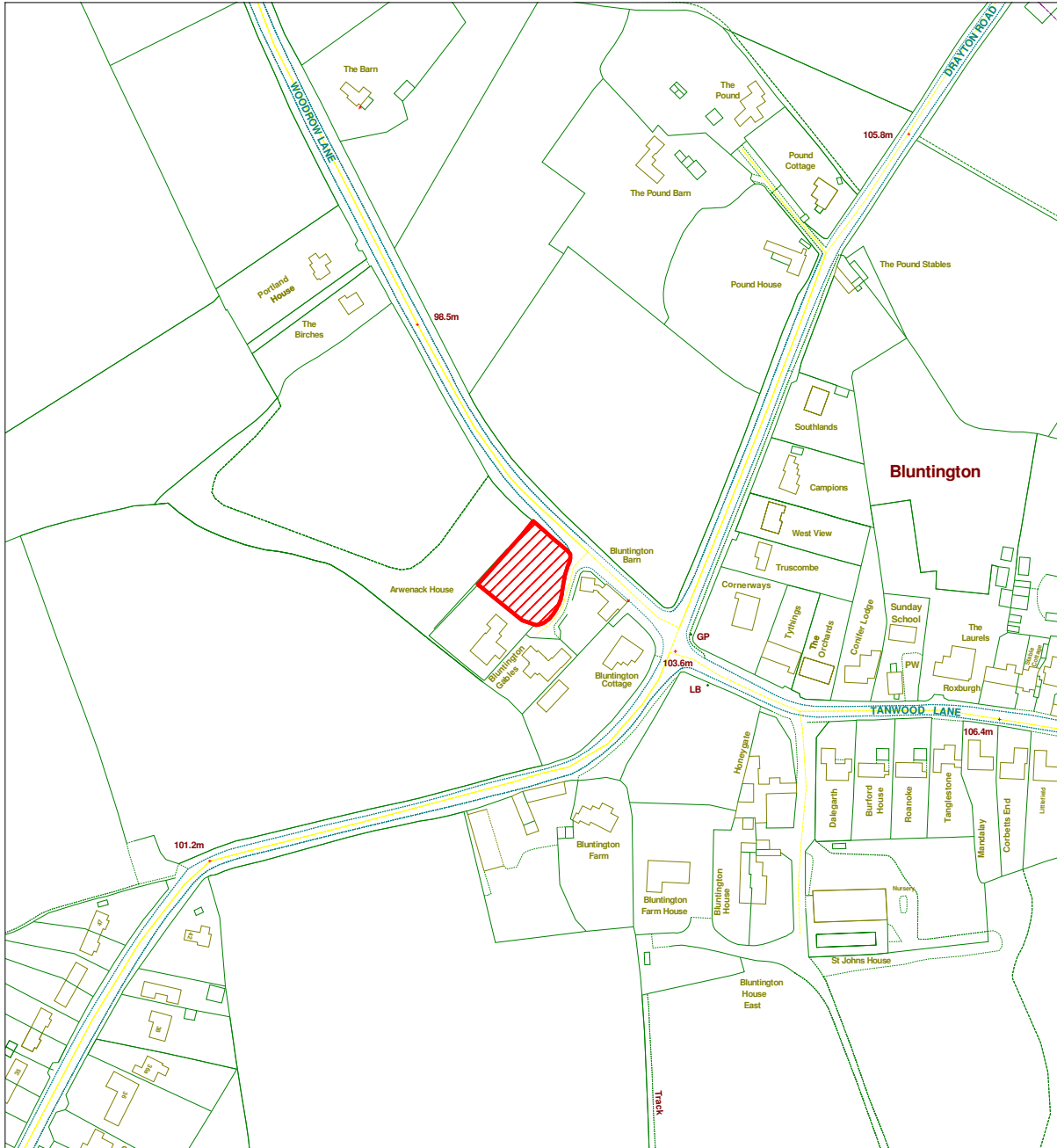
11/0747

Date:- 31 January 2012

OS sheet:- SO8974SE

Scale:- 1:2500

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PLANNING AND REGULATORY SERVICES DIRECTORATE

**Plot 4, Woodrow Lane
Bluntington
Chaddesley Corbett DY10 4NP**



Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH FEBRUARY 2012

PART B

Application Reference:	11/0609/TREE	Date Received:	17/10/2011
Ord Sheet:	374138 272934	Expiry Date:	12/12/2011
Case Officer:	Alvan Kingston	Ward:	Rock

Proposal: Removal of an oak tree

Site Address: ELFIN GLEN, GORST HILL, ROCK, KIDDERMINSTER,
DY14 9YH

Applicant: Mrs A Webb

Summary of Policy	D.4 (AWFDLP)
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 The tree, the subject of this application, is located on land at Elfin Glen, which is a property in the rural ward of Rock, near Bewdley.
- 1.2 The site is currently being developed, with the construction of a new dwelling, next to the application tree and there are a number of other trees within the site.

2.0 Planning History

- 2.1 08/0025/TREE – Removal of 7 individual trees and 2 groups of trees - Approved : 02/04/08.
- 2.2 08/1097/FULL – Erection of replacement bungalow : Withdrawn.
- 2.3 09/0541/FULL – Erection of replacement bungalow : Approved 23/10/09.
- 2.4 10/0106/FULL – Erection of replacement bungalow (amendment to Planning Permission 09/0541/FULL) : Approved 15/04/10.
- 2.5 11/0416/FULL – Erection of replacement bungalow (amendment to Planning Permission 10/0106/FULL) : Approved 06/09/11.

11/0609/TREE

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Objection to the proposal and recommend Refusal. The tree is a substantial specimen and important feature within the landscape and should not be felled. Request that a second tree surgeon inspect the tree and give an independent opinion.
- 3.2 Ward Members – No comments received.
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The proposed work is to fell a mature Common Oak (*Quercus robur*) which is located in the centre of the north-west boundary of Elfin Glen, Gorst Hill, Rock.
- 4.2 Trees at Elfin Glen were subject to an application to carry out works in 2008 (08/0025/TREE) in which a number of mature trees were removed, mostly due to poor health. Unfortunately, at the time one of the Oak trees was removed without permission, which resulted in the tree, which is the subject of this application, becoming one of only two mature trees considered potentially worthy of protection on the site.
- 4.3 To mitigate for the loss of the mature trees, 5 Oak standards were planted around the perimeter of the site. These trees are growing well and will start to add to the local amenity of the area within the next 5 to 10 years.
- 4.4 A new dwelling is currently being constructed on land at Elfin Glen, adjacent to the tree which is the subject of this application.
- 4.5 Initially the Council's Arboricultural Officer was minded to recommend refusal for this application to fell the tree on the basis of its maturity and significance of the tree within the landscape. However, it was acknowledged that some evidence of decay was visible but that the actual extent of this decay had not been established. It was suggested that further investigation and evidence should be undertaken and presented to demonstrate the extent of the decay.
- 4.6 The agent has since had an additional report carried out by a registered Arboricultural Consultant, which has found that the tree has a significant cavity in the centre and that as a result he has recommended that the tree is removed and replaced. The internal cavity consists of 37% of the lower section of the trunk which, although in itself would not necessarily condemn the tree, the consultant has observed that the "trunk now has spiral grain and either side of the defect is a weak spot along the axis of the trunk". This basically means that the incremental growth around the decay cavity is twisted, which leaves the tree vulnerable to strong winds.

11/0609/TREE

- 4.7 In conclusion, the consultant has suggested that "given the high canopy set on a tall trunk, with the tree located in an exposed position, there is a real concern that torsional forces on the trunk will open the hollow trunk along these lines of weakness, and cause massive structural failure".

5.0 Conclusions and Recommendations

- 5.1 As previously reported, following the submission of the additional tree condition report, which clearly shows the tree to have a gross defect as described above, Rock Parish Council has called for a second impartial assessment of the tree.
- 5.2 The role of the Council's Arboricultural Officer is to act as an impartial advisor on Tree Preservation Order applications. Whilst it was the Arboricultural Officer's original opinion that insufficient evidence had been submitted to demonstrate the extent of the decay and, as such, based upon a visual inspection of the tree he was minded to refuse the application, further detailed evidence has since been submitted.
- 5.3 A detailed report has now been submitted by a respected and trusted Arboricultural Consultant which clearly demonstrate that the tree does have significant defects, which warrant its removal on safety grounds.
- 5.4 Members are advised that the Arboricultural Consultant in question is a Chartered Forester and an approved Arboricultural Consultant from the Arboricultural Association. He also acts as an inspector for the Planning Inspectorate and, as such, Officers are respectful of his judgement and recommendations in relation to the condition of this tree.
- 5.5 In light of this evidence, whilst it is with some regret, the Council's Arboricultural Officer is of the opinion that the application to fell this tree can and should be supported. It is considered that to do otherwise would be negligent, particularly given the potential impact should this significant tree fail and be brought to the ground in high winds.
- 5.6 It is recommended that a new replacement tree be planted in a position to be agreed, but as close as possible to the position of the existing tree to go some way towards mitigating for the loss of the existing specimen.
- 5.7 It is recommended that the application is **APPROVED** subject to the following conditions:
1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice')
 2. C17 (TPO Schedule of Works)
 3. C16 (Replacement Planting)

SCHEDULE OF WORKS

Only the following works shall take place:
Common Oak (*Quercus robur*) – Fell

Application Reference:	11/0675/FULL	Date Received:	18/11/2011
Ord Sheet:	382040 276042	Expiry Date:	13/01/2012
Case Officer:	Paul Wrigglesworth	Ward:	Sutton Park

Proposal: Erection of 4 No. flats with no car parking (Demolition of builder yard buildings)

Site Address: 10 ADAM STREET KIDDERMINSTER, DY11 6PS

Applicant: MESSRS CONNOLLY & JONES

Summary of Policy	H2, D10, NC7, TR17 (AWFDLP) DS01, DS02, DS03, DS04, CP09, CP03, CP11, CP02 (AWFCS) CF2, CF4, QE3, QE7 (WMRSS) Design Quality SPG PPS1, PPG3, PPS9
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 10 Adam Street is a redundant builder's yard with a two storey flat roofed office building located on the same building line as the adjacent residential properties. Buildings to the rear of the offices, accessed by a double garage door are extensive and stretch to the rear of the site some 46 metres from the front of the building.
- 1.2 Adam Street and surrounding roads are characterised by linear residential development, which respect existing building lines and development patterns

2.0 Planning History

- 2.1 There is no relevant planning history.

3.0 Consultations and Representations

- 3.2 Highway Authority – No objection subject to conditions.
- 3.3 Severn Trent Water - No objection subject to condition and note.

11/0675/FULL

- 3.3 Worcestershire Regulatory Services - Recommendation to add condition WRS 1 “Recommendations have been made in the submitted Phase 1 report that together with asbestos containing materials (ACMs) report should cover most of the queries I have. Therefore applicant should be advised to submit a scope of works for a Phase 2 intrusive investigation that covers the recommendations in the Phase 1 report and includes a ACMs report”.
- 3.4 Countryside Conservation Officer – No objection.
- 3.5 Neighbour/Site Notice – Objections have been received from 3 neighbouring properties. The grounds for objection are summarised as follows:
- Existing heavy reliance upon on-street car parking in Adam Street.
 - Lack of off-street parking provision to serve the development resulting in highway congestion.
 - parked cars blocking existing driveways to neighbouring properties.
 - Increased on-street parking will cause a danger to children in Adam Street.

4.0 **Officer Comments**

- 4.1 The application proposes to demolish all of the buildings on the site and to erect 4 No flats. The two ground floor flats are shown to be 1 bedroom and the upper two flats 2 bedrooms each. The development is on the same building line as the existing properties on either side and the land at the front which has a depth of approximately 3 metres will have a central path with a planting bed on either side all defined by a low brick wall.
- 4.2 The main issues are considered to be:
- The principle of allowing the development.
 - The appearance of the flats.
 - The effect on neighbouring property.
 - The lack of off street car parking facilities.
 - Other matters.

11/0675/FULL

THE PRINCIPLE OF ALLOWING THE DEVELOPMENT

- 4.3 The builder's yard is a non conforming use in an area that is allocated in the Development Plan for residential purposes. The site is previously developed as defined in PPS3 (Housing) and consequently residential development on this land would be in accordance with the terms of both Policy H.2 of the Adopted Wyre Forest District Local Plan and Policy DS01 of the Core Strategy. The developed is therefore appropriate in principle in this location.

THE APPEARANCE OF THE FLATS

- 4.4 The front of the proposed properties has the appearance of a pair of residential houses. They have been designed to reflect the character of existing properties in the neighbourhood in that they incorporate traditional sill and lintel detailing, a dentil course at eaves level and modern sash style (not operative) windows. In addition the properties have a similar ridge height to those adjacent and they are shown to be built on the same building line with a low brick wall around the front boundary to imitate the treatment of properties on either side.
- 4.5 The build form proposed is considered to be appropriate and will improve the appearance of the street scene when compared with the existing building.

THE EFFECT ON NEIGHBOURING PROPERTY

- 4.6 The application in its original form showed a fifth flat to be positioned to the rear. This flat has now been withdrawn from the application and as this flat had side facing windows the relationship with the neighbouring properties is now acceptable and an improvement on the current situation in view of the fact that the buildings to the rear are to be demolished.
- 4.7 Although the dwelling to the south of the site (No 9) is situated very close to the existing building the two properties do not appear to be joined and consequently they are both free standing and the demolition of the existing should not be an issue.

THE LACK OF OFF STREET CAR PARKING FACILITIES

- 4.8 When the application was originally submitted it showed off street car parking on land to the rear of the former number 6 Adam Street. However, this resulted in a recommendation of refusal from the Highway Authority in view of the fact that it would generate too much traffic on to a private drive as the same car park also serves the redevelopment of number 6 Adam Street to three dwellings. Consequently, the application was amended from 5 to 4 flats with no off-street car parking.

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- 4.9 The lack of off street car parking is in this case felt to be acceptable because the former builder's yard generated more traffic than what is expected from four flats based on the current car parking requirements. The applicant has stated that there were 9 company vans/lorries which were parked in the building overnight and 9 tradesmen/workmen who drove to the site daily to continue to various building sites and these vehicles were parked in the street. Also 3 office workers were employed at the site and the business attracted visitors on a daily basis. The fact that these vehicles were not parked late in the evenings and at weekends when on street traffic is at its peak has been raised but there are no restrictions in place to prevent the site being used again by a different operator with different opening times.
- 4.10 Three other factors should be taken into account when considering the on street car parking situation:
- The Highway Authority has raised no objection to the development.
 - An application that was refused in similar circumstances (where the theoretical car parking demand of the existing exceeded that of the proposed) was recently allowed on appeal at the former Castle Road driving test centre site (application 11/0383).
 - To set the development back from the building line to obtain some off street car parking would not only impact on the adjacent residential properties but it would run contrary to the advice in paragraph 3.33 ii of the Design Quality SPG which makes clear that where parking arrangements are not practical in physical or design terms the design imperative will take precedence over car parking standards as set out in Policy TR.17 of the Adopted Wyre Forest District Local Plan.

OTHER MATTERS

- 4.11 There is no requirement for a Section 106 contribution in this case.

5.0 Conclusions and Recommendations

- 5.1 After considering all relevant matters the proposal is considered to be acceptable and in accordance with the Development Plan.
- 5.2 The application is consequently recommended to be **APPROVED** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. Materials
 4. Severn Trent Water drainage condition
 5. Contamination condition as recommended by Worcestershire Regulatory Services
 6. Highway conditions

11/0675/FULL

Reason for Approval

The proposal has been considered in terms of the principle of allowing the development and the scheme is judged to be acceptable in this regard and with respect to the design of the proposed flats and the relationship with adjacent properties and the street scene. In addition the application has been assessed in terms of the lack of off street car parking but in view of the potential traffic generation from the established use of the property as a builder's yard the demand for off street car parking will be lower in the proposed scheme. The Highway Authority has taken the view that there on no grounds to refuse the application on the basis of lack of off street car parking. To approve the development on this basis would be in accordance with the aims of policies contained within the Development Plan.

Application Reference: 11/0681/FULL **Date Received:** 22/11/2011
Ord Sheet: 384023 275811 **Expiry Date:** 21/02/2012
Case Officer: Paul Wrigglesworth **Ward:** Offmore and Comberton

Proposal: Demolition of existing properties and erection of care home under use class C2 and associated works

Site Address: 37 & 38 OLDNALL ROAD, KIDDERMINSTER, DY10 3HN

Applicant: Castle Oak Developments Ltd

Summary of Policy	H.2, H.13, D.4, D.10, D.11, D.15, NR.11, TR.17 (AWFDLP) CP02 CP03 CP11 CP14 DS01 DS03 (AWFCS) T.4 (WCSP) QE.1, QE.2, QE.3 (WMRSS) Design Quality SPG Planning Obligations SPD PPS1, PPS3, PPS9
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Oldnall Road links the Chester Road South (A449) to Barnetts Lane. It is an attractive residential road lined with Lime Trees. Nos. 37 and 38 Oldnall Road are located on the western side of Oldnall Road. These two large detached dwellings stand in extensive gardens which slope downwards from Oldnall Road towards the golf club car park and club house to the rear.
- 1.2 On one side is a detached house and on the other is a detached dormer bungalow. Properties in Russell Road have gardens which form the northern boundary of the site.
- 1.3 An impressive Oak tree within the application site to the rear of No. 38 is protected by a Tree Preservation Order.
- 1.4 Access to the site is to be gained to Oldnall Road via a new entrance and the two existing access points that serve the existing two houses are to be closed.

11/0681/FULL

2.0 Planning History of relevance

- 2.1 06/0826/OUTL – Demolition of existing dwelling at No. 37 Oldnall Road and erection of 14 apartments with associated parking : Withdrawn.
- 2.2 07/1025/OUTL - Demolition of 2 existing dwellings and the erection of a 70 bedroom residential care home for the elderly including car parking provision and new access arrangements : Refused 14/12/07; Allowed on Appeal 13/08/08.
- 2.3 11/0432/RESE - Application for the approval of landscaping details, pursuant to the requirements of conditions 1 & 3 of outline planning permission 07/1025/OUTL for a 70 bedroom residential care home : Approved 17/10/11.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions.
- 3.2 Severn Trent Water - No objection subject to a condition.
- 3.3 Countryside Conservation Officer - I am happy with the manner this application is dealing with the protected species issues, Bats and particularly Brown long eared bats.

The site also has acid grassland on site which is a former UK BAP habitat. It is now a UK Priority habitat further endorsing its important wildlife status.

The application attempts to retain this but a series of small landscape changes have infringed upon the quality and extent of what I feel they are able to achieve. We are now at the point that I feel any more compromise would be nonsensical as the application will then be showing a loss in a habitat.

On balance the measures have demonstrated the protection and enhancement of Bat habit in the development and the attempts to retain the acid habitat would mean the development complies with PPS9, but just.

- 3.4 Strategic Housing Services Manager - I have examined the statement and it is accurate in the assumptions that older persons population will grow in Wyre Forest. If anything their data has underestimated the growth in the 75+ age ranges compared to our projections. There will be a need for residential care in Wyre Forest over the projected period as there is an expected increase in older people with significant care needs (due to health conditions such as dementia). However, saying that public revenue for this care is decreasing and there is much greater reliance upon self funding, which the report seems to infer will be the source for people accessing the home.
- 3.5 Planning Policy Manager – see ‘Officer Comments’.

11/0681/FULL

- 3.6 Arboricultural Officer – see ‘Officer Comments’.
- 3.7 Worcestershire Regulatory Services - Views awaited.
- 3.8 National Care Standards – Views awaited.
- 3.9 Worcestershire Wildlife Trust – Views awaited.
- 3.10 Neighbour/Site Notice : Representations have been received from 2 neighbouring properties which raise the following comments -
- No objections to a development of a reasonable size the proposed building is of an industrial scale in a residential setting. The latest plans suggest the nursing home extends significantly further down the site with windows now facing our property instead of views to the hills. The land height is higher than our own and three stories would be a towering imposing edifice negating our enjoyment of our own property.
 - Policy background has changed since 07/1025/OUTL and the consequent approval of the one reserved matter in 2011 - that decision does not represent a precedent for the approval of this full application for two reasons: the publication of the Wyre Forest District Council’s Core Strategy (2006 – 2026), adopted December 2010 and the revision of the definition of developed land brought about by the publication of PPS3, in June 2010, to exclude residential gardens. The proposal is contrary to Core Strategy which requires new residential development to be on previously developed land – the site is not previously developed land.
 - The Core Strategy’s Policy CPO5, with regard to meeting the needs of older people and those with mobility impairments states that, ‘The District Council will support innovative housing schemes which assist older and vulnerable people to live securely and independently in sustainable locations with access to local services.’ Yet another large Care Home, as proposed by this application, does not constitute an innovative housing scheme, in line with the Core Strategy.
 - The application site is not a sustainable location with access to local services, for older people to live. The level and amount of care required by residents clearly places a heavy dependence upon high staffing levels (70 full time staff comprising around 100 people in total) for any sort of independent living for residents. In that the site is a relatively long way from shops and local services for residents and staff, with a limited local bus service, at a distance, the provision on site of only 24 car parking spaces (even allowing for further cycle and motor cycle spaces) must be questioned, in terms of the needs of staff, residents and visitors. This would be particularly so at peak hours for staff shift changes and visiting, when numbers arriving and departing would consistently double up the requirement for parking space.

