

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

4TH MARCH 2008

PART A

Application Reference: 07/1105/EIA **Date Received:** 31/10/2007
Ord Sheet: 381388.550419101 **Expiry Date:** 20/02/2008
271257.767420201
Case Officer: Tyler Parkes **Ward:** Mitton
Partnership-Gareth
Jones

Proposal: Outline Application; Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road & bridge, footbridge, landscaping, highways and other works

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

Applicant: Santon Group Developments Ltd / Tesco Stores Ltd

Summary of Policy	D1, D3, D6, D7, D8, D9, D.10, D.11, D12, D14, D15, D16, D19, LA1, LA4, LA6, LB1, LB5, CA1, LR.1. NR2, NR5, NR6, NR7, NR10, NR11, NR12, NC2, NC3, NC4, NC5, NC6, NC7, NC8,TR6, TR7, TR8, TR.9, TR10, TR15, TR17, TR18, TR19, RT1, TR4, RT5, RT9, STC2, IMP1 (AWFDLP) SD1, SD3, SD4, SD9, CTC1, CTC6, CTC8, CTC9, CTC12, CTC15, CTC20, D.31, D32, D33, D34, D43, T1, T2, T4, T10, T12, IMP1 (WCSP) UR2, UR3, PA11, QE1, QE2, QE3, QE4, QE5, QE6, QE7, QE9, T2, T3, T5, T7 (RSS11 - formerly RPG11) PPS1, PPS6, PPS9, PPG13, PPG15, PPS23, PPS25 Severn Road Development Brief Design Quality Supplementary Planning Guidance Conservation Area Appraisals (Gilgal & No.2) Supplementary Planning Document – Section 106 obligations Public Realm Design Guide: Stourport-on Severn (Nov. 2006)
Reason for Referral to Committee	'Major' planning application Third Party has registered to speak
Recommendation	DELEGATED APPROVAL subject to Section 106 agreement

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INTRODUCTION AND BACKGROUND

1. This is an outline planning application for a new Tesco foodstore, with a car park and petrol filling station, on a derelict former industrial site in Severn Road, to the east of the town centre of Stourport on Severn. It also proposes a new road link between Severn Road and Discovery Road, crossing the River Stour, together with a new separate footbridge and various other on and off site highway improvements.
2. Members may recall that there have been two previous proposals by the same applicants for a similar development at this site.
3. Firstly, an outline planning application was submitted in June 2005, but for technical reasons it was not registered and has never been determined.
4. A second outline application, which was effectively a re-submission of the first, was submitted in 2006. This application was also not registered, because a Feasibility Study (to look at options for the treatment of the riverside environment on the opposite side of the site) was not submitted with the application and the Local Planning Authority considered that study to be critical to the application.
5. The applicants lodged an appeal against the non-determination of this second application, meaning that the Council could not determine the application itself.
6. Accordingly, to assist the Council in dealing with the appeal, at the meeting of this Committee on 10th April 2007, Members considered a detailed report on the proposal, and were asked to decide what decision they would have made, had they determined it within the prescribed period.
7. Members resolved that they would have refused the application, for nine reasons which can be summarised as follows. It should be noted that six of these reasons refer to a failure by the applicants to demonstrate that a particular concern or issue had been properly addressed, the other three relating to issues of tree planting, design and impact on immediately neighbouring properties:
 1. Inadequate provision for new tree planting within the site
 2. By virtue of its siting, scale and massing, the store would impact on the character and appearance of two adjacent Conservation Areas, and the setting of an adjacent Listed Building
 3. Failure to demonstrate that the proposal would not have an adverse effect on the convenience retail sector of, or the vitality and viability of Stourport on Severn town centre

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4. Failure to demonstrate improved pedestrian linkages between the town centre and the development
5. Failure to provide adequate pedestrian links in and around the site, and to a proposed new bus stop
6. Failure to demonstrate that the site, and land on the opposite side of the river is not contaminated
7. Failure to demonstrate that the development would not have an adverse effect on air quality
8. Unreasonable overbearing impact on the residential amenities of nearby dwellinghouses
9. Failure to demonstrate that the proposals will not have an unacceptable impact on road safety and the highway network.

THE APPEAL

8. The appellant requested that the non-determination appeal be heard at a Public Inquiry, which was originally scheduled to commence on Tuesday April 1st, programmed for 8 days.
9. However, given that this fresh planning application was due to be considered by your Committee tonight, the outcome of which may determine whether the Inquiry need proceed, or if it does, its content and duration, the appellants requested that the start of the Inquiry be postponed pending the determination of the application. In these circumstances the Planning Inspectorate have agreed to a postponement and have offered a new date for the Inquiry to commence on Tuesday 13th May, although this date, itself, is subject to confirmation and possible change. Members will be updated accordingly at the Meeting.
10. At a 'pre-inquiry' meeting held on 21st January, the Inspector appointed to hear the appeal distilled the Council's nine 'refusal reasons' into the following five essential matters which he will address; for convenience these have been summarised under the following five headings:
 - **Retail Impact** - the suitability of the proposed development having regard to national, regional and local planning policies, with particular regard to the need; whether the development is of an appropriate scale to its catchment; the availability of alternative sites (the sequential approach); the flexibility of approach with regard to format and size; the impact on other centres; and the relationship of the site to other centres.
 - **Transport/highways** - the extent to which the proposal satisfies the need to reduce travel especially by car; the impact on roads in the area and the likely traffic generation; and the suitability of pedestrian links

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- **Impact on the character and appearance of the area** - notwithstanding that these are outline proposals, the effect of the design and landscaping on the character and appearance of the area
- **Impact on neighbours** - the effect on the amenities of local residents (including the light from the building at night)
- **Environmental issues** - biodiversity/ecology-the question of protected species on the site (owls and otters); air quality; contaminated land and flood risk.

THE CURRENT APPLICATION

11. This third planning application, which is again for effectively the same development, was submitted in October 2007, and seeks to address the referenced nine 'refusal reasons', by way of amendments to the previous plans to address the three specific objections, and, by providing revised reports/surveys/assessments etc. with additional information to address the six 'failure to demonstrate' reasons.
12. This report will assess and appraise the merits of the new application, and it will advise as to how, in the opinion of your Officers, the nine 'reasons' issues have been, or are capable of being satisfactorily addressed and resolved. However, in the circumstances of the impending Inquiry, it seems sensible to consider them under the five subject headings identified by the appeal Inspector.

1.0 Site Location and Description

THE SITE

- 1.1 The application relates to the northern part of the former Carpets of Worth site on Severn Road, Stourport on Severn as identified in the adopted Wyre Forest Local Plan (AWFDLP) and the adopted Severn Road Development Brief 2001, which is Supplementary Planning Guidance. The site is located between Severn Road and the western bank of the River Stour, which form the western and eastern boundaries respectively. Although the overall site known as the Carpets of Worth site extends to approximately 6 hectares, the application site only occupies some 2.48 hectares; the balance, to the south, will be subject to separate development proposals in the future. Stour Lane forms the northern boundary of the site. The total area of the application site amounts to 4.52 hectares since it also includes a proposed new road and bridge over the Stour to connect Severn Road with Discovery Road on the east side of the river, together with other highway works and a new footbridge.

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- 1.2 The site was formerly occupied by a carpet factory, and all the buildings have been cleared from the site, which is now vacant and derelict, and represents a significant eyesore. There are houses on the west side of Severn Road, which face towards the site, which lies at a lower level; residential development extends west and north into Mitton Street, and into Stour Lane.
- 1.3 In policy terms, the site lies within the Town Centre Inset on the WFLP Proposals Map, but lies outside of the identified Primary Shopping Area of Stourport on Severn (i.e. the High Street) being approximately 200 metres to the east at its northern end and some 330 metres away at the southern extremity. The eastern boundary of the site (ie the River Stour river corridor) is designated as a Special Wildlife Site in the Local Plan, and the northern part of the site borders two adjoining Conservation Areas: the Gilgal Conservation Area and Stourport No.2 Conservation Area. The red line of the application site, which includes the access route along Severn Road, is also partly within Stourport No.1 Conservation Area.
- 1.4 Although there are no statutorily listed buildings within the site, there is an existing brick building just to the south and adjacent to the river which is locally listed. It was also identified as a 'valued building' worthy of retention in the Severn Road Development Brief. However, it is not affected by this proposal. The site is also immediately adjacent to one Listed Building (41 Mitton Street), and several buildings noted to be of local interest within the Appraisals for the Conservation Areas (39-40 Mitton Street, 53 & 54 Mitton Street, 28-30 Severn Road & 7 Mitton Street), some of which are also locally listed. The site is within Flood Zone 2 (Low to Medium risk).

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THE PROPOSAL

- 1.5 This is an outline application for a new Class A1 supermarket, customer car park and petrol filling station. The foodstore would have a gross external floor area of 4209 sq.m (45309 sq ft) and a nett sales area of 2919 sq.m (31422 sq.ft). Vehicular access will be via a new access road into the site, from a new junction opposite the existing houses at nos. 12 & 14 Severn Road, and this will also serve, in time, the proposed new development to the south of the application site. In addition the proposal involves the construction of a new 'link' road between Severn Road and Discovery Road, which presently terminates as a cul de sac opposite Resolution Way, including a new road bridge over the River Stour. The need to provide this link as an integral part of the development of the Carpets of Worth site is required by Policy STC.2 (vii) of the Local Plan, and is also referred to in the Severn Road Development Brief. The new road extends from the present limit of Discovery Road to a point just before the rear garden of No.40 Golden Hind Drive, before heading westwards across the Stour and along the northern boundary of the Vinegar Works site on the opposite side of the river, to a new junction with Severn Road. A new footbridge is also proposed which would provide a direct link between the site and Pinta Drive and the residential development on the eastern bank of the river together with other various highway works as summarised below.
- 1.6 The various highway works and improvements proposed by the applicants can be summarised as follows:
- Upgrading of Severn Road and the new Link Road to Discovery Road
 - Provision of a shared pedestrian and cycle way on Severn Road and the new Link Road.
 - Signalised junction at Mitton Street / Severn Road including full pedestrian crossing facilities.
 - Improvements to pedestrian widths along Mitton Street.
 - Signalised pedestrian crossing facilities at the Mitton Street/Lion Hill junction.
 - Vehicle access to the development via a new priority junction with Severn Road. New access road incorporates a shared pedestrian and cycle way, Toucan crossing and bus lay by.
 - New signal pedestrian crossing across Severn Road between the development access road and Lichfield Street.
 - One-way operation on Lichfield Street towards Severn Road.
 - New footway outside 10 Severn Road (no existing footway) and 12-14 Severn Road including extended vehicle crossovers to replace existing lay by.
 - New bus stops on Severn Road close to the store access.

