

Name of Applicant	Proposal	Expiry Date	Plan Ref.
<b>Hinton Properties (Midlands) Limited</b>	Erection of a food store (Use Class A1) with associated parking and landscaping works (Phase 1).  Market Hall Site, St John Street/Hanover Street, Bromsgrove	29.04.2016	15/0994

**RECOMMENDATION:**

**(a) MINDED to APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the full planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- (i) A contribution of £45,922.49 for improvements at the A448 Kidderminster Road/Hanover Street/St John Street junction to be made prior to the first opening of the store to the public.
- (ii) The control of the delivery route of vehicles via the following clause:  
Heavy goods vehicles delivering to and collecting from the store will enter the site at the Hanover Street entrance from the south only. Once deliveries or collections have been made the heavy goods vehicles will exit the site via St John Street, making a right turn exit. Vehicles will follow the tracking demonstrated in drawing 175-55 Rev F, unless temporary restrictions prohibit this movement.
- (iii) The opening and closing of the height restriction barrier at the St John Street vehicular access via the following clause:  
The height restriction barrier at the St John Street vehicular access shall remain open between the hours of 8.00am – 8.00pm on days the store is open for trading.

**Consultations**

**Worcestershire Highways**

Final views received 17 March 2016:

- No objection subject to Conditions relating to:
  - Access, turning and parking facilities
  - Engineering details of the proposed access amendments
  - Submission of a Travel Plan
  - A contribution of £45,922.49 should be provided for improvements at the A448 Kidderminster Road/Hanover Street/St John Street junction.

**North Worcestershire Water Management**

Consulted - views received 17 December 2015 and 24 February 2016:

- No objection subject to Conditions relating to:
  - Finished floor levels should be set no lower than 85.05m AoD to limit the potential of internal flooding
  - Scheme for foul and surface water drainage

- Scheme for surface water treatment
- Method statement for the protection of the brook from pollution during the course of construction
- No building or structure to be erected within 8 metres from the bank of the watercourse in order to provide a suitable maintenance access
- Specification details of coir rolls (to include diameter, installation method and plant species)

### **Severn Trent Water**

Consulted – views received 14 January 2016:

- No objection subject to Conditions relating to:
  - Drainage plans for the disposal of foul and surface water flows

### **Waste Management**

Consulted 26 November 2015: views awaited

### **Worcestershire Regulatory Services: Contaminated Land**

Consulted - views received 31 January 2016:

- No objection subject to Conditions relating to
  - Scheme of investigation and risk assessment

### **Worcestershire Regulatory Services: Air Quality**

Consulted - views received 5 January 2016 and 5 February 2016:

- No objection
  - The submitted air quality report is considered an appropriate assessment and in general WRS concur with the conclusions
  - Suggest mitigation measures to mitigate against the cumulative impacts on air quality matters from individual sites in local areas in consideration of:
    - The National Planning Policy Framework (NPPF) Paragraphs 29, 35, 109, 120, 124
    - Planning Practice Guidance: Air Quality
    - The National Air Quality Action Plan 'Improving air quality in the UK: Tackling nitrogen dioxide in our towns and cities'
    - The Air Quality Action Plan for Worcestershire, and updates
    - Worcestershire County Council Local Transport Plans (LTP)
- This will assist in alleviating pollution creep arising in the general area and ensure the impact of the development is Air Quality neutral.
- Ultimately, it is the decision of the Local Planning Authority on whether the air quality mitigation measures recommended by WRS are conditioned.

### **Worcestershire Regulatory Services: Noise**

Views received 22 January 2016:

- No objection

### **Worcester Regulatory Services: Lighting**

Views received 22 January 2016:

- No objection

## **North Worcestershire Economic Development and Regeneration Service**

Views received 14 March 2016:

- No objection
- This proposal will help to achieve a long stated ambition to see this particular site redeveloped, whilst providing clear economic benefits to the site itself, as well as to the wider Town Centre.
- The redevelopment of the site will act as an important anchor for the southern part of the Town Centre. This will help to drive footfall between the High Street and this part of the town and, whilst the benefits of increased spend within the application site are an important economic benefit, it is also hoped that this development will help to improve vitality of the surrounding streets and make some of the existing vacant units more attractive to potential occupiers. This is because of the anticipated increased footfall and movement within this area and the added benefits for businesses in locating in close proximity to a nationally recognised retailer
- The redevelopment of this site, which sits at an important gateway to the town, will provide an improved entrance to the town and make a feature of this important plot
- The proposed development will provide a further sign of confidence within the local market and will result in an important, nationally recognised, retailer within the heart of the District. It is considered that the site will be an important catalyst for further improvements in the Town Centre
- The scheme will create new jobs within the Town, both through the construction of the scheme, and when the store opens

## **Conservation Officer**

Consulted – final views received 20 March 2016:

- No objection
- This scheme has come about after much discussion, and more recently with the direct involvement of the Waitrose architectural team. Some effort now appears to have been made in trying to incorporate some local detailing. The revised Design and Access statement has collated this work.
- All materials including bricks and mortar are conditioned to be approved prior to the commencement of works on site.

