

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 - Former Market Hall site, St. John Street, Bromsgrove	TCZ	10/0317-MT 04.06.2010

RECOMMENDATION: that a temporary planning permission is **APPROVED** for a period of two years subject to the receipt of satisfactory comments from the Environment Agency and the Public Rights of Way Officer.

Consultations

WH Comments received 13.05.2010 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
PROW Comments received 04.05.2010:

'It is not clear from the application whether boundary treatments / fencing will obstruct the public right of way..... We must therefore object to this application although we may be able to withdraw the objection if you can supply an indication of how the public right of way is to be accommodated.'

Ramblers Consulted 16.04.2010; no comments received to date.

CA Comments received 16.04.2010: No objection.

Drainage
Engineer Comments received 29.04.2010: There is no history of flooding at the site and the site is protected upstream by culverts and weirs. The EAs requirement for a FRA is not considered to be necessary.

EA Consulted with FRA on 17.05.2010: No comments received to date.

Publicity Site Notice Posted 23.04.2010; expires 14.05.2010.
Press Notice published 22.04.2010; expires 13.05.2010.
No responses received.

The site and its surroundings

The application site was previously occupied by the Market Hall building. This has now been demolished leaving behind an area 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 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

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.

This application is a resubmission of withdrawn application ref. 10/0120. Members will note that the Environment Agency raised an objection to that application due to it containing insufficient information to demonstrate the flood risks resulting from the proposed development. The application was therefore withdrawn in order for such information to be gathered.

Relevant Policies

WCSP SD.9, CTC.1, CTC.8
BDLP DS13, ES1, ES2, BROM11, BROM12, BROM13
Others PPS1, PPS4, PPS5, PPG13, PPS25

Relevant Planning History

10/0109 Demolition of Market Hall - Prior Approval of demolition not required.
10/0120 Change of use from Market Hall to car park - Withdrawn.

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 I will consider the transport implications of the scheme below. Thirdly, it is necessary to consider the impact of the development on the setting of the adjacent Conservation Area. Fourthly, I note the comments of the Public Paths Officer in relation to the application and these will be duly considered below. Finally, it is important to consider the flood risks resulting from the proposed development. 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.

It is however 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 the Council are minded to approve planning permission for the proposal, this should be done on a temporary basis so to limit the 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 regeneration.

Highways

Members will note that the Highways Engineer has recommended that the application is refused planning permission as it would undermine the objectives of sustainable transport.

I am 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, in 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 (that is, 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.

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. In response to these comments the applicant has provided a drawing showing the location of the trip rail in relation to the public right of way indicating that there will be no obstruction. The Public Paths Order Officer has been consulted on this information but no response has been received to date. I will update members on this matter at the meeting of the Committee.

Flood Risk

The site is located adjacent to Spadesbourne Brook and within Flood Zone 3 as defined by the Environment Agency (EA). A Flood Risk Assessment (FRA) has been conducted to address the issue of flooding. The EA have been consulted on the FRA but no comments have been received to date. I will update members on this matter prior to the meeting of the Committee.

The views of the Council's Drainage Engineer have been sought on this matter and the requirement for a FRA is not considered to be necessary. It is understood that there is no history of flooding at the site and the site is protected upstream by culverts and weirs.

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 I would strongly recommend that any planning permission granted is only done so on a temporary basis.

There is clearly an outstanding issue to be addressed with regard to flooding. My recommendation on this application is therefore contingent on the receipt of satisfactory comments from the EA.

RECOMMENDATION: that a temporary planning permission is **APPROVED** for a period of two years subject to the receipt of satisfactory comments from the Environment Agency and the Public Rights of Way Officer.