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- New pedestrian bridge linking the store with Pinta Drive and adjoining residential area.
 - A Travel Plan Framework, which suggests a new bus service (eg a 'Hopper' bus) to connect the town centre with the site, and amendments/improvements to other local services to serve the site.
- 1.7 As the application is in outline only it simply seeks determination of the layout and means of access at this stage. The applicants have confirmed that in terms of layout, it is only the siting of the store itself for which they seek approval at this stage: the details of the car park layout, the precise siting of the petrol station etc. would be reserved for subsequent approval. All details concerning scale, appearance and landscaping are reserved for subsequent approval; however, the application is supported by indicative material for illustrative purposes only which demonstrate the likely design, appearance, materials etc. of the proposed store.
- 1.8 The store would be sited in the northern part of the site, with the petrol filling station, and the car park, containing some 317 spaces, plus 17 for disabled and 13 for parents/child, to the south. The store would measure approx. 66m by 76m in footprint and, compared with the previous proposal, it has been 'swung' away on its axis from the Mitton Street/Severn Road corner, to provide an improved separation distance of around 25-30m between the northern elevation and the houses at Nos. 1 & 2 Stour Lane. The illustrative plans indicate that the store would comprise a substantial single-storey building of a contemporary design, constructed predominantly in glass and steel, but including facing brickwork, render and coloured steel cladding in places, with a series of three shallow mono-pitched roofs, featuring 'north lights' which seek to reflect an attribute of the former industrial buildings on the site. The main entrance to the store will be from the car park, but a second entrance, comprising a glazed 'feature' with a lobby and stairs/lifts down to the store itself, is proposed at the north-west corner of the building, next to the Mitton Street/Severn Road junction, to provide a direct link for pedestrians accessing the store from the town centre, and also provide a focal point at that prominent location. The service yard would be located on the east side of the building, furthest away from Severn Road, and alongside the west bank of the Stour. Servicing and deliveries to/from the store would be via a separate service road leading to a service and delivery yard next to the river.

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- 1.9 A pedestrian walkway is proposed along the riverbank, as far as the northern boundary of the site where it would terminate. To enhance the biodiversity of the river corridor, works are proposed to improve the west bank of the river, by removing existing sheet piling, and restoring a graded slope which would be planted with appropriate trees and vegetation. A new boundary wall is proposed along the east side of Severn Street, along with new landscaping in and around the site and the car park. A Landscape Masterplan has also been submitted with the application.
- 1.10 This application is also accompanied by the following technical reports:
- Retail Assessment
 - Design and Access statement
 - Consultation Supporting Statement
 - River Stour Wetland Feasibility Study
 - Traffic Assessment (subsequently revised in January 2008)
 - Noise Assessment
 - Air Quality Assessment (and Supplementary Note)
 - Flood Risk Assessment
 - Phase 1 & II Environmental Assessments
 - Limited Site Investigation (Wetland Area)
 - Preliminary Ecological Survey
 - Phase II Bat and Otter Surveys
 - Phase II Ecological Survey
 - Repeat Phase II Ecological Survey
- 1.11 In addition to these technical reports, the following drawings were submitted with the application:
- Site Layout
 - Elevations
 - Site layout including proposed future development
 - Sections
 - Demolished Buildings Plan
 - Landscape Masterplan
 - Various highway drawings including proposed link road and site access, general arrangements, visibility splays, highway bridge, footbridge.

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

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- 1.12 Following a series of meetings between the applicants and Officers of this Council and the County Highway Authority, various amendments have been made to the proposal, and revised plans and documents have been submitted: essentially these comprise revised layout and elevational plans, and illustrative sketches depicting the building; a revised Transport Assessment and detailed amendments to the highways proposals; supplementary comments in respect of the Retail Assessment; and supplementary information regarding ecological issues, comprising a Biodiversity Statement, which includes specific proposals for the enhancement of the west bank of the Stour. Re-consultation has taken place, by way of a letter dated 15th February 2008, inviting any further comments by today's date; Members will be updated at the Meeting.

APPLICANTS' CONSULTATION EXERCISE

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

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

- 1.14 Subsequent to the exhibition the applicants undertook further consultation with the local residents about the proposed development and the highway works, although the results of this consultation exercise were not submitted to the Local Planning Authority.

- 1.15 The applicants have not indicated whether any further consultations have been held in respect of this revised planning application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 1.16 Prior to submission of the first planning application, an Environmental Impact Assessment (EIA) screening opinion was sought in March 2004; the Local Planning Authority confirmed that whilst the development fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, an Environmental Impact Assessment was not required. Nevertheless, the applicants have formally submitted an EIA as part of this application, comprising a Statement which assesses the various potential impacts from the scheme on the local environment.

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2.0 Planning History

- 2.1 Outline application for redevelopment of part of site to provide a Class A1 supermarket, petrol filling station, new road and bridge, other highway works, landscaping and other associated works: Not registered (June 2005).
- 2.2 Outline application for redevelopment of part of site to provide a Class A1 supermarket, customer car park, petrol filling station, new road bridge, new footbridge, other highway works, landscaping and other works: Not registered (December 2006). Non-determination appeal lodged. Public Inquiry currently scheduled to commence May 13th.

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council - Views to be reported following consideration at a special meeting to be held on 3rd March 2008.
- 3.2 Highway Authority - Initially expressed an objection to the proposal; following detailed discussions and receipt of revised plans and proposals there is now no objection subject to conditions and the completion of a Section 106 Agreement as follows:

FINANCIAL CONTRIBUTIONS

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

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OBLIGATIONS

- To provide, agree and implement a travel plan, details of which are to be agreed with the Highway Authority.
 - To establish prior to the commencement of the development that the control of the land required to provide the new link road, structures and associated infrastructure to the satisfaction of Wyre Forest District Council and Worcestershire County Council has been secured.
 - Prior to the commencement of development a construction programme and construction traffic access strategy must be agreed with Wyre Forest District Council and Worcestershire County Council which is to be implemented. This will include a lorry routing agreement and means of enforcement.
- 3.3 Access Officer - Provides general and detailed comments regarding location of bus-stops, pedestrian routes and site access, location of trolley bays/ATM's/ lifts, building details and external surfacing.
- 3.4 Arboricultural Officer - Approve subject to revised layout plan to provide additional planting within and around the car park, and details of planting specifications; suggests additional tree planting in Severn Road.
- 3.5 British Waterways - No objections, subject to suggested conditions or legal agreement relating to:
- The provision of pathways and signage to the canal basins
 - Funding to ensure that trolleys etc. are regularly removed from the navigation.
- 3.6 Conservation Officer - Recommends approval. Considers that the general design is suitable for this location and notes that the details will be determined at the reserved matters stage. Advises that the roof is likely to be highly visible but considers that the introduction of north-light roofing acts to break up the roofscape. The re-siting of the building away from the Stour Lane boundary reduces the impact on the adjacent Listed and locally listed buildings, and the Conservation Area.
- 3.7 County (Planning) - No comments, other than noting the relevant County Structure Plan policy relating to retail development of this nature (D32 & D33).
- 3.8 County (Archaeology) - No objection to proposed mitigation strategy-suggest appropriate planning condition to require scheme of investigation.

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- 3.9 Countryside Officer - Considers that the proposals contained within the applicants' Biodiversity Statement are sufficient to mitigate against the 'massive' disturbances caused by the construction of the development, providing it can be demonstrated how the restored river bank will be managed and developed as a biological resource, how it is proposed to illuminate the development to minimise any disturbance, and further details of the proposed bridges. Suggests that any biological enhancement is slight but accepts that the extent is difficult to quantify. The applicants' response to these comments is reported at paragraph 4.87.
- 3.10 Property and Operational Services - No response
- 3.11 Disability Action Wyre Forest - No response
- 3.12 Environment Agency - Have indicated that they will raise no objection subject to conditions; formal reply awaited.
- 3.13 Environmental Health (Principal Pollution Officer) - No adverse comments. Satisfied that air quality issues have been satisfactorily addressed. Impact is dependant upon traffic generation, but satisfied that worst case scenarios have been assessed.
- 3.14 Inland Waterways Association - Support the proposals, welcoming the new foodstore because it will provide a key facility for boaters. They consider that the store could not be provided on any alternative site nearer to the canal basins because of potential damage to the historic nature of the area.
- 3.15 Natural England - No objection: express various detailed comments and summarise their views as follows:
- The establishment of an 'off-line' wetland and enhancement of the river corridor would maintain the wildlife corridor
 - Recommend that the buildings and car park are placed further away from the river to allow the creation of a wider and sustainable ecological corridor
 - Condition suggested requiring a full restoration/enhancement/mitigation package for the river corridor.

Further comments on Biodiversity Framework awaited.

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- 3.16 Regeneration and Economic Prosperity Manager – Recommends approval: the proposals for this key regeneration site are in line with the Severn Road Development Brief and guidance contained in the Design Quality Supplementary Planning Document.
- 3.17 Severn Trent Water - No objection subject to conditions.
- 3.18 Crime Risk Manager - Provide detailed comments/advice about the design of the car park and the need for good management, maintenance, lighting, signage, surveillance, landscaping and pedestrian access, and building security (doors and windows).
- 3.19 Worcestershire Wildlife Trust - Consider that the submitted wetland feasibility does not comply with their requirements, and provides insufficient information to assess the feasibility for wetland creation. Require assurances that mitigation proposals are implemented, and suggest the provision of sustainable drainage principles. Oppose the scheme unless these points are addressed.