## **Urban Designer**

Consulted – final views received 20 March 2016:

- The design has improved. The area of render on the side (north-western) elevation facing the street junction has been replaced by a rectangle of grey brick, which mirrors the glazing of the entrance as it turns the corner. It is not clear whether the grey brick is recessed from the red brick: it should be. A parapet detail of bricks on end (it appears to be two bricks deep but I am unsure) has been introduced, running around the majority of the building. I think that these amendments add to the tectonic integrity of the building.
- My main concern with the revised proposal is with the treatment of that part of the building on the south-western side containing the lift and staircase. This projects from the square of the main body of the store, together with another room. The Design and Access Statement addendum, in paragraph 3.7, refers to this part as the “vertical lift tower”. This seems an exaggerated way of describing a rather stumpily-proportioned utilitarian part of the building. The paragraph goes on to claim that its verticality

reflects that of the church tower and surrounding listed buildings. I am not convinced by this claim.

- In summary, the site planning has created a problem which has to be resolved through architectural invention. The current revision has gone some way to achieve this, but as yet not far enough. Further refinements are necessary.

### **Worcestershire Archive and Archaeological Service**

Consulted - views received 17 December 2015:

- No objection subject to Conditions relating to:
  - A programme of archaeological work including a Written Scheme of Investigation

### **Worcestershire County Council Countryside Service:**

Consulted 26 November 2015: views awaited

### **Ramblers Association**

Consulted 26 November 2015: views awaited

### **West Mercia Constabulary**

Consulted - views received 16 December 2015:

- No objection

### **Landscape and Tree Officer**

Consulted - final views received 20 March 2016:

- The new planting on site, the improved wetland habitat works and the new tree avenue planting consisting of 10 specimens in Watt Close as discussed are now sufficient to mitigate the loss of the trees on the site
- No objection subject to Conditions relating to:
  - On-site landscaping and planting
  - Off-site (Watt Close) tree avenue planting
  - Landscape management plan

### **Parks and Green Space Development Officer**

Consulted: views received 1 December 2015, 8 January 2016, 13 January 2016 and 24 February 2016:

- No objection subject to Conditions relating to:
  - Details for the management and maintenance of the naturalised brook course and soft landscaping
  - Submission of a Construction Environmental Management Plan (CEMP)

### **Worcestershire Wildlife Trust**

Views received 6 January 2016 and 25 February 2016:

- No objection
  - The use of SuDS and works to improve and re-naturalize Spadesbourne Brook is welcomed
  - However, there is a missed opportunity to provide significant habitat improvement along the brook.
  - The mitigation for tree loss is not adequate
  - The design of the gabion baskets is important on order to be of value to water voles

- The bio-rolls are a significant component of the river restoration scheme and will make a considerable impact in terms of beginning the process of bank restoration/vegetation
- In view of the importance of the brook and the need for ongoing management we would recommend that conditions covering the need for a CEMP (to include details of protection of retained ecological features during construction) and a long term habitat management plan should be imposed

### **Publicity**

112 letters sent 26 November 2015 (expire 17 December 2015)

5 identical site notices posted 4 December 2015 (expire 25 December 2015)

Press notice published 4 December 2015 (expires 25 December 2015)

### **No views received**

The applicant's agent also undertook a public exhibition on 1 October 2015 at Amphlett Hall, Crown Close, Bromsgrove from 9.00am to midday. The event was publicised in the local newspaper, the Bromsgrove Standard, as well as on Twitter and LinkedIn notifying the local community of the time, date and location of the public exhibition. Comment forms were available at the exhibition.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BROM11: Town Centre Zone

