

**PLANNING AND REGULATORY COMMITTEE  
23 OCTOBER 2018****PROPOSED IMPROVEMENTS TO HIGHWAYS  
INFRASTRUCTURE IN THE CHURCHFIELDS AREA TO THE  
NORTH OF KIDDERMINSTER TOWN CENTRE INCLUDING  
THE DEMOLITION OF THE CMS/VAUXHALL BUILDING AT  
CHURCHFIELDS ON LAND ADJACENT TO ST MARYS  
RINGWAY (A456) AND CHURCHFIELDS/BLACKWELL  
STREET, KIDDERMINSTER, WORCESTERSHIRE**

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**Applicant**

Worcestershire County Council

**Local Member(s)**

Mr Nathan Desmond (St Marys Division)

Mrs Mary A Rayner (St Georges and St Oswald Division)

**Purpose of Report**

1. To consider a Regulation 3 planning application for Proposed Improvements to Highways Infrastructure in the Churchfields area to the north of Kidderminster Town Centre including the Demolition of the CMS/Vauxhall Building at Churchfields on Land adjacent to St Marys Ringway (A456) and Churchfields/Blackwell Street, Kidderminster, Worcestershire.

**Background**

2. The Churchfields area of Kidderminster is undergoing significant regeneration to form a new urban village. The area is expected to deliver up to 600 homes together with opportunities for new office, small-scale retail, and leisure development.

Churchfields is identified as a priority area within the Kidderminster Central Area Action Plan (KCAAP) 2006-2026 and the Site Allocations and Policies Local Plan 2006-2026.

3. 223 residential dwellings have already been delivered on the former Georgian carpet factory site in the Churchfields area. Kidderminster Property Developments (KPI) are currently applying to Wyre Forest District Council for outline planning permission for 270 residential dwellings and 670m<sup>2</sup> of mixed use floor space at the Churchfields Business Park site (Wyre Forest District Council Ref no. 18/0285/OUTL).

4. In order to facilitate this development (and the wider delivery of up to 600 homes) the highways infrastructure in the area must be improved and links made between Kidderminster town centre and the Churchfields area.

5. In view of this, Worcestershire County Council are seeking planning permission for highways infrastructure improvements to unlock the Churchfields area for development. The applicant states that additional benefits of the scheme would be reduced congestion and improved air quality within the designated Air Quality Management Area (AQMA) in the area.

## **The Proposal**

6. The applicant is proposing improvements to Highways Infrastructure in the Churchfields area to the north of Kidderminster Town Centre including the Demolition of the CMS/Vauxhall Building at Churchfields on Land adjacent to St Marys Ringway (A456) and Churchfields/Blackwell Street, Kidderminster, Worcestershire.

7. The applicant states that the scheme is being proposed to facilitate the redevelopment of the Churchfields area to the north of the A456 St Marys Ringway. The highways infrastructure works are required in order to unlock the Churchfields area for development as a new urban village to deliver up to 600 homes. The applicant states that the scheme would also tackle congestion and improve air quality at Blackwell Street and improve accessibility for pedestrians and cyclists.

8. The proposal comprises the following works:

- New link road from the A456 St. Marys Ringway/Blackwell Street roundabout to Churchfields (U12346);
- Demolition of the CMS Vauxhall car showroom;
- New pedestrian footpath from Blackwell Street to the new link road crossing;
- New junction between Clensmore Street (U12349) and the A456 St. Marys Ringway;
- Revised highways layout at Horsefair; and
- Minor works to be carried out using Permitted Development rights

### **New link road from the A456 St. Marys Ringway/Blackwell Street roundabout to Churchfields (U12346)**

9. A new one-way northbound link road measuring approximately 96 metres in length and 6.5 metres in width would be constructed connecting the A456 St. Marys Ringway/Blackwell Street roundabout to Churchfields (U12346).