Further comments on Biodiversity Framework awaited.

- 3.20 Chamber of Commerce - No response
- 3.21 Stourport on Severn Town Centre Forum - No response
- 3.22 Stourport on Severn Business Association - No response
- 3.23 Stourport on Severn Civic Society - Object, for two main reasons, namely that the proposal is of a disproportionate size for the needs of the town and the surrounding area, and because it will have a major adverse effect on the existing traffic problems of the town causing a deterioration in the environment.

They also question the need for a petrol filling station, the adequacy of the local road infrastructure, and make the following additional points:

- The design of the building and the proposed materials pay no regard to local distinctiveness or character
- Bicycle provision is a token gesture with no thought given to access for cyclists
- The riverside walkway should be linked through to Worcester Road
- Better access for bus passengers is required
- Car park layout needs reconsidering to provide turning points and taxi pick up/set down points

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- Where are the staff parking areas?
- Delivery Lorries should be restricted to Discovery Road
- Question whether Mitton Street is a suitable pedestrian link to the town centre?
- Vale Street/Mitton Street junction layout welcomed, but question whether this will have any impact on traffic to or from the site?
- Wetland Feasibility Study welcomed, but question whether there will be a Management Plan?

3.24 Stourport Forward - No response

3.25 Neighbour/Site Notice/Press Notice - Three letters of objection have been submitted on behalf of the Mid Counties Co-operative Society, who operate a store in Stourport on Severn, from their Planning and Highways Consultants. Objections are raised on grounds of:

- Design-the proposal will not preserve or enhance the adjoining Conservation Area. The building will dominate adjacent house and views across the River Stour.
- Retail Impact-the applicants have not established a need, other stores in the town will close (in the worst case scenario the Co-op itself could close), there is not room in the town for another, and there would be a devastating impact on the vitality and viability of the town centre.
- Transportation and accessibility-the submitted TA is insufficient and misleading, the development will cause congestion and environmental impact in the town, and worsen safety conditions. Pedestrian linkage to the town centre is poor, and improvements are essential; essentially Mitton Street must be relieved of through traffic, which can only be achieved if the entire relief road is provided. These highway objections have been re-iterated and enlarged upon, in some detail, in the third objection letter.

A letter of objection has been received from Wm Morrison Supermarkets plc, who operate a store in Oxford Street, Kidderminster, and have planning permission for a new improved store in Green Street. They dispute that the proposed store would be edge of centre, question the assumptions made by the applicants in respect of quantitative need, consider that a store of this scale is not necessary in Stourport on Severn, and that the development will duplicate the role of the Co-op store in the town (which is sequentially preferable) such that it 'could have a negative impact on the vitality and viability of the centre through the loss of linked trips'.

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Stourport Small Traders Group object to the proposals on the grounds that such a large store on an edge of town site would seriously affect trade in the High Street and Lombard Street, and thus the viability of the town centre. They envisage the closure of as many as 35 existing businesses. They also express concern over the impact that the additional traffic generated by the development, and the proposed pedestrian controlled crossings would have on the road system; over the impact of such traffic on the health of people and the condition of buildings and from noise and pollution particularly from delivery lorries, reversing alarms etc.; and that the proposed road and footbridge over the River Stour might lead to flooding problems.

The Cutty Sark Drive Residents Association object on the following grounds:

- The 'town plan' does not provide for a store of this size
- The traffic management proposals are inadequate, and the submitted Transport Assessment is questioned
- The position and number of bus stops, or pedestrian crossings have not been properly considered
- Discovery Road will become a 'race track', and rat run
- Access to the estates off Discovery Road will become impossible at peak times due to congestion
- The findings of the noise and air quality surveys are contested
- Environmental impact-particularly on the floodplain

93 individual letters and 14 e-mails of objection received. The issues and concerns raised are summarised as follows:

HIGHWAY/SAFETY

- There would be an unacceptable increase in traffic in the town, with which it cannot cope at present, leading to congestion and possible gridlock at peak times
- Such congestion will be exacerbated by the proposed pedestrian crossings (eg at Severn Road/Mitton Street)
- Mitton Street too narrow for proper pedestrian access to the store
- Such congestion could impact on access for emergency services
- The proposed extension of Discovery Road would lead to 'rat-running' between Worcester Road and the town centre; there should be traffic calming
- Are the proposed car parking facilities adequate?
- The busier roads in the town will lead to an increased risk to pedestrian safety
- The Stourport relief road should be provided in its entirety

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IMPACT ON TOWN CENTRE

- There will be a significant impact on existing shops and businesses in the town centre, leading to closures, especially of smaller traders and loss of local jobs-the local economy will be ruined. There will be a detrimental impact on the tourist trade
- There is no need for such a development; the existing shops and foodstores in the town are sufficient, and there is an existing Tesco store in Kidderminster
- There are inadequate pedestrian links between the site and the town centre, the vast majority of customers will travel by car-the proposal will draw trade away from the centre

IMPACT ON CHARACTER OF TOWN

- The design of the proposal pays no respect to the character of the town, or the industrial heritage of the site itself; the development will be an eyesore and will harm the appearance of the town
- The character of the floodplain to the River Stour will be harmed, particularly by the construction of the proposed road and foot bridges

AMENITY OF NEIGHBOURS

- The various proposed bus stops, new road junctions (eg in Severn Road) and other highway works including the new roads/junctions will impact on the amenities of those living in the immediate proximity from extra traffic
- General impact on amenities of local residents from traffic fumes, noise and general air pollution
- Specific impact from the proposed petrol filling station on immediate neighbours, from petrol fumes

OTHER

- Proposed works in the floodplain will cause 'backing up' in the River Stour, and potential flooding to properties
- If there are leaks from the fuel tanks at the petrol filling station, this will cause pollution in the River Stour
- There is no need for another petrol filling station in the town-there are enough already
- The site should be used for affordable housing

One letter and one e-mail received raising no objection to the proposal in principle, but raising concerns about the traffic implications of the proposal, and various other detailed issues including the views that the size of the store should be modest, possible gridlock, the need to improve the existing town centre, concern that the existing Tesco store should be demolished; the writer agrees that the store is required to serve the needs of the growing town.

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One letter of support received, stating that the existing Tesco store is too small, that there would be no real impact on town centre trade, traffic conditions will not be made worse since congestion only occurs at peak times which will not coincide with busier times at the foodstore, and that the proposal will generate financial benefits for the infrastructure of the town.

4.0 Officer Comments

4.1 As stated above, it is logical to appraise the application in terms of the essential five issues identified by the appeal Inspector which, to re-iterate, are:

- **Retail Impact** - the suitability of the proposed development having regard to national, regional and local planning policies, with particular regard to the need; whether the development is of an appropriate scale to its catchment; the availability of alternative sites (the sequential approach); the flexibility of approach with regard to format and size; the impact on other centres; and the relationship of the site to other centres.
- **Transport/highways** - the extent to which the proposal satisfies the need to reduce travel especially by car; the impact on roads in the area and the likely traffic generation; and the suitability of pedestrian links
- **Impact on the character and appearance of the area** - notwithstanding that these are outline proposals, the effect of the design and landscaping on the character and appearance of the area
- **Impact on neighbours** - the effect on the amenities of local residents (including the light from the building at night)
- **Environmental issues** - biodiversity and ecology; the question of protected species on the site (owls and otters), air quality, contaminated land and flood risk.

4.2 Firstly, however, it is necessary to consider the proposal in terms of regional and local planning policy, and assess the strategic situation. One of the most important aims of Regional Spatial Strategy (RSS 11) is to develop a balanced network of town and city centres that will act as a focus for major investment in retail, leisure and office developments, and in towns such as Stourport on Severn this will be achieved by building on their locational strengths, environmental qualities, regeneration opportunities...to deliver improved local services. Policy UR3 confirms that such centres should be enhanced to play a leading role in urban renaissance programmes *inter alia* to provide services for local communities and as drivers of economic growth.

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- 4.3 The Worcestershire County Structure Plan (WCSP) identifies a number of key objectives including *inter alia* enhancing the role of settlements as centres for service provision, locating development in areas which will minimise the need to travel and reduce the distances required to be travelled, and encouraging rural and urban location.
- 4.4 The overriding aim of the Adopted Wyre Forest District Local Plan is to seek to encourage sustainable patterns of development, by seeking solutions which bring social, economic and environmental benefits and ensuring that any unavoidable adverse impacts are mitigated or compensated. Principal elements of the Development Strategy include placing an emphasis on urban regeneration and recycling of land and buildings for mixed use development in or adjacent to the main town centres, and concentrating retail (and other) development in Kidderminster and to a lesser extent Stourport on Severn town centre. The Plan also protects the line of the Stourport Relief Road, the completion of which is a medium to longer term option which is to be evaluated as part of the future Regional Funding Allocation Programme.
- 4.5 The proposed development complies with all of these broad strategic and economic objectives.
- 4.6 Having briefly summarised the wider planning policy context in which this scheme should be considered, the more specific land use policies of the AWFDLP now need to be considered.
- 4.7 The site falls within the wider Severn Road Redevelopment Area which emerged as a significant regeneration opportunity during 2000/01. The wider area includes a new canal basin and plans for new housing and business opportunities, and the possibility of a new food store is highlighted in the adopted Severn Road Development Brief, Supplementary Planning Guidance (2001), which was subject to extensive public consultation at the time.
- 4.8 The on-going development of Lichfield Basin (subject of Local Plan Policy STC.1) effectively represents the first phase of the Severn Road redevelopment project, in line with planned phased release of housing in the adopted Local Plan (Policy H.3). One of the key elements to realising future phases is the need to create greater capacity within the local infrastructure and specifically transportation links across the River Stour. This relates to the critical mass and 'gateway' nature of the former Carpets of Worth site which at 6 hectares represents the largest of the three sites that make up the Severn Road Redevelopment Area.