11/0681/FULL

- The suggestion that Oldnall Road, given its length, width, alignment and access at either end, could cope with the additional traffic that would wish to access the site, at such peak times, is a serious concern. Inadequate on site parking space would lead to additional parking on the road to the potential danger to road users, the inconvenience of local residents and a significant loss of amenity to immediately adjacent residents. Contrary to Core Strategy.
- To argue, as the submitted Planning Statement does (paragraph 7.15) that 'there is effectively a policy void for this type of development in Kidderminster', is to ignore Policy CP05 (which the Planning Statement does not mention). This states quite clearly the Council's policy for this type of development.
- Approved care home does represent a fall back position, which could be built, if this application is refused, the present proposal makes significantly worse a number of key concerns of the immediately adjacent residents: Firstly, the scheme introduces a three-storey block projecting south westwards towards the golf course. This is higher and projects further than any previous proposal in this position. The block features side facing rooms, over three storeys, which would directly overlook my clients' rear garden at a distance of 25metres, with direct views into the rear of their house. This is the first time that such a feature has been included in a scheme for this site and would cause a significant loss of amenity and privacy. Secondly, with regard to the wing, which projects south-eastwards, closest to 35 Oldnall Road, it would appear to be no closer than that previously approved. However, it is impossible to determine the effect it would have upon my clients' property from the submitted drawings, since the southeast elevation does not show existing ground levels. The wing is certainly has three storeys, but its effective height is masked by the made up ground adjacent to the boundary. If there is a problem, then the whole building may have to be moved further away from the boundary, or refused. Thirdly, the additional cut and fill required by this proposal could have a dramatic effect upon the stability of my clients' outhouse, garage and retaining wall, which abut this boundary. The extent of any potential damage cannot be assessed, as no details or remedial works are shown on any submitted plan. If there is a problem, then the whole building may have to be moved further away from the boundary, or refused. Fourthly, the Landscape and Boundary Treatment plans perpetuate the flaws in the previous submission. Facing my clients' boundary there are high level steps, terraces and paths from which my clients' rear garden would be overlooked. The landscaping and boundary treatments shown must be called into doubt because of the additional cut and fill now proposed. There are no cross sections or height differences indicated along this boundary. Again, if there is a problem, then the whole building may have to be moved further away from the boundary, or refused.

11/0681/FULL

- This revised scheme is achieved at the expense of privacy and amenity for adjacent residents and raises severe doubts about the efficacy of the proposed landscaping and boundary treatments along the south-eastern boundary of the site with No. 35 Oldnall Road to the detriment of the privacy and amenity of the occupiers and the application should be refused.
- Although number of bedrooms has been reduced by three and car parking has been increased slightly doesn't reduce concern all residents have regarding volume of traffic and on street car parking - Oldnall Road already congested and dangerous to park on. Proposed position of entrance on a hill and bend with more parked vehicles will increase danger of accident. Reject developer's view that staff and visitors will arrive on foot, bike or public transport.
- Intention to connect to foul drain into existing small drain that runs down the side of the Golf club car park which serves two houses currently on site – problems with this drain and its connection with Barnetts Lane and on golf course – drain surely can't be large enough to cope with 100 people on site at any one time- how is this problem to be overcome?

In addition, a letter has been received from Kidderminster Golf Club which rather than objecting raises issues of concern as follows:

- The proposed tree planting along the boundary will help to hide the building from the (Golf) course - would like the opportunity to discuss with the Developer the precise detail of the planting before takes place.
- Concern regarding foul and storm drainage from the site because the investigation so far seems brief.

1. Surface Water

The permeability of the sandy subsoils seem satisfactory for soakaways but care needs to be taken with regard to the slope stability of the landscaped areas and our raised, banked, earth boundary forming the edge of our car park. Also since most of the site surface will be impermeable the run off will be rapid.

2. Foul Water

The existing foul water drain for the two dwellings to be demolished runs south east towards Barnetts Lane for about 200 metres alongside the edge of our car park. The drain is small and just about copes with the few dwellings attached to it. There have been numerous problems with drainage in Barnetts Lane including serious flooding. Bearing in mind the plans for a huge development taking place including 67 care homes/flats plus staff accommodation - existing drainage will be inadequate and require replacing - surprised that this has not been reported upon.

11/0681/FULL

- The disruption to the Golf Club car park would be unacceptable since to operate the business we need 120 minimum parking spaces seven days a week - pumping the foul water up to Oldnall Road is the best solution available.

In addition to the above, one letter of 'no objection' has been received - Want to know whether possible to restrict car parking in the vicinity of the Russell Road junction by use of yellow lines.

4.0 Officer Comments

4.1 This is a detailed planning application that seeks planning permission to demolish the existing two detached houses and erect a 67 bedroom residential care home. The building proposed is to be constructed on a site which slopes downwards towards the golf course to the rear and as it is built into the hillside and set down. The majority of the building which is three storeys in height and the front two storey element will as a result look much lower when viewed from Oldnall Road. Car parking is shown for 24 cars which includes 4 disabled bays. The plans also include parking for 2 motorcycles and covered and secure parking for 8 cycles. In addition a covered bin storage building is proposed.

4.2 The following additional documents accompany the application:

- Planning statement
- Design and access statement
- Statement of community Consultation
- Sustainability statement
- Pre development Tree survey and assessment
- Tree constraints Plan
- Care needs assessment report
- Site waste management plan
- Extended phase 1 Habitat survey
- Natural England method statement
- Bat species method statement 2
- Transport Statement
- Interim Travel Plan
- Drainage Statement

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4.3 The main issues to consider in determining this application are as follows:

- The principle of allowing the development
- The impact of the development on the appearance and character of the area.
- The impact of the development on neighbouring property
- Other Policy H13 issues
- The effect of the development on existing trees.
- Car parking
- Highway safety
- Other issues (Section 106 requirement)

THE PRINCIPLE OF ALLOWING THE DEVELOPMENT

4.4 The two buildings to be demolished, numbers 37 and 38 Oldnall Road, are not listed buildings and are not on the Local List of buildings considered to be worthy of special protection. There are consequently no in principle reasons why they should be retained.

4.5 Policy H.13 i)(Residential Homes) of the Wyre Forest District Local Plan (WFDLP) states, amongst other things, that nursing homes for the elderly, or similar developments will be permitted provided that they are within an established residential area as defined by Policy H.2 i). This Policy allows residential development within areas allocated primarily for residential use as defined on the Proposals Map provided that the site comprises previously developed land. Oldnall Road does lie within a residential area as described but the garden area of the two existing dwellings to be demolished do not constitute previously developed land as it is defined within the Annex to PPS3 - Housing. Policy DS01 of the Core Strategy also directs development to previously developed land. Policy CP05 also states that the Council will support innovative housing schemes which assist older and vulnerable people to live securely and independently in sustainable locations with access to local services, although this seems to be directed more to sheltered housing schemes than Care Homes.

4.6 The applicants have put forward a lengthy argument in support of the principle of allowing the development which includes other material circumstances that should be taken into account when weighing the issue of whether the application should be approved against the Development Plan and these points are summarised largely from the applicants' own words in italics in the bullet points below:

- *The revised PPS3 does not strictly outlaw garden development. The CLG's Chief Planning Officer's letter to all LPA's states that garden development is an issue best identified and dealt with at local level and LPA's should carefully balance the need to comply with the overall objectives of government planning policy and a general requirement to help deliver new housing in accordance with relevant targets, against the need to ensure that existing amenity levels are not unacceptably harmed.*

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The overall policy objective is to concentrate new housing within or on the edge of urban areas making efficient use of land and this proposal meets these key aims. PPG3 doesn't advocate a blanket approach but LPA's should take a balanced approach weighing up all the material considerations in determining an application.

The Ministerial statement entitled 'Planning for Growth' published in March 2011 states that

'The Government's top priority in reforming the planning system is to promote growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles in national planning policy'

In this respect the proposal not only complies broadly with national sustainable development principles but will provide approximately 56-70 full time jobs. Planning for Growth

"...consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);..."

In respect of appeals the statement says:

'The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for a decision. In particular he will attach significant weight to the need to secure economic growth and employment.'

In terms of PPG4 the development can be termed 'economic development' due to employment benefits and social benefits through the delivery of much needed care beds.

- *The adopted Core Strategy (December 2010) seeks to focus development on previously developed land, this is not to say that all development must be on previously developed land as it further states that 'the Development Strategy ... seeks to locate the majority of new development on brownfield sites (Para 9.34) and ... the level of development to be accommodated within the District can be met primarily from brownfield sites...' (para 5.13) This implies that at least some development will come forward on none previously developed land, such as gardens. The Core Strategy doesn't outlaw the development of none previously developed land and the development accords with the key policy objective to focus development in Kidderminster.*

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- *The Local Plan is considerably out of date and in time it will be entirely replaced with the Core Strategy and as it was prepared prior to the revised PPS3 definition it contains no specific guidance regarding the development of garden land. In all other respects the proposal accords with the criterion of Policy H13*
- *The Local Plan and Core Strategy do not allocate land for C2 or Care Home uses but instead directs C2 uses to general residential locations. This is unfortunate as Care Homes cannot compete on land values with national house builders and are forced to look elsewhere within settlements such as this site. A need for Care Homes has been identified but there are no specific allocations for C2 uses.*
- *Section 54 A of the Town and Country Planning Act 1990 (as amended) allows Lap's to give greater weight to material considerations than to the Development Plan.*
- *Analysis of the appeal decisions at WFDC relating to development on non previously developed land shows that they all had different material circumstances for instance the need for care, significant employment benefits, locations out of Kidderminster and no clear precedent is set for Oldnall Road.*
- *Policy EC10 of PPS4 (Planning for sustainable Economic Growth) explicitly states that LPA's should adopt a positive and constructive approach towards economic development and amongst other things the impact on local employment. The proposal will generate 65-70 full time jobs and 100 as a mix of full and part time jobs.*
- *A Care needs assessment has been submitted as part of the application that concludes ' at least 373 additional Modern Standard care beds will be needed by 2015; at least 483 additional Modern Standard care beds will be needed by 2020; this equates to approximately eight new care homes of 60 beds being needed before the end of the decade.*

This level of estimated need when combined with the other pressures that existing care homes will increasingly face over the coming years , provides a clear and reasoned justification for the provision of additional purpose built care home accommodation'

The level of need for care beds is a significant material consideration in the assessment of the application.

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- *If Castleoak cannot secure planning permission for a new care home, then they will give serious consideration to developing the site as per the approved details. In the event that Castleoak do not develop in view of the demand for care homes it is highly likely it will be purchased by another developer. This fallback position represents a material consideration in the assessment of the proposals.*
- *Castleoak has engaged with the public and the overwhelming majority appear to prefer the approved scheme.*
- *There are 67 beds rather than 70 as granted at appeal –there will be a reduction in intensity of use.*
- *The Local Planning authority can set its own conditions rather than those set by the Inspector.*
- *The gross floor area is 7.3% smaller than approved.*
- *The height of the building is considerably lower representing a significant reduction in scale.*
- *24 car parking spaces are to be provided rather than 24 this represents a 335 increase in on site car parking.*
- *Castleoak are registered with the Considerate Constructors Scheme and disruption to neighbours will be kept to a minimum any other developer may not place such high regard on the amenity of neighbours.*

4.7 The Planning Policy Manager has commented as follows:

- Whilst the revisions to PPS3 do not outlaw garden development, they do exclude garden development from the definition of brownfield land. In my view this means that the development would now be contrary to policy H2(i) and H13 because it is no longer considered to be previously developed land.
- Whilst it is agreed that PPS3 does not advocate a blanket objection to all garden development, policy H2(i) is clear that sites should comprise previously developed land which garden land is no longer considered to be.
- In pure planning policy terms, I would consider that the proposal is not strictly in accordance with policies H2(i) and H13 of the Adopted Local Plan, however, the applicant raises some strong points relating to material considerations including the fact that the site already has permission and could be brought forward

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- The contents of the Ministerial Statement 'Planning for Growth' which place an emphasis on sustainable economic growth and jobs, and clearly encourages development which will not compromise the key sustainable development principles set out within national planning policy. Therefore, consideration should be given as to whether the development proposed can be considered to be in accordance with PPS1.
- Consideration also needs to be given to the points raised regarding need and whether or not this would be sufficient to outweigh Policies H2(i) and H.13 of the Adopted Local Plan.
- I think the fact that the site already benefits from a planning permission which could be brought forward is an important material consideration which needs to be balanced against the policy position.

In conclusion, whilst I still feel that strictly speaking, the proposal is not in accordance with Policies H.2(i) and H.13 of the Adopted Local Plan, I feel that the applicant's arguments relating to the Adopted Core Strategy policies and the material considerations, particularly the existing permission on the site need to be weighed up against the Local Plan policies.

- 4.8 The main issues to be considered under the heading of "Principle of allowing development" are: is the development contrary to the Local Plan and Core Strategy; and, if so, are the material circumstances persuasive? If so, do they set a precedent for other applications?
- 4.9 After taking account of the views of the Planning Policy Manager I am of the view that the principle of allowing the development is strictly contrary to policy although the argument is not so clear cut as it is with a housing scheme which relies on Policies H2 and DS01. On the other hand a Care Home unlike an application for a house should primarily be considered under the extant Policy H13 of the Local Plan and the first requirement could be interpreted to mean that a Care Home needs to be situated in an established residential area as identified on the proposals map rather than needing also to be on previously developed land. This potential ambiguity is reinforced by the fact that Policy H.2 follows on from Policy H.1 (now superseded and replaced by DS01) and sets out the policy for providing the required housing supply as set out in Policy H.1 (now DS01) and Care Home accommodation does not figure in the housing supply calculation.

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- 4.10 The material circumstances in this particular case are substantial and account has been taken of all of them, including the counter views as expressed by objectors (the strongest of these dealing with the principle of allowing the development in my view being that the proposed development has a larger land-take (i.e. footprint) mainly due to the rear wing) but the fact that there is an extant planning permission for a larger Care Home (in terms of beds and floor space but not in terms of ground floor area) should be given due weight. This weight also should take account of the reaction of local residents in that the previous scheme resulted in objections from 32 properties (at the time the Committee report was written) whereas there are at the time of writing only two objections from residential properties plus those from Kidderminster Golf Club, which does appear to suggest that on the whole residents do prefer the current scheme to the one that was approved before.
- 4.11 Policy CP05 of the Core Strategy requires a sustainable location. Given that the site lies within walking distance of the railway station and it is not on the outskirts of the town or in a rural location allocated for residential purposes such as Blakedown, Fairfield or Cookley this is a sustainable location and in that regard better than some existing nursing homes. Also with respect to PPS.1 (Delivering Sustainable Development) a sustainability statement has also been submitted with the application explaining the sustainability credentials of the development.
- 4.12 When one factors in that the employment that will be generated by the development in that over 60 full time jobs should be created and that there is a need for more care homes in the Kidderminster area, the argument in favour of the development is, it is suggested, significant.
- 4.13 Accepting the development in principle should not set a precedent for other proposals because of the circumstances of this particular case which taken as a whole are probably unique.
- 4.14 Officers consider that a case has been made to accept this development in principle.

THE IMPACT OF THE DEVELOPMENT ON THE APPEARANCE AND CHARACTER OF THE AREA

- 4.15 There are a number of large blocks of flats situated in Oldnall Road. Although the proposed building is for a Care Home, rather than flats, due to the architecture of the building which incorporates a traditional pitched roof and the fact that it is to be set at a lower level than the street where only one floor will be readily visible from most vantage points it will have the appearance of a block of flats rather than an institutional building when seen from the road.

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- 4.16 Although the building overall is much larger than the two dwellings to be demolished it will have a lower ridge height level than 37 Oldnall Road; a similar ridge height to number 38; and, the proposed frontage length will be slightly less than the sideways spread when measured between the outer edges of the two existing buildings. It is worth mentioning also that the ridge height of the proposed building will also be lower (in the region of about 3 metres) than that of the previously approved Care Home on the site, although a small projecting gable of the proposed scheme will be closer to the road.
- 4.17 A perspective drawing has been provided and this illustrates more clearly the points made above and demonstrates in my view that the building will not look cramped in appearance. Rather it will nestle into the site like other development on this side of the road.
- 4.18 The rear of the building will also be visible from distant vantage points including the footpath on the opposite side of the golf course that links Barnetts Lane with Chester Road South and from much closer positions when seen from the golf course itself. These impacts will be much more significant than from Oldnall Road because the site falls away from the road to the golf course and there is also a slope downwards beyond the rear of the site to the golf course, club house and car park levels. In addition the rear of the Care Home is much closer to the rear boundary than nearby dwellings that are situated in Oldnall Road and closer to this boundary than the approved scheme (between 6m-7m from the rear boundary from the rear wing to the rear boundary compared with 16m at the closet point for the approved scheme).
- 4.19 The dominance of the building will be most noticeable when viewed from the golf course and the car park in particular. These are not public vantage points though and it is noteworthy that the golf course has not objected to the development on these grounds, although they are keen to ensure that the building is softened with appropriate tree planting.
- 4.20 When viewed from the public vantage point of the footpath referred to, the building will be seen against the backdrop of rising land and although it will be evident it will not in my view be so strident as to warrant a refusal of the application.
- THE IMPACT OF THE DEVELOPMENT ON NEIGHBOURING PROPERTY
- 4.21 The proposed plans including the landscaped treatment of the boundaries of the site have been the subject of consultation between the developer and local residents and changes have, where possible, been made by the developer to improve this relationship. This interaction with the neighbours has no doubt also improved the neighbourhood's understanding of the proposed development and the advantages and disadvantages of the scheme when compared with the previously approved plans.

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- 4.22 As already has been stated there are at the time of writing only two residential properties raising objections compared with 32 properties that objected to existing planning permission proposal. It is against this background that the relationship with neighbouring residential properties, other than Number 35 Oldnall Road, should be considered.
- 4.23 On the Russell Road side the closest point of a wing on the Care Home building to this boundary is 7.4 metres for a single storey element and 9.85 metres for a two storey element covered with a hipped roof. The three windows at first floor level in the wing will have obscure glass and so there will be no overlooking issues from this part of the building. Furthermore the gardens of properties in Russell Road are over 30 metres in length and so the building, which is lower at this point than the approved Care Home, will not have an overbearing impact on these properties and this judgement has been made after acknowledging also that the dwellings in Russell Road are situated at a lower level than the application site. On both sides of this wing but set back there are windows which do face these adjacent dwellings but the distances of these parts of the building are approximately 28 metres at the closest part for the front side section and 23 metres for the rear side section of this elevation. The overlooking involved is considered to be acceptable given these distances even after taking account of the fact that the rear section of this side facing elevation will be three storeys in height. Number 39 Oldnall Road is situated on the same side but overlooking in this direction from the front side section and will be at a more oblique angle and the impact is not judged to be serious.
- 4.24 The other consideration with regards to the Russell Road properties and number 39 Oldnall Road is the effect of the car parking area. The car parking area at the closest point will be 2.9 metres to the Russell Road boundary and this splays out to 3.4 metres. The distance to the boundary of 39 Oldnall Road ranges from 4.4 metres to 8 metres. These distances will allow for a landscaped buffer which will screen the parked vehicles. In terms of traffic movement the nearest property is Number 39 Oldnall Road where there are four car parking spaces the closest point to the dwelling itself being about 13 metres. At these distances, subject to a condition preventing shift changes between the hours of 10pm and 8am, a refusal on this basis could not, in my view, be substantiated.
- 4.25 Finally, there is a refuse store building on the Russell Road side of the Care Home within 3 metres of the boundary. The door of the refuse area is on the other side of the building at a distance of over 8 metres away. The building is single storey with a hipped roof and this should not be a serious problem either in terms of its massing or with respect to nuisance from odour.