10. There would be footpaths on both sides of the link road measuring approximately 2 metres in width.

### **Demolition of the CMS Vauxhall car showroom**

11. In order to facilitate construction of the link road, a car showroom situated on the proposed route of the road would require demolition.

### **New pedestrian footpath from Blackwell Street to the new link road crossing**

12. A new pedestrian footpath would be constructed from Blackwell Street to the proposed new link road. The footpath would measure approximately 18.7 metres in

length and 2 metres in width. The footpath would provide pedestrian and cycle access to Churchfields avoiding the A456 St. Marys Ringway/Blackwell Street roundabout.

### **New junction between Clensmore Street (U12349) and the A456 St. Marys Ringway**

13. Clensmore Street would be extended from where it currently terminates within a car park adjacent to the St. Mary and All Saints' Church to create a new junction with the A456 St. Marys Ringway.

14. The extension of the road would measure approximately 12 metres in length and would comprise a 'left in left out' junction configuration. The left in turning from the A456 would comprise a diverge taper measuring approximately 27 metres in length.

15. Junction widening would also take place at the junction between Clensmore Street (U12349) and Churchfields (U12346). Heavy Goods Vehicles (HGVs) would be prevented from using this junction and would need to use the new link road.

16. Pedestrian footpaths near the junction between Clensmore Street and the A456 would be removed and replaced to facilitate pedestrian access from the A456 to Clensmore Street.

17. Two trees would require removal to facilitate the new junction. The applicant's tree survey has assessed these as Early Mature Hawthorns measuring approximately 6 metres in height. They have been categorised as trees of low quality (estimated remaining life expectancy of at least 10 years) with mainly arboriculture qualities.

### **Revised highways layout at Horsefair**

18. The layout at Horsefair would be revised to accommodate a new traffic gyratory and traffic signalised junctions. The existing central island arrangement would be removed and rebuilt to a new arrangement retaining the existing car parking spaces. The applicant states that there are 9 existing car parking spaces in the immediate Horsefair area and that the same number would be reinstated as part of the proposal.

19. Three trees would require removal to facilitate the revised layout. The applicant's tree survey has assessed these as Early Mature London Planes measuring approximately 13, 14 and 15 metres in height respectively. They have been categorised as trees of moderate quality (estimated remaining life expectancy of at least 20 years) with mainly arboriculture qualities.

20. The applicant states that the community art Horse statue would be repositioned within the revised Horsefair triangle.

### **Works to be carried out using Permitted Development rights**

21. The applicant states that a number of minor complimentary works would take place using Permitted Development rights under Class A of Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The works would consist of the following:

- Upgraded highways lighting to meet current requirements
- Upgraded lighting on the pedestrian underpass near St. Marys Church

- Pedestrian and cycle connectivity from the north of Churchfields to Kidderminster town centre
- Blackwell Street (A451) would become one-way southbound
- Minor adjustments to the road layout at Dudley Street (U12344)
- Improved pedestrian crossings
- The north end of Churchfields would become one way northbound, and
- Replacement of the existing A456 St. Marys Ringway/Blackwell Street roundabout with a revised junction comprising a new roundabout with five arms. Two of these arms would be one-way (one onto the roundabout and one off the roundabout).

22. In terms of detailed lighting proposals, the applicant states that the lighting would be upgraded to meet the current requirements of BS 5489-1: 2013 *Code of practice for the design of road lighting. Lighting of roads and public amenity areas* to provide a suitable level of functional lighting for both vehicle users and pedestrians. The lighting would enhance the engineering improvement works at Horsefair and provide an improved feeling of safety and security to promote greater night-time use of the area.

23. The lighting improvements would also extend to the subway adjacent to St. Marys Church. The lighting would use LED luminaires produced by a local lighting manufacturer (TRT Lighting of Redditch). The light source would utilise technology to provide light with a warmer appearance for an aesthetically pleasing environment for pedestrians whilst providing functionality for vehicle users. LEDs would also reduce energy costs, CO<sub>2</sub> emissions, long-term maintenance commitments, and light pollution (via appropriate lens technology) compared to the current lighting arrangements.