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- 4.9 Following the Local Plan Public Inquiry, the Planning Inspector presiding concluded that the requirement of a new link road should be included in the specific Local Plan policy for the site (Policy STC.2(vii)). At the time, there was a sense that the residential communities to the east of the River Stour were isolated and cut-off from the town centre.
- 4.10 Policy STC2 of the Local Plan, and the adopted Severn Road Development Brief 2001, set out the policy framework for appropriate uses on the larger site known as the Carpets of Worth site (ie comprising the application site itself and the 'remainder' land to the south). The preamble states that the area is suitable for a mix of uses, including B1 business, and C3 residential and, should there be a demonstrable need during the plan period, a possible new food supermarket. It also confirms that the site will represent the gateway to the redevelopment area, with direct access over the River Stour to Discovery Road and the proposed route of the Relief Road, and that this link should form part of any redevelopment scheme for the site and will form an important further phase in the construction of the Relief Road. A 'possible site for a food store' in the northern part of the site is also indicated on Plan 6 within the Severn Road Development Brief.
- 4.11 Policy STC2 (i) confirms that redevelopment proposals for the site shall provide for a mix of land uses to include business and residential, and that other uses including retail (A1 and A3) *may* be acceptable, subject to the provisions of the Retail Strategy and the policies of the retail section of the Plan. The policy also requires that the character of Conservation Areas is preserved or enhanced (iii), the natural assets of the River Stour are safeguarded and enhanced in the design and layout of the scheme (iv), and flooding risk and site contamination are fully taken into account (v & vi). Criterion (vii), as stated, requires that the site be accessible via the new road across the river.
- 4.12 The application site occupies 40% of the total area of land identified as the Carpets of Worth Site in Policy STC2 and the Severn Road Development Brief. The remaining 60% of the site would therefore still be available for mixed-use development, including business and residential uses. It is considered that the effective subdivision of the overall site as represented by this application provides for the mix of land uses as required by Policy STC2, subject, of course to the content and merits of any future planning application to develop the balance of the overall site, which would be determined separately at the time. In terms of land use the principle of the proposal is therefore considered to be acceptable, and the proposed link road clearly complies with criterion (vii). The issues of retail policy and impact, and those covered by criteria (iii) to (vi) are discussed below.

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RETAIL IMPACT

- 4.13 The foodstore would have a gross external floor area of 4209 sq.m (45309 sq ft) and a nett sales area of 2919 sq.m (31422 sq.ft)
- 4.14 As stated above Policy STC2 (i) states that an A1 retail use may be acceptable, subject to the provisions of the Retail Strategy and the policies of the retail section of the Local Plan. The principle of a foodstore here is also identified in the Severn Road Development Brief. In addition to this policy framework, the Council's Retail and Leisure Study was produced in December 2006, by the consultants White Young Green (WYG) That report stated *inter alia* that 'in satisfying local shopping needs, the most important objective is meeting the need for enhanced main food shopping facilities in the town. The Carpets of Worth site presents an opportunity for the development of a new foodstore of sufficient size to meet main food shopping requirements. While this site is, at best, edge-of-centre, and is not ideal in terms of its linkage with the PSA, there are no more centrally-located opportunities for delivering a new foodstore'. Paragraph 13.30 of the Local Plan states that this Study indicates that 'Stourport-on-Severn is exhibiting reasonably high levels of vitality and viability, supported by tourism'.
- 4.15 There is a need to apply a retail and sequential 'test' to this proposal, in the context of the advice in PPS6: Planning for Town Centres, and the policies of the Local Plan. PPS6 defines an 'edge of centre' location, for retail purposes, as being 'a location that is well connected to and within easy walking distance (ie up to 300m) of the primary shopping area; otherwise, in the circumstances of this application, the location would be considered to be 'out of centre'. Generally, the site does lie within 300m of the centre and is within an easy walking distance; however it is considered that the pedestrian connections themselves are not particularly good, the most obvious and convenient route along Mitton Street being hampered by the narrow footways and the need to cross two roads, making this a somewhat unattractive connection. The Council's retail consultants (see paragraph 4.19 below) conclude that unless there are substantial improvements (some improvements are indeed proposed by the applicants) the site is out of centre, rather than edge of centre.

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4.16 PPS 6 and Policy RT1 of the AWFDLP re-iterate that the sequential approach towards new retail development must be taken: whether the site is edge of centre or out of centre, a need must be clearly demonstrated; sequentially, it must be shown that the an edge of centre development cannot be accommodated within the primary shopping area, or that an out of centre development cannot be located in either the primary shopping area or an edge of centre location. The Policy also states that proposals must:

iv) Accord with the retail strategy and the retail hierarchy

vii) Not have a serious adverse impact on the vitality and viability of the town centre

vii) not add significantly to the overall number and length of car trips

4.17 Paragraph 13.42 of the AWFDLP states that out of centre locations are 'clearly separate from the town centres': the related Policy, RT5, relates to out of centre retail parks and major stores and requires proposals for new stores to demonstrate that there is a need for the development.

4.18 The application is accompanied by a Retail Statement dated October 2007. This concludes *inter alia* that:

- as a centre Stourport on Severn has little quality bulk food shopping floorspace and as a consequence a significant number of trips are being made from the Stourport on Severn primary catchment area to the Tesco store in Kidderminster, which results in a significant outflow of trade and unnecessary vehicle miles
- this outflow of trade ensures that a quantitative need for the proposal exists, and that since Stourport on Severn residents are 'voting with their feet' in terms of their shopping habits, there is an existing qualitative deficiency for bulkfood shopping
- no sequentially preferable sites are considered suitable, viable or available
- whilst there may be some trade diversion from the existing Co-op store most such diversion will be from the existing Tesco store at Lombard Street (which would close when the new store opens) and from stores outside the town's primary catchment area (primarily the Tesco Kidderminster store); the estimated trade diversion from any existing Stourport on Severn stores is not considered likely to result in their closure
- Stourport on Severn centre is vital, viable and reasonably robust.

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4.19 This Statement has been assessed by your retail consultants, WYG, in the light of relevant development plan policies and government policy as set out in PPS6. They conclude that:

- The proposal has been justified in terms of qualitative need, but the quantitative need is not proven
- The proposal is appropriate in terms of its scale
- Notwithstanding the applicants' contention that the site is edge of centre, and the physical proximity to the town centre, the site is considered to be out of centre: it could only be regarded as being edge of centre if substantial improvements are made to the links to the centre i.e. widening of pavements to Mitton Street/ traffic light controlled pedestrian crossing facilities at both the Severn Road/Mitton Street and Lion Hill/Vale Road junctions, as proposed. Without such improvements, the store will essentially operate as an out of centre facility
- Notwithstanding the definition of the location in terms of the sequential test, there are no suitable alternative sites available nearer to the town centre
- On balance, the proposed development is considered unlikely to cause significant harm to the vitality and viability of the town centre or any other centre within the catchment area. This view is predicated on the conclusion that the existing Co-op in Stourport on Severn is strong enough to withstand the trade diversion to the new Tesco store, which because it is overtrading, has recently been refurbished and contains a post office, a facility which WYG suggest should be prevented by condition or agreement from being provided in the new store since it is an attractor in its own right, even if the level of diversion is slightly higher than the applicants assume in their retail assessment, and that the store will genuinely act as an edge of centre facility (through good pedestrian linkage) so there will be the potential for new custom in the town centre (from people who do not currently carry out their main food shopping in Stourport on Severn) as a counterbalance to the trade lost from the Co-op and the closure of the existing store.

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- 4.20 The applicants have been advised of these conclusions and were requested to respond specifically to the expressed concerns over the issues of quantitative need and linkage to the town centre. In response, they state that they disagree with WYG's view that a quantitative need has not been demonstrated and to support this view they provide a detailed justification, arguing in particular over the amount of 'clawback' which might be expected i.e. the amount of trade which the new store would attract to Stourport on Severn which currently flows out to other stores beyond the catchment area eg Tesco, Kidderminster. They also argue that since a qualitative need has been accepted, a strong overall need does exist, and meeting this need will result in more sustainable shopping patterns and a reduction in unnecessary vehicle miles. Regarding the linkage issue, they state that even if the site is considered to be out of centre (they maintain that it is edge of centre) it nevertheless satisfies the sequential test to site selection, and point out that the site is allocated for uses including retail; they emphasise that physical improvements to pedestrian linkage are being provided, supplemented by other initiatives via planning obligation. They also point out that WYG accept that the proposal will not result in any unacceptable harm to the town centre.
- 4.21 WYG, in turn, respond by conceding that the applicants' statement represents a reasonably robust case for accepting that the proposal is compliant with PPS6 in overall terms. They express some reservations over the issue of quantitative need and clawback, but consider that since they have accepted that the store would meet a qualitative need, not harm the vitality and viability of the town, is not out of scale with the centre and is sequentially acceptable, then it would be difficult to defend any refusal of planning permission for reasons relating only to this element of the need argument, and the linkage issue. Having now assessed the full, revised package of proposed improvements to the pedestrian linkages to the town centre WYG consider that there are reasonable prospects that the development will operate as an edge of centre store.

CONCLUSION

- 4.22 Various improvements are proposed by the applicants to improve pedestrian links to the town centre, particularly pedestrian crossings at either end of Mitton Street, where existing narrow footways would also be widened, although there is no scope for any substantive improvements, which suggests that this route would be unlikely to be a particularly good link for pedestrians; nevertheless the package of improvements, including new and improved bus services, represent a better linkage than currently exists. As such, whilst the site is not particularly well-connected to the centre, despite its geographical relationship, it is a moot point as to whether the site should be regarded as being either edge of, or out of centre. (The linkage issue is also discussed below, under the section on Highways issues).