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- 4.26 Additional sectional plans have been received following a survey of ground levels at number 35 Oldnall Road on the other side of the building in order that a clearer understanding of the relationship with that property can be assessed. The closest ground floor side facing window (a study room) to the proposed development is not seriously affected by loss of light as the development is compliant with the Council's 25 degree daylight angle when taken from the sill of this window.
- 4.27 The closest wing of the building will be approximately 4 metres from the boundary of the dwelling at 35 Oldnall Road, which is sited at a higher level and the main part of the wing will be in the order of about 6 metres from the boundary at the closest point. The only windows in this wing will light the end of corridors and these can be obscured glazed. Sections set back to the front and rear of this side facing projecting wing will however have windows facing towards number 35. The front wing will be approximately 21 metres from the boundary and the rear wing will be just over 24 metres away. The general rule for overlooking of dwelling houses that the Council tends to adopt is 5 metres distance per floor. Since the rear wing is more than 15 metres away this is judged to be acceptable even after taking account of the fact that there is a conservatory with windows facing in the direction of the proposed Care Home and the fact that this property at the present time enjoys considerable privacy. It should also be noted that tree planting is proposed on this boundary which should in time lessen the effect of overlooking and especially on the lower section of the garden. Without wishing to diminish the effect of the development on number 35, there will still be some other private areas to the rear and side of the property from the outset due to existing vegetation.
- 4.28 Finally, to the rear of the building on the rear corner of the golf club is a caretaker's flat. The primary windows to this flat overlook the golf course and in view of this the development will be compliant with the 45 degree Code.
- 4.29 Regarding issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the overall scope and merits of the application including the background planning history and existing planning policies.

OTHER POLICY H.13 ISSUES

- 4.30 In addition to the points raised in the above sections, Policy H.13 of the adopted Wyre Forest District Local Plan which deals specifically with the development of nursing homes, residential homes and similar uses also requires proposed development to meet certain other criteria, namely:
- it should have adequate amenity provision;
 - be within easy access to the nearest regular public transport point; and
 - are in locations with shops and/or local community facilities.

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- 4.31 In view of the fact that this is a Care Home, the area to the rear of the building, which includes a small residents' garden on either side of the building together with patio areas and grassland, will have sufficient amenity space. The width of the rear area alone measures approximately 60 metres in length.
- 4.32 Chester Road South does not have a regular bus route (Route 295 every 2 hours during the day time). Comberton Road however does have a regular bus route and this lies about 700 metres from the site. The railway station is approximately 800 metres from the site. Although these facilities cannot be said to be close they are within a reasonable walking distances for most people. In any event the extant planning permission was determined in similar circumstances and a refusal on this basis would in my view be judged now to be unreasonable.
- 4.33 With regards to shops and community facilities, there are none in the vicinity of the site. However, whilst being relevant to some of the categories of uses falling within the ambit of Policy H.13, for instance a residential home for the elderly where residents are often mobile, it is not considered relevant to the use being proposed where residents will require constant care.

THE EFFECT OF THE DEVELOPMENT ON EXISTING TREES

- 4.34 The Council's Arboricultural Officer has considered the effect of the development on trees, including the loss of several trees at the front of the site and the preservation of a large Oak tree to the rear of the site (which is protected by a Tree Preservation Order). The Arboricultural Officer has also considered the landscaping scheme and, subject to a condition to obtain a method statement with regards to ensuring that the root protection area of one particular tree is not affected by the construction of the car park and other conditions covering planting and maintenance, he is satisfied with the arrangements proposed.

CAR PARKING

- 4.35 The effect of the car parking on neighbours has been addressed above.
- 4.36 Twenty-four car parking spaces are being provided which includes two disabled spaces. In addition provision has been made for a motor cycle space and three cycle stands. This is in excess of the car parking requirement as set out in Policy TR.17 of the Adopted Wyre Forest District Local Plan for a 67 bedroom Care Home which requires 4 car parking spaces per bedroom plus residential staff. There are no residential staff bedrooms on plan.
- 4.37 The development is considered to be acceptable in this respect and an improvement on the existing planning permission for a 70 bed care home with the provision of 18 car parking spaces. The development is compliant with Policy TR.17 of the Adopted Wyre Forest District Local Plan.

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HIGHWAY SAFETY

- 4.38 The Highway Authority has raised no objection to the development. This is not surprising since the refusal reason recommended by the Highway Authority on the previous scheme (application 07/1025/OUTL) relating to the poor visibility at the access point and the poor visibility at the junction of Oldnall Road and Barnetts Lane were overturned on appeal. Any refusal based on highway safety issues raised by neighbours could not be substantiated in view of this appeal decision and the fact that the Care Home has fewer bedrooms than the approved scheme.

OTHER ISSUES

- 4.39 The Council's SPD on Planning Obligations requires a contribution towards biodiversity. In this particular case in view of the Council's Countryside Conservation Officer comments and the fact that the bat roost within the roof will be beneficial in terms of bat habitat together with the placement of additional bird boxes that can be secured by condition, it is felt that there is no need for an off site contribution towards bio diversity issues.
- 4.40 Drainage issues have been raised and further information has been provided regarding ground stability, the appropriateness of soakaways and evidence that Severn Trent Water feel that there is sufficient capacity within the system to accommodate foul flows.

5.0 Conclusions and Recommendations

- 5.1 The land is not previously developed and as such the application can be argued to be contrary to Policy H.2 of the Adopted Wyre Forest District Local Plan and to the Core Strategy which directs development towards brownfield sites. The development has more land take than the previous scheme and the rear wing will be closer to the golf club to the rear and will in my view have more of an impact than the approved development. This rear wing as it stretches closer to the rear boundary will also be more out of character with the position of nearby buildings.
- 5.2 On the other hand the impact of the scheme on public visual amenity (as opposed to the golf club) will be distant views. There is a fall back position in that there is an existing extant planning permission. The current proposal has also been the subject of consultation with the residents by the developer and it would appear when responses are compared with the previous outline application that in the main residents prefer the current scheme to that approved probably due to the lower profile of the building now proposed. In addition there is a need for accommodation of this kind in the Kidderminster area and the current scheme will in theory generate a little less traffic in that 3 fewer residential bedrooms are proposed. The scheme will also generate over 60 new jobs.

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5.3 Overall, and balancing the 'pros and cons' of the development and after due consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 it is recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Use as a Residential Care Home only and to no other use within Use Class C3 of the Town and Country Planning Use Classes Order
4. Samples of all external materials to be submitted to and approved in writing by the Local Planning Authority.
5. B2 (Sample brick panel)
6. B9 (Details of windows and doors)
7. Building levels to be strictly as per submitted plans
8. There shall be no shift changes between the hours of 10pm and 8am
9. F5 neighbouring property
10. Obscure glass to certain side facing windows
11. Details of any external lighting to be submitted and agreed in writing
12. C2 (Retention of existing trees)
13. C3 (Tree protection during construction)
14. Planting specification and maintenance
15. Method statement to ensure that works under the route protection zone will not be damaged during construction of car park.
16. C8 (Landscape implementation)
17. Implementation of bat mitigation strategy/bat roost /bird boxes
18. Implementation of boundary treatment
19. Highway conditions
20. Drainage condition
21. Excavation of material to be removed from site rather than spread on the site

Notes

- A SN12 (Neighbours' rights)
- B Highway
- C SN3 (Protection of species)

Reason for Approval

The application has been carefully considered with regards to the principle of allowing this proposal on non-previously developed land but on balance, after weighing all the material circumstances of the situation both against and for the development including the fact that there is an extant planning permission for an existing Care Home, the need for a Care Home and the jobs that will be created, it is judged that a case has been made to accept the principle of allowing the development. In detail, the proposal has also been considered with regards to impact on the visual amenity of the area, the effect on neighbouring property, the impact on existing trees, landscaping, wildlife, drainage, car parking and highway safety issues and, on balance, the development is acceptable and compliant with the above mentioned policies in the Development Plan.

Agenda Item No. 5

Application Reference: 11/0711/FULL **Date Received:** 05/12/2011
Ord Sheet: 381725 270263 **Expiry Date:** 30/01/2012
Case Officer: Paul Round **Ward:** Mitton

Proposal: Change of use of Industrial land to Gypsy Caravan Site for 6 pitches

Site Address: 28-29 SANDY LANE INDUSTRIAL ESTATE, STOURPORT-ON-SEVERN, DY139QB

Applicant: Mrs Y Sandford

Summary of Policy	H.14, NR.11, NR.12, TR.17 (AWFDLP) DS01, DS03, CP02, CP06, CP08, CP11 (AWFCS) CF2, CF3, CF4, CF5 (WMRSS) Policies 1, 7, 15, 25, 26 (emerging WFSA&P DPD) PPS1, PPS3, PPS4, PPG24, PPS25, Circular 01/06 Draft National Planning Framework Draft PPS 'Planning for Traveller Sites'
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a 0.16ha industrial site and contains ancillary buildings and structures. The site is accessed off Sandy Lane close to the junction with Hodfar Road.
- 1.2 The area is predominantly industrial and the site is allocated as such within the Adopted Wyre Forest District Local Plan. Gypsy caravan sites bound the property to the south and east.

2.0 Planning History

- 2.1 10/0680/FULL - Change of Use to Gypsy Caravan Site : Withdrawn.

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council - Defer comment, although offer a preliminary comment that the application site should be reserved for industrial/employment purposes.
- 3.2 Highway Authority - No objection.

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3.3 Environment Agency - No objections; would offer the following comments:

Flood Risk

The site is located within Flood Zone 2 ('medium probability') and part of the vehicular access/egress for the site is located within Flood Zone 3 ('high probability') of the River Severn, based on our 'indicative' Flood Zone Map.

The Flood Risk Assessment (FRA) by Julian Barnett Architect details a 1% flood level of 19.82m AOD, which appears to tie in with our River Severn model at this location. The FRA details a 300mm increase for climate change (level of 20.12m AOD) and we would accept this in considering river modelling of similar catchments, in the absence of detailed modelling. The FRA suggests that the site is within Flood Zone 1 due to the ground levels. However, there is no assessment of the 1000 year flood level (Flood Zone 2) within the FRA to confirm that this is the case.

Planning Policy Statement (PPS) 25 – Development and Flood Risk
PPS25 would class caravan sites for permanent occupation as a 'highly vulnerable' use, which within Flood Zone 2 requires the Sequential and Exception Test to be passed (Table D.3, Annex D).

Sequential Test:

PPS25, paragraph 14 states that 'a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process.' The aim of the Sequential Test is to steer new development to areas at the lowest probability of flooding (Zone 1); (paragraph 17). In this instance we would not make any bespoke comments on the Sequential Test given the scale of the proposed development. However, your LPA need to be satisfied on this aspect with reference to policy CP06 (criteria 5) of your Core Strategy (adopted December 2010). Providing you are satisfied on the above we would make the following comments on the FRA (part c of the Exception Test).

Flood Risk Assessment (FRA):

The topographic survey submitted with the FRA confirms that the existing ground levels within the site range between 20.13m and 20.54m AOD, above the 1% plus climate change flood level of 20.12m AOD. In considering safe development requirements for the proposed units, the FRA further indicates a proposal to raise the ground level for the proposed plots on site to 20.72m AOD, which would provide 600mm clearance above the 1% plus climate change flood level.

Based on the detail provided, vehicular access to the site would be lost during a 1% plus climate change flood event. At the road junction down from the site, the topographic survey indicates road levels dropping to 18.7m AOD. This would suggest that during a 1% plus climate change flood event depths of flooding would be up to 1.4m deep.

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In addressing the above, the FRA details a proposed pedestrian access route through the adjacent Broach Road Caravan Park, also in the applicant's ownership, out onto Broach Road in a northerly direction. This route leads to a track and public footpath over Common ground to Worcester Road. The topographical survey provided along this route (shown on drawing no. 2010-73-01) demonstrates that this access route would be safe during a 1% plus climate change flood event. The applicant should ensure that any occupants of the site are aware of this route.

Residual Risk:

In considering residual risk, the FRA has indicated that each property will be required to prepare a flood plan to mitigate for residual risk to the vehicular access. We would recommend that your Emergency Planners are consulted on this application. In line with PPS25, we would not comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency would be limited to delivering flood warnings to occupants / users once they sign up to the Flood Warnings Service. As the site is affected by the River Severn, there is good lead time on the flood warnings issued to take positive action. We would refer you/the applicant to the PPS25 Practice Guide (December 2009), Figure 7.2, for further information.

Surface Water Runoff:

Given the scale of the proposed development we would not comment in detail on the surface water drainage proposals, but would advise the use of Sustainable Drainage Systems. For further surface water management guidance please refer to our West Area Flood Risk Standing Advice.

- 3.4 Worcestershire Regulatory Services (Contaminated Land) – No adverse comments.
- 3.5 Worcestershire Regulatory Services (Noise) – No comments received.
- 3.6 Worcestershire County Council Gypsy Liaison Officer – No comments received.
- 3.7 Planning Policy Manager - The application site is located within Sandy Lane Industrial Estate which is allocated for B1, B2 and B8 industrial uses within the current Adopted Local Plan. Whilst there are Gypsy sites already apparent within this area, this is not one of them and this parcel of land is currently identified as being suitable for employment generating uses. The current proposal is therefore not in conformity with Core Strategy Policy CP08. Policy CP08 identifies criteria to consider the loss of employment land but in this instance it is not considered that these criteria have been met.

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Due to the nature of the proposal, Policy CP06 of the Core Strategy is also relevant for the determination of this application. Policy CP06 of the Core Strategy provides the policy framework for providing accommodation for Gypsies, Travellers and Travelling Showpeople. In considering new sites for Gypsies, a number of criteria are provided and these should be satisfied in order for an application to be compliant with the Core Strategy.

Therefore, given that the application site is currently zoned for employment use it needs to be understood whether or not there are other material considerations that are sufficient to allow a departure from the plan. In assessing this application one of the main material considerations is the requirement for Gypsy and Traveller pitches to be provided in line with identified need.

There is a national requirement for Local Planning Authorities to identify sufficient sites for Gypsies and Travellers in line with identified need, as outlined in Circular 01/2006. Although the Circular is still in force, the Government announced in 2010 the intention to change planning policy relating to Gypsies and Travellers. In April 2011, the Government began this process by publishing a consultation on "Planning for Traveller Sites" which proposes the introduction of a new Planning Policy Statement (PPS) to replace the current Circulars. The District Council have prepared a response to this consultation which was endorsed by Cabinet in June this year.

Despite the proposed change in policy, the Government's objective remains for local planning authorities to meet the needs of Gypsies, Travellers and Travelling Showpeople through the identification of land for sites, with the focus of this being through locally generated policy.

Wyre Forest District Council has already started to put this into place with the adoption of the Core Strategy DPD in December 2010. The Core Strategy sets the strategic policy (CP06) for considering sites for Gypsies, Travellers and Travelling Showpeople. It also includes a commitment for the authority to ensure that sufficient sites are allocated for Gypsies, Travellers and Travelling Showpeople.

In order to ensure that the District Council was meeting its requirement to allocate sufficient sites and due to the potential sensitivities and difficulties in identifying new sites for Gypsies, Travellers and Travelling Showpeople, consultants Baker Associates were appointed to undertake a study in 2011. The results of this were used as the basis for a consultation exercise to allocate sufficient sites to meet identified need, which was undertaken in September 2011. This particular site did not form part of the short listed sites included within the original consultation. However, as part of the consultation exercise the Council asked if there were any further sites that could be considered as being potentially suitable for Gypsy or Traveller use and through this process this particular site was suggested by the current applicants.

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The site was therefore considered further by officers and the results of this assessment were reported to the Local Development Framework Panel, the Council's Overview and Scrutiny Committee and finally the District Council's Cabinet, who made the decision that this particular site should be considered further for potential Gypsy and Traveller use through a 6 week consultation period to be held in February – March 2012. It is worth noting therefore, in the context of this particular application, that steps have been taken through the Development Plan process to consider further the possibility of this site meeting some of the identified need for sites within the District.

It is considered that, overall, a balance needs to be struck between the requirement for new sites for this particular ethnic group and the other material planning considerations, which in this instance are the loss of employment land and the risk of flooding that is associated with this particular site.

3.8 Neighbour/Site Notice : 4 letters received raising the following issues -

"We would also like to make the following points, due to the very nature of our business we provide a 24 hour 7 day breakdown service, which requires access to our premises 24 hours a day 7 days a week. If access to our premises were to be denied due to any parking issues, we are sure the residents wouldn't want knocking all hours of the day and night to move any vehicles.

We would not want to cause the residents undue disturbance with our working outside normal 9am-5pm 5day week hours, including weekends and bank holidays. It would not be possible for us to relocate our business due to the costs involved, and on a costs note if we cannot provide a 24 hour 7 day breakdown service we would be forced to make at least 1 member of staff redundant due to lack of business turnover"

"I strongly object to this application. This area in question is zoned for industrial use on the main structure plan and also on the revised structure plan and has been for many years. You may not be aware that part of that ground is occupied at the present time and paying rent to the owner, it is not the case that it cannot be rented, part of it is rented at the moment. I own property in Hodfar Road and I purchased a large area which constitutes Hodfar Road and this in turn holds 12 factory units currently I own only Unit 2. I had the misfortune when purchasing this ground many years ago of having to fight off a compulsory purchase order which was issued by the minister of the environment who on behalf of Worcester County Council who wished to build a Gypsy Caravan Site. We were supported by Wyre Forest Council in the building of 12 factory units and gained the correct planning approval and erected the factories they are there today. Business should be encouraged to develop on ground which has been allocated for that purpose. There are no footpaths or proper safe areas for children to play and the area is in constant use by commercial vehicles and not a fit place to put a domestic situation in.

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There is a Caravan Site adjacent to the proposed development site which I believe is leased from Mrs. Sandford by Worcester County Council that was intended to be for a period of 25 years and a little further back down the road opposite Nuns Corner another Caravan Site has sprung up in the last 12 months. Don't you think enough is enough or are the planners actually encouraging these sites and discouraging industry? This ground should not be allowed for some other purpose for which it was never intended, what's the point of having a structure plan and then changing it because someone is having difficulty renting their property."

"Wyre Forest District Council need to determine whether they want Sandy Lane Industrial Estate as a place of employment generating income for the district of Wyre Forest District or whether they want it as a residential site for gypsies. My objection is simple, residential and industrial sites do not mix. I am sure that if I requested planning for an industrial site in the middle of a residential area, whether it be for permanent or caravan dwellings, I am quite sure your answer would be no."

*"Do we need another site on what should be an industrial estate?
...Customers/visitors to the estate will undoubtedly be put off by the visual impact this will create adding further to its decline. We are therefore concerned that this estate may see an increase in crime leading to more theft/vandalism in the area...As a business operating on a 24hour basis opposite the proposed site...very difficult for us to carry out our **24 hour** recovery work.*

Reversing lorries out from our yard would a) be obstructed by anything left overnight in the road, b) be noisy...c) dangerous if children are about and not seen. Residents...[will be] complaining about noise at night...how will we be able to run our business then?...In the extreme case our business suffers...it would mean the loss of four full time workers, plus another empty unit...Sandy Lane is a designated flood area..."

4.0 Officer Comments

CURRENT SITE ALLOCATION IN DEVELOPMENT PLAN

- 4.1 The application site is located within the Sandy Lane Industrial Estate which, according to the Adopted Wyre Forest District Local Plan, is allocated for B1, B2 and B8 industrial uses. Whilst there are gypsy and traveller sites within the Sandy Lane Industrial Estate safeguarded by Adopted Local Plan and emerging LDF Policy, including three sites which lie immediately to the adjacent, this particular site is clearly allocated for employment uses.

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4.2 The proposed use for gypsy and traveller accommodation is therefore contrary to Policy CP08 of the Adopted Wyre Forest Core Strategy which seeks to safeguard existing employment areas. The Policy states that development which would result in the loss of employment land will only be acceptable where it can be demonstrated that it meets a list of four criteria which are as follows:

1. *The site is identified in an up-to-date employment land review as being suitable to be considered for alternative uses:*

The Council undertook an Employment Land Review in 2007-8 which concluded that Sandy Lane constituted one of the best existing employment areas. No sites were considered for release from industrial uses and Sandy Lane was recommended to be retained for employment uses.

2. *The continued use of the buildings, or their redevelopment for an employment use, is not viable (in physical, operational or commercial terms) and this is supported by robust evidence, such as the marketing for the site and evidence that the site is unviable to be developed for employment use;*

A marketing report has been submitted by the Doolittle & Dalley to support their claims. The report shows how the site has been actively marketed since 2007 without a secure tenancy. It is claimed that the use of site as a gypsy site would be compatible with the adjacent gypsy sites

3. *The proposed new use would be compatible with neighbouring uses and would not prejudice the amenity, viability or future development of other businesses;*

A noise report has not been submitted. However, recent applications in the vicinity have demonstrated noise levels can be mitigated and recent approvals have been conditioned accordingly.

4. *When considering alternative uses, preference will be given to mixed use development prior to any single use development.*

Whilst there is a preference for mixed use development the Policy notably does not exclude single use developments.

