

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Bromsgrove District Council 'A'	Change of use from Market Hall to car park - Market Hall, St John Street, Bromsgrove	TCZ	10/0120-MT 09.04.2010

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application upon the expiry of the consultation period on 06.04.2010.

MINDED to APPROVE temporary planning permission for a period of two years subject to the receipt of satisfactory comments from the Environment Agency.

Consultations

WH Comments received 08.03.2010: recommend that permission is refused for the following reasons:

The application will encourage additional car movements into the town centre. The development cannot promote sustainable means of access as there is no ability for the application to encourage walking, cycling or bus access over car access. There is a real danger of encouraging car trips into the town centre which will create congestion and, in educating motorists as once they regularly access the town via car, reversing that trend is very difficult regardless of how attractive the alternative means are.

It is considered that the principle of a development that encourages car activity and does not encourage sustainable development is unacceptable and should be refused.

WCC Public Rights of Way Comments received 24.02.2010 in relation to this application and an associated application for prior notification of proposed demolition at the same site (10/0109).

The development affects a public right of way as recorded on the Definitive Map. The public right of way is Bromsgrove Footpath 584 (BM-584).

I am concerned that the application mentions security fencing around the site. The Department of Environment Circular 2/93 states that no development should be allowed to obstruct a public right of way either during or after development. We must therefore object to this application although we may be able to withdraw the objection if the applicant can supply an indication of how the public right of way is to be accommodated.

Ramblers Association CO Consulted 01.03.2010: No comments received to date.

Verbal comments received 12.02.2010: No objection.

Drainage Engineer	Verbal comments received 15.03.2010: No objection subject to the imposition of a condition to secure the appropriate drainage of surface water.
EA	Consulted 16.03.2010: No comments received to date.
Publicity	1 letter received: concerns raised over publicity procedure and over car parking not being the most beneficial use of the site. Site Notice Posted 01.03.2010; expired 22.03.2010. Press Notice published 04.03.2010; expired 25.03.2010

The site and its surroundings

The application site relates to the vacant Market Hall building and surrounding areas of hardstanding. The site is bounded by St. John Street and Market Place to its northern and eastern boundaries, a public car park to its western boundary and the Spadesbourne Brook to its southern boundary. The site is within the Town Centre Zone and the junction of Market Place and St. John Street is defined in the BDLP as a Primary Shopping Street. The site is adjacent to, but not within, the Town Centre Conservation Area. There is a public right of way running along the south eastern boundary of the site.

Proposal

The building on the site is due to be demolished. Members determined at the meeting of the Planning Committee on 01.03.2010 (application ref. 10/0109) that the prior approval of the authority of the proposed method of demolition and restoration of the site would not be required. This application does not therefore seek permission to demolish the Market Hall building and that will not be a consideration in the determination of this application.

Following the demolition of the building this application proposes to change the use of the site to a public pay and display car park. This will effectively be an extension of the adjacent car park increasing the number of spaces from 138 to 210 (an additional 72 spaces would be provided including 4 disabled spaces). The car park would be accessed from the existing entrances on St. John Street and Hanover Street.

Relevant Policies

WCSP	SD.9, CTC.1, CTC.8
BDLP	DS13, ES1, ES2, BROM11, BROM12, BROM13
Others	PPS1, PPS4, PPG13, PPS25

Relevant Planning History

10/0109	Demolition of Market Hall - Prior Approval of demolition not required.
---------	--

Notes

I consider that there are a number of issues to address in the determination of this application. Firstly, it is important to establish the principle of the development. Would the proposed car park be appropriate in this location? Secondly, I note the concerns of the Highways Engineer and it will be necessary to consider the proposal against policies relating to transport. Thirdly, it is necessary to consider the appearance of the

development and its impact on the setting of the adjacent Conservation Area. Fourthly, I note the comments of the Public Paths Officer and these will be duly considered below. Finally, it is important to consider the implications of the proposed car park for the nearby watercourse. I will deal with each of these matters under separate headings below.

The principle of the development

Policy BROM13 of the BDLP provides that within the Primary Shopping Area of the town centre the District Council will normally allow proposals for retail development at ground floor level, and retail, office or residential use at upper floor level. The explanatory text to this policy states that '*The District Council wishes to maintain the primary shopping area as the key location for retail and associated uses. Other uses will not normally be permitted at ground floor level.*'

The proposal would not involve retail development nor is it considered to involve an associated use. I am of the view that the proposal would be ancillary to the main retail function of the Town Centre but I do not consider such a use to be appropriate in a Primary Shopping Area but rather in a secondary shopping or edge of centre location. As such I consider the proposal to be unacceptable in principle in this location.