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However, this is arguably an academic point, since WYG conclude that the proposal passes the sequential test in any event, providing the pedestrian linkages to the town centre are as strong as possible, since this has a bearing on the potential impact on the town centre. There is also a requirement to demonstrate need. WYG accept that there is a qualitative need for the development; whilst they do not wholly accept the applicants' arguments about quantitative need, they do, significantly, accept that the proposal would **not** on balance cause significant harm to the vitality and viability of the town centre. WYG have also considered all the third party representations concerning the retail issues, but remain of the opinions as summarised in this report. In essence, WYG do not consider that there exists a strong case for refusing the application on retail grounds.

- 4.23 A balanced view must be taken with regard to the retail issue. On one hand it is clear that the pedestrian links between the town centre and the store are not ideal, essentially due to the physical constraints in Mitton Street. These have always been evident and in land use terms the site has nevertheless been earmarked for a retail store in the Local Plan and the Development Brief. Various improvements and other measures are proposed to address this. There is also a question over quantitative need, but the Council's consultants' advice is that this is not a strong reason to oppose the application. On the key PPS6 issue of whether the proposal would have an adverse effect on the convenience retail sector and the vitality and viability of Stourport on Severn town centre, your consultants conclude, albeit on balance, that there will not be. In addition, there is a material benefit in that the store would reduce vehicle mileage by attracting local trade which presently leaks away to other stores, particularly in Kidderminster.
- 4.24 In all these circumstances, it is considered that the proposal does accord with PPS6, the Local Plan Retail Strategy and Policies RT.1, RT.4, RT.5 and indirectly Policy STC.2 (i).

TRANSPORT/HIGHWAYS

- 4.25 Policy TR9 deals with the impact of development proposals on the highway network. It requires the applicant to demonstrate that the road network is capable of accommodating the type and scale of traffic likely to be generated, with regards to safety and capacity. Policy STC2 (vii) of the Local Plan requires the site to be accessible via a new road linking the site with Discovery Road.

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- 4.26 In accordance with Policy STC2 and the Development Brief, this application includes the provision of a new link road and bridge over the River Stour. This bridge will be linked by an extension of the existing highway on Discovery Road, which represents an extension to the Stourport Relief Road, in accordance with Policy TR15 of the Local Plan.
- 4.27 The access and link road have been designed following original discussions with the County Highways Authority prior to the lodging of the original planning applications; those discussions have continued since the lodging of the appeal last year, and prior to, and during the life of the current application. The applicants confirm that the access arrangements have been designed to accommodate the traffic associated with the development of the entire Carpets of Worth site and not just the application site area.
- 4.28 In terms of traffic generation the application is accompanied by a Traffic Assessment, in accordance with Policy TR18 and Action 18 of the Development Brief. This emphasises that all of the analysed highway links, new junctions and pedestrian crossing facilities will operate within capacity, and that the site will provide 'more than adequate' parking, but less than the maximum permitted by PPG13. It concludes that there are no significant adverse highway or capacity implications of the proposed development that would necessitate any additional infrastructure improvements over and above those proposed.

CONCLUSION

- 4.29 The Highways Authority concur with this assessment, and following detailed discussions and amendments to the proposals, raise no objection to the scheme, subject to planning conditions and S.106 obligations as summarised in their consultation response. They advise that they do not agree with the case and objections put forward by the Co-op. They will require appropriate contributions/undertakings via a Section 106 Agreement to secure delivery of the various improvements, the Green Travel Plan, and towards traffic control measures and sustainable transport measures in the town. These are summarised in Section 6.
- 4.30 It should also be re-emphasised that at present, according to the retail analyses, a significant number of trips are made from the Stourport on Severn catchment area to other foodstores elsewhere, generating unnecessary trips by car. This proposal will clearly reduce much of that car mileage, a significant benefit in terms of sustainability.

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4.31 It should be emphasised that the land within the application site on the east side of the Stour is not in the applicants' control, and that they need to acquire it in order to be able to complete the new road link, the bridge and the footbridge. Since these works are absolutely imperative it will be necessary, firstly, for the applicants to satisfactorily demonstrate that they are in a position to gain control of the land before development commences, and secondly, to ensure that the works are constructed and made available for traffic/pedestrians before the store first opens. It is recommended that these requirements are made obligations via a S.106 Agreement.

Pedestrian Linkage/Connectivity to the Centre

4.32 Policy TR7 relates to provision for pedestrians. It requires proper provisions for safe, convenient and easy pedestrian movement, including that for the mobility impaired, both within the development and in relation to adjacent areas. Where appropriate Section 106 obligations will be sought from developers to enhance pedestrian access to the development. The Development Brief specifically requires improvements to Mitton Street and Lion Hill (Action 20 and 28).

4.33 The proposal includes the provision of a new pedestrian footbridge over the River Stour to enhance pedestrian connectivity from the site to the residential areas of Stourport on Severn on the eastern side of the river, which are currently divorced from the rest of the town.

4.34 The main pedestrian entrance to the store would be located some 195 metres away from the town centre via Mitton Street. As discussed above in the retail analysis, it is important that the proposed development provides pedestrian connectivity from the site to the town centre. This is acknowledged by the applicant within the submitted Design and Access Statement, which states that "*it is essential to link the store to the town centre both visually and functionally*".

4.35 The proposals, as stated, include improvements to the pedestrian links to the town centre via Mitton Street up to the junction with Lion Hill. Detailed plans showing the existing and proposed carriageway and footway widths along Mitton Street are included, although, as previously stated, there is little scope for any significant improvements. There will be new crossing facilities at the junctions of Mitton Street with Severn Road and Lion Hill/Vale Road, and the proposed entrance to the store at the Mitton Street/Severn Road junction is also an integral element of this 'package'. A bus stop/layby is proposed on the southern side of the new internal access road and will serve the retail development and also the development site to the south. New bus stops will also be provided in Severn Road and Mitton Street. The applicants propose to fund improvements to local bus services including a direct and convenient link between the town centre and the site, and are prepared to fund improvements to pedestrian linkage using Lodge Road.

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

CONCLUSION

- 4.37 The various highway improvements to connect the store with the town centre are supported by the Highway Authority. A new pedestrian link between the residential development on the west bank of the Stour to the site, and the town centre beyond, is a clear benefit, as are the proposals to improve local bus services, and the provision of the new road link, which also forms a short section of the proposed Relief Road. Generally speaking, this link will improve traffic flows and conditions in the town. Given the constraints discussed above, it is considered that the applicant has demonstrated improved pedestrian and other linkage between the site and the town centre such that this no longer represents a reason to refuse the application.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Design & Layout

- 4.38 To briefly summarise local design guidance, the adopted Design Quality Supplementary Planning Document (SPD) was subject of extensive consultation and includes a series of separate Town Centre Design Guides including design advice for Stourport-on-Severn. The plans contained within the SPD include specific guidance for the former Carpets of Worth site. During 2006, the District Council also adopted Stourport Public Realm Design Guidance (better known as 'Stourport Pride') as a companion guide to the Design SPG. This raises specific issues relating to the design of streets and spaces and these should be reflected in the design of the scheme including where appropriate off-site improvements and through any associated s.106 obligation.
- 4.39 Turning to the merits of the proposal, it is firstly important to re-iterate the fact that only the siting of the store is to be formally determined; all the various other design issues are reserved for subsequent consideration at the reserved matters stage. Accordingly, whilst the indicative plans and elevations etc. are helpful in depicting the likely design and appearance of the store, they are only illustrative, and the following observations should be considered in that context.

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- 4.40 The application site is at a lower level than that of Severn Road and the dwellings opposite - the difference in ground levels being around 2 metres. The site is relatively flat with few landscape features but it has a strong visual relationship with the River Stour which forms the eastern boundary of the site.
- 4.41 Whilst the site was formerly in industrial use it adjoins a predominantly residential area in Severn Road and to the north. The built form of the residential properties is mainly two storey Victorian and early 20th century architecture with some post war development.
- 4.42 The site was previously occupied by large, relatively low industrial buildings which occupied a substantial footprint of the site. With the exception of the remaining brick built building adjacent to the river, the former buildings had limited architectural merit. The existing building which is locally-listed is outside of the application site and there are no proposals to remove it, so there is no conflict with Policy STC2 (ii).
- 4.43 In addition to the view from across the river, the most prominent view of the site is at the junction of Severn Road with Mitton Street which forms the boundary with both the Gilgal and Stourport No.2 Conservation Areas. As stated in the applicants' Design and Access Statement, the treatment of this key corner is vitally important.
- 4.44 The elevations plans show a single split level building which would extend to 8 metres above the ground level on Severn Road. It presents an approximately 76 metres long elevation to Stour Lane and 66 metres to the Severn Road frontage, and has been moved further away from the northern-western corner of the boundary with Stour Lane compared with the previous proposal by around 16m. In terms of materials the building will be predominantly glazed or clad in light weight materials which gives it a modern appearance. There are also areas of brick work at the corners of the building and a brick plinth is proposed. The plans also show a substantial roof overhang and a modern tower feature on the two taller parts of the building where the entrances are proposed, and specific attention has been paid to the proposed entrance feature at the Mitton Street/Severn Road junction. The roof has been redesigned to comprise three monopitch sloping sections, with northlights, which add interest and character to the structure as a whole.

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- 4.45 Servicing and deliveries in connection with the proposed retail store will take place via a service road leading from the new roundabout to the compound area next to the river. This compound will also be used for storing goods and is shown to be screened by a brick wall. During pre-application meetings with the developer and the Environment Agency (EA), the EA suggested that this compound be relocated away from the river. However Officers feel that the relocation of the compound to the front of the store or to the side would cause further harm in terms of its visual impact on the Conservation Areas and impact on the amenity of neighbours. Details of the wall and associated landscaping for the compound could be satisfactorily dealt with as part of the reserved matters application.
- 4.46 The treatment of the public realm can be conditioned and dealt with at the reserved matters stage; the applicants do support the creation of a sub-area for the Carpets of Worth site as set out in the adopted Public Realm Design Guide which looks at items such as street furniture, lighting and surface treatment. Illustrative material provided indicates that a high standard can be achieved.
- 4.47 The indicative location for the proposed petrol filling station is considered to be appropriate, and its precise siting, design and appearance will be determined at the reserved matters stage.
- 4.48 Clearly, regardless of the site context, any redevelopment of the overall Carpets of Worth site, some 6 hectares in area, will give rise to a significant change in the character and appearance of the area. There is an argument that the design of the store should be 'traditional', to reflect the surroundings; however the applicants have chosen a more contemporary approach, and they explain why in their Design and Access Statement. They consider that given that the former industrial buildings were of a different form and development to those on the west side of Severn Road, there should be no expectation that the development of this site should copy their style or materials, although it is necessary to exercise great care at the 'interface' with Severn Road, and at the 'point of arrival' at the junction of Mitton Street and Severn Road. This view was accepted when the scheme was assessed by your Committee last year, when the objection was expressed in terms of siting, scale and massing, rather than the merits of the design concept itself, elevations and materials etc. The Conservation Officer supports the contemporary design approach.
- 4.49 It is considered that all these various changes result in an exciting and innovative modern building which is acceptable in this context, and meets the guidance in the Design Quality SPD and 'Stourport Pride'.