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- 4.3 There is clear conflict with parts 1 and 2 of Policy CP08. Furthermore objections have been received indicating the concern at the loss of industrial land within the industrial estate. It has to be acknowledged that the Employment Land Review indicated that the Estate remains the largest employment area in Stourport. However, there are several existing vacant premises within the Sandy Lane Industrial Estate and vacant industrial land within the Stourport area on the market and therefore available to be leased or bought. Therefore, in light of these circumstances it is not considered that the loss of this employment site would provide a robust reason for refusal.
- 4.4 There is also the separate matter of the compatibility of the proposed residential use with the surrounding industrial uses, again a matter raised by objectors. Whilst it is considered that this matter is more finely balanced it is considered that noise could be mitigated. In the absence of an objection from Worcestershire Regulatory Services it is considered that again there is not a robust reason for refusal.
- 4.5 Policy CP06 of the Core Strategy sets out the criteria for dealing with new Gypsy sites. Whilst it acknowledges that the Site Allocations and Policies Development Plan Document (DPD) will identify specific sites in the future, it provides criteria for the allocation of these new sites. The relevant numbered criteria are discussed below:

5. *The site should not fall within areas at higher risk of flooding such as Flood Zones 2 and 3 and its exact location should take account of the strategic flood risk assessment;*

The site lies within Flood Zone 2 and the proposals fail to comply with this part of the Policy. Further explanation is given below under the 'Flooding' heading.

6. *Neighbouring uses should be complementary to the amenities of the proposed site;*

As stated previously the application has been submitted with a noise assessment and objectors have raised concern at the incompatibility of the proposed residential use with the existing industrial uses. Whilst this is an issue which is considered to be finely balanced, the noise assessment advises that any significant noise could be mitigated. In the absence of an objection from Worcestershire Regulatory Services it is considered that there is not a robust reason for refusal.

9. *There is safe and convenient vehicular and pedestrian access and that the site can be easily accessed by towing caravans.*

There is no objection from the Highway Authority.

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FLOODING

- 4.6 The site falls within Flood Zone 2 a defined by the Environment Agency. It will be noted that the Environment Agency do not raise objection to the proposal, although in accordance with PPS25 advise that the sequential and exception test should be followed.
- 4.7 The Council has conducted a “call for sites” as part of the Site Allocations and Development Policies DPD and have gone out to consultation on 7 sites within the District. Following a review of the consultation responses some of these sites have been dropped from the consultation and alternative sites have been added to a further consultation, which will take place this month. The application site is now part of this consultation. It is clear from a consideration of the whole District that alternative available sites have not been forthcoming. This must be given significant weight. On this basis I consider that the sequential test has been passed.
- 4.8 The exception test requires demonstration that the site:
- (a) provides wider sustainability benefits to the community to outweigh flood risk
 - (b) is on Previously Developed Land
 - (c) is safe in respect of flooding and does not create a risk of flooding elsewhere

The site is on previously developed land and the Environment Agency have confirmed that flood risk of the site is acceptable and that dry access can be achieved through to Broach Road. In respect of (a) it is considered that the strategic aim of provided accommodation for Gypsies within the District in a sustainable location is an important aim. This is a matter that clearly needs to be balanced but it is felt that this is beneficial.

- 4.9 It is therefore concluded that it has been demonstrated that matters of flood risk do not prevent the change of use on this site.

NUMBERS OF GYPSY PITCHES AND PREFERRED SITE ALLOCATIONS

- 4.10 The application is for a gypsy and traveller site, therefore ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites is particularly important. Although the Circular is still in force, the Government announced in 2010 the intention to change planning policy relating to Gypsies, Travellers and Travelling Showpeople. In April 2011, the Government began this process by publishing a consultation on “Planning for Traveller Sites” which proposes the introduction of a new Planning Policy Statement (PPS) to replace the current Circular.

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4.11 Despite the fact that the anticipated revised guidance has to-date failed to materialise the Government's objective remains for local planning authorities to identify sites to meet the needs of Gypsies and Travellers. The proposed Planning Policy Statement is identical in many ways to the provisions in the 2006 Circular and it will reinforce this ambition and require Local Planning Authorities to use a robust evidence base to establish need; set pitch and plot targets to address accommodation needs; identify specific sites in their Development Plan that will enable the continuous delivery of sites for at least 15 years from the date of adoption; and identify sufficient specific deliverable sites to meet the need in the first five years of the adoption of the relevant DPD policy

4.12 The Council has already started to put this into place with the adoption of the Core Strategy DPD in December 2010. As discussed earlier in the report Core Strategy Policy CP06 sets out the criteria for allocating new sites within the District and it also includes a commitment by the Council to ensure that sufficient sites are allocated. The Core Strategy used evidence prepared in the 2008 Gypsy and Traveller Accommodation Assessment to ascertain the need for future pitch provision. The findings of this study, which are included in the Core Strategy, were for a total of 30 pitches to be allocated within Wyre Forest District by 2013

4.13 Through Phase 3 of the Regional Spatial Strategy revision process the District Council has supported the provision of 35 pitches until 2017 with a further 15 to be allocated between 2017 and 2022. Since 2007 a number of permissions have been given for Gypsy Sites. These are detailed below:

Year of Approval	Site	Number of Pitches	Allocation Remaining until 2013	Allocation Remaining until 2017
2007	9 Broach Road/ Meadow Caravan Park) Stourport	7	23	28
2011 (temp 2 yrs)	Land opposite the Gate House Sandy Lane Stourport	8	15	20
2011	Land Adj Nunns Corner, Sandy Lane Stourport	2 (additional)	13	18
2012	Saiwen Lower Heath Stourport	5	8	13

4.14 Members will also be aware that a temporary permission for two pitches at Cursley Lane, Shenstone, was granted on appeal in 2007, which expires in November 2012.

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4.15 It can be clearly seen that there is an unmet need of Gypsy pitches within the District for 2013 and going forward for future years.

4.16 On 31 January 2012 it was resolved by Members of the Cabinet that the Council will go forward with a further 3 sites for consultation, and 2 sites being agreed to go forward for allocation. The sites are set out below

	Site Location	Potential Number of Pitches
	Sites going forward for Allocation	
1	Land adjacent to Nunn's Corner, Stourport	8
2	The Gables Yard, Stourport	3
	Sites going forward for Consultation	
3	Land opposite the Gatehouse, Sandy Lane, Stourport	8
4	1A Broach Road, Stourport	2
5	28/29 Sandy Lane, Stourport (ie. the Application Site)	6

4.17 As stated earlier in the report the “call for sites” has resulted in the above sites being considered and taken forward as preferred sites. The application site clearly has a role to play and as such these considerations also weigh in favour of the proposal, especially taking account of the advice contained within Circular 01/2006.

DESIGN AND LAYOUT

4.18 The design and layout of the site is in a standard form providing six pitches with its own associated utility block. The utility block will be constructed of brick and tile and measure 3.1m square and 3.9m high. The boundary treatment retains the existing Pallisade fencing and seeks to install acoustic fencing which will tie in with surrounding boundary treatments, although this will need to be verified through the noise mitigation strategy and as such will need to form pre-start condition.

4.19 The position of the site for a Gypsy site will form a logical extension to sites adjacent namely, Broad Road Caravan Park and 6 & 6a Broach Road

HIGHWAYS

4.20 The proposal seeks to close the two existing access points and construct a new central access point. The highway authority has considered the proposal and found it acceptable.

OTHER ISSUES

4.21 The application represents a departure from the development plan given the employment/industrial allocation of the land and has been advertised as such. No additional comments have been raised as part of this departure process.

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5.0 Conclusions and Recommendations

5.1 Although strictly contrary to development policy it is considered that the unmet need for Gypsy pitches within the District; the lack of alternative provision; and supply of Industrial land at present, provide sufficient justification to look favourably on this site as a permanent Gypsy site. The site is considered acceptable and can be assimilated into the Industrial area without significant negative impact. Whilst being in Flood Zone 2 it is considered that the risk of flooding is acceptable and that a dry access route can be maintained. The access and the traffic generation associated with the development is also considered acceptable in this location

5.1 The application is recommended for **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. All plots shall not be occupied other than by gypsies and travellers
4. B1 (Samples/Details of materials) <for utility blocks>
5. Noise mitigation strategy to be provided
6. Details of Boundary Treatment
7. E2 (Foul and surface water)
8. The pedestrian evacuation route shall remain clear at all times for access by the occupiers of all the other plots on site

Reason for Approval

Although strictly contrary to development policy it is considered that the unmet need for Gypsy pitches within the District; the lack of alternative provision; and, supply of Industrial land at present, provide sufficient justification to look favourably on this site as a permanent Gypsy site. The site is considered acceptable in this and can be assimilated into the Industrial area without significant negative impact. Whilst being in Flood Zone 2 it is considered that the risk of flooding is acceptable and that a dry access route can be maintained. The access and the traffic generation associated with the development is considered acceptable. For these reasons the proposals are in accordance with the policies listed above.

Application Reference: 11/0717/FULL	Date Received: 06/12/2011
Ord Sheet: 381740 277563	Expiry Date: 31/01/2012
Case Officer: Stuart Allum	Ward: Franche

Proposal: Single storey side extension to provide accommodation for disabled person

Site Address: 37 CHESTNUT GROVE, KIDDERMINSTER, DY11 5QA

Applicant: Mrs C Rigsby

Summary of Policy	H.18, D.17, TR.17 (AWFDLP) CP03, CP11 (AWFCS)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Number 37 Chestnut Grove is a semi-detached dwelling located in an allocated residential area to the north-west of Kidderminster town centre.
- 1.2 The local area is characterised by mainly semi-detached dwellings arranged on regular building lines, set back from the highway to allow for off-street parking. Individual plot sizes are generally large.
- 1.3 The design of the dwelling is unusual in that it features a ‘mansard’ type roof with steep pitched tile hanging from the eaves to the main part of the roof. The original lower part of the dwelling was originally composed of concrete panels, now replaced with brickwork.
- 1.4 The proposal is to demolish the existing detached single garage to the side of the dwelling and construct a ground floor, flat roofed extension with bedroom and en-suite, as dedicated accommodation for the applicant, who is disabled.

2.0 Planning History

- 2.1 WF.682/00 - New brick skin to replace concrete panels and extension to provide garage, dining room, shower and utility room on ground floor with bedroom and en-suite extension above and new driveway : Refused 12/9/00
- 2.2 WF.1021/00 -Two storey extension and garage, new brick skin to replace concrete panels : Approved 16/01/01 (Extension not implemented)

11/0717/FULL

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections.
- 3.2 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 Applications for accommodation for dependent relatives are considered In the light of Policy H.18 of the Adopted Wyre Forest District Local Plan. This policy stipulates that the annex will only be permitted where it is physically incorporated into the main dwelling, with a shared entrance and strong links at ground and first floor levels (where applicable) and both the dwelling and annex share vehicular and pedestrian access.
- 4.2 In this case, the extension incorporates a front door with associated ramp to facilitate wheelchair access into the new accommodation. This approach has been justified by the applicant’s agent on the basis that the existing front door on the original dwelling is not wide enough to allow access for their client’s wheelchair.
- 4.3 The new extension front door has been designed at a width of 1000mm, wider than the existing front door and wide enough to allow passage of the wheelchair into the newly created accommodation. These exceptional circumstances should allow some scope for relaxing the normal requirement for a shared access as articulated by Policy H.18, which is satisfied in all other respects.
- 4.4 Policy D.17 of the Adopted Wyre Forest District Local Plan (Design of Residential Extensions) states that extensions to residential properties must be in scale and in keeping with the form, architectural characteristics and detailing of the original building, be visually subservient to and not overwhelming in relation to the original building, not create incongruous features and not have a serious adverse effect on the amenities of neighbouring properties.
- 4.5 The proposed extension is in scale and in keeping with the original building. The use of a flat roof is imposed by the design of the parent dwelling, which features a sloping mansard roof. This presents practical difficulties in respect of forming a pitched roof. This is a prominent corner site, but the visual integrity of the street scene would be maintained by the proposal.
- 4.6 With regard to issues of amenity and privacy, the rights enjoyed by the occupiers of the neighbouring properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against scope and scale of the proposal in that context. No potential breach has been identified, which is also the case in relation to the appropriate planning policy (D.17 of the Adopted Wyre Forest District Local Plan).

11/0717/FULL

5.0 Conclusions and Recommendations

5.1 In consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that this slight and justifiable deviation from policy be **APPROVED** subject to the following conditions.

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. External brickwork to match existing
4. The extensions hereby permitted shall not be occupied at any time other than for the purposes incidental to the enjoyment of the dwelling known as 37 Chestnut Grove, Kidderminster.

Reason for Approval

The erection of a ground floor extension to enable accommodation to be provided for the disabled applicant is considered to be acceptable in principle. The proposed extension is of an appropriate scale and design in relation to the original dwelling and is capable of being assimilated into the local street scene. The proposal would accord with all aspects of Policy H.18 with the exception of the provision of a wheelchair accessible front door, which has been justified in a statement of the circumstances on the site and the access limitations as existing. Accordingly, the proposal is considered to be in compliance with the policies listed above, with the exception of Policy H.18 of the Adopted Wyre Forest District Local Plan. However, in this particular case it is considered that this partial non-compliance is justified and acceptable.

Application Reference: 11/0749/FULL	Date Received: 21/12/2011
Ord Sheet: 375921 278121	Expiry Date: 15/02/2012
Case Officer: Paul Round	Ward: Bewdley and Arley

Proposal: Variation of Condition 2 of Planning Permission WF/0196/05 and Condition 5 of Planning Permission 06/1141/FULL to allow for 17 static holiday caravans in lieu of 17 touring caravans in position shown on the proposed plan

Site Address: WOODHOUSE FARM, POUND GREEN, ARLEY, BEWDLEY, DY12 3LD

Applicant: Mr & Mrs E H Gatehouse

Summary of Policy	TR.17, LR8, LB5 (AWFDLP) DS04, CP03, CP10, CP11, CP13 (AWFCS) CTC 1, CTC4, RST3, RST14, RST18, (WCSP) QE1, QE6, (WMRSS) Policies 13, 14, 15, 24, 25 (emerging SA&P DPD) Good Practice Guide Planning for Tourism Landscape Character Assessment PPS1, PPS5, PPS7
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 The site is square in shape and measures 1.31 ha in area, and is located to the south of Woodhouse Farm, Pound Green on the west side of the Parish of Upper Arley. The farmhouse is a Grade II Listed Building. The site at present has 35 static holiday caravans and 17 pitches for touring caravans, a total capacity of 52 units.
- 1.2 The proposal seeks for the substitution of the 17 touring pitches with 17 static caravans.

2.0 Planning History

- 2.1 WF.983/04 – Certificate of Lawfulness for maximum of 20 touring caravans : Approved 5/11/04.
- 2.2 WF.196/05 – Retention of additional 32 caravans : Approved 15/4/05.

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- 2.3 06/1141/FULL - Proposed siting of 20 static holiday caravans in lieu of 20 touring caravans : Approved 23/1/07.

3.0 Consultations and Representations

- 3.1 Upper Arley Parish Council – As the caravans are not seen by any of the neighbours or from the road and as it is simply a transition from touring, seasonal vans to static caravans, the Parish Council members did not see any problems with the application and therefore support it. It was felt that the traffic may also be reduced if the caravans were static.
- 3.2 Kinlet Parish Council (adjoining Parish) – The Parish Council has discussed this matter and were this application is in our Parish we would be recommending to Shropshire Council refusal in line with the current thinking of there being enough static holiday homes in the area already.
- 3.3 Shropshire Council – Views awaited.
- 3.4 Shropshire Highways – Views awaited
- 3.5 Highway Authority – Views awaited.
- 3.6 Conservation Officer – The replacement of touring caravans with static vans will not have a significant additional impact on the setting of the nearby listed building, and thus I have no objections.
- 3.7 Environment Agency – No objection.
- 3.8 Strategic Housing Services Manager – No objection. I recently visited the site and have reviewed the infrastructure, layout etc. I have no concerns from a site licensing point of view including the amenity of the site users. Drainage etc can cope fine. So no adverse comments and would actually support it for the benefit of those using the site.
- 3.9 Ramblers – No objection.
- 3.10 Worcestershire County Council (Public Path Orders Officer) – Views awaited.
- 3.11 Campaign to Protect Rural England (Bromsgrove and Wyre Forest Group) – Pound Green forms part of the division of Upper Arley known as Woodeaves, being that part of the parish which is west of the Severn. This is in essence a large salient of the open countryside into the Wyre Forest, between Seckley Wood and other woods in Upper Arley on the one hand, and Birchen Vallets (beyond the county boundary) and Pound Green Coppice (in Upper Arley).

11/0749/FULL

The whole of the district west of the Severn is designated as a Landscape Protection Area, and rightly so. The particular site is on the summit of a slight hill and is close to several well-used public footpaths, whose setting will be affected.

Policy CP12 of the Adopted Core Strategy states:

Applications for further mobile home, caravan and chalet developments within the district's rural areas will be resisted due to the collective impact which existing sites have on the landscape.

This application is to replace 17 touring caravan sites with 17 static ones. This is a significant intensification of development:

- Touring caravans will normally only be present when occupied, whereas static ones are there all year.
- Furthermore, static caravans (which are moved on the back of a lorry) tend to be larger than touring ones (which have to be small enough to be towed by a car (or van)). This inevitably means that the impact of static caravans will be greater than that of tourers.

We object to this change. It will no doubt be argued that the impact is insignificant, because the changed sites are surrounded by existing static caravans, but that may be as a result of the way the applicant has chosen to distribute them around the site. Nevertheless, this is an intensification of the existing development and thus contrary to CP12.

It may also be desirable to retain the existing use, so that there is accommodation for tourists, adjacent to the Wyre Forest, which as a large area of ancient woodland is a tourist attraction.

If this is approved, there should be conditions against the permanent occupation of the caravans (even for only 11 months a year), so that they do not become people's main residence, which would be unacceptable development in the countryside.

- 3.12 Neighbour/Site Notice : 35 signatory petition objecting to the proposals stating – "In our view the planning application is not in line with the Wyre Forest District Council Local Development Framework which states that applications for further mobile homes, caravan and chalet development within the District's rural areas will be resisted due to the collective impact which the existing sites have on the landscape. The site is clearly visible from a point in the Wyre Forest to the west of the site".

One letter of support received – "Will be a great asset to the rural economy and local businesses".

11/0749/FULL

4.0 Officer Comments

- 4.1 The key consideration in this application as raised by those objecting to this application is that of the impact on the surrounding countryside. There also needs to be consideration of the impact on highway safety.
- 4.2 Members will be aware that as a result of the adoption of the Core Strategy that the previous local Landscape Protection Area designation was lost. However, the County Council has recently adopted its Landscape Character Assessment, which has been endorsed by this Council, that gives a framework for considering landscape impact. The site falls within the Forest Smallholdings and Dwellings Landscape Character Type which is defined as *“an intimate, densely settled landscape characterised by strings of wayside cottages and associated smallholdings. These nestle within a small scale matrix of pastoral fields and narrow lanes, often defined by overgrown hedges. This is a landscape of human scale, with a strong sense of unity and purpose”*.
- 4.3 The proposed substitution of touring pitches with static caravans would be within the position as currently exists, situated in an inner part of the site being completely surrounded by existing static units. Whilst a footpath runs north west to south west along the boundary of the site, due to the existing vegetation, views of the new units will be extremely limited. I do not consider that adverse harm will occur to the landscape as a result of this proposal.
- 4.4 I have noted the comments raised by consultees and objectors in respect of Policy CP12 of the Core Strategy which states *“Applications for further mobile home, caravan and chalet developments...will be resisted due to the collective impact which the existing sites have on the landscape.”* This policy is clearly designed to resist any new sites or extensions to existing sites, it is not there to stop any development of existing such sites as this would render the whole existing caravan tourism industry fated to languish. Policy CP10 encourages the improvement in the quality of existing tourism developments and based on the comments from the Strategic Housing Services Manager it is clear that this proposal will be a welcome improvement.
- 4.5 In respect of highways it is recognised that the junction with the B4194 is difficult to traverse. However the proposal would result in less touring caravans using this junction which is considered to be of benefit to highway safety. The views of the Highway Authority from both County Councils are awaited.
- 4.6 It is not considered that the proposal will result in harm to the Listed Farmhouse or any surrounding neighbours or land owners.
- 4.7 The comments made in respect of restricting occupation of the caravans are noted and it is considered appropriate to strengthen the existing conditions in line with the Good Practice Guide Planning for Tourism.

11/0749/FULL

5.0 Conclusions and Recommendations

- 5.1 The change from 17 Touring Caravans to 17 Static Caravans is considered to be appropriate in this self contained site, and will not have an adverse impact on the Landscape or the open countryside.
- 5.2 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:
1. A11 (Approved plans).
 2. C9 (Hedge protection).
 3. Maximum overall number of caravans on the site not to exceed 52 and sited in accordance with approved layout.
 4. 11 month occupancy.
 5. Holiday site only. Occupation by persons with residences elsewhere.
 6. Register of owners of units and the residences to be kept at all times.

Reason for Approval

The change from 17 Touring Caravans to 17 Static Caravans is considered to be appropriate in this self contained site, and will not have an adverse impact on the Landscape or the open countryside. As such the proposal complies with the policies listed above.