C17: Retention of existing trees

DS13: Sustainable development

ES1: Protection of natural watercourse systems

ES2: Restrictions on development where risk of flooding

ES7: Sites suspected of contamination

ES11: Energy efficiency in buildings

ES12: Provision of recycling facilities

ES14A: Noise sensitive development

RAT12: Support for public rights of way

S29: Access for the disabled

S35a: Development in Conservation Areas

S39: Alterations to Listed Buildings

TR11: Access and off-road parking

#### **Emerging Bromsgrove District Plan**

BDP1: Sustainable development principles

BDP2: Settlement hierarchy

BDP3: Future housing and employment development

BDP12: Sustainable communities

BDP13: New employment development

BDP16: Sustainable transport

BDP17: Town Centre regeneration

BDP19: High quality design

BDP20: Managing the historic environment

BDP21: Natural environment

BDP22: Climate change

BDP23: Water management

### **National Planning Policy Framework**

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

### **National Planning Practice Guidance**

#### **Relevant Planning History**

- |             |   |
|-------------|---|
| 16/0152     | Demolition of George House and erection of a retail led mixed use development comprising 2 no. A1 retail units and 1 no. A3/A5 unit (Phase 2):<br><b>Pending</b>  |
| 15/1064     | Demolition of George House<br><b>Approved 11 March 2016</b>   |
| 10/0317     | Change of Use from Market Hall to Car Park:<br><b>Approved 16 June 2010</b>   |
| 10/0109     | Demolition of Market Hall:<br><b>Prior Approval Not Required 4 March 2010</b>   |
| B/1994/0920 | Reconstruction of existing south side car park to provide 131 spaces (including 6 disabled) plus alterations to access locations, screen tree/shrub planting and enhancement of the watercourse:<br><b>Approved 28 October 1994</b> |
| B/1993/0577 | Demolition of existing building and erection of new Market Hall:<br><b>Approved 16 August 1993</b>  |

#### **Assessment of Proposal**

##### **Site Description**

The site equates to 0.5 hectares, currently in use as a public car-park, operated by Bromsgrove District Council. The site sits between two designated Conservation Areas, the Bromsgrove Town Centre Conservation Area and St Johns Conservation Area. A number of listed buildings surround the site, including the Grade 1 St John Church which overlooks the site. The site is roughly rectangular in shape and is orientated north-east to south-west. The site is bounded to the north by St John Street. On the south-western corner of the site, St John Street joins Hanover Street and the A448 Kidderminster Road at a three-armed mini-roundabout. Hanover Street runs along the western boundary of the site and also provides access to St Johns Middle School opposite the site via Watt

Close. The site is bounded to the south by the existing alignment of the Spadesbourne Brook which runs through a culvert channel, which then flows under Hanover Street, past St Johns Middle School and along the footpath to Sanders Park. The brook is over-spanned by Hanover Street, St John Street and in two locations within the site. The land that lies between the brook is occupied by the residential development at Sampson Court, the Dog and Pheasant Public House and a variety of other retail and commercial units.

The site contains a number of features. The brook culvert and railings border the south-east boundary. Raised flower beds form the boundaries to the north-west and south-west. A section of the site to the north is currently vacant and hoarded. The majority of the site is hard-paved, with tree and shrub planting in raised beds and adjacent the brook course. An electricity substation is located centrally within the site, as well as existing services and drainage.

The site contains two vehicular access points (St John Street and Hanover Street). The site is subject to public rights of way and easements to allow access to the rear of properties that front onto Worcester Road. A public right of way crosses the site from George Street, through to Little Lane to the south-east of the site that leads to Worcester Road

The closest bus stop is located immediately adjacent the site on St John Street. Bromsgrove Bus Station is located 300 metres to the north. Bromsgrove train station is located approximately 1.9 kilometres to the south-east.

The site is located within the Bromsgrove Town Centre Zone and zoned as residential in the Bromsgrove District Local Plan. The emerging Bromsgrove District Plan defines the Market Hall Site under Policy BDP17.8 TC1 as a major mixed use development opportunity.

## **Proposals**

The scheme relates to the erection of a two-storey Class A1 retail foodstore with a floor area of 837 square metres, with associated parking and landscaping works. The food store is split over two floors. The ground floor will consist of 635 square metres and will accommodate the retail sales floor, an ancillary café, a delivery storage area and the stair and lift tower. The first floor, consisting of 202 square metres of floor space, will accommodate the back of house area with provision for stock storage, freezer and chiller rooms and staff accommodation and staff toilet provision.

A service yard and bin store is located to the rear of the building. This will be screened with a 2.4 metre height acoustic timber fence and associated landscaping. A low level brick wall with wire balustrading sits defines the boundary of site on St John Street.