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The New Road

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

Landscaping

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

Impact on Conservation Areas and Listed Buildings

- 4.55 Policy STC2(iii) requires redevelopment proposals to preserve or enhance the character of the Conservation Areas and the setting of retained buildings. This is consistent with policy CA1 of the Local Plan which relates to development in conservation areas and Action 1 of the Development Brief.

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- 4.56 Policy LB.1 states that development that would have an adverse effect on a statutorily or non-statutorily Listed building or structure, its curtilage, setting.... will not be permitted, unless it meets [several] criteria; LB5 states that new buildings and structures affecting the setting of a statutorily or non-statutorily Listed Building, must relate well to them in terms of design, materials, proportion and plan, and otherwise harmonise with the building or structure, its curtilage and setting.
- 4.57 The northern boundary of the application site abuts the boundary of the Gilgal Conservation Area and the north-western corner of the site abuts the boundary with Stourport Conservation Area 2. The site is also immediately adjacent to one Listed Building (41 Mitton Street), and several buildings noted to be of local interest within the Appraisals for the Conservation Areas (39-40 Mitton Street, 7 Mitton Street, 28-30 Severn Road, 53 & 54 Mitton Street), many of which have subsequently been included on the initial Local List for Stourport-on-Severn.
- 4.58 The Severn Road Development Brief was prepared in recognition of the importance of this site, both in relation to the existing historic character of the town and to their potential impact on its future direction. Section 7.0 provides specific advice on the design of new development within the site and further guidance on design is contained within the adopted Supplementary Planning Guidance on Design Quality.
- 4.59 The Conservation Area Appraisal for Stourport No.2 recognises that the carpet factories dating from C19th and C20th (now largely demolished) in Severn Road represent significant industry in the vicinity. It also recognises the dominant colours of building materials to be a rich orange red, generally associated with the region, unpainted and unrendered brickwork, and roofs being either grey welsh slate or plain clay tiles. Buildings are generally unlit during the night and hours of darkness, even within the town centre, relying more on the orange street-lighting, resulting in a subdued and relaxed "atmosphere".
- 4.60 As stated, although this is an outline application, it is possible to consider the scale and massing of the proposed development based on the illustrative plans submitted.

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- 4.61 In the context of this issue the objections raised in respect of the previous application related not to the general design or appearance and contemporary style of the building, but to specific features, namely the proposed entrance feature at the Severn Road/Mitton Street junction, which was considered to be too large and would harm the setting of the Conservation Area and the Listed Buildings at this point; to the roofscape, the palette of materials and the use of steel cladding along the entire north elevation (facing Stour Lane). The buildings on Mitton Street (39-41) are recognised as being important focal points in the street-scene, by virtue of their position; no. 41 is a Listed Building and no. 39 is on the local list so it is important to respect their setting.
- 4.62 The applicants have responded positively to these concerns, and have held detailed discussions with the Conservation Officer. Firstly, the referenced entrance feature, having first been removed entirely from the initial proposal in this application, has been re-instated and re-designed to provide a more sympathetically scaled, mainly glazed structure which now sits comfortably at this junction location. It is contemporary in appearance, in accord with the rest of the building, but provides an interesting 'focal point' at this important junction on the edge of the Conservation Area/s, and relates satisfactorily to the buildings opposite, 'balancing' but not dominating their setting. As stated, the entire building has been swung away from the Stour Lane boundary, and is now almost 40m away from the Listed Building. It is now proposed to use facing brickwork along the first section of the north elevation. Accordingly it is considered that the proposed development as revised will not harm the setting of these buildings, or the character of the Conservation Areas at this point.
- 4.63 Secondly the roof design has been amended significantly, to provide the three north-lit roof sections which represents a positive response to the criticisms of the previous scheme. The use of these north-lights assists in reducing the impact of the mass of the building further into the site, by giving a visual "shield", especially when viewed either from Severn Road, or from Mitton Street, and will help to 'break up' the impact of the large expanse of roof that will dominate any views down to this site.
- 4.64 A palette of material has been discussed with the applicants, and a sample panel has been requested for display at the meeting. Whilst the use of modern materials in the chosen design concept is a given, the proposed blend of facing brickwork, render, timber, and glazing panels, supplemented by coloured steel cladding to less obtrusive parts of the building, is considered to be an appropriate solution which will lead to an attractive finished building.

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- 4.65 The existing wall along Severn Road which was shown in the Development Brief to be retained with the façade of one of the former industrial buildings (which has since been removed) is to be removed as part of the development; in itself, as they now exist, the remains are not considered to be attractive or worthy of retention, and instead it is preferable to replace the wall with a new, attractive boundary feature. Various options are available, to be determined at reserved matters stage.

CONCLUSION

- 4.66 The proposed design approach is modern and contemporary, rather than traditional, but this was not the reason for refusal given in 2007, which related to detailed objections as discussed above. The revisions made in response to those objections are considered to have addressed the various specific concerns. The Conservation Officer now supports the proposal. It is considered that the proposal does not harm the setting of any Listed Building, or the character or appearance of the Conservation Areas.

IMPACT ON AMENITY OF NEIGHBOURS

- 4.67 Policy D1 (j) of the WFLP requires new development not to have a detrimental impact on the amenity of neighbours. Policy NR11 of the Local Plan specifically relates to noise.
- 4.68 In terms of assessing the impact of the built form, the closest properties to the site are Nos. 1 and 2 Stour Lane whose front elevations would have been around only 5 metres from the boundary of the site and 11.5 metres from the side wall of the new store in the previous scheme: it is this relationship which would have been extremely overbearing and dominating and which was the basis of the refusal reason. No 41 Mitton Street is also in close proximity. However, the re-siting of the store means that the north elevation will now be between 24m and 30m away from these properties, with a corresponding wider area for new landscaping and screen planting in between.
- 4.69 Sections have been submitted showing the relationship of these two dwellings with the proposed retail store. There is an existing wall and tree planting which currently restricts light to the habitable rooms on the ground floor. The proposal meets the 45 degree code when applying the 25 degree tilt from the first floor windows. It is considered that the amendment to the siting of the store means that there will no longer be an unacceptable overbearing impact on these two properties, and the previous objection has been satisfactorily addressed. It should also be borne in mind that the previous outlook from the front of these houses, was of the carpet factory buildings, before their demolition, which were in a similar location to the proposed store at this point.

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- 4.70 In respect of other possible impact, the delivery area for the retail store is also shown at the furthest point of the site away from residential properties again to minimise any disturbance to local residents. Notwithstanding this a condition could be attached to control deliveries hours.
- 4.71 A Noise Assessment has been submitted with the application and concludes that:
- Noise from goods handling operations and customer activity are not likely to give rise to significant noise increase at noise sensitive receptors
 - Plant noise is not likely to give rise to complaint
 - Noise from HGV deliveries is not likely to have a noticeable adverse effect on properties on Severn Road
 - Noise from demolition and construction should not have a significant adverse effect
 - Change to the character of Discovery Way would comprise a minimum to moderate adverse effect
 - Traffic using Severn Road is likely to result in a minor adverse effect at its southern end, whereas between the store entrance and Mitton Street the change in noise will not be perceptible over other sources
- 4.72 Your Environmental Health Officers have confirmed that they are satisfied with the noise assessment submitted with this application and raise no objections.
- 4.73 The layout of the development has been carefully designed to minimise any impact on the amenity of the neighbours in terms of noise or disturbance. Both entrances to the store are located away from residential properties.
- 4.74 The main concern from neighbouring residents which has been raised is the position of the vehicular access to the site, which would be directly opposite Nos 12 and 14 Severn Road. Correspondence has been received from the occupiers of properties opposite and in the vicinity which suggests that the bridge over the Stour and the access road should be repositioned so that the access into the site is not opposite those properties.
- 4.75 The Traffic Assessment and Flood Risk Assessment have all been undertaken on the basis that the access road and bridge are located in the position as shown on the submitted layout plan. The position of the road bridge across the river is also in the same position as that indicated on a plan within the Severn Road Development Brief which was subject to public consultation. It is considered that any adverse impact on neighbours associated with vehicles entering into the site would not be sufficient to justify amending the scheme. The opening hours of the store and petrol filling station could also be restricted to protect the amenity of neighbouring residents. There is no reason to suggest that the filling station would give rise to any unreasonable impact on the amenities of local residents.

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- 4.76 It is acknowledged that the new retail store will attract a large number of customers who are likely to travel by car. However in view of the previous industrial use of the site, which attracted heavy goods vehicles and other noise generating activities it is considered that a reason for refusal on amenity grounds could not be substantiated at appeal. The Highways Authority have also advised that the proposed store would generate less traffic in terms of heavy goods vehicles than the previous use of the site, thereby resulting in lighter flows.