Application Reference: 12/0002/FULL
Ord Sheet: 384274 278344
Case Officer: Julia McKenzie-Watts

Date Received: 05/01/2012
Expiry Date: 01/03/2012
Ward: Broadwaters

Proposal: Proposed side extension utility and shower room

Site Address: 157 SION AVENUE, KIDDERMINSTER, DY10 2YL

Applicant: Mr & Mrs K Stokes

Summary of Policy	D.17 (AWFDLP) CP.11 (AWFCS) QE1, QE3 (WMRSS) Design Quality SPG PPS1
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Number 157 Sion Avenue is a semi detached property in a residential area of Kidderminster accessed off Sion Hill. The property is situated on a sloping site, on a slightly higher level than the next pair of semi-detached properties at numbers 155 and 156.
- 1.2 It is proposed to erect a single storey side extension at the property in order to enhance the existing living accommodation in the form of a utility room and shower room.

2.0 Planning History

- 2.1 KB.67/627 – Erection of a brick garage : Approved.
- 2.2 KB.64/456 - Conservatory extension : Approved.

3.0 Consultations and Representations

- 3.1 No representations received.

12/0002/FULL

4.0 Officer Comments

- 4.1 The application proposes the erection of a ground floor side extension in order to create a utility room and shower room. The extension would measure 2.1m in width, extending 7.2m along the side of the property with a door and window providing access into the rear garden. A maximum height of 3.6m to the mono pitch roof is proposed. The extension would abut the boundary with number 156 Sion Avenue.
- 4.2 It is proposed to install a velux in the rear section of the roof of the extension, however, this would not cause any overlooking of the neighbouring property as there is a single storey mono pitched extension at number 156 which also extends up to the other side of the boundary. There are no 45 degree rule implications to the proposal.
- 4.3 Policy D.17 of the Wyre Forest District Local Plan, requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features; and, not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance - Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene. The extension complies with this in that the side extension would be set back 0.6m from the front elevation in order that the original property retains its dominance when viewed in the street scene.
- 4.4 The design of the extension is acceptable in terms of how it relates to the original property and the surrounding area. It is to be constructed in matching materials and as such would create an aesthetically pleasing addition to the property.

5.0 Conclusions and Recommendations

- 5.1 I have considered Articles 1 & 8 of the Human Rights Act 1998 both in terms of the applicant and the neighbours. It is considered that the proposal would be acceptable development in the locality and no harm would result to the surrounding area.

12/0002/FULL

- 5.2 The proposed extension is considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance in the street scene. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity.
- 5.3 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B3 (Finishing Materials to Match)

Note

SN12 (Neighbours' rights)

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance in the street scene. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity. For these reasons the proposal is considered to be in accordance with the policies listed above.

Application Reference: 12/0006/FULL **Date Received:** 05/01/2012
Ord Sheet: 380248 275671 **Expiry Date:** 05/04/2012
Case Officer: Paul Round **Ward:** Wribbenhall

Proposal: Extension to existing Elephant house and re-theme building; erection of Pelican Houses; and associated works for enrichment of surrounding area including erection of Baobab Tree

Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY, DY12 1LF

Applicant: MR D CHORLEY

Summary of Policy	GB.1, GB.2, GB.3, GB.6 (AWFDLP) DS04, CP10, CP11, CP12 (AWFCS) PA10, QE3, QE6 (WMRSS) Policies 13, 20, 25 (emerging SA&P DPD) Good Practice Guide on Planning for Tourism Landscape Character Assessment PPS1, PPG2, PPS4, PPS7
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The West Midlands Safari Park is one of the District's major tourist attractions located on the Kidderminster Road between the towns of Kidderminster and Bewdley, falling within the Parish boundaries of Bewdley Town Council. The park has been in existence since the 1970's and developed over the last 30 years to its position today.
- 1.2 The area the subject of this application relates to the Wildlife part of the Park, where elephants have existed for a considerable number of years. To the south of the site lies the Severn Valley Railway line and to the east residential properties known as Salantarn Cottage and Lower Lowantarn Cottage.
- 1.3 The site is located within the West Midlands Green Belt, and is covered by a Tree Preservation Order.

12/0006/FULL

2.0 Planning History

2.1 WF/0293/97 - Erection of a building for housing elephants : Approved 20/5/97

3.0 Consultations and Representations

3.1 Bewdley Town Council – Views awaited.

3.2 Highway Authority – No objection.

3.3 Environment Agency – No comments received.

3.4 Watercourse Officer – No objections in principle; queries over waterfall.

3.5 Worcestershire Regulatory Services – No comments received.

3.6 Countryside Conservation Officer – No objections.

3.7 Neighbour/Site Notice : One representation received on behalf of Severn Valley Railway – There will be no impact on the railway operation.

4.0 Officer Comments

4.1 The proposal seeks for enhancement to part of the Wildlife area which is occupied by elephants. At present the housing consists of a red metal building and associated structures.

4.2 The works involved in this application are as follows:

- Extension to existing elephant house to create more space and a hay barn.
- Theming of the building to provide cohesive approach across the park.
- Alterations to the space around the building to enhance the environment for elephants.
- Erection of fake Baobab Tree.
- Reinstatement of waterfall.
- New pelican house (to replace existing animal shelter).
- New signage to the area.

12/0006/FULL

- 4.3 The wildlife element of the Safari Park is for the purposes of Green Belt Policy considered to be other uses that preserve the openness of the Green Belt. Structures and works are appropriate within this context as long as they maintain openness. When judging the proposals as a whole it is considered that the openness of the Green Belt will not be harmed and as such, the proposals represent appropriate development in the Green Belt.
- 4.4 The extension to the existing elephant house forms a 7 metre extension with a hay barn running to the rear of the existing building. This is sited away from residential properties and is considered to be acceptable.
- 4.5 Amendments have been negotiated that have removed a viewing tower from the scheme and re-sited the proposed 8 metre high Baobab tree further away from residential properties. Such amendments have provided a sensitive approach to the interaction between the park and residential properties. It is my view now that the proposals will not have any undue harm to the amenity of these properties.
- 4.6 The design of the theming for the elephant and pelican house and signage takes the form of natural rocks to give a more natural visual approach similar to others within the park. The finish will be constructed so as to hide the building from view. Whilst it is appreciated that the approach is not atypical of rural Worcestershire the approach fits well within the context of the Safari Park as a whole and in my view is an enhancement on the current situation of a somewhat utilitarian building. I do not consider that the visual amenity of the Green Belt or the character of the Landscape will be harmed by the proposals.
- 4.7 There is general support for enhancement of tourist facilities within the Local Development Framework, particularly at the Safari Park as a major tourist designation. The works proposed do provide a significant enhancement to the park without prejudicing neighbouring properties or the Green Belt.
- 4.8 Matters of detail such as the workings of the waterfall can be adequately covered by condition.

5.0 Conclusions and Recommendations

- 5.1 The proposed building and associated works are appropriate development in the Green Belt. The siting and design is acceptable and will not adversely impact on the surrounding area. Neighbouring properties have been fully taken into account and it is further considered that no undue harm to residential amenity will occur.

12/0006/FULL

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

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B6 (External Details – Approved Plan)
4. Details of Waterfall operation

Reason for Approval

The proposed building and associated works are appropriate development in the Green Belt. The siting and design is acceptable and will not adversely impact on the surrounding area. Neighbouring properties have been fully taken into account and it is further considered that no undue harm to residential amenity will occur. For these reasons the proposal is acceptable and accords with the policies listed above.

Wyre Forest District Council

Planning Committee Meeting 14 February 2012

List of Pending Applications

NB This list includes all applications upon which no decision has been issued, including applications proposed to be determined at this Committee