The building will have an external finish consisting of a mixture of red brick, a grey brick panel facing St John Street and light grey smooth cladding panels. The brick will be laid in garden wall bond. Glazing is located to the front entrance and a canopy that also extends to the north-west elevation facing St John Street.

The development will generate an anticipated total of approximately 60 full and part-time jobs. The trading hours are proposed to be 7.00am – 10.00pm Monday to Saturday and 10.00am – 6.00pm on Sunday (whilst Sunday trading restrictions remain).

The development will be served by two vehicular access points. The primary access for all vehicular customer traffic will be located off St John Street via the existing site access. Enhancements will be made to one radius of this junction to accommodate heavy goods vehicle movements. Two electronically operated rising arm height barriers are proposed to this access. The second access will be located off Hanover Street, making use of the existing site access crossroads with Watt Close. Delivery vehicles will enter the site from the Hanover Street entrance, delivery from the designated delivery bay and exit via the St John Street access. The Hanover Street entrance is for deliveries, access for seven parking spaces, motorcycle parking and access to the properties on Worcester Road benefiting from existing rights of access. A manually rising arm barrier is located to this access to restrict the delivery route and other vehicles entering the main car-park. This barrier will not impinge on the car/motorcycle parking or the retained access for the existing properties on Worcester Road.

Deliveries to the store will be made by vehicles up to 36 tonnes and 16.5 metres in length, with delivery hours proposed to be from 05.00– 23.00. Deliveries will be managed by allocating each delivery a suitable timeslot as only one delivery bay is available. The delivery schedule detailed in the submitted Delivery Management Plan accompanying the scheme states the following:

<b>Delivery Type</b>	<b>Frequency</b>	<b>Vehicle Type</b>
Depot delivery x 2	Daily	16.5 metre articulated
Bread x 1	Daily	Transit
Milk x 1	Daily	Transit
Newspapers/magazines	Daily	Transit
Paperware/crisps x 3-4	Weekly	14 metre lorry

Refuse collections will be carried out 3/4 times a week for food waste and will be fulfilled through private collection. Recyclable waste will be returned on the empty paper ware/crisp delivery vehicle.

The existing car-park will be reconfigured. A total of 86 car parking spaces (including 4 disabled spaces and 2 parent and child spaces) will be provided. 4 motorcycle spaces are proposed, in addition to 8 secure cycle spaces set in Sheffield cycle stands. The car-park will be resurfaced. An external retail display area and outdoor seating area will be located adjacent the main entrance. Ticket machines and a trolley bays are located within the car-park.

The scheme includes lighting to the car-park consisting of 6 metre high columns with neutral white LED fittings. The fittings have been appropriately designed to prevent light pollution or spill. It is anticipated the lighting will be timed as is the case throughout the Town Centre using time sensors.

There will be number of access points into the development for pedestrians and cyclists. The existing public right of way 584(a) that leads off St John Street to the west of George House and follows Little Lane to Worcester Road will be maintained.



The scheme includes improvements to the Spadesbourne Brook. This includes the removal of the existing brick walls that canalise the brook where possible and the installation of stable bank gradients and gabion baskets and coir rolls to improve water vole habitat and increase flood capacity. New soft landscaping is proposed within the car park and adjacent the brook course, in addition to replacement tree planting within the site. The existing raised bed fronting onto St John Street will be removed. The CCTV pole and camera in this location will be retained. Off-site tree planting to Watt Close as further mitigation is also proposed.

The scheme has the following environmental credentials:

- Minimal depth of building to maximise natural light penetration
- The form will provide solar shading to the glazed frontages
- Construction materials will be sourced locally where possible
- High standard of thermal and noise insulation
- Existing site materials will be recycled and re-used where appropriate
- Sustainable drainage solutions
- New planting and tree cover

The following information has accompanied the scheme:

- Air Quality Assessment
- Arboricultural Survey
- Delivery Management Plan
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment
- Ground Investigation Report
- Noise Impact Assessment
- Planning Statement
- Statement of Significance
- Transport Impact Assessment
- Travel Plan

For the reference of Members, this scheme relates to Phase One only. A separate application for Phase Two has been submitted and this is under consideration. The scheme for Phase Two will come before Planning Committee for determination at a later date.