24. In terms of landscaping, the applicant states that this would be an integral part of the wider Churchfields development but that it is limited what this proposal could provide in isolation compared to the wider masterplan development. The applicant states that KPI are in the process of applying to Wyre Forest District Council for the wider masterplan development and that planting and landscaping would be encouraged within the highway development to ensure consistent landscaping across the Churchfields area.

25. The applicant has supplied an indicative landscaping plan with this application. The plan includes the planting of six new trees on the new proposed link road, grass verge areas, and ivy fencing at Horsefair. The applicant has requested that a condition requiring a landscaping plan could be imposed if necessary.

26. In terms of construction, the applicant states that the works would begin on site in 2019 but that the programme is still developing and that a detailed programme would be available once the contractor has been appointed. In terms of approximate construction timings, the applicant has provided the following dates:

- **July 2019:** Demolition Survey
- **August 2019-January 2019:** Demolition of CMS garage, construction of new link road and Utility diversions
- **November 2019-May 2020:** Works to Clensmore Street and initial works to Horsefair
- **May 2020-September 2020:** North and Southbound Diversion down new link road, works to Blackwell Street and subsequent works at Horsefair
- **September 2020-December 2020:** Northbound flow and finalising of the link road after other works

27. In terms of Sustainability, the applicant states that they would strive to use locally sourced materials and energy efficient materials and products throughout the development. A locally sourced workforce would also help to reduce the carbon footprint on travel distances and not add to the current traffic issues in the area.

28. In terms of pre-application consultation with the public, the applicant states that a public exhibition event took place in a local vacant shop in the Horsefair on 7 December 2017 chosen by local resident groups. Officers were available from Worcestershire County Council and CH2M (now Jacobs), Wyre Forest District Council, and representatives of Hunter Page Planning (representing KPI). The applicant states that approximately 20 response forms were returned for the consultation and they have summarised the comments made as follows:

- The majority of people liked making Blackwell Street one way and improving the environment
- General concern about existing traffic levels
- Some people use Birmingham roundabout/Radford Road to access Broad Street
- Traffic queues along Broad Street in the morning peak. It is very difficult to get out of the area on to the A451
- Parking is high on the agenda. Suggested locations included Churchfields, Blackwell Street, Horsefair and possibly on the corner of Radford Road
- Opening up Clensmore Street had a mixed response. People could generally see the need but were worried about the impact (especially on St. Mary's Church)
- The Horse statue should remain in Horsefair
- Keen to landscape the area adjacent to the roundabout. DY10 (a local community group) are working towards decorating the gable end wall working with the owner
- The subway was not seen as a major issue. However, it was noted that it is undesirable at some points during the day

- Bus stop and telephone kiosks in Horsefair are well used and need to be repositioned carefully
- DY10 wish to retain some kerb and footpath materials
- The cycling and walking desire line tends to focus towards the southern end of the town

29. The applicant states that the points raised were taken into account in this proposal to include an upgrade to pedestrian connectivity, upgrade to subway lighting, and reconfiguration of Clensmore Street.

30. The application is accompanied by a Planning Statement, Ecological Appraisal, Habitats Plan, Tree Survey, Environmental Assessment Report, Transport Assessment and Transport Assessment Addendum, and a Flood Risk Assessment.

## **The Site**

31. The Churchfields area of Kidderminster is located approximately 500 metres to the north of Kidderminster town centre. The application site includes a section of the A456 St Marys Ringway, the A456 St. Marys Ringway/Blackwell Street roundabout, Churchfields (U12346), and Horsefair, which is a junction between Churchfields, Blackwell Street, Broad Street, Stourbridge Road, and Radford Avenue.