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
WF/0469/05	29/04/2005	24/06/2005	1 OX BOW WAY KIDDERMINSTER DY102LB	Full : Change of use of 3m strip of land, enclosure with timber fence - Variation to Conditions 11 and 12 of WF.222/94; Variation to Section 106 Agreement, 3 metre strip of land to rear of	The Owners of,	Paul Round
08/0034/LIST	17/01/2008	13/03/2008	20, 21 & 22 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of 20, 21 & 22 Horsefair	Wyre Forest Community Housing Ltd	Paul Wrigglesworth
08/0035/FULL	17/01/2008	13/03/2008	20,21,22 & 23 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of existing buildings and erection of 5 No affordable dwellings	Wyre Forest Community Housing Ltd	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
08/0445/S106	01/05/2008	26/06/2008	FORMER STOURVALE WORKS DEVELOPMENT OFF OXBOW WAY KIDDERMINSTER DY102LB	Variation of S106 Agreement to allow alternative access arrangements to Puxton Marsh and non-provision of on site play area.	Cofton Ltd	Paul Round
08/0495/FULL	19/05/2008	18/08/2008	THE OLD POST OFFICE SITE BLACKWELL STREET KIDDERMINSTER DY102DY	Retention/Refurbishment of Old Post Office frontage building, demolition to rear and construction of 54 apartments with undercroft parking.	Regal Executive Homes	Paul Wrigglesworth
08/0500/FULL	22/05/2008	21/08/2008	LAND AT CORNER OF THE TERRACE/TENBURY ROAD CLOWS TOP KIDDERMINSTER DY14 9HG	Erection of 12 dwellings with associated parking & access	Marcity Developments Ltd	Paul Round
08/1044/FULL	12/11/2008	11/02/2009	FORMER VICTORIA SPORTS FIELD SPENNELLS VALLEY ROAD KIDDERMINSTER	Erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works (Resubmission of 07/1165/FULL)	Victoria Carpets Ltd	Julia Mellor
09/0156/S106	03/03/2009	28/04/2009	TARN 1-16 SEVERN ROAD STOURPORT-ON-SEVERN	Variation of S.106 agreement attached to WF1208/04 to change tenure of affordable housing units	West Mercia Housing Group	Paul Round
09/0181/FULL	13/03/2009	08/05/2009	LOWER HOUSE BARN ARELEY LANE STOURPORT-ON-SEVERN DY130TA	Retrospective application for the retention of the use of land for inclusion within the residential curtilage including retention of the shed and decking	Mr B Young	Stuart Allum
09/0223/FULL	30/03/2009	25/05/2009	39 LOAD STREET BEWDLEY DY122AS	Change of use from shop (A1) to tattoo studio (Sui Generis)	Etch Body Art	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
09/0575/CERTE	12/08/2009	07/10/2009	30 MALHAM ROAD STOURPORT- ON-SEVERN DY138NR	Storage of motorcycles in own garage for use as motorcycle training establishment	Mr T Meola	Paul Round
09/0598/CERTE	21/08/2009	16/10/2009	STABLE COTTAGE FOXMEAD CALLOW HILL ROCK KIDDERMINSTER DY149XW	Use of existing former stable block building as a dwelling.	Mr & Mrs M Kent	Julia Mellor
10/0121/CERTE	10/03/2010	05/05/2010	THE ORCHARD WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LY	Use part of site for the storage and sale of motor vehicles	MR N PERRINS	Paul Round
10/0181/CERTE	30/03/2010	25/05/2010	DOVEYS COTTAGE ROCK KIDDERMINSTER DY149DR	Use of land as residential curtilage associated with Doveys Cottage for a period in excess of ten years.	Mr Keith Billingsley	Paul Round
10/0472/CERTP	17/08/2010	12/10/2010	HORSELEY COTTAGE HOBRO WOLVERLEY KIDDERMINSTER DY115TA	Conversion of existing garage to form ancillary accommodation. Proposed garden store	Mr C Fortnam	Paul Round
10/0550/FULL	20/09/2010	20/12/2010	LAND ADJACENT TO SEBRIGHT ROAD KIDDERMINSTER DY115UE	The construction of ten affordable dwellings	Wyre Forest Community Housing	Paul Round
10/0598/FULL	07/10/2010	02/12/2010	LAND ADJACENT TO 35 LONG ACRE KIDDERMINSTER DY102HA	Renewal of Planning Permission 07/0823 to erect a 3 No. bedroom dwelling	Mr S Milward	Paul Wrigglesworth
11/0146/FULL	10/03/2011	05/05/2011	50 STOURPORT ROAD BEWDLEY DY121BL	Part change of use of domestic property to day nursery for up to 16 children	Mrs K Hopkins	James Houghton
11/0309/FULL	25/05/2011	24/08/2011	1 FREDERICK ROAD HOO FARM INDUSTRIAL ESTATE WORCESTER ROAD KIDDERMINSTER DY117RA	Change of use from wholesale cash and carry and storage and distribution use (Class B8) to bulky goods retail (Class A1), creation of egress onto Edwin Avenue and associated works	Arrowcroft (JB) Limited	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0310/FULL	25/05/2011	24/08/2011	UNIT 1 FREDERICK ROAD AND LAND TO THE WEST HOO FARM INDUSTRIAL ESTATE WORCESTER ROAD KIDDERMINSTER DY117RA	Change of use from wholesale cash and carry (Class B8) to bulky goods retail (Class A1) and associated works	Arrowcroft (JB) Limited	Paul Wrigglesworth
11/0359/FULL	13/06/2011	08/08/2011	90 ST. JOHNS AVENUE KIDDERMINSTER DY116AZ	Rear first floor extension	Ms JULIE HOPKINS	Stuart Allum
11/0420/FULL/O	15/07/2011	14/10/2011	LAND AT CHURCHFIELDS KIDDERMINSTER	HYBRID APPLICATION: AREA A - FULL DETAILS: PROPOSED FOODSTORE (USE CLASS A1) AND PETROL FILLING STATION; ASSOCIATED PLANT, MEANS OF ENCLOSURE, RECYCLING, PARKING AND HIGHWAY WORKS INCLUDING NEW LINK ROAD BETWEEN THE RINGWAY AND CHURCHFIELDS; DEMOLITION OF EXISTING BUILDINGS, WITH EXCEPTION OF THE 1902 BUILDING (PART DEMOLITION PART RETENTION AND CHANGE OF USE TO CAFE, CUSTOMER AND COLLEAGUE FACILITIES) AREA B - OUTLINE: PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 26 UNITS WITH ASSOCIATED ACCESS AND PARKING; DEMOLITION OF EXISTING BUILDINGS. (LAYOUT AND ACCESS TO BE DETERMINED)	Asda Stores Ltd	Julia Mellor
11/0439/FULL	21/07/2011	15/09/2011	HERONS PARK NURSING HOME HERONSWOOD ROAD KIDDERMINSTER DY104EX	Provision of additional bedroom converted from existing accommodation in association with approved scheme for 24 bedroom extension (09/0731)	ROYAL BAY CARE HOMES	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0449/FULL	21/07/2011	15/09/2011	2 QUEENS ROAD STOURPORT-ON-SEVERN DY130BH	Variation of condition 3 of Planning Permission 10/0745/FULL to allow alternative extraction scheme to be installed	Mr S Gogna	Stuart Allum
11/0448/OUTL	26/07/2011	20/09/2011	LAND ADJACENT TO 42 BRIAR HILL CHADDESLEY CORBETT KIDDERMINSTER DY104SH	Erection of a single storey dwelling	Mr A Gregory	Stuart Allum
11/0458/FULL	27/07/2011	21/09/2011	THE SALON BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Single storey extension to rear with internal modifications to create separate living accommodation; replacement of rear flat roof with pitched truss gable roof; single storey extension to side to provide entrance to flats	MISS V PAVLOVIC	Stuart Allum
11/0460/LIST	27/07/2011	21/09/2011	THE SALON BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Single storey extension to rear with internal modifications to create separate living accommodation; replacement of rear flat roof with pitched truss gable roof; single storey extension to side to provide entrance to flats	MISS V PAVLOVIC	Stuart Allum
11/0464/LIST	29/07/2011	23/09/2011	236 WESTBOURNE STREET BEWDLEY DY121BS	Installation of satellite dish on chimney	Mrs J B Roberts	James Houghton
11/0469/FULL	01/08/2011	26/09/2011	RICHMOND ROAD BEWDLEY	Erection of 5 No. affordable dwellings	Wyre Forest Community Housing	James Houghton
11/0471/FULL	01/08/2011	26/09/2011	CLENT AVENUE BIRCHEN COPPICE KIDDERMINSTER	7 No. Affordable Dwellings (5 no. 2 bed and 2 no. 3 bed - alternative scheme to planning approval 08/0311/FULL)	Wyre Forest Community Housing	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0534/RESE	23/08/2011	22/11/2011	FORMER CARPETS OF WORTH SEVERN ROAD STOURPORT-ON- SEVERN DY139EX	Redevelopment of the site to provide a mix of uses including Residential, Class A Retail Uses, Class B Employment, Class C Hotel and Class D Assembly and Leisure (Reserved Matters following Outline Approval 09/0588/OUTL - Access, Appearance Landscaping, Layout and Scale to be considered)	STOURPORT CORPORATION NV	John Baggott
11/0545/FULL	26/08/2011	21/10/2011	TOP ACRE OFF CURSLEY LANE SHENSTONE KIDDERMINSTER DY104DX	Application under S.73 to vary conditions 1 and 2 of Planning Permission 06/1062/FULL to remove all reference to the limited time period of 5 years for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel board fence	MRS S J SMITH	John Baggott
11/0543/CERTE	31/08/2011	26/10/2011	SMITHS TURNING 5A WHITEHILL ROAD KIDDERMINSTER DY116JH	The use of an area of land as garden land	MR J CADDICK	Paul Wrigglesworth
11/0588/FULL	28/09/2011	23/11/2011	45 COMBERTON PARK ROAD KIDDERMINSTER DY103DY	Two-storey side extension and bay window to front	Mr R J Dean	Stuart Allum
11/0596/FULL	05/10/2011	30/11/2011	LAND OFF RIBBESFORD ROAD BEWDLEY	Change of use of land to commercial stud farm and erection of stabling	Mr & Mrs P Parker	James Houghton
11/0609/TREE	17/10/2011	12/12/2011	ELFIN GLEN GORST HILL ROCK KIDDERMINSTER DY149YH	Removal of an oak tree	MR P ROGERS	Alvan Kingston
11/0634/FULL	28/10/2011	23/12/2011	LAND OFF GREY GREEN LANE BEWDLEY	Conversion of redundant agricultural building to form new dwelling and associated work	Central Building Design	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0647/S106	02/11/2011	28/12/2011	SEVERN ROAD STOURPORT-ON-SEVERN	Variation of Section 106 agreement to enable a change to the timescale relating to the approval and implementation of Public Art	Tesco Stores Ltd	Julia Mellor
11/0650/FULL	07/11/2011	02/01/2012	13 SEVERN SIDE SOUTH BEWDLEY DY122DX	Single-storey rear extension to form garden room, internal alterations to form ground floor toilet, new porthole window to passageway	Mr S Kocher	Stuart Allum
11/0651/LIST	07/11/2011	02/01/2012	13 SEVERN SIDE SOUTH BEWDLEY DY122DX	Single-storey rear extension to form garden room, internal alterations to form ground floor toilet, new porthole window to passageway	Mr S Kocher	Stuart Allum
11/0664/FULL	14/11/2011	09/01/2012	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JH	Variation of Condition 5 of Planning Permission WF/0193/01 (Restricting floodlighting) to now read "Floodlighting of the manege hereby approved shall be limited to three lights, fitted with cowls or hoods, fixed at height of 4.3m to the south elevation of the adjacent stable building (identified as Stable 1 on plan 3149/200) and shall not be operated during night-time hours 21:00 to 06:30" (Retrospective)	Mr J Raggett	James Houghton
11/0666/FULL	15/11/2011	14/02/2012	WHARTON PARK GOLF CLUB LONGBANK BEWDLEY DY122QW	Erection of building for Golf Driving Range and Associated Works	WHARTON PARK GOLF CLUB	Paul Round
11/0677/FULL	17/11/2011	12/01/2012	FROG HALL COTTAGE HEIGHTINGTON BEWDLEY DY122XR	Proposed Two Storey Side Extension and Rear Decking. Diversion of Existing Footpath	Mr B Norgrove	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0675/FULL	18/11/2011	13/01/2012	10 ADAM STREET AND REAR OF 6 ADAM STREET KIDDERMINSTER DY116PS	Erection of 4 No. flats with no car parking (Demolition of builder yard buildings)	MESSRS CONNOLLY & JONES	Paul Wrigglesworth
11/0685/FULL	21/11/2011	16/01/2012	SEVERN SIDE CARAVAN PARK SANDY LANE TITTON STOURPORT-ON-SEVERN DY139PY	Alterations and extensions to existing clubhouse to provide improved toilet facilities and a functions room	Allens Caravans	James Houghton
11/0681/FULL	22/11/2011	21/02/2012	37 & 38 OLDNALL ROAD KIDDERMINSTER DY103HN	Demolition of existing properties and erection of care home under use class C2 and associated works	Castle Oak Developments Ltd	Paul Wrigglesworth
11/0695/COUN	28/11/2011	22/12/2011	STOURPORT ROAD BEWDLEY DY121AF	Construction of a two stepped concrete plinth to allow safer access to the existing STW cabinet. Construction of a hand rail along the existing wall to match the existing rail	Severn Trent Water Ltd	Paul Round
11/0696/FULL	28/11/2011	23/01/2012	PARWELD LTD BEWDLEY BUSINESS PARK LONG BANK BEWDLEY DY122TZ	Proposed warehouse extension to existing factory (B8). New industrial unit (B1) and associated car parking	C PARKER INVESTMENTS LTD	Julia McKenzie-Watts
11/0701/FULL	28/11/2011	23/01/2012	27 WOODLANDS ROAD COOKLEY KIDDERMINSTER DY103TL	First floor side extension over existing garage	Mr & Mrs Jones	Stuart Allum
11/0703/RESE	30/11/2011	29/02/2012	FORMER MORGAN CERAMICS SITE BEWDLEY ROAD STOURPORT-ON-SEVERN DY138QR	Erection of 98No. dwellings with associated garaging and ancillary car parking, hard and soft landscaping and ancillary works	Redrow Homes Midlands	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0706/FULL	01/12/2011	26/01/2012	ROBIN HOOD PH DRAYTON ROAD DRAYTON BELBROUGHTON DY9 0BW	Layout and provision of replacement children's play equipment and fencing (retrospective)	Mr G Attwood	Paul Round
11/0711/FULL	05/12/2011	30/01/2012	28-29 SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN DY139QB	Change of use from B1 General Industrial land to Gypsy Caravan Site for 6 pitches	Mrs Y Sandford	Paul Round
11/0714/FULL	06/12/2011	31/01/2012	SEVERNSIDE CARAVAN PARK SANDY LANE TITTON STOURPORT- ON-SEVERN DY139PY	Replacement of flood damaged implement store	Allens Caravans	James Houghton
11/0717/FULL	06/12/2011	31/01/2012	37 CHESTNUT GROVE KIDDERMINSTER DY115QA	Single storey side extension to provide accommodation for disabled person	Mrs C Rigsby	Stuart Allum
11/0718/FULL	07/12/2011	01/02/2012	19 GOLDEN HIND DRIVE STOURPORT-ON-SEVERN DY139RJ	Two storey side extension	Mr I Patrone	Julia McKenzie-Watts
11/0722/ADVE	08/12/2011	02/02/2012	SPECSAVERS OPTICIANS 2 COVENTRY STREET KIDDERMINSTER DY102DG	Erection of new internally illuminated fascia signage and projecting sign	Specsavers Opticians	Julia McKenzie-Watts
11/0725/LIST	09/12/2011	03/02/2012	1 to 5 ALM HOUSES BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER DY104PZ	Repair, insulate and re-cover roofs (pitched and flat). Insulate outbuilding cavity walls. Replace entrance doors. Double glaze / secondary glaze existing windows. Re-furbish kitchens and bathrooms. Ventilation added to kitchen and bathrooms. Upgrade heating with new gas fired radiator boiler system. Proposed satellite antenna.	Trustees of Margaret Delabere Almshouses	Stuart Allum
11/0727/FULL	09/12/2011	03/02/2012	95 STOURPORT ROAD BEWDLEY DY121BJ	Proposed demolition of existing conservatory and erection of single storey extension	Mr & Mrs P Jackson	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0726/FULL	12/12/2011	06/02/2012	ASHFIELD HOUSE SUGAR LOAF LANE IVERLEY KIDDERMINSTER DY103PB	Change of use from house with multiple occupancy (supported living) to use as 6 bedded residential home for adults (18 - 65) with learning disabilities, some of whom may have mental health problems.	Camphill Village Trust	Stuart Allum
11/0724/FULL	13/12/2011	07/02/2012	28 MITTON STREET STOURPORT-ON-SEVERN DY139AG	Part demolition, construction of extension and conversion to two 2-bedroom dwellings with rear access and parking from Mitton Close	Mr P Arnold	Stuart Allum
11/0731/TREE	14/12/2011	08/02/2012	58B PINERIDGE DRIVE KIDDERMINSTER DY116BG	Remove one pine tree	Mr A Brown	Alvan Kingston
11/0733/LIST	14/12/2011	08/02/2012	THE POST HOUSE 14 LOAD STREET BEWDLEY DY122AE	Install free standing air-conditioning unit, on flat roof of single storey office at rear of building with pipes to run to second floor level	K DREWE INSURANCE BROKERS LTD	Stuart Allum
11/0732/TREE	15/12/2011	09/02/2012	14 THE CHESTNUTS KIDDERMINSTER DY117BN	Fell Chestnut Tree	Mr N Bailey	Alvan Kingston
11/0734/FULL	15/12/2011	09/02/2012	6 LOMBARD STREET STOURPORT-ON-SEVERN DY138DT	Proposed change of use at part of ground floor from Class A1 shop to Class A2 financial and professional services to include new shopfront, satellite dishes and 2 no. air conditioning units to the side.	Coral Racing Ltd	James Houghton
11/0736/FULL	15/12/2011	09/02/2012	HODGE HILL NURSERIES BIRMINGHAM ROAD KIDDERMINSTER DY103NR	Installation of 42 Solar PV Panels on south facing roof slope	HODGE HILL NURSERIES	Stuart Allum
11/0737/FULL	15/12/2011	09/02/2012	THE SWATHES ROCK KIDDERMINSTER DY149DH	Two storey extensions to sides and rear of existing cottage	Mr M Winfield	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0738/FULL	15/12/2011	09/02/2012	11 HERMITAGE WAY STOURPORT-ON-SEVERN DY130DA	Two storey side extension and single storey rear extension	Mr I Adams	James Houghton
11/0739/CERTP	16/12/2011	10/02/2012	CHANCES CLOSE WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LU	Proposed two storey extension	Mr M Daneshfar	Paul Wrigglesworth
11/0740/CERTE	16/12/2011	10/02/2012	44 ROUSBINE CARAVAN PARK CALLOW HILL ROCK KIDDERMINSTER DY149DD	Residential occupation of unit 44 by Site Warden	Mr & Mrs Lunnon	Paul Round
11/0741/FULL	16/12/2011	10/02/2012	TESCO STORES LTD CASTLE ROAD KIDDERMINSTER DY116SW	Proposed Enclosure to underside of existing canopy to act as Cage Marshalling Area	Tesco Stores Ltd	Paul Wrigglesworth
11/0742/FULL	19/12/2011	13/02/2012	71 SALISBURY DRIVE KIDDERMINSTER DY116HE	Two storey side extension with single storey front and rear extensions	M Rowberry	Julia McKenzie- Watts
11/0743/FULL	19/12/2011	13/02/2012	2 MINSTER HOUSE WESTBOURNE STREET BEWDLEY DY121BS	Demolition and rebuild of existing first floor bathroom with associated dormers, insertion of velux roof light and retention of satellite dish	Mr & Mrs S Davenport	Stuart Allum
11/0744/LIST	19/12/2011	13/02/2012	2 MINSTER HOUSE WESTBOURNE STREET BEWDLEY DY121BS	Demolition and rebuild of existing first floor bathroom with associated dormers, insertion of velux roof light and retention of satellite dish	Mr & Mrs S Davenport	Stuart Allum
11/0745/FULL	19/12/2011	13/02/2012	8 WOODPECKER GROVE KIDDERMINSTER DY104JN	Ground floor extension to sitting room	Mr & Mrs Fairhurst	Stuart Allum
11/0746/FULL	20/12/2011	14/02/2012	15 MERLIN DRIVE KIDDERMINSTER DY104AQ	Extensions and alterations	Mr & Mrs d Harrison	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0747/FULL	20/12/2011	14/02/2012	PLOT 4 WOODROW LANE BLUNTINGTON CHADDESLEY CORBETT KIDDERMINSTER DY104NP	New dwelling on vacant plot (previously approved)	Mr A Hartshorne	Paul Wigglesworth
11/0748/LIST	20/12/2011	14/02/2012	MANOR HOUSE YIELDINGTREE BROOME STOURBRIDGE DY9 0EQ	Re-roofing of Grade II Listed Dwelling	Mr M Billingham	James Houghton
11/0749/FULL	21/12/2011	15/02/2012	WOODHOUSE FARM POUND GREEN ARLEY BEWDLEY DY123LD	Variation of Condition 2 of Planning Permission WF/0196/05 and Condition 5 of Planning Permission 06/1141/FULL to allow for 17 static holiday caravans in lieu of 17 touring caravans in position shown on the proposed plan	Mr & Mrs E H Gatehouse	Paul Round
11/0750/FULL	23/12/2011	17/02/2012	21 ARELEY COMMON STOURPORT-ON-SEVERN DY130LF	First floor linked extension	Mr & Mrs R Bean	James Houghton
11/0751/FULL	23/12/2011	17/02/2012	9 TOWERS BUILDINGS BLACKWELL STREET KIDDERMINSTER DY102DY	Change of use from first floor storage into Manager's flat	Mr C Patel	James Houghton
11/0752/FULL	23/12/2011	17/02/2012	32 TYNINGS CLOSE KIDDERMINSTER DY115JP	Single storey side and rear extension	Mr M Hickman	Julia McKenzie-Watts
12/0005/FULL	04/01/2012	29/02/2012	ASDA FOOD STORE NEW ROAD KIDDERMINSTER DY101HG	Installation of new external roller shutters to existing glazing/curtain walling	ASDA STORES LTD	Julia McKenzie-Watts
12/0059/FULL	04/01/2012	29/02/2012	102 ST. JOHNS AVENUE KIDDERMINSTER DY116AX	Garage and study extension at ground floor with bedrooms above	Mr & Mrs D Pearsall	Julia McKenzie-Watts
12/0002/FULL	05/01/2012	01/03/2012	157 SION AVENUE KIDDERMINSTER DY102YL	Proposed side extension utility and shower room	Mr & Mrs K Stokes	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0003/FULL	05/01/2012	01/03/2012	CHADDESLEY CORBETT VILLAGE HALL BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER DY104QA	Installation of 16 No. solar pv panels to the south/south west facing roof pitch at the front of the village hall	Chaddesley Corbett Village Hall	Paul Wrigglesworth
12/0006/FULL	05/01/2012	05/04/2012	WEST MIDLAND SAFARI PARK SPRING GROVE BEWDLEY DY121LF	Extension to existing Elephant house and re-theme building; erection of Pelican Houses; and associated works for enrichment of surrounding area including erection of Baobab Tree	MR D CHORLEY	Paul Round
12/0007/CERTE	06/01/2012	02/03/2012	NASH ELM BUNGALOW ARLEY BEWDLEY DY121SS	Use of property in breach of agricultural occupancy condition for over 10 years	Mr A Price	Paul Round
12/3001/AG	06/01/2012	03/02/2012	GORST HILL FARM ROCK KIDDERMINSTER DY149YJ	Erection of additional grain silo	MR D NOTT	Stuart Allum
12/0008/FULL	09/01/2012	05/03/2012	HODGE HILL NURSERIES BIRMINGHAM ROAD KIDDERMINSTER DY103NR	Proposed change of use from retail sales of restricted category goods to retail sales of bird and all pet food, including bird tables and baths, feeders, cages, lures, frames and related ancillary products	MR P NEEDHAM	Paul Wrigglesworth
12/0009/FULL	09/01/2012	09/04/2012	WOLVERLEY CARAVAN & CAMPING CLUB BROWN WESTHEAD PARK WOLVERLEY KIDDERMINSTER DY103PX	Creation of 36 hardstanding pitches, resurfacing of access roads and car parking area, new entrance/exit barriers and extension to opening season from 16th February to 5th January	The Camping & Caravanning Club	Julia McKenzie-Watts
12/0012/FULL	09/01/2012	05/03/2012	149 GREATFIELD ROAD KIDDERMINSTER DY116PP	Change of use and conversion of upper floor to form a one bedroom apartment with associated car parking, shed and bin store.	Mr M Samrai	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0017/FULL	09/01/2012	05/03/2012	61 LOAD STREET BEWDLEY DY122AP	Proposed takeaway in conjunction with existing restaurant	Severn Fine Cuisine	James Houghton
12/0013/FULL	10/01/2012	06/03/2012	ROWLAND HILL SHOPPING CENTRE VICAR STREET KIDDERMINSTER DY101DE	EXTERNAL RENDERING TREATMENT TO FACADES TO VICAR STREET AND WORCESTER STREET, INSTALLATION OF NEW MALL SHOP ENTRANCES, RELOCATION OF INTERNAL PUBLIC TOILET FACILITIES INVOLVING CHANGE OF USE OF UNIT 6B, DEMOLITION OF EXISTING STAIRCASE TO ENABLE CREATION OF 2 NO. KIOSK/SMALL RETAIL UNITS	Joint LPA Receivers of Rowland Hill Centre	Paul Wrigglesworth
12/0014/FULL	11/01/2012	11/04/2012	THE PIANO BUILDING WEAVERS WHARF KIDDERMINSTER DY101AA	Redevelopment involving mixed use scheme comprising of change of use from retail (Class A1) and residential (Class C3) to a higher education academy (Class D1) including provision of restaurant (Class A3) and retention of retail (Class A1) to part of ground floor, together with ancillary facilities and associated works including the formation of new ground floor mezzanine levels, structural strengthening works, external mechanical services plant deck, provision of service yard for refuse, insertion of new window and door openings and installation of new glazed shopfront.	Birmingham Metropolitan College	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0015/LIST	11/01/2012	07/03/2012	THE PIANO BUILDING WEAVERS WHARF KIDDERMINSTER DY101AA	Redevelopment involving mixed use scheme comprising of change of use from retail (Class A1) and residential (Class C3) to a higher education academy (Class D1) including provision of restaurant (Class A3) and retention of retail (Class A1) to part of ground floor, together with ancillary facilities and associated works including the formation of new ground floor mezzanine levels, structural strengthening works, external mechanical services plant deck, provision of service yard for refuse, insertion of new window and door openings and installation of new glazed shopfront.	Birmingham Metropolitan College	Paul Wrigglesworth
12/0016/FULL	12/01/2012	12/04/2012	CONVEYOR UNITS LTD SANDY LANE TITTON STOURPORT-ON-SEVERN DY139PT	Extension to existing buildings to provide workshop and store (Use class B2/B8; Detached covered store (Use class B8); 5m high wall to boundary (Re-submission of 11/0109/FULL)	CONVEYOR UNITS LTD	Julia Mellor
12/0022/LIST	12/01/2012	08/03/2012	SLINGFIELD MILL WEAVERS WHARF KIDDERMINSTER DY101AA	Internal and external alterations to facilitate hotel	Premier Inn Hotels Ltd	Paul Wrigglesworth
12/0023/FULL	13/01/2012	09/03/2012	1 HEATHLANDS STOURPORT-ON-SEVERN DY139NS	Single storey side extension for enlarged garage	Mr R Taylor	James Houghton
12/0019/TREE	16/01/2012	12/03/2012	8 CAMPION WAY BEWDLEY DY121HW	Fell Lime Tree	Mrs C Lewis	Alvan Kingston
12/0020/TREE	16/01/2012	12/03/2012	GROVE HOUSE 9 JELLEYMAN CLOSE KIDDERMINSTER DY116AD	Remove branch of Beech Tree	Mr M O'Shawghnessy	Alvan Kingston
12/0024/CERTP	16/01/2012	12/03/2012	JOANS HOLE DUNLEY STOURPORT-ON-SEVERN DY130UJ	Proposed front side and rear extensions	Mr T Newbold	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0025/ADVE	16/01/2012	12/03/2012	KIA CLARKS HOOBROOK INDUSTRIAL ESTATE WORCESTER ROAD KIDDERMINSTER DY101HY	Various illuminated and non-illuminated signs (including totem sign)	KIA MOTORS (UK) LTD	James Houghton
12/0026/FULL	16/01/2012	12/03/2012	58 SUTTON ROAD KIDDERMINSTER DY116QT	Erection of conservatory to rear of property	Mr Perry	James Houghton
12/0027/FULL	16/01/2012	12/03/2012	DEASLAND HOUSE DEASLAND LANE HEIGHTINGTON BEWDLEY DY122XQ	Two storey side extension	Mr C Parker	James Houghton
12/0028/FULL	16/01/2012	12/03/2012	LAND ADJACENT TO 32 PARK LANE KIDDERMINSTER DY116TG	Erection of two dwellings (Variation of to Approved scheme under 09/0376/FULL)	Doolittle & Dalley - Mr D Hall	Julia McKenzie-Watts
12/0029/FULL	17/01/2012	13/03/2012	59 YEW TREE LANE BEWDLEY DY122PJ	Two storey side extension for dependent relative and new vehicular access from Yew Tree Close	Mr & Mrs K Judson	James Houghton
12/0032/FULL	17/01/2012	13/03/2012	THE LESWELL STREET CENTRE 36 LESWELL STREET KIDDERMINSTER DY101RP	Internal modifications and change of use to form five 2 bed flats	Mr D Cox	Paul Wrigglesworth
12/0036/FULL	17/01/2012	13/03/2012	TALL TREES KINGSFORD LANE WOLVERLEY KIDDERMINSTER DY115SN	Extensions (Following partial demolition) and modifications to bungalow	Mrs I Griffiths	Julia McKenzie-Watts
12/0031/TREE	18/01/2012	14/03/2012	32 ARELEY COURT STOURPORT-ON-SEVERN DY130AR	Crown raise and crown clean two Limes and one Sycamore/ Maple	Mr M Herridge	Alvan Kingston
12/0033/FULL	18/01/2012	14/03/2012	68 TRIMPLEY DRIVE KIDDERMINSTER DY115LB	Two storey side extension with single storey garage	Mr M Goodhall	Julia McKenzie-Watts
12/0034/FULL	19/01/2012	15/03/2012	BLAKEDOWN C OF E PRIMARY SCHOOL BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER DY103JN	Extension of two existing classrooms to rear of the school.	Mrs H Beckford Bond	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0037/FULL	19/01/2012	15/03/2012	166 BEWDLEY HILL KIDDERMINSTER DY116BS	Internal conversion of 3 storey house into 3 No. one bedroom flats	Mr & Mrs Barstow	Stuart Allum
12/0038/FULL	20/01/2012	16/03/2012	56 FAIRFIELD LANE KIDDERMINSTER DY115QJ	First floor side extension and single storey rear extension	MR H SMITH	James Houghton
12/0039/FULL	20/01/2012	16/03/2012	THE HORN & TRUMPET 200 PARK LANE KIDDERMINSTER DY116TQ	Extension at 1st and 2nd floor level to create 2 No. flats together with alterations	Mr R Whitehouse	James Houghton
12/0040/LIST	20/01/2012	16/03/2012	THE HORN & TRUMPET 200 PARK LANE KIDDERMINSTER DY116TQ	Extension at 1st and 2nd floor level to create 2 No. flats together with alterations	Mr R Whitehouse	James Houghton
12/0035/FULL	23/01/2012	19/03/2012	THE HAULAGE YARD RIBBESFORD ROAD STOURPORT-ON-SEVERN DY130TF	Removal of existing buildings and erection of two commercial buildings	Grinnall Specialist Cars	Stuart Allum
12/0041/FULL	23/01/2012	19/03/2012	11 LOAD STREET BEWDLEY DY122AF	Conversion of first and second floors to form 2 No. single bed apartments and rearrangement of existing retail ground floor	Mrs W Hall & Mr M Dalley	Stuart Allum
12/0042/LIST	23/01/2012	19/03/2012	11 LOAD STREET BEWDLEY DY122AF	Change of use of first and second floors to form 2 No. single bed apartments and the rearrangements of existing retail ground floor accommodation space to enable access	Mrs W Hall & Mr M Dalley	Stuart Allum
12/0043/CERTE	23/01/2012	19/03/2012	GLENWOOD (ADJACENT INNISCARRA) PLOUGH LANE ROCK KIDDERMINSTER DY149UX	Use of land and occupation of caravan for separate residential use for more than 10 years	Mr P Ray	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0049/FULL	23/01/2012	19/03/2012	131 SUTTON PARK ROAD KIDDERMINSTER DY116JG	Proposed rear extension, replacement garage, alterations, porch and first floor dormers	Mr & Mrs J Hastings	Stuart Allum
12/0044/FULL	24/01/2012	20/03/2012	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Double detached garage, timber garden room and garden pond (Resubmission Ref 11/0308/FULL)	Mr G Hawkins	James Houghton
12/0045/LIST	24/01/2012	20/03/2012	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Re-roofing main roof, conversion of existing garage to sitting room, re-skinning existing rear and side single storey extension. New balcony guard rail, New windows and doors to rear elevation (Resubmission Ref 11/0297/LIST)	Mr G Hawkins	James Houghton
12/0046/FULL	24/01/2012	20/03/2012	BELLS @ NISA LOCAL 116 TENNYSON WAY KIDDERMINSTER DY103YT	Proposed pavement crossover and formation of new gates to rear yard	BELLS @ NISA LOCAL	Julia McKenzie-Watts
12/0047/FULL	27/01/2012	23/03/2012	THE OLD FORGE RIVERSIDE COTTAGE LEA LANE COOKLEY KIDDERMINSTER DY103RL	Change of use and conversion of existing building to form a holiday let	Mr & Mrs R Shurmer	Paul Round
12/0048/FULL	27/01/2012	23/03/2012	WHITEHOUSE FARM ISMERE KIDDERMINSTER DY103NT	Change of use of existing cart shed/stable and conversion to private domestic dwelling for applicant's mother	Mr G Knight	Paul Round
12/0050/FULL	27/01/2012	23/03/2012	TEME AVENUE KIDDERMINSTER DY117NR	Replacement of a metal palisade fence with a brick wall	Bromford Housing Association Ltd	Stuart Allum
12/0051/FULL	27/01/2012	23/03/2012	FIELD HOUSE RECTORY LANE STOURPORT-ON-SEVERN DY130TJ	Proposed single storey side extension	Sunnycroft Homes Ltd Brain Injury Residential Care	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0052/FULL	27/01/2012	23/03/2012	31 LYTTLETON ROAD BEWDLEY DY122BU	Single storey rear extension and canopy to front	Mr C Taylor	James Houghton
12/0057/LIST	27/01/2012	23/03/2012	THE TONTINE SEVERN SIDE STOURPORT-ON-SEVERN DY139EN	Revised lightwell covers	Raybone Developments Ltd	John Baggott
12/3002/AG	27/01/2012	24/02/2012	LODGE HILL FARM DOWLES BROOK BEWDLEY DY122LY	Implement storage building	Natural England	Paul Round
12/0055/FULL	30/01/2012	26/03/2012	COOKLEY SPORTS & SOCIAL CLUB LEA LANE COOKLEY KIDDERMINSTER DY103RH	Installation of solar panels to roof	Wolverley & Cookley Parish Council	Julia McKenzie- Watts
12/0053/FULL	31/01/2012	27/03/2012	22 FORGE LANE BLAKEDOWN KIDDERMINSTER DY103JF	Proposed first floor rear extension to provide bathroom and extension to bedroom	Mr P Foster	Stuart Allum
12/0054/FULL	31/01/2012	27/03/2012	118 ST. JOHNS AVENUE KIDDERMINSTER DY116AX	Resubmission of application 11/0241/FULL, but reducing size of proposed carport to front of dwelling.	Mr S Moore	James Houghton
12/0056/FULL	31/01/2012	27/03/2012	REEL CINEMA GREEN STREET KIDDERMINSTER DY101JF	Proposed satellite dish	Reel Cinemas	Julia McKenzie- Watts
12/0058/TREE	31/01/2012	27/03/2012	6 KITTIWAKE DRIVE KIDDERMINSTER DY104RS	Remove one lime tree; reduce crown of lime tree by 30%	Mr P Jones	Alvan Kingston