## **Appraisal**

### **The Principle of Development**

The site is currently in the Town Centre Zone in the extant Bromsgrove District Local Plan (BDLP) and identified as being within the Town Centre in the emerging Bromsgrove District Plan (BDP). The BDP is at an advanced stage and is currently undergoing Examination in Public and as such can be afforded weight in the decision-making process. The policy within the emerging Local Plan which covers the former Market Hall Site (BDP17) identifies that the primary use of this site should be as *retail led mixed use development*. The policy framework identifies the importance of this site as a key

gateway and regeneration opportunity for the Town. The desire to develop this area has been a long standing ambition for the District Council. I thus consider the construction of the new A1 food store to be acceptable in principle in this location.

The main issues to be considered in this application include:

- Design, form and layout
- Residential amenity and noise matters
- Highway matters
- Trees and landscaping
- Flood risk and drainage
- Ecology
- Lighting

### **Design, Form and Layout**

Members will note the view of the Urban Designer in his assessment of the architectural merits of the building. The proposed food store will inevitably be a free-standing building in a prominent position on the corner of St John Street and Hanover Street. The scale and massing of the building has been developed to respond to the immediate context of the site. The stone parapet and grey brick panel to the St John Street frontage will add interest to the building. The elevations have a commonality of design which unites the building. Glazing has been incorporated into the principal elevation and this wraps round the north-west elevation. This will create a welcomed active frontage as viewed from St John Street. The Urban Designer views these features as adding to the tectonic integrity of the building.

The area of concern raised by the Urban Designer relates to the south-west elevation. This elevation has been the subject of numerous discussions between your Officer, the Conservation Officer, the Urban Designer and the applicant. The vertical lift tower to the south-west elevation has been designed to become a feature of the building. The orientation of the light grey cladding, the inclusion of a shadow gap and a wrap-around feature serve to break up the massing of the tower and this elevation of the building as a whole. The first floor has been set in from the ground floor and will be clad in light grey panels. Members will note that the Conservation Officer has not raised an objection to the scheme in its revised form. Whilst I am mindful of the comments of the Urban Designer, I am of the view that this elevation has been intensively scrutinised and the resultant design is acceptable given the context of the building.

Window frames, doors, rainwater goods and the canopy will be in a dark grey that will complement the red brick work as well as tying in with the lighter shade of grey used for the lift tower and first floor. A wooden soffit will be used for the canopy. The sustainability credentials of the building (for example the proposed use of low emission boilers and the provision of cycle parking) are welcomed.

It is considered that less than substantial harm to the setting of the heritage assets surrounding the application site will arise (this includes the setting of listed buildings, including the Grade I St John Church and the setting of two designated Conservation Areas). Paragraph 134 of the NPPF advises that where a development will cause less than substantial harm to a heritage asset, this harm has to be balanced against the public benefits of the proposals. In this case those benefits relate to the redevelopment of a key

Town Centre site providing a visual improvement of the locality and the economic benefits of providing additional retail facilities and subsequent employment opportunities for the Town Centre.

In conclusion in terms of design matters, I am of the view that the contemporary design approach would fit into the context of the immediate and wider urban landscape and provides a distinctly designed structure in this location that will establish a new landmark feature. This includes the drama of the glazed front and the canopy that will serve as an introduction of the building to visitors. The materials are representative of modern building design with brick and cladding composite materials.

For clarification, signage does not form part of this application and is for illustrative purposes only. Building signage and directional signage will be subject to a separate application under Advertisement Consent.

### **Residential Amenity and Noise Matters**

The closest residential unit is located on Worcester Road, 14 metres from the store.

The opening hours are proposed to be to 7.00am – 10.00pm Monday to Saturday and 10.00am – 6.00pm on Sunday. The delivery hours detailed in the Delivery Management Plan accompanying the scheme are stated as 5.00am–11.00pm, with the anticipated delivery schedule detailed previously in the report. The will consist of 2 no. HGV deliveries a day with no individual delivery lasting longer than one hour, 3 no. transit van deliveries per day lasting approximately 10 minutes, and up to 4 no. LGV deliveries per week, lasting no longer than 20 minutes. Deliveries serving the store will enter the delivery bay from Hanover Street and exit onto St John Street. Vehicles will follow a one-way system through the car park area and it is expected that vehicle reversing will not occur. There is a 30 metre distance between the delivery area of the store and 14 Worcester Road

The submitted Noise Impact Assessment notes that the noise levels around the site are typically characterised by commuting vehicles and vehicles that serve the businesses surrounding the adjacent roads of the site. Therefore, it is expected that Light Goods Vehicles, transit vans and refuse vehicles would not significantly add to the noise levels currently experienced at the closest affected receivers either in character or magnitude. The Assessment concludes that noise does not pose a material constraint to any proposed deliveries taking place between the proposed times of 0500-2300 at the proposed store. The Worcestershire Regulatory Services Noise Officer has paid regard to this report and has raised no objection to the scheme.