However, it is understood that the long term plan is to use the site for retail development and the proposed car park is only intended to be a short term solution due to a lack of developer interest and the current economic situation. I appreciate the applicant's situation and I consider that this proposal would bring the site back into effective use until a long term solution is found.

I am nonetheless mindful of the provisions of Policy BROM13 and I consider that, if Members are minded to approve planning permission for the proposal, this should be permitted on a temporary basis so as to limit the car-park use to the short term. I consider that this approach would not irreversibly dilute the retail function of the Town Centre and prejudice the Council's commitment to Town Centre regeneration.

Highways

Members will note that Worcestershire Highways has recommended that the application is refused as it would undermine the objectives of sustainable transport. I am also mindful of the Government's planning policy advice for transport contained in PPG13. This advises local planning authorities to promote sustainable transport choices and reduce reliance on the car for work and other journeys. Reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.

It is considered that increasing the parking provision of the Town Centre would act as a disincentive for people to travel to the Town Centre by more sustainable means such as public transport, cycling and walking. The proposed development would therefore contravene the Government's objectives for sustainable transport advocated in PPG13. It is however important to note that the use of the site as a car park is only intended to be a short term solution. Thus, if and insofar as the proposal does encourage car travel into the town centre, this would only be for a short period of time. The concept of sustainable development (and thus sustainable transport) refers to long term objectives and

protecting the environment for future generations. I do not consider that any harm resulting from this proposal (i.e. through vehicle emissions) would be material enough to substantiate an argument against the proposal in sustainability or strategic terms.

I am also mindful of a recent appeal decision against Leicester City Council for a similar proposal (Appeal ref. APP/W2465/C/09/2104664). Here the Inspector allowed an appeal against an enforcement notice for the unauthorised change of use of a city centre site to a surface car park. The appellant sought permission for a temporary period of two years. The Inspector found the principle of the car park to undermine national, regional and local planning policies and guidance seeking to promote sustainable transport choices but considered that, amongst other reasons, the temporary nature of the use would materially reduce any resulting harm. The appeal was allowed and a temporary two year planning permission was granted.

On the above basis I would give significant weight to the fact that the proposal is only intended as a short term venture and I would strongly recommend that any planning permission granted is only done so on a temporary basis.

Visual Impact

The proposal would involve a mismatch of surfacing materials. The area currently beneath the Market Hall building has a concrete base whereas the surrounding hardstanding comprises of block paving and the adjoining car park is surfaced with tarmac. I am of the view that the resulting area would be somewhat incongruent in appearance but I consider that this would only be noticeable from within the site itself. I do not therefore consider that the proposal would have any adverse impact on the visual amenities of the area.

Impact on setting of Conservation Area

It is considered that the proposal would have no adverse impact on the character and appearance of the adjoining Conservation Area. The Council's Conservation Officer has been consulted on the proposal and no objection has been raised.

The Public Right of Way

I acknowledge the comments of Worcestershire County Council in relation to the nearby public right of way. It should however be noted that the concerns raised relate to the security fencing that would be erected around the site whilst the approved demolition takes place. The proposed use of the site as a car park would not obstruct the public right of way.

Spadesbourne Brook

The site is located adjacent to Spadesbourne Brook and within Flood Zone 3 as defined by the Environment Agency (EA). The views of the EA have been sought on the proposal and these views are currently awaited. I will update Members at the meeting of the Committee on this issue.

The Council's Drainage Engineer has been consulted on the proposal and no objection has been raised subject to the imposition of a condition to secure the appropriate drainage of surface water.

Conclusion

Although the provision of additional car parking is not considered to be an appropriate land use in a Primary Shopping Area I do not consider that this short term proposal would irreversibly dilute the retail function of the Town Centre. The proposal would not promote sustainable transport but it is not considered that any strategic harm would result from the use of the site as a car park in the short term. Taking these points into consideration, it is thus recommended that any planning permission granted is only done so on a temporary basis.

Without the views of the EA the impact of the development on flood risk cannot be properly established. Members will note that the consultation period with the EA does not expire until 6th April 2010. I would therefore recommend that Delegated Powers be granted to the Head of Planning and Environment Services to determine the application upon the expiry of this consultation period.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application upon the expiry of the consultation period on 06.04.2010.

MINDED to APPROVE a temporary planning permission for a period of two years subject to the receipt of satisfactory comments from the Environment Agency.