ENVIRONMENTAL ISSUES

Biodiversity & Ecology

- 4.77 The application site extends to and includes the western bank of the River Stour, which is currently degraded and features vertical metal sheet piling and concrete retaining walls. It is not ecologically friendly at present. The application site does **not** include the land on the opposite, eastern side of the river, other than where land is required for the road and footbridges and their associated earthworks. The applicants' Ecological Surveys, the most recent of which was undertaken in September 2007, have found some evidence of Otter activity on this section of the Stour, which they use for feeding and commuting, although there is no evidence of any holts. No bats were found to be roosting on site, but they do use the river corridor for foraging and commuting. No evidence of Kingfishers was found, but some sections of the bank may be highly suitable as nesting sites. Recommendations are made for the creation/improvement of appropriate habitats, and any lighting to the site must be designed to minimise impact on these species.
- 4.78 In contrast to the previous application, this scheme now contains proposals to create a 'wildlife' corridor alongside the western side of the River, by removing existing sheet piling, and restoring a graded slope which would be planted with appropriate trees and vegetation.
- 4.79 The River Stour is identified within the Local Plan as a Special Wildlife Site and as such Policy NC2 is relevant. Within the Severn Road Development Brief the River Stour is described as an important wildlife corridor with approx. 50m wide meadow.
- 4.80 Section 6 of the Development Brief states that new development should seek to incorporate existing trees and landscape features and seek to create new habitat. Action 14 within the Brief states that proposals in the Stour corridor must have regard to enhancing bio-diversity. There are also specific Action Plan targets within the Brief aimed to maintain and increase biodiversity. One suggested method is the creation of soft relatively undisturbed river banks where amphibious wildlife can thrive. It also suggests the removal of man made structures to create natural river banks with appropriate reconstruction of natural style bank profiles.

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4.81 Policy STC2 iv) requires redevelopment proposals to safeguard and enhance the natural assets of the site provided by the River Stour in the design and layout of the scheme. Policy NC5 of the Local Plan relates specifically to biodiversity and states that development should wherever possible and feasible, retain, enhance, manage and if appropriate reintroduce the District's indigenous biodiversity. Policy NC7 which relates to Ecological Surveys & Mitigation Plans requires *inter alia* mitigation measures to include, where appropriate:

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

4.82 At a national level, government guidance on biodiversity is contained within PPS9 which was published in 2005.

4.83 In accordance with the policy context described above, during original pre-applications discussions with the developer in 2005, the applicants were advised of the need for a Feasibility Study, the purpose of which is to investigate the opportunities and options of enhancing the currently degraded section of the River Stour corridor in order to enhance biodiversity. This involved looking at the treatment of the riverside environment on the opposite side of the river to the site, which historically was used as a power station, and, in this specific area, anecdotally, for the storage of pfa (pulverised fuel ash). The request for the Study was also a result of the conclusions and recommendations set out in the Bat and Otter survey submitted with the previous application in 2005.

4.84 A detailed 'scoping' of the Feasibility Study was produced for the applicant by the Council in November 2005, in consultation with the Environment Agency and the Worcestershire Wildlife Trust. In summary this requires baseline information relating to the topography, soil types, hydrology, flood storage compensation and the extent of contamination of the land on the opposite side of the river. It was agreed by all parties at that time that when considering the redevelopment of this site the treatment of one side of the river should not be considered in isolation. Essentially, the aim of the Feasibility Study was to establish whether the meadow land is suitable to enhance biodiversity; if not the proposed layout of the site would need to provide the enhancement measures on the development site. At the time it was envisaged that this may include the re-profiling of the riverbank and providing a buffer strip.

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- 4.85 In what they describe as a 'gesture of goodwill' the applicants carried out a desktop survey of the land on the east bank, at the request of EA, which has confirmed the presence of some low-level contaminants, no doubt emanating from the storage of pfa, at 'acceptable levels'. They are also prepared to carry out further investigations to assist the Council and EA to establish the existence of contamination, but stress that in their view this is not material to the consideration of the application, stressing that the application site is allocated for the proposed use, and provision is made within their site for the creation of an ecological corridor.
- 4.86 The current proposal now provides specific measures to enhance biodiversity on the development side of the river i.e. on land within the application site and under the applicants' control. Whilst any efforts to improve and enhance the land on the east side of the river would be welcomed, there is no onus on the applicants to carry these out, they have never been part of the applicants' proposals, and whilst they are prepared to assist in establishing the situation regarding potential contamination, they take the view that, in essence, this is not material to the determination of this application. This view is considered to carry some considerable weight.
- 4.87 The Council's Countryside Officer advises that the proposals in the Biodiversity Framework are broadly acceptable in their mitigation of the construction works, subject to further information being provided about management of the river bank, illumination, and the river bridges. In response the applicants dispute his assessment of the extent of the impact, stating that apart from the construction of the two bridges, all other works simply involve bank softening away from the river edge. They also advise that the queries raised can properly be addressed by planning condition: it is considered that this would be an appropriate and reasonable approach. The Countryside Officer also suggests that the scheme does provide a limited biological enhancement but that the extent is difficult to quantify. The appellants respond by emphasising that the proposals meet Action 15 of the Development Brief, which indeed requires additional planting at the river edge, and suggest that it is self-evident that their proposals represent a 'substantial' improvement over the current situation.
- 4.88 As regards the impact of the development, it should be emphasised that the Local Plan requires the provision of the road link across the river, so that the principle of the bridge has long been established. It is also considered that the proposals do, indeed, represent a reasonable enhancement of the riverside, and that it would be difficult to demonstrate otherwise in the circumstances. As such the policy objective/s are met. Accordingly subject to any further views of Natural England and the Wildlife Trust, the proposal complies with policy and will therefore be acceptable in this context.

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Protected Species

- 4.89 With regards to the impact on protected species, Policy NC7 requires Ecological Surveys & Mitigation Plans to be submitted where a development may or is suspected to affect an area, feature or species referred to in Policy NC5.
- 4.90 A Phase 2 Ecological Survey and a Phase 2 Bat and Otter Survey have been submitted with the planning application. These studies were carried out in July 2006 and June 2005, respectively, and were updated in September 2007. They looked at the development site as well as the eastern and western bank of the river. Both surveys identified the presence of otters within the River Stour and also the river environment as a foraging and commuter corridor for bats. Species of birds including Song Thrush were also identified within the site and the land opposite.
- 4.91 The Phase 2 Ecological Survey states that the development of the site may bring an opportunity to generally enhance the ecology of both sides of the River Stour. It also suggests measures to support breeding otter and/or water vole and to encourage roosting opportunities for bats.
- 4.92 The Bat and Otter Survey recommends specific measures to mitigate any adverse impact on bats, otters and birds. These include:

Bats

- minimise light spillage from development
- strengthening belts of vegetation to site side of river
- retain as much vegetation along river and plant up gaps to create an unbroken 10 metre wide strip
- tree planting along link road
- sensitive lighting of new road and bridge
- bat boxes within main development site and incorporate within bridge design
- excavate series of swales and hollows within grassland area

Otters

- provision of otter tunnels and underpasses either side of bridge and beneath access road
- retain large earth bank
- provision of swales and hollows
- re-profiling sections of River Stour

Birds

- bird boxes
- nesting barrels/tunnels

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- 4.93 It is considered that some of the specific measures to protect the identified species can be incorporated into the detailed design of the new store and bridges and through a detailed landscaping and lighting scheme; namely bat/bird boxes, tree planting, and otter tunnels. These measures could be dealt with by a planning condition requiring such details to be submitted at the reserved matters stage.

CONCLUSION

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

Air Quality Assessment

- 4.95 Air quality in and around Stourport on Severn - Gilgal, Mitton Street, Lion Hill and York Street etc. are within current air quality objectives for particulates, Benzene, 1,3 Butadiene and Nitrogen dioxide. With Nitrogen Dioxide emissions being the pollutant of main concern associated with road traffic, current averages for the worst location (Gilgal) at the nearest residential receptors is around 31 micrograms per metre cubed. The objective level is 40. Areas such as Mitton Street follow this trend as expected.
- 4.96 Policy NR10 relates to air quality. It states that proposals which will or could potentially give rise to air pollution will not normally be permitted unless adequate mitigation measures are included. Annex 1 of PPS23 also provides guidance on how to consider the impact of development on the air quality of an area.
- 4.97 An Air Quality Assessment was submitted with the application. This concludes that *"during the construction phase the main impacts will be where dust could cause a nuisance and that these would be controlled by mitigation measures outlined in a Code of Conduct. Once operational, the effect of the development on local air quality will be negligible. All national objectives and EU limit values are predicted to be met"*.
- 4.98 At pre-application stage, officers within Environmental Health advised that further work was necessary to consider the impact of the development on air quality, particularly in view of the amount of traffic likely to be generated by the development. Having viewed the Air Quality Assessment submitted with the application the further work requested by Environmental Health has now been carried out. The Report has been re-assessed in terms of traffic predictions based once the store is open, is confident as to its predictions that there will be no impact on local air quality.
- 4.99 Environmental Health have now confirmed that they have no objections to the proposal in this respect.

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Contamination Assessment

- 4.100 In terms of contamination, Policy STC2 (v) states that redevelopment proposals must take full account of the care needed to develop a site which is contaminated and is liable to flooding. Policy NR2 relates to contaminated land and NR7 relates to groundwater resources. Annex 2 of PPS23 provides guidance on how proposals on land affected by contamination should be assessed.
- 4.101 Phase 1 and 2 Environmental Site Assessments were submitted with the application for the development site itself, together with an additional Report for the land on the opposite side of the river.
- 4.102 Environmental Health have assessed these reports. Essentially, it is accepted that there is no significant contamination within the application site, which cannot be addressed via appropriate remediation. This can be required by the imposition of an appropriate planning condition.
- 4.103 The situation as regards potential contamination on the east bank of the river has been discussed in Paragraphs 4.70-4.80 above, and requires no further comment here.

Flood Risk Assessment

- 4.104 Policy STC2 (v) states that redevelopment of the site shall take full account of the flood risk. Policy NR5 relates to development in floodplains. Action 27 of the Development Brief requires the new link road and any planting to comply with the Environment Agency's requirements for flood alleviation.
- 4.105 The application was accompanied by a Flood Risk Assessment (FRA) which assesses the impact of the proposed retail store, car park and the new bridge works on flooding. A letter from the Environment Agency was submitted with the planning application. This letter confirms that the FRA meets the requirements of PPG25 development and flood risk. It should be noted however that PPG25 has now been replaced by PPS25. Upon consultation on the previous application, EA confirmed that the proposal is considered acceptable in terms of flood risk; their formal views on the current proposal are awaited, although it is understood that they will again raise no objection.