Given these circumstances and taking into consideration the existing use of the site as a car-park, I consider there will be no detrimental impact on residential amenity. I consider it pertinent, however, to impose a Condition both on opening hours and delivery hours to ensure compliance.

### **Highway Matters**

The development will be served by two vehicular access points. The primary access for all vehicular customer traffic will be located off St John Street on the location of the

existing site access. Enhancements will be made to one radius of this junction to accommodate heavy goods vehicle movements. The second access will be located off Hanover Street, making use of the existing site access crossroads with Watt Close. Delivery vehicles will enter the site from the Hanover Street entrance and delivery from the designated delivery bay and exit via the St John Street access. The Hanover Street entrance is for deliveries, access to seven parking spaces and motorcycle parking and retained access to the properties on Worcester Road benefiting from existing rights of access. There will be number of access points into the development for pedestrians and cyclists. The pedestrian connection to Worcester Road via both Little Lane and George Street will be maintained. Clear pedestrian routes are included in the car-park.

There will be a total of 86 car parking spaces (including 4 disabled spaces and 2 parent and child spaces). 4 motorcycle spaces are proposed, in addition to 8 secure cycle spaces.

The scheme includes works external to the application site to enhance the radius of the vehicular access on St John Street to accommodate heavy goods movements. Tactile paving will also be laid at the pavement flanking this access and flanking the access to Hanover Street. Such works will be carried out as part of this application through a Section 278 Agreement of the Highways Act 1980. Members will be aware that a Section 278 Agreement allows developers to enter into a legal agreement with the County Council to make alterations or improvements to the public highway. It is proposed to secure the works by imposing a restrictive Grampian Condition.

I am of the view that there would not be any material harm to the safety or free flow of traffic on the local highway network and that there would be capacity within the existing network to cope with the development proposal. There will be clear pedestrian access to the site. This will promote sustainable transport choices for users of the building and provide connectivity with the Town Centre and the wider locality. This would also enable greater permeability.

It is considered that the access arrangements, the level of parking and the parking layout are acceptable. Worcestershire Highways has raised no objection to the scheme, subject to suitable Conditions and the applicant entering into a legal mechanism for a financial contribution towards improvements at the A448 Kidderminster Road/Hanover Street/St John Street and clauses in the Agreement relating to the control of the delivery route of vehicles and the opening and closing of the height restriction barrier at the St John Street vehicular access.

### **Trees and Landscaping**

The site contains one large Sycamore tree near the east corner of the site, one Cherry tree on the North-east boundary and four willow trees are present adjacent to the watercourse. Numerous small Whitebeam and Oak trees are present in the areas of introduced shrub within the car park. The proposed scheme requires the removal of all 23 existing trees from the application site.

The soft landscaping would comprise replacement tree planting, hedging, low shrubs and grassland and would be developed in accordance with the approved Ecological Management Plan. After discussions, the applicant proposes to mitigate tree loss through

replacement planting of 18 new trees on site, an amended treatment to the watercourse providing improved wildlife habitat and flood storage and the planting of a new avenue of trees off-site on the nearby Watt Close area of Sanders Park.

Despite the high level of removal of existing trees, the Tree Office is satisfied that the proposed mitigation is adequate to compensate these losses and that the measures proposed will provide a sustainable long-term benefit to the site and the area. The soft landscaping scheme for the site is considered to be acceptable.

## **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency. The majority of the site falls within Flood Zone 1 and is not at risk of flooding. The storm water drainage strategy is to drain the majority of the site to the Spadesbourne Brook watercourse via SuDS components in order to improve water quality and lower the discharge rate into the Spadesbourne Brook. With the appropriate level of on-site attenuation using a range of SuDS techniques being implemented, the proposed development will reduce risk of flooding and will not impact on the surrounding area. North Worcestershire Water Management has raised no objection to the scheme, subject to the imposition of suitable Conditions.

## **Ecology**

With the exception of the Spadesbourne Brook, the remainder of the site is considered to be low ecological value.

The section of Spadesbourne Brook that runs through the site has been inspected for signs of Water voles such as tracks, feeding remains, burrows and latrines and none were discovered. The banks of the brook south-west of the site, on the other side of Hanover Street, were also investigated. Here many burrows and small mammal runs were present on the south bank. No direct evidence of Water voles was found and although this species has been recorded using a range of types of water courses, including areas further upstream and downstream, the characteristics of the brook on site and adjacent to it are not optimal for Water voles. This species tends to prefer deep, slow flowing watercourses with wide swathes of riparian vegetation, conditions not found in the sections of the brook on site, where the water was fast flowing with minimal aquatic vegetation tall brick canalised walls. The walls were absent on the southwest side of Hanover Street but the water was still shallow and vegetation was limited.