WYRE FOREST DISTRICT COUNCIL

Planning Committee

14 February 2012

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1392 11/0486/ENF	APP/R1845/C/11 /2158124	Mrs I Harding	12 STOKESAY CLOSE KIDDERMINSTER DY101YB Unauthorised erection of boundary wall (Enforcement Case No 10/0048/ENF)	WR 10/08/2011	21/09/2011			
WFA1395 10/0635/FULL	APP/R1845/A/11 /2158862	Willmar Hire	FIVE ACRES HEIGHTINGTON ROAD BLISS GATE KIDDERMINSTER Replacement storage and agricultural machinery workshop building	HE 01/11/2011	13/12/2011	27/12/2011	24/01/2012 Loom Room,	

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1396 11/0383/FULL	APP/R1845/A/11 /2159374	Mr M Daneshfar	DRIVING TEST CENTRE 21 CASTLE ROAD KIDDERMINSTER Internal alterations and conversion to form 3no 3 bedroom apartments	WR 31/08/2011	12/10/2011			Allowed With Conditions 13/01/2012
WFA1397 11/0193/LIST	APP/R1845/E/11 /2155253	Ms Emily Field	5 RICKETTS PLACE STOURPORT ROAD BEWDLEY DY121DW To add velux window to rear roof	WR 20/09/2011	01/11/2011			
WFA1398 11/0498/FULL	APP/R1845/A/11 /2163375	Mr T Smith	THE HOLLIES TRIMPLEY LANE SHATTERFORD BEWDLEY DY121RL Change of use of land to site one static caravan for one gypsy family	HE 07/11/2011	19/12/2011		28/02/2012 Earl Baldwin Suite,	

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1399 11/0428/FULL	APP/R1845/D/11 /2163281	Mr D Warren	8 BRIAR HILL CHADDESLEY CORBETT KIDDERMINSTER Two storey side extension	WR 10/11/2011				Dismissed 05/01/2012
WFA1400 11/0443/LIST	APP/R1845/E/11 /2164038	Mr M Jackson	1, 2 & 3 HIGH STREET BEWDLEY DY122DH Retrospective application for retention and alteration of external render	WR 18/11/2011	30/12/2011		01/02/2012	
WFA1401 11/0503/TREE	APP/TPO/R1845 /2214	Mr L Fisher	7 LUDGATE AVENUE KIDDERMINSTER DY116JP Remove overhanging branches, thin and balance cedar tree in front garden	HE 01/12/2011	12/01/2012		15/02/2012 Earl Baldwin Suite,	

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1402 11/0577/CERT	APP/R1845/X/11 /2167409	Mr T Newbold	JOANS HOLE DUNLEY STOURPORT-ON- SEVERN DY130UJ Proposed front, side and rear extensions	WR 06/01/2012	17/02/2012			Withdrawn 16/01/2012
WFA1403 11/0463/FULL	APP/R1845/D/12 /2168529	P Wood	19 LINDEN AVENUE KIDDERMINSTER DY103AB Two storey extension and modifications to existing bedroom suite over garage	WR 13/01/2012				



Appeal Decision

Site visit made on 20 December 2011

by **John Bentley** BSc(Econ) DipTP MRTPI

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

Decision date: 13 January 2012

Appeal Ref: APP/R1845/A/11/2159374

Driving Test Centre, 21 Castle Road, Kidderminster, Worcestershire, DY11 6TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M. Daneshfar against the decision of Wyre Forest District Council.
 - The application Ref 11/0383/FULL, dated 27 June 2011, was refused by notice dated 15 August 2011.
 - The development proposed is described as "internal alterations and conversion to form 3 No apartments (resubmission of 11/0250/FULL)".
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Decision

1. The appeal is allowed and planning permission is granted for internal alterations and conversion to form 3 No apartments, at Driving Test Centre, 21 Castle Road, Kidderminster, Worcestershire, DY11 6TS in accordance with the terms of the application, Ref 11/0383/FULL, dated 27 June 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at 1:500 scale; drawing no. 2535-01, survey as existing; drawing no. 2535-02B, proposed alterations; and drawing no. 2535-03A site plan, showing amenity areas, bin and cycle provision.
 - 3) Development shall not begin until details of the means of closure of the existing vehicular access have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the access has been closed in accordance with the approved details.
 - 4) No dwelling shall be occupied until secure parking for four cycles has been provided within the curtilage of each dwelling, in accordance with details first submitted to and approved in writing by the local planning authority, and these facilities shall thereafter be retained for the parking of cycles only.
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Main Issue

3. The main issue in this case is the absence of on-site car parking provided by the proposal and the effect of this on on-street car parking and on highway safety.

Reasons

4. The appeal building is a vacant former driving test centre, situated on a busy highway. No parking facilities would be provided as part of the residential conversion. The surrounding area has limited off-street parking.
5. Wyre Forest's adopted Core Strategy supports the principle of brownfield development in Kidderminster. The officer report makes it clear that Local Plan Policy H2 supports the prospect of residential development in this area. I therefore see no reason in principle why the building should not be suitable for residential use.
6. Local Plan Policy TR.17, and the related Appendix 9, indicate that a maximum of 6 car parking spaces should be provided for this development, while the County Council's adopted Highway Design Guide requires a minimum of 6 spaces. Policy TR.17 also states that in town centres and locations highly accessible by other means of transport, levels of car parking provision below the maxima may be necessary as part of a co-ordinated package of planning and transportation measures.
7. The Council, in its appeal statement, considers that reductions to the normal parking standards should not apply in this case, as Castle Road is not in the town centre and is not located on a bus priority network, and it is therefore not 'a highly accessible area'. However, the officer committee report, suggests that the appeal site is a sustainable location for residential development, close to the town centre, where a possible reduced reliance on the use of a car is a factor that can be taken into account. This approach is supported by Planning Policy Guidance Note 13: *Transport*, which seeks to reduce car dependency and encourage walking and cycling.
8. I note, that the building is located less than 0.5km to the south west of the town centre and it seems to me that, even though the site is not on a bus priority network, this should be regarded as a sustainable location which would not be dependent on the use of a car.
9. The Highway Authority raised no objection to the application. Indeed the officer report suggested that the Highway Authority regarded the current scheme as betterment in terms of off-street car parking compared with the authorised use. However, it is also the case that the parking associated with the previous use as a driving test centre would have been mainly during the daytime when there was less pressure on on-street car parking spaces from local residents.
10. Overall I consider that the difference between the impact of the parking associated with the previous use and that likely to be linked with the proposed residential use is marginal. The proposal is also of a limited scale, for just three additional dwellings. I am not persuaded that the residential use would lead to a significant deterioration of the local parking situation or that highway or pedestrian safety would be compromised.

11. In addition, the appeal building appears to have remained vacant for some time and it is likely to be difficult to find a more appropriate alternative viable use, given that it is likely that any proposal will involve some requirement for parking and access. Planning Policy Statements PPS1: *Delivering Sustainable Development* and PPS3: *Housing* both emphasise the need to make effective use of resources, including reusing existing buildings. It is therefore important to exercise some flexibility to secure the sustainable reuse of this building and it seems to me that the use proposed would enable this to take place in an acceptable way. This factor therefore adds weight to my conclusion that the appeal should be allowed.

Conclusions

12. On the main issue I therefore conclude that the proposal is unlikely to significantly increase the demand for on-street parking or to be detrimental to highway safety. Furthermore there is no requirement for imposition of car parking standards in this sustainable urban location. As such the proposal is in accordance with Local Plan Policy TR.17.

13. With the exception of the main issue discussed above, the Council has not raised any other substantive concerns. I have no good reason to take a contrary view. In this respect, I have also taken note of the third party objections to the proposal. For the above reasons, and having considered all other matters raised, I conclude that the appeal should be allowed.

Conditions

14. The conclusion on the main issue bears in mind the need for planning permission to be subject to appropriate conditions. The Council has suggested five. I have considered the conditions suggested by the Council against the advice in Circular 11/95. A condition referring to the relevant plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition is required to close-off the existing access and reinstate the land, in the interests of highway safety and visual amenity. A condition to secure and retain cycle parking is necessary in the interests of sustainable travel. I do not consider that a condition is required preventing external alteration of the building, as planning permission is likely to be required for material alterations in any case.

John Bentley

INSPECTOR



Appeal Decision

Site visit made on 3 January 2012

by **Andrew Jeyes BSc DipTP MRTPI**

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

Decision date: 5 January 2012

Appeal Ref: APP/R1845/D/11/2163281

8 Briar Hill, Chaddesley Corbett, Kidderminster, Worcestershire DY10 4SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Warren against the decision of Wyre Forest District Council.
 - The application Ref 11/0428/FULL, dated 18 July 2011, was refused by notice dated 12 September 2011.
 - The development proposed is a two-storey side extension.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are:-
 - [a] whether the proposed development would constitute inappropriate development within the Green Belt and, if so, the effect upon the openness of the Green Belt and upon the purposes of including land within the Green Belt;
 - [b] the effect on the character and appearance of the original building and on the streetscene; and
 - [c] whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasoning

3. No 8 is one of a pair of semi-detached dwellings in a line of three well-spaced similar semi-detached pairs stepping down the eastern side of Briar Hill. Open countryside lies to the east of this line of dwellings. The original dwelling has had a two-storey pitched roof rear extension and a porch added. The appeal proposal relates to a two-storey side extension that would partly infill the gap between this pair of dwellings and the adjoining pair. Whilst being lower than the existing roof, it would be of two-storey height including rooms within the roof space, with a small dormer to the front and full height to the rear, where it would match the design of the existing rear extension.
4. The dwelling is located at the edge of a small settlement included within the Green Belt. Planning Policy Guidance Note 2: *Green Belts* [PPG2] indicates a presumption against inappropriate development within the Green Belt, but that the extension of dwellings within the Green Belt is not inappropriate if it does not result in a disproportionate addition over and above the size of the original dwelling. This is reflected in saved Policy GB.1 of the Wyre Forest District Local Plan 2004 [LP] and saved Policy D.39 of the Worcestershire County Structure Plan 1996-2011 [SP].
5. The Council has indicated that the original modest dwelling had a floor area of some 73 sq.m. The existing extension gives a 36% increase over the original floorspace and the proposed extension, combined with the existing extension, would give an overall

- increase of 131%. The proposed extension, when considered with the existing extension, would therefore substantially add to the size of the original house, would not be small and subordinate in scale, and would represent a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development within the Green Belt.
6. PPG2 indicates that inappropriate development is, by definition, harmful to the Green Belt. In addition, the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the most important attribute of the Green Belt is its openness. The design, whilst using suitable materials, would involve a much wider two-storey building that would extend the overall mass and appearance of buildings on the site. The width of the dwelling would partially infill the gap between adjacent pairs of semi-detached houses. The extension would increase the scale, mass and presence of buildings on the site, so reducing openness. This would cause substantial harm to the Green Belt and the purposes of including land within the Green Belt and undermine the policies that seek to protect it.
 7. The proposed design and overall appearance of the extension would not reflect the character of the existing dwelling, producing an unbalanced appearance to a pair of matching semi-detached houses that are part of a run of three pairs of semi-detached houses of similar design. This would have an adverse impact on the character of the original house and of the lower eastern side of Briar Hill.
 8. The proposal would harm the character and appearance of the existing dwelling and streetscene contrary to Policy CP11 of the adopted Wyre Forest Local Development Framework Core Strategy 2006-2026 [CS], saved LP Policy D.17 and guidance in adopted Design Quality - Supplementary Planning Guidance [DQ-SPG], which carries substantial weight. These aim to ensure a high standard of design where extensions should be subservient to and in scale and keeping with the original building.
 9. It is noted that a new house has been built higher up the hill at the end of a line of semi-detached houses around a crescent, where the gaps between properties are less than on this part of Briar Hill. In addition, two-storey side extensions have been erected on the opposite side of the road at Nos 9 and 17 Briar Hill, which sit against a background of an established housing estate and which do not impact on the character of the area. The appellant has indicated that an extension of similar ground floor size and up to four-metres in height could be built as permitted development, but this does not seem to take account of the existing recent rear extension.
 10. These matters do not exclude the site from the Green Belt or the policies that apply to it. There are therefore no considerations to outweigh clearly the objections on Green Belt grounds by reason of inappropriateness and harm to openness that would result, so there are no very special circumstances to justify the proposal.
 11. The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this appeal, but it carries limited weight at this stage as it is subject to possible change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this appeal.
 12. In conclusion, the proposal would harm the character and openness of the Green Belt and the character and appearance of the existing dwelling and streetscene. The proposal would be contrary to PPG2 and to saved LP Policies GB.1 and D.17, SP Policy D.39 and CS Policy CP11 as well as guidance in DQ-SPG. For these reasons and taking account of the views of Chaddesley Corbett Parish Council and all other matters, I conclude that the appeal should be dismissed.

Andrew Jeyes

INSPECTOR

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH FEBRUARY 2012

**Monthly progress report on performance against NI 157 targets
for determining planning applications**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	John Baggott – Extension 2515 John.Baggott@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To provide Members with a monthly progress report on performance against national indicators (NI 157, formerly BV 109).

2. RECOMMENDATION

- 2.1 **That the report be noted**

3. BACKGROUND

- 3.1 At Full Council in May 2006 it was agreed as part of the Recovery Plan that a report on the performance against best value performance indicators (BVPI 109, now NI 157) be reported to the Planning (Development Control) Committee on a monthly basis.

- 3.2 The national targets for determining planning applications are as follows:

NI 157 a (Major applications)	-	60% within 13 weeks.
NI 157 b (Minor applications)	-	65% within 8 weeks.
NI 157 c (other applications)	-	80% within 8 weeks.

- 3.3 In addition to these national targets there are Local targets set out within the Business Plan for 2011/12. These are as follows:

Major applications	-	65% within 13 weeks.
Minor applications	-	75% within 8 weeks.
Other applications	-	85% within 8 weeks.

4. PERFORMANCE

Major applications

- 4.1 The following table shows the quarterly performance figures for major applications for the period from 1st January 2010 to 31st December 2011. It also shows the performance at the time of compiling the report within the 4th Quarter of 2011/12 although the relevant period does not end until 31st March 2012 and as such these figures may be subject to further change.
- 4.2 As previously advised, due to the continued low number of new major applications that have been received over recent months, performance in this area has been affected due to the number of older and more complex major applications which have reached final determination and which have already gone beyond 13 weeks. Whilst every effort has been made to manage these applications effectively, performance in this category is becoming increasingly difficult and performance during the previous 3 Quarters of 2011/12 has regrettably fallen below the National target. Performance is likely to continue to be affected in the current and future quarters.

Quarter	No. determined	No. determined within 13 weeks	% determined within 13 weeks
1 January – 31 March 2010	5	3	60.00%
1 April – 30 June 2010	9	6	66.67%
1 July – 30 September 2010	3	2	66.67%
1 October – 31 December 2010	13	9	69.23%
1 January – 31 March 2011	6	4	66.67%
1 April – 30 June 2011	5	2	40.00%
1 July – 30 September 2011	6	3	50.00%
1 October – 31 December 2011	11	5	45.54%
1 January – 31 March 2012	0	0	00.00%

Minor applications

- 4.3 The following table shows the quarterly performance figures for minor applications for the period from 1st January 2010 to 31st December 2011. It also shows the performance at the time of compiling the report within the 4th Quarter of 2011/12 although the relevant period does not end until 31st March 2012 and, as such, these figures may be subject to further change. Whilst historically performance within this category has consistently met the national targets, the continued relatively low numbers of new minor applications being received in recent months, added to older more complex applications reaching final determination, has adversely impacted upon performance in this category, which is now proving to be a real challenge.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
1 January – 31 March 2010	33	24	72.73%
1 April – 30 June 2010	29	23	79.31%
1 July – 30 September 2010	36	27	75.00%
1 October – 31 December 2010	36	27	75.00%
1 January – 31 March 2011	26	19	73.08%
1 April – 30 June 2011	39	26	66.67%
1 July – 30 September 2011	27	16	59.26%
1 October – 31 December 2011	34	20	58.82%
1 January – 31 March 2012	15	11	73.33%

Other applications

- 4.4 The following table shows the quarterly performance figures for other applications for the period from 1st January 2010 to 31st December 2011. It also shows the performance at the time of compiling the report within the 4th Quarter of 2011/12 although the relevant period does not end until 31st March 2012 and, as such, these figures may be subject to further change.

- 4.5 Performance in this category has consistently met, or been close to meeting, the national targets, but in managing performance during the 1st Quarter of 2011/12 an unusually high number of older applications came to final determination at the end of the Quarter. These had to be suitably managed, with the result being a significant proportion of these applications were determined at the start of the 2nd Quarter of 2011/12, which has had a direct impact upon the performance figures for the 2nd Quarter. This trend has continued into 3rd Quarter and in doing so gives cause for concern.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
1 January – 31 March 2010	84	72	85.71%
1 April – 30 June 2010	124	111	89.52%
1 July – 30 September 2010	119	94	78.99%
1 October – 31 December 2010	109	91	83.49%
1 January – 31 March 2011	97	84	86.60%
1 April – 30 June 2011	109	88	80.73%
1 July – 30 September 2011	112	79	70.54%
1 October – 31 December 2011	105	76	72.38%
1 January – 31 March 2012	22	19	86.36%

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal or policy implications.

7. RISK MANAGEMENT

- 7.1 There are risk management issues if performance continues to fail to meet the national targets.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 This report relates to the analysis of performance levels against national and local indicators. There are no equality impact issues to be addressed.

9. CONCLUSION

- 9.1 Members are advised of continued concerns in respect of the performance against major applications targets, due to the relatively low number of new major applications being received which would offset the older, more complex, major applications which are nearing determination. Similarly, performance against minor applications continues to suffer. Performance in the others category has also deteriorated. This is of particular concern. Every effort is being made, insofar as is possible, to manage new applications within all categories effectively to ensure that performance in this area shows an improvement during future quarters.
- 9.2 Members are advised that the number of planning case officers was reduced by 1 FTE, with effect from 1st January 2011. The impact of this lost post is now being felt within Development Control which in turn is having an adverse impact upon performance in all categories of applications. Added to which, the numbers of chargeable pre-application enquiries and applications which are not recorded under the NI 157 (e.g. discharge of conditions and non-material amendments) has shown a marked increase in recent months, which in turn has had an knock-on effect overall performance against NI157.
- 9.3 The Council has no control over the number and timing of applications being submitted for determination, but undoubtedly the economic climate has had an impact upon the number of new applications, in all categories, which have been received over recent months.