32. The site encompasses a range of land uses including Vauxhall and Citroen car showrooms, a Kwik Fit garage, the Trinity Methodist Church, small businesses, the Old Peacock public house, and residential properties. The Horsefair comprises five car parking spaces and an area of public space containing three trees and a sculpture of a horse.

33. The site measures approximately 3.67 hectares in area.

34. There are a large number of residential properties within the application site and immediately adjacent to it on Blackwell Street and at Horsefair. Other surrounding land uses include Churchfields Business Park, which is located immediately north of Churchfields (U12346), and various small businesses.

35. A number of Listed buildings are located in the vicinity of the site. The Grade II Listed 5 and 6 Horsefair is located within the application site immediately off Dudley Street. The Grade II Listed Red Cross House is located immediately outside the application site at the end of Union Street. The Grade II Listed The Weaver's Cottage is located immediately outside the application site off Horsefair. The Grade I Listed The Parish Church of St Mary and All Saints is located outside the application site approximately 50 metres to the west of Clensmore Street.

36. The site is located approximately 75 metres to the east of the Staffs and Worcs Canal Conservation Area whilst Church Street, Kidderminster Conservation Area is located immediately adjacent to the A456 St Marys Ringway at the site' south western boundary.

37. In terms of environmental features, the Puxton Marshes Site of Special Scientific Interest (SSSI) and the Stourvale Marsh SSSI are located approximately 490 metres

to the north west and 690 metres to the north of the site respectively. The Staffs and Worcs Canal Local Wildlife Site (LWS) and River Stour LWS are located approximately 75 metres to the west and 90 metres to the south west of the site respectively.

38. There are two ash trees with Tree Preservation Orders (TPOs) located immediately adjacent to Broad Street on the site's north western boundary.

39. The site is located within the Horsefair/Coventry Street Air Quality Management Area (AQMA) on the northern side of the St. Marys Ringway.

40. The site sits above Source Protection Zone 3 (SPZ3).

41. The site lies in Flood Zone 1 (a low-risk zone).

## Summary of Issues

42. The main issues in the determination of this application are:-

- Traffic and Highways Safety
- Design
- Historic Environment
- Ecology and Biodiversity
- Landscape and Visual Impact
- Air Quality
- Water Environment
- Ground Contamination
- Residential Amenity and Noise

## Planning Policy

### National Planning Policy Framework (NPPF)

43. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). The revised NPPF replaces the previous NPPF published in March 2012.

44. Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

45. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right

places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

46. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

47. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

48. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

49. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:



- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

### **The Development Plan**

50. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Wyre Forest District Core Strategy 2006-2026, Site Allocations and Policies Local Plan 2006-2026, and the Kidderminster Central Area Action Plan 2006-2026.

51. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

52. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

### **Wyre Forest District Core Strategy 2006-2026**

Policy DS01: Development Locations

Policy DS02: Kidderminster Regeneration Area

Policy CP01: Delivering Sustainable Development Standards

Policy CP02: Water Management

Policy CP03: Promoting Transport Choice and Improving Accessibility

Policy CP07: Delivering Community Wellbeing

Policy CP11: Quality Design and Local Distinctiveness

Policy CP12: Landscape Character

Policy CP13: Providing a Green Infrastructure Network

Policy CP14: Providing Opportunities for Local Biodiversity and Geodiversity

### **Site Allocations and Policies Local Plan 2006-2026**

Policy SAL.PFSD1 Presumption in Favour of Sustainable Development

Policy SAL.CC1 Sustainable Transport Infrastructure

Policy SAL.CC2 Parking

Policy SAL.CC7 Water Management

Policy SAL.UP3 Providing a Green Infrastructure Network

Policy SAL.UP5 Providing Opportunities for Safeguarding Local Biodiversity and Geodiversity  
Policy SAL.UP6 Safeguard Historic Environment  
Policy SAL.UP7 Quality Design and Local Distinctiveness  
Policy SAL.UP9 Landscaping