The submitted Ecological Appraisal (October 2015) details potential opportunities for Water vole and recommends further ecological work/enhancement works. It recognises the proposed naturalisation of the brook has the potential to enhance the potential for water vole colonisation. New tree planting will also provide habitat potential.

The scheme includes enhancement works to the brook course, including the placing of gabion baskets and coir rolls within the watercourse to increase habitat choice for Water vole (in addition to increasing flood capacity). The Parks and Green Space Development Officer, North Worcestershire Water Management and Worcestershire Wildlife Trust have raised no objection to this approach or to the scheme on ecological or biodiversity

grounds, subject to suggested Conditions relating to mitigation measures. This aspect of the scheme will also enhance the public realm and is welcomed.

## **Lighting**

An external lighting design statement has accompanied the scheme. The submitted illumination drawing shows that there would be minimal light spill. The Worcestershire Regulatory Service Lighting Officer has raised no objection to the scheme in terms of specification. The design of the lighting is considered acceptable.

## **Other Issues**

### **Crime Prevention**

Members will note the views of the Crime Risk Manager. The CRM has raised no objection to the scheme. I am therefore of the view that the scheme has paid regard to planning policy and guidance on this issue and thus raise no objection on these grounds.

### **Construction Issues**

Deliveries to the development site during the construction phase are able to be controlled through a Construction Management Plan. This could include the following:

- Restricting construction vehicles to designated routes
- The prohibition of the movement of construction vehicles on the local highway network in the vicinity of the development site during the morning and evening peak hour periods
- Restrictions of the hours of working on site
- Noise and dust suppression measures during construction

I consider this to be appropriate given the scale of the proposals and the proximity of the residential units to the south and south-east.

### **Public Right of Way**

The proposal affects the setting of Public Right of Way 584(A) that passes through a section of the site to the southern boundary but will not impede access. Following consultation in November 2015, the views of the County Footpaths Officer and the Rambler's Association are still awaited.

### **Air Quality**

Worcestershire Regulatory Services has not objected to the scheme on air quality grounds but has recommended that a development of this size should mitigate the cumulative impact on air quality through mitigation measures which are aligned with County LTP policies. These measures will assist in alleviating pollution creep arising in the general area. The scheme includes secure cycle parking and the use of low emission boilers. As such I consider the application contains suitable mitigation measures in relation to air quality and I raise no objection to the scheme on this issue.

## Conclusions

The proposals represents an opportunity to create a development with its own distinct character and sense of place, compatible with the different scale and character of the adjoining uses to St John Street. The siting and layout of the scheme is appropriate for this gateway site. The scheme has been designed to take account of the sensitivities of the setting of the two Conservation Areas and the impact on the setting of adjacent Listed Buildings.

The scheme will enable the re-creation of a strong street frontage and revitalise this section of St John Street and Hanover Street, improving the connection between the site, Worcester Road and Bromsgrove High Street. The carefully considered building with an emphasis on high quality design and range of external materials, new landscaping, brook enhancement and naturalisation works, reconfigured car-parking and enhanced employment opportunities will all be of local benefit, which are factors that weigh in favour of the proposals.

In terms of economic benefits, the scheme will help to improve the vitality and viability of Bromsgrove Town Centre, as well as providing a clear choice for consumers. It will form part of the wider regeneration objectives for the Town Centre. The redevelopment of this brownfield site will make full and effective use of this previously used and highly sustainable Town Centre site, enhancing the attractiveness of Bromsgrove Town Centre as a retail location. Members will note the support for the scheme from North Worcestershire Economic Development and Regeneration.

The proposal would not give rise to any adverse highway conditions and there would be no increased likelihood of flooding as a result of the development. Any adverse impacts arising from the loss of tree cover and on the issues of highway capacity, ecology, residential amenity, noise, lighting and air quality have been adequately mitigated.