10. CONSULTEES

- 10.1 None

11. BACKGROUND PAPERS

- Report on Recovery Plan (Full Council) – May 2006
- Monthly progress reports – Planning (DC) Committee (June 2006 – May 2009)
- DCLG : Planning Performance Statistics – Planning (DC) Committee (August 2006 – May 2009)
- Monthly progress reports – Planning Committee (June 2009 – January 2012)
- DCLG : Planning Performance Statistics – Planning Committee (August 2009 – May 2011)

SECTION 106 OBLIGATION MONITORING

NOTE: THIS LIST IS NOT EXHAUSTIVE BUT DETAILS THE MOST ‘CURRENT’ OBLIGATIONS, WHICH REQUIRE MONITORING

This list only records applications dating back to 2008 and should Members wish to see records relating to applications before then, they are available on request

Application Number	Site	Provisions	Triggers for Compliance	Performance
11/0309/FULL	1 Frederick Road, Hoobrook Industrial Estate, Worcester Road, Kidderminster	Contribution towards biodiversity	Commencement of development	Draft agreement with applicant’s solicitors
11/310/FULL	Unit 1 Frederick Road, and land to the east, Hoobrook Industrial Estate, Worcester Road, Kidderminster	Contribution towards biodiversity	Commencement of development	Draft agreement with applicant’s solicitors

Application Number	Site	Provisions	Triggers for Compliance	Performance
08/1044/FULL	Former Victoria Sports Field, Spennells Valley Road, Kidderminster	<ul style="list-style-type: none"> • Contribution of a £100,000 to Wyre Forest District Council to enhance sporting provision • £10,000 to Worcestershire County Council towards sustainable cycle routes • Sponsorship of Kidderminster Victoria Cricket Club providing £3,500 per annum for 10 years • Sponsorship of Worcestershire Bowling League of £1,500 per annum for 5 years 	<p>Commencement of development</p> <p>Commencement of development</p> <p>Commencement of development & annually thereafter</p> <p>Commencement of development & annually thereafter</p>	Draft agreement with applicant's solicitors

Application Number	Site	Provisions	Triggers for Compliance	Performance
11/0163/FULL	Churchfields Business Park, Clensmore Street Kidderminster	<ul style="list-style-type: none"> • Affordable housing 22% (49 units – 17 shared ownership / 32 social rented) • Education - £150 000 • AQMA - £29 000 (towards • appropriate traffic management scheme to reduce emissions) • Sustainable Transport - £35 000 (towards refurbishing Limekiln bridge) • Highway Improvements - £284 000 (as indicated in Churchfields Masterplan including but not limited to improving bus services 9/9a) • Open Space £200 000 	<p>Prior to occupation of one third general market dwellings in phase 1 and 50% in phase 2</p> <p>1st dwelling in phase 1 & 106th in Phase 2</p> <p>Commencement of development</p> <p>Commencement of development</p> <p>1st dwelling in phase 1 & 106th in Phase 2</p> <p>On site:5 years after landscaping completed & maintained</p> <p>Offsite: 1st dwelling in phase 1 & 106th in Phase 2</p>	Agreement completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
11/0390/FULL	Corner of Hurcott Road and Stourbridge Road Kidderminster	<ul style="list-style-type: none"> Air Quality Monitoring and Management contribution of £10,000 		Agreement completed and contribution paid
11/0471/FULL	Clent Avenue, Kidderminster	<ul style="list-style-type: none"> Open space contribution of £2,023.92 		Agreement completed
11/0469/FULL	Richmond Road Bewdley	<ul style="list-style-type: none"> Open space contribution of £1,779.04 		Engrossment agreements with applicants for signature
10/0523/FULL	The Watermill Park Lane Kidderminster	<ul style="list-style-type: none"> Contribution of £10,000 towards ramp linking the canal towpath with the Stourport Road and maintenance for a 5 year period 	Commencement of development	Completed
10/0752/FULL	Rose Cottage Clattercut Lane Chaddesley Corbett	<ul style="list-style-type: none"> To prevent implementation of 10/0653/FULL approved 13th December 2010 To ensure demolition of existing dwelling known as Rose Cottage within 3 months of first occupation of new dwelling 	Immediate	Completed
10/0633/FULL	Puxton Drive Kidderminster	<ul style="list-style-type: none"> Education contribution of £38,224 Highway contribution of £20,000 Affordable housing provision of 25 units (11 Shared Ownership & 14 Rent) 	<ul style="list-style-type: none"> Occupation of one third of dwellings Occupation of first dwelling Before completion of the general market dwellings 	Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
10/0550/FULL	Land adjacent to Sebright Road, Kidderminster	<ul style="list-style-type: none"> • Public open space contribution of £3055.92 • Sustainable transport contribution of £90.00 	Commencement of development	Draft with applicant's solicitors
08/0768/OUTL	Former Carpets of Worth Factory, Severn Road, Stourport on Severn	<ul style="list-style-type: none"> • Affordable Housing – 10% without grant assistance/20% with grant assistance • Transport/Highways - £275,000 – broken down as follows: <ul style="list-style-type: none"> £50,000 – Junction Improvements at High Street/Bridge Street/York Street/New Street junction £25,000 – Bus Stop Infrastructure £180,000 – Bus Service Support £20,000 – Marketing of Bus Service • Education - £32, 292 <p>Total Financial Contribution = £307,292.</p> <ul style="list-style-type: none"> • Viability appraisal 	<ul style="list-style-type: none"> • Prior to occupation of one third of general market dwellings • Commencement of Development • Commencement of Development • If reserved matters not granted within 36 months of date of permission 	Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
10/0558/FULL	Car Parking area at end of Church Street, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £7,408 • Open space provision • Bio diversity contribution • Public realm provision 	First occupation	Completed
10/0446/FULL	Land adjoining 7 Hartlebury Road, Stourport on Severn	<ul style="list-style-type: none"> • Open Space contribution of £2,182.80 • Education contribution of £20,311.00 	First occupation	Completed
10/0505/FULL	Briars Hotel 100 Habberley Road, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £45,123 • Open Space contribution of £17,025.84 • Biodiversity contribution (to be agreed) • Transfer of woodland to WFDC 	First occupation	Completed
10/0347/FULL	Hume Street, Kidderminster	<ul style="list-style-type: none"> • Bus Service contribution £58,000 • Highways contribution £22,000 	<ul style="list-style-type: none"> • Commencement of Development • First occupation 	Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
10/0321/OUTL	Morganite Advanced Ceramics, Bewdley Road, Stourport-on-Severn	<ul style="list-style-type: none"> • 30% affordable housing mix of sizes • Off-site contribution towards Open Space/Strategic play provision (equivalent of capital cost of NEAP or LEAP) • Financial contribution of £98,000 towards improving traffic light signals at the junction of Minster Road with Worcester Street • Provision and maintenance of on site amenity space and landscaped areas • Education contribution of either £139,000 or £180,200 depending on whether open space/strategic play contribution is for LEAP/NEAP • Rights for mitigation measures to be carried out on land retained by MAC 	<ul style="list-style-type: none"> • 80th general market dwelling or 80% general market dwellings whichever is lower • On occupation of 40th dwelling • Commencement of development • 50% on occupation of 30th general market dwelling & 50% on occupation of the 60th 	Completed
10/0165/FULL	Rear of 78 Mill Street Kidderminster	<ul style="list-style-type: none"> • Education contribution • Public Open Space contribution 	<ul style="list-style-type: none"> • First dwelling to be occupied 	Completed
10/0125/FULL	New Manor Public House 76 Minster Road Stourport on Severn	<ul style="list-style-type: none"> • Education contribution • Public Open Space contribution 	<ul style="list-style-type: none"> • First dwelling to be occupied 	Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
09/0775/FULL	J Sainsbury Plc 2 Carpet Trades Way Kidderminster	<ul style="list-style-type: none"> • £10,000 towards a study to assess improvements to the transport infrastructure of Crossley Retail Park • To carry out the landscaping of the open space between the petrol station and the Ringway 	<ul style="list-style-type: none"> • First opening of store following completion of development • First opening of store following completion of development 	Completed
09/0641/FULL	44 Barnetts Lane, Kidderminster	<ul style="list-style-type: none"> • Education contribution - £5,556 • Public Open Space contribution - £2,469.60 	<ul style="list-style-type: none"> • Commencement of development • Occupation of first dwelling 	Completed

Application Number	Site	Provisions	Triggers for Compliance	Performance
08/1053/EIA	Former Carpets of Worth Site, Severn Road, Stourport on Severn	<p>Obligations to Worcestershire County Council:</p> <ol style="list-style-type: none"> <li data-bbox="757 421 1281 619">1. Contribution towards the provision of signage and street furniture to promote sustainable access (by pedestrians and cyclists) to and within Stourport of £20,000 <li data-bbox="757 655 1281 1086">2. Contributions towards the provision of new and enhancement of existing bus services based on the agreed routes enhancing service numbers 914, 915 and 11 and to provide an addition service to Areley Kings (each linking the development to the town centre) to improve accessibility to the Former Carpets of Worth site by means of public transport by: 		Completed

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<p>(a) agreeing with WCC the details of the service including frequency, bus type/size (any future amendment to which is to be agreed first with the developer);</p> <p>(b) paying an initial sum of £95,000 by way of contribution to capital costs such as public transport infrastructure and marketing;</p> <p>(c) paying a sum of £200,000 to WCC in order to subsidise the running costs of the services in the first year of service;</p> <p>(d) conducting together with WCC a review at the end of the first year of the effectiveness of the service including (but not limiting to) revenue generation, a review of occupancy, route, frequency and timetable ;</p>		

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<p>(e) after the review has taken place, to make to WCC a payment in respect of a deficit (if any) between the cost of running the service and the receipt from fares with reconciliation payments being made as/if required during the second year</p> <p>(f) under paragraph 2(c) and 2(e) the developer may pay sums up to £478,000.</p> <p>3. Contribution to improve pedestrian linkage to the Town Centre utilising Lodge Road of £30,000</p> <p>4. Contribution of £50,000 to improve junctions along the route of the enhanced bus services and/or otherwise affected by traffic impact from the development which may include (but not be restricted to) the junction of York Street/Bridge Street/High Street/New Street</p>		

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<p>5. Travel plan to be agreed, implemented and kept under review.</p> <p>6. Costs indemnity in respect of the promotion of traffic regulation orders as are necessary in light of the development and the highway works</p> <p>7. Provision of a link road and footbridge:</p> <p>(a) to establish prior to commencement of development to the satisfaction of WFDC and WCC that control of the land for the footings of the pedestrian bridge and link road has been secured; and</p>		

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<p>(b) to construct the pedestrian bridge and the link road bridge prior to the development first opening for trade.</p> <p>8. Prior to commencement of development to agree a construction programme identifying compounds and traffic movement during construction.</p> <p>9. Prior to the development first opening for trade to agree with WCC a lorry routing agreement.</p> <p>Obligations to Wyre Forest District Council:</p> <p>10. Prior to the first opening of the store to provide WFDC with details of a trolley management plan.</p>		

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<p>11. To provide a contribution to air quality monitoring during and after construction of the development, including the provision of equipment, of £41,000</p> <p>12. To provide:</p> <p>(a) a contribution towards signs/finger posting to improve connectivity between the store and the Town Centre £20,000, and</p> <p>(b) public art on-site</p>		

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<p>13. To close the existing Tesco store in Stourport to the public on or before the opening of the new store.</p> <p>14. To implement a car park management scheme to control use by non-Tesco customers.</p> <p>15. To:</p> <p>1) enter into a lorry routing agreement which will require heavy delivery vehicles to approach the store via the new road which is to be provided and not along Mitton Street, and seek to ensure that as many delivery lorries as possible during the morning, afternoon, and evening take place outside peak traffic periods and not before 6am, or after 11pm.</p>		

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Application Number	Site	Provisions	Triggers for Compliance	Performance
09/0292/FULL	Former Bewdley Wribbenhall First School Land adjacent to Shaw Hedge Road, Bewdley	<ul style="list-style-type: none"> • Public Open Space contribution - £12,759.60 • To be retained for Affordable Housing Only 		Engrossment out for signature
09/0509/FULL	Former Shell Garage, Vale Road, Stourport on Severn	<ul style="list-style-type: none"> • Affordable housing contribution - Nil if shell and core built within 24 months, if not further financial viability to be submitted and any increase in site value will require contributions up to £224,000 • Highway works contribution - £10,000 • Upgrade of towpath - £2,733 	<ul style="list-style-type: none"> • First occupation • First occupation 	Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
09/0247/FULL	Former Depot, Butts Lane, Stone	<ul style="list-style-type: none"> • Affordable Housing - 9 shared equity units of accommodation provided via one of the Council's partner RSL's • Community provision - Access of public to the informal landscaped areas - Use of meeting room by Parish Council - Management of informal landscaped area • Education Facilities - £39,537 towards Educational Facilities • Live /Work Units - Prevention of separation of live unit from its respective work unit • Travel Plan • Sustainable Transport - No contribution necessary • Biodiversity - Biodiversity enhancement provided on site as part of design/layout/landscaping. No contribution required • Open space - Extensive informal landscaped areas are proposed as part of the development. No contribution required 		Completed
09/0066/FULL	Land off Puxton Drive, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £38,224 • Highway contribution of £20,000 • affordable housing provision of 14 units 		Completed

Application Number	Site	Provisions	Triggers for Compliance	Performance
09/0061/OUTL	Sutton Reservoir, Sutton Park Road, Kidderminster	<ul style="list-style-type: none"> • Education contribution of - £2,389 per 2/3 bed dwelling and £3,584 per 4+ bed dwelling • Highway contribution of - £14,000 (to be agreed) for junction improvements at the junctions of Sutton Park Road/Bewdley Hill (A456) and the traffic light junction at Bewdley Hill/Sutton Road and Summer Place. • Open Space contribution calculated at – No. of child bed spaces x 24 sq.m x £17.15 • Biodiversity contribution (to be agreed) • Public realm contribution achievable through improvements to the streetscene by virtue of the development itself. 		Completed
08/0963/FULL	Brintons Ltd., Exchange Street, Kidderminster	<ul style="list-style-type: none"> • All 60 units (with the exception of a single unit for a carer to stay on site) will be used in the provision of an extra care facility; • The units are restricted to people of 55 years of age or over (or related to); and • The units are provided by an RSL and therefore do not become market housing. 		Engrossment out for signature

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/1106/FULL	Land Adjacent Land Oak Public House, Birmingham Road, Kidderminster	<ul style="list-style-type: none"> • Education contribution - £10,514 • Open Space provision - £4,778 		Completed
08/1035/FULL	Hillgrove Court, Mill Street, Kidderminster	<ul style="list-style-type: none"> • Education contribution - £5733.60 • Open Space provision - £2469.60 		WCC reminded that payment due 01/04/09 Payment received 11/03/09
08/0879/OUTL	Areley Common First School, Stourport on Severn	<ul style="list-style-type: none"> • Open Space contribution of £9,878.40 		Completed
08/0659/FULL	Hodge Hill Farm Barns, Birmingham Road, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £30,344.00 • Open Space contribution of £3,704.40 		Completed
08/0787/FULL	93-94 New Road, Kidderminster	<ul style="list-style-type: none"> • Contribution of £5,000 towards the maintenance of the Council car park 		Draft in circulation

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/0977/OUTL	108/109 Bewdley Hill, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £2,389 per 2 or 3 bed dwelling £3,584 per 4+ bed dwelling • Open Space contribution calculated using the following formula: No. of child bed spaces x 24 sq.m. x £17.15 • Biodiversity – to be agreed • Public Realm – to be agreed 		Completed
08/0731/FULL	Briars Hotel, 100 Habberley Road, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £46,592 • Open Space provision of £16,052.40 • A contribution towards biodiversity which is to be agreed 		Completed
08/0495/FULL	The Old Post Office Site, Blackwell Street, Kidderminster	<ul style="list-style-type: none"> • Educational contributions of £5,736 • Highway contributions for £10,000 towards improved subway access • 10 Affordable Housing Units on either a shared equity or intermediate rent basis and a financial contribution of £68,704 		Engrossments out for signature
08 0848/FULL 08/0663/FULL (application withdrawn)	Former Milligans Public House, Mill Lane, Kidderminster	<ul style="list-style-type: none"> • Education Contribution of £8,604.00 • Open Space Provision of £3,704.40 		Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/0662/FULL	Land to rear of 33 Baldwin Road, Stourport on Severn	<ul style="list-style-type: none"> • If 10 units occupied by Waterloo Housing Association the following would apply: <ul style="list-style-type: none"> ➤ Education Contributions - £4,701 ➤ Public Open Space Contributions - £2,469.60 • If 10 units not occupied by Waterloo Housing Association the following would apply: <ul style="list-style-type: none"> ➤ Education Contributions - £51,711 ➤ Public Open Space Contributions - £4,527.60 		Completed
08/0595/FULL	Harriers Trade Centre, Stadium Close, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £47,780 based on 20 dwellings at £2,389 each • Open space provision of £9878.40 • Affordable housing provision of 8No Affordable houses 6 for rent and 2No for shared ownership. 		Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/0538/OUTL	Sutton Arms Sutton Park Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space Contribution of: No. of child bed spaces proposed x 24sq.m x £17.15 • Biodiversity (to be agreed) • Education provision as follows: £2,389 for each 2 or 3 bedroom dwelling £3,584 for each 4+ bedroom dwelling £956 for each flat • Public Realm (to be agreed) 		Completed
08/0533/FULL	Wilton Avenue, Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £7,408.80 • Compensation for Loss of Play Area - £80,000 • Affordable Housing 		Draft in circulation Received £87,408.80 27/05/2009
08/0500/FULL	Land at corner of The Terrace/Tenbury Road, Clows Top Kidderminster	<ul style="list-style-type: none"> • Suitable obligation in respect of acceptable drainage scheme • Public Open Space contribution £3,498.60 • Affordable Housing 		
08/0490/FULL	75 Mill Road Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £18,207 • Open Space contribution of £2,881.20 		Completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/0418/FULL	Land to rear of The Roundhead, Willowfield Drive, Kidderminster	<ul style="list-style-type: none"> • Education contribution of £33,012 • Open Space contribution of £2,496.60 		Engrossments with applicant for signature
08/0366/FULL	Garage Site off Richmond Road, Bewdley	<ul style="list-style-type: none"> • Open Space contribution of £1,646.40 		Draft in circulation
08/0311/FULL	Clent Avenue Kidderminster	<ul style="list-style-type: none"> • Education contribution of £2,056 		Draft in circulation
08/0398/FULL	18 Load Street Bewdley	<ul style="list-style-type: none"> • Education contribution of £6,621 • Open Space contribution of £1,234.80 		Agreement complete WCC advised trigger point reached Payment received by WCC 20/06/08 Payment received 12/06/2008
06/0590/FULL	Stourvale Mills Green Street Kidderminster	<ul style="list-style-type: none"> • Highway Contribution £40,000 • Public Transport Contribution £20,000 		Paid direct to Worcestershire County Council
08/0347/FULL	127 Park Lane Kidderminster	<ul style="list-style-type: none"> • Education contribution of £9,560.00 • Open Space contribution of £3,996.00 		Agreement completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/0263/FULL	The Eagles Nest Coningsby Drive Kidderminster	<ul style="list-style-type: none"> • Education contribution of £16,164 • Public Realm contribution of £10,000 towards bus stop opposite • Open Space contribution of £7,192 • Biodiversity contribution of the planting of a specimen tree of a type, species and position to be agreed. 		Agreement completed
08/0026/FULL	20,21,22 & 23 Horsefair Kidderminster	Variation of previous s106 to amend the trigger for conversion works		Completed
08/0045/FULL	Marks & Spencer Plc Unit 18-19 Weavers Wharf Kidderminster	£5,000 public realm contribution		Agreement completed £5,000 received 22/04/08
08/0188/FULL	Land adjoining Martley Road Stourport on Severn	<ul style="list-style-type: none"> • Open Space contribution of £7,192.80 • Biodiversity contribution of £1,000 off site contribution to be used towards removal of scrub to recreate acid grassland together with 10 year maintenance at Redstone marsh (as agreed as part of the previous application 07/0727/FULL) 		Agreement completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
08/0014/FULL	Land adjacent 154 Habberley Lane Kidderminster	<ul style="list-style-type: none">• Education contribution of £10,398• Public open space contribution of £2,397.60		Agreement completed W.C.C advised development commenced (07/04/08)