### **Kidderminster Central Area Action Plan 2006-2026**

Policy KCA.PFSD1 Presumption in Favour of Sustainable Development  
Policy KCA.CC1 Water Management  
Policy KCA.CC2 Sustainable Transport  
Policy KCA.CC3 Walkable Town  
Policy KCA.UP1 Urban Design Key Principles  
Policy KCA.UP2 Public Realm  
Policy KCA.UP3 Ring Road Framework  
Policy KCA.UP4 Ring Road Character Areas  
Policy KCA.UP7 Green Infrastructure  
Policy KCA.Ch1 Churchfields Masterplan  
Policy KCA.Ch5 Churchfields Business Park  
Policy KCA.Ch8 Horsefair

### **Other Documents**

#### **Churchfields Masterplan Supplementary Planning Document (SPD)**

53. The NPPF states that Supplementary planning documents add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.

Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

54. The Churchfields Masterplan SPD was adopted in 2011 with the aims of providing an evidence base to inform the development of the Kidderminster Central Area Action Plan (KCAAP) and to set out a detailed design framework to guide new development for the Churchfields area.

#### **Design Guidance Supplementary Planning Document (SPD)**

55. The Design Guidance SPD was adopted in 2015 with the aim of providing detailed advice on Wyre Forest District Council's expectations for the delivery of high quality development. The document sets out three objectives which form an approach for delivering development in the District:

- Objective One – Securing High Quality Design
- Objective Two – Creating & Reinforcing Local Distinctiveness
- Objective Three – Protecting & Establishing Landscape Character

#### **Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)**

56. The Strategic Economic Plan's (SEP) vision and strategic framework is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 250,000 jobs and to increase GVA by £2.9 billion.

57. The SEP sets three objectives:

- Create a World Class business location
- Provide individuals with World Class Skills, and
- Develop World Class competitive and innovative business.

58. The SEP identifies Churchfields as a project involving the redevelopment of Brownfield town centre sites as part of its City and Town Centre Investment Programme.

### **Worcestershire's Local Transport Plan 4 (LTP4) 2018-2030**

59. Worcestershire's Local Transport Plan 4 (LTP4) was adopted on 9 November 2017. LTP4 sets out an investment programme for Worcestershire's transport networks, including infrastructure, and technology and services essential to support planned growth, and continued social and economic success. LTP4 identifies Churchfields as a prominent Local Growth Funded project LTP4 also sets out a range of Transport Policies to substantiate the strategic investment programme.

## **Consultations**

60. **Local County Councillor Mary Rayner** comments that she supports the proposal and that it will improve the air quality in the area.

61. **Neighbouring County Councillor Tracey Onslow (St Johns Division)** comments that she thinks it is an excellent project which will improve the aesthetics and alleviate areas of traffic congestion and air quality issues.

62. **Kidderminster Town Council** comment that they support the proposed works.

63. **Wyre Forest District Council** comment that they no objections to make, subject to conditions requiring archaeological recording of a number of features, details of a drainage strategy, and details of a landscaping scheme to include replacement tree planting. The proposal will enhance connectivity and accessibility help to tackle congestion and air quality problems, and unlock the delivery of new housing on land to the northwest of the site. The proposal would bring social and economic benefits to the area as it would help to deliver housing and economic growth in this location.

64. **Wyre Forest District Council's Conservation Officer** has no objections to the application but would wish to see the kerb edging retained either at Union Street or Blackwell Street (outside the Peacock Pub), or both combined into a new area of historic pavement somewhere within the application site preferably adjacent to the new clock.

65. **Wyre Forest District Council's Countryside Manager** comments that they have no objections providing the applicant can confirm that the CMS building to be demolished is included within the scope of the submitted Ecological Appraisal in terms of the potential for roosting bats.

66. **Wyre Forest District Council's Arboricultural Officer** comments that they recommend refusal of the application on the grounds that important trees would need to be removed to facilitate the new proposed roundabout and because the development does not include significant green infrastructure as part of the

improvements to assist with the pollution issues in the area, and to mitigate for the loss of trees within the Horsefair.