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Lighting

- 4.106 The issue of lighting is also material to the consideration of this application. Policy NR12 of the Local Plan relates to lighting. In developing the site for a retail store, the main issues to consider in relation to lighting details are as follows: visual impact, impact on ecology/protected species (particularly along the river corridor), impact on highway/pedestrian safety and impact on the amenity of neighbours. No details of lighting have been submitted with the application, other than indicative positions on some of the technical drawings for the bridges. A Lighting Strategy, which would identify particularly sensitive areas within the site eg the river corridor, and how these would be dealt with, has been requested from the applicants, but not received to date. However based on the layout proposed, Officers are satisfied that lighting can be provided within the application site to satisfy these objectives and full details would be required to be submitted at the reserved matters stage.

CONCLUSIONS

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

OTHER ISSUES

Accessibility

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

Section 106 Issues

- 4.109 The applicants are required to enter into a Section 106 Agreement to secure monetary and other provisions in accordance with adopted Planning Obligations SPD as set out in the recommendation (paragraph 5.9 below).

5.0 Conclusions and Recommendations

- 5.1 The principle of redeveloping this urban brownfield site close to the town centre accords with national planning policies regarding sustainable development. The new store will reduce travel by car, because it will draw trade from other similar stores further away. The proposal also complies with the policies and objectives of current Regional Strategy and the policies of the County Structure Plan. The economic benefits of this proposal are significant, in terms of new investment, jobs, the provision of the link road over the river, clearing this unsightly derelict site and acting as a precursor for the development of the remainder of the site for mixed use development, and the potential 'pump-priming effect' in terms of attracting additional investment to the town, and must not be underestimated.

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- 5.2 At a local level, a retail store is in accordance with the Severn Road Development Brief and Policy STC 2 of the Local Plan, subject to the retail tests. It is arguable whether the site is edge of town or out of town, but this is somewhat academic in that, in any event, the proposal passes the sequential test. The site is not ideally connected to the town centre because of the physical characteristics of Mitton Street, but these were known when the site was earmarked for this development. Nevertheless, the applicants propose various improvements, including what limited widening of the footways is possible, new pedestrian crossings and a package of other measures towards improving links and providing public transport. There is a question as to whether a quantitative need for a store of this size has been demonstrated. However, the key issue is whether the proposal would harm the viability and vitality of the town centre, and the Council's consultants conclude that, on balance, there will be no such impact, and that there is no strong case to justify refusing the application on grounds of retail impact.
- 5.3 The Highway Authority now raises no objection to the proposals, subject to conditions and S106 contributions/undertakings, and completion of S.278 & S38 agreements.
- 5.4 Amendments have been made to the siting, design and appearance of the store, and it is considered that the scheme does not harm the character or appearance of the Conservation Areas abutting the site or the setting of adjacent statutory listed and locally listed buildings. The proposed layout now provides sufficient areas for tree planting to assist with the screening and landscaping of the site.
- 5.5 The impact on residential amenity has been carefully considered, and it is considered that the revised siting of the proposed store overcomes previous concerns over the unacceptable overbearing impact on the two properties on Stour Lane. The proposed development would not result in significant harm to the amenity of residents on Severn Road or on the eastern side of the river.
- 5.6 The proposal contains measures to improve and enhance the river corridor within the application site. Subject to confirmation that this is acceptable, the issue of the state of the land on the east side of the river is thus, effectively, academic.
- 5.7 Sufficient information has been submitted to demonstrate that the principle of the proposed development is acceptable in terms of its impact on contaminated land and air quality.

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5.8 In all the circumstances, balancing all the various issues discussed above, and having regard to the significant wider benefits that this development represents in terms of urban re-generation, the unarguable boost to the local economy and the provision of the road link over the Stour, it is considered that planning permission could be granted.

5.9 I recommend that **delegated** authority be given to **APPROVE** this application subject to:

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

Obligations to Worcestershire County Council:

1. Contribution towards high frequency bus service around Town Centre and wider bus service to Stourport on Severn
2. Contribution to enable pedestrian linkage to the Town Centre utilising Lodge Road .
3. Contribution towards investigations into measures to improve traffic control and flow at the junction of York Street/Bridge Street/High Street and New Street .
4. Travel plan to be agreed, implemented and kept under review.
5. Contribution towards sustainable transport measures in Stourport on Severn.
6. Costs indemnity in respect of work to promote Traffic Regulation Orders that may be necessary.
7. To establish prior to commencement of development to the satisfaction of WCC and WFDC that control of the land for the footings of the pedestrian bridge and link bridge has been secured.
8. To construct the pedestrian bridge and link bridge prior to the first opening of the store.
9. Prior to commencement of development to agree a construction programme identifying compounds and traffic movement during construction.

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Obligations to Wyre Forest District Council:

1. Public Art Contribution.
 2. Prior to the first opening of the store to provide WFDC with details of a management plan to address the problem of trolley dumping in both the river and the canal, details to be agreed in writing by WFDC.
 3. To provide a contribution towards signs/finger posting to improve connectivity between the store and the Town Centre. .
 4. To undertake that there will be no Post Office located within the store at any time. (Definition of Post Office to be agreed).
 5. To close the existing Tesco store in Stourport on Severn to the public on or before the opening of the new store.
- b) the following conditions:
1. A1 (Standard outline)
 2. A2 (Standard outline-reserved matters)
 - a. Layout (other than that of the foodstore itself)
 - b. Scale
 - c. Appearance
 - d. Landscaping
 3. A3 (Submission of reserved matters)
 4. A11 (Approved plans)
 5. Plans for illustrative purposes only
 6. Reserved matters to follow illustrative plans
 7. Restriction on gross floorspace and nett retail sales area
 8. Implementation of biodiversity before occupation-
details/management etc.
 9. Restoration/mitigation package for river
 10. Scheme of illumination
 11. Store not to open until Mitton Street/Severn Road
entrance/improvements to Mitton Street/highway improvements
package/bus stops/main site access and parking areas all in place
 12. B1 (Samples/details of materials)
 13. B11 (Details of enclosure)
 14. Scheme for screening of service/delivery areas
 15. B13 (Levels details)
 16. C7 (Landscaping-large scheme)
 17. C8 (Landscaping-implementation)
 18. Contaminated land (version of D1)

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- 19. E2 (Scheme for drainage - including sustainable principles)
- 20. E4 (Drainage prior to occupation)
- 21. F2 (Insulation of plant & machinery)
- 22. F5 (Construction noise & vibration)
- 23. F11 (Suppression of smells - bakery/pfs)
- 24. F13 (Control of dust)
- 25. G6 (Archaeological Programme)
- 26. G8 (Observation of excavation)
- 27. J10 (Disabled access)
- 28. Visibility splays
- 29. Access, turning & parking
- 30. Loading and unloading
- 31. Off site highway improvements
- 32. Road details
- 33. Wheel washing
- 34. Deliveries via new road link
- 35. Parking during construction
- 36. Travel Plan
- 37. J14 (Hours of deliveries)
- 38. J19 (Hours of opening to customers)
- 39. J20 (Petrol Station)
- 40. J23 (Storage of refuse)

Notes

- A SN2 (Section 106 Agreement)
- B SN3 (Impact on protected species)
- C Public sewers in vicinity
- D Car park should be designed in accordance with Park Mark
- E Safer Parking Scheme
- F HN1 (Mud on highway)
- G Private Apparatus within the Highway
- H Section 278 Agreement
- I Section 38 Agreement Details
- J Drainage Details for Section 38
- K Protection of visibility splays
- L Affected street lights
- M Sky glow
- N Design of street lighting (S278)
- O Disabled needs
- P Extraordinary maintenance
- Q Works adjoining highway
- R Retaining structures

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Reason for Approval

The proposed development accords with regional planning objectives and both the general and site specific policies of the Adopted Wyre Forest District Local Plan. It is not considered that the proposed development would harm the viability and vitality of Stourport on Severn town centre. A package of highway improvements is proposed, including a new road link between Severn Road and Discovery Road, and the proposal would not give rise to a situation which is detrimental to highway safety. By virtue of the proposed siting of the store, and having regard to the illustrative details provided which depict the intended design approach towards the layout, scale, massing and appearance of the development, the proposal would be appropriate in its physical context, and would not be harmful to the character or appearance of the streetscene, the adjacent Conservation Area/s, or the setting of adjacent Listed and locally-listed buildings. Neither would it have an unreasonable impact on the residential amenities of the occupiers of any nearby dwellings. The proposal takes due account of biodiversity issues, and represents a biological enhancement of the River Stour. There are no objections in terms of environmental issues, namely air quality, noise, site contamination and flood risk.

The proposal therefore complies with Policies D.1, D.3, D9, D.10, D.11, NR.2, NR5, NR6, NR9, NR10, LB1, LB5, CA1, NC2, NC5, NC7, TR7, TR9, TR10, TR15, TR16, TR17, TR18, TR19, RT1, RT4, RT5, RT10, STC2 and IMP1 of the Adopted Wyre Forest District Local Plan; Policies SD3, SD4, SD9, CTC8, CTC9, CTC12, CTC15, CTC20, D31, D32, D33, T1, T2, T4, T10, T12, and IMP1 of the Worcestershire County Structure Plan; Policies UR2, UR3, PA11, QE1, QE2, QE5, QE7, QE9, T2, T3 and T7 of Regional Spatial Strategy 11 (formerly Regional Planning Guidance 11); PPS1, PPS.6, PPS9, PPG.13, PPG15, PPS 23 and PPS 25; and Severn Road Development Brief, Design Quality Supplementary Planning Guidance, Conservation Area Appraisals (Gilgal and No.2) and Public Realm Design Guide.