**I am thus minded to approve the application.**

### **RECOMMENDATION:**

#### **(a) MINDED to APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the full planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- (i) A contribution of £45,922.49 for improvements at the A448 Kidderminster Road/Hanover Street/St John Street junction to be made prior to the first opening of the store to the public.
- (ii) The control of the delivery route of vehicles via the following clause:  
Heavy goods vehicles delivering to and collecting from Unit 1 will enter the site at the Hanover Street entrance from the south only. Once deliveries or collections have been made the heavy goods vehicles will exit the site via St John Street, making a right turn exit. Vehicles will follow the tracking demonstrated in drawing 175-55 Rev F, unless temporary restrictions prohibit this movement.

- (iii) The opening and closing of the height restriction barrier at the St John Street vehicular access via the following clause:  
The height restriction barrier at the St John Street vehicular access shall remain open between the hours of 08.00am – 08.00pm on those days the store is open for trading
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**For the reference of Members I intend to impose suitable Conditions relating to:**

**Time**

- Commencement of development timescale (3 years)

**General**

- Development in complete accordance with the approved plans
- Opening hours: 7.00–22.00 Monday to Saturday and 10.00–18.00 on Sunday
- Delivery hours: 5.00-23.00 only and not at any other time
- Materials and external appearance (to include doors and door frames, windows and window frames, bricks, mortar mix and brick bond, parapet wall edging, cladding and rainwater goods)
- Lighting strategy in accordance with approved details
- Boundary treatments in accordance with approved details
- Ticket machines in accordance with approved details
- Refuse storage details
- Trolley bay details
- Secure cycle storage details
- Vehicular barrier details

**Highways**

- Access turning and parking facilities
- Engineering details of the proposed access amendments
- Submission of a Travel Plan

**Trees and Landscaping**

- Soft and hard landscaping scheme in accordance with approved details with 5 year protection measure for soft landscaping (to include bollard details)
- Landscape management plan (to include details for the management and maintenance of the naturalised brook course and soft landscaping)
- Protective tree fencing during construction phase
- Off-site tree planting schedule in Watt Close with 5 year protection measure

**Ecology and Biodiversity**

- Full and detailed mitigation strategy based on Section 4.0 of the Ecological Appraisal accompanying the application (to include the installation of bat and bird boxes)
- Long term habitat management plan
- Detailed gabion design detail to watercourse
- Specification details of coir rolls (to include material, diameter, installation method and plant species)

**Drainage**



- Comprehensive surface water drainage scheme
- Finished floor levels should be set no lower than 85.05m AoD to limit the potential of internal flooding
- No other ground adjacent to the brook should be raised without modelling to indicate the risk of flooding off site.
- No building or structure to be erected within 8 metres from the bank of the watercourse in order to provide a suitable maintenance access

### **Contaminated Land**

- A scheme for detailed site investigation
- Written report of the detailed site investigation and risk assessment
- Where identified as necessary, a detailed remediation scheme
- The approved remediation scheme to be carried out in accordance with its terms prior to the commencement of development
- Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced
- In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority

### **Construction**

- Submission of Construction Environmental Management Plan (CEMP) (to include method statement for the protection of the brook from pollution during the course of construction and the protection of retained ecological features during construction)

### **Archaeology**

- Programme of archaeological work to include a Written Scheme of Investigation
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## **Informatives**

### **Section 278 Agreement**

No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

### **Design of Street Lighting for Section 278**

The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.

### **Drainage**

Severn Trent Water advise that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent Water to

discuss the proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the Building Control Officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the Building Control Officer to refuse building regulations approval.

The applicant will require prior consent under the Land Drainage Act 1991 for any works within the watercourse, including the naturalisation work and any new outfalls. Where possible, outfalls should be combined on site to limit the number of pipes outfalling into the brook.

### **Spadesbourne Brook**

This stretch of the brook contains a large amount of the invasive plant Himalayan Balsam. During the development and post completion this should be managed at the appropriate times of year to limit the spread downstream. The brook also contains varying amounts of debris. The applicant should be aware of their responsibility to remove these as a riparian owner.

### **Archaeology**

A fee of £300+VAT will be charged to the applicant for the formal provision of archaeological briefs, and for the checking and acceptance of any responding Written Scheme of Investigation and archaeological reports required to facilitate the discharge of the condition. The applicant or their successor in title must contact Adrian Scruby: Historic Environment Advisor at the Worcestershire Archive and Archaeology Service to arrange provision of the brief.

It will be the responsibility of the applicant (or their successor in title) to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service can offer advice on all stages of the proceedings.

### **Advertisements**

This consent does not permit the erection of any form of advertisement on the site.

### **Planning Obligation**

Your attention is drawn to the provisions of the Section 106 Agreement which accompanies this permission.

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### **Case Officer:**

Dale Birch

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