**67. The County Archaeologist** has the following comments:

- The general assertion in Chapter 6 of the Environmental Assessment report that the below ground potential for historic assets is 'low' is a false representation. It should be 'unknown' because complex and deeply stratified archaeology is regularly found in historic urban areas despite later development.
- They have looked at the area in the Historic Environment Record and the Environmental Report and consider that archaeology can be dealt with via planning condition rather than any further work at pre-determination stage.
- It is highly unlikely that a Desk Based Assessment would evidence no need for a condition so they are recommending a condition for a phased programme of works. The assessment work would need to be done to inform the phased approach to ground investigations, helping to set the appropriate and proportionate level of works for each area as part of the condition. They currently have enough information to determine that a condition is necessary.
- They recommend that conditions requiring a programme of archaeological work, including a Written Scheme of Investigation and analysis, publication and dissemination of results and archive deposition be imposed if permission is to be granted. This is to ensure the application complies with Paragraph 199 of the National Planning Policy Framework, which states that "...Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."
- In the event of permission being granted the applicant must contact the County Archaeologist to arrange provision of the brief prior to the commencement of works.

**68. The County Ecologist** comments that they have no objections, subject to pre-commencement conditions requiring a lighting design strategy for biodiversity, a Landscape & Ecology Management Plan (LEMP), and a Construction Environmental Management Plan (CEMP) to be approved by the County Planning Authority. They support the applicant's intention that the CEMP should incorporate the checking of trees prior to vegetation removal, and measures to minimise noise disturbance during the construction period.

**69. The County Highways Officer** has the following comments:

- The application has been submitted by Worcestershire County Council acting in their role as the Highway Authority and that the proposals have been developed in consultation with Wyre Forest District Council and representatives of the local community. They comment that the scheme has been subject to minor amendments throughout the determination process and further minor alterations

are likely as the final details are refined, which is not unusual for a scheme of this scale.

- They have considered the Stage 2 Road Safety Audit drawings and consider that they are acceptable in principle, but will require further minor updates based on the Safety Audit. They consider that there are no significant alterations required and that these revisions would not result in any detriment.
- Wide spread alterations to Traffic Regulation Orders will be required to facilitate the scheme and that these will be progressed alongside the scheme.
- Any permission which the Planning Authority may wish to grant should be subject to pre-commencement conditions requiring final drawings of highways improvement works to be submitted to and approved by the County Planning Authority, and details of the bus stop relocation proposals to be approved. The conditions are recommended to ensure the safe and free flow of traffic on to the highway.

70. **The County Landscape Officer** comments that they welcome the submission of an outline landscape plan, which is sufficient at this time to present the broad range of proposals for soft landscaping. There is a wider dialogue taking place in which landscape and green infrastructure matters concerning the wider Churchfields scheme are being progressed with an integrated approach. They comment that the level of detail submitted with this application regarding landscape is sufficient for progressing the highways works.

71. **The County Sustainability Officer** has stated that they have no comments to make.

72. **The Lead Local Flood Authority** comment that the County Planning Authority should refer to North Worcestershire Water Management's comments for consultation advice.

73. **North Worcestershire Water Management (NWWM)** have the following comments:

- They understand the highways infrastructure scheme solely comprises modifications to the existing highways layout.
- The Flood Risk Assessment/Drainage Strategy sets out that two alternative drainage strategies are being proposed at this moment in time. Option 1 proposes the use of infiltration techniques (bioretention areas) whilst Option 2 proposed the use of traditional gullies and permaceptors and a restricted discharge to the sewer system.
- They have a preference for Option 1 as the drainage solution is developed because it incorporates more of the fundamental principles of sustainable design. However, it has not yet been established that ground conditions allow for infiltration drainage and it is possible that Option 2 will be favoured for other reasons. Option 2 would, therefore, be acceptable as a fallback option.

- They recommend a pre-commencement condition requiring the approval of a site drainage strategy is imposed to any planning permission.

74. **The Canal And River Trust** have stated that they have no comments to make.

75. **The Environment Agency** have no objections and have the following comments:

- In terms of land contamination, they comment that the application is situated on Wildmoor Sandstone Formation which is a Principal Aquifer. This is overlain by Holt Health Sand and Gravel Member which is a Secondary Aquifer. The site lies in Source Protection Zone 3 (SPZ3). The groundwater abstraction associated with this SPZ is 1 kilometre to the south of the site. There are three other licensed groundwater abstractions within 1 kilometre of the site. One is 630 metres to the west of the site, one 1 kilometre to the north east, and one 670 metres to the south of the site.
- The local council should be contacted to ensure there are no private water supplies within the near vicinity of the site. The River Stour flows in a southerly direction 185 metres to the south west of the site. The Staffordshire and Worcestershire Canal flows in a southerly direction 150 metres to the west of the site. There are two historic landfills present, one 250 metres to the south west, and one 280 metres to the north west.
- Section 8.5 of the technical report highlights the contaminative sources within the application site area – namely the Kwik Fit centre, adjacent depot (storage container), coal tar bound arisings within the carriageway construction (existing roads), possible carpet industry contamination and general made ground (composition unknown).
- Section 8.12 of the technical report concludes that the presence and extent of contamination is unknown due to no intrusive investigation and sampling having taken place. As such, a comprehensive site investigation should be undertaken with extensive soil and groundwater sampling. The hydrogeological regime should be established and the risk posed to controlled waters assessed. The final drainage strategy should ensure that there is no contamination risk posed to groundwater.
- They recommend a number of conditions to protect ground and surface waters and to ensure that any unexpected contamination is dealt with.

76. **Historic England** comment that they do not wish to offer any comments and suggest that the County Planning Authority seeks the views of their specialist conservation and archaeological advisers as relevant.

77. **Natural England** comment that they have no objections and consider that the development will not have significant adverse impacts on statutory protected sites or landscapes.

78. **Public Health England** have the following comments:

- They note that the development would take place in an Air Quality Management Area (AQMA). The one way proposal may result in a localised

improvement of air quality in some areas, but a slight worsening in others. Any changes will not be sufficient to remove the designated AQMA status from the area.

- The applicant has undertaken a noise assessment which has noted that a number of properties within the area will see a significant negative effect in both the short and long term. Mitigation has been considered but given the urban nature of the scheme, the options are considered impractical. The planning authority should consider this negative impact in making their decision on this application.
- A review detailing the condition of the land is being progressed. The review should ensure all works are undertaken in accordance with industry best practice and any mitigation should ensure that the health of the public is not adversely affected during the construction phase.
- They have no significant concerns regarding risk to health of the local population from this process providing the applicant takes all appropriate measures to prevent or control environmental emissions in accordance with industry best practice.

79. **Severn Trent Water Limited** comment that they have no objections, subject to a pre-commencement condition requiring the approval of drainage plans for the disposal of foul and surface water flows by the County Planning Authority.

80. **Sustrans** have the following comments:

- The objectives of the scheme are predominantly related to vehicle movement. From an active travel perspective, the provision for pedestrian and cycle movements would appear to be largely limited to creating a series of shared footway links. This is to be expected given the nature of the road layout and the space required to deliver high quality segregated infrastructure, which simply isn't available.
- Shared footways work, but only work effectively when sufficient space is allocated to both the pedestrian element and the cycling element. Working to bare minimum standards effectively compromises the facility for both.
- If shared footpaths are the final solution they expect the current Department for Transport (DfT) Guidance relating to the provision of shared pedestrian and cycle footways (Local Transport Note 1/12) to be regarded as the absolute minimum delivered throughout the revised network. They suggest that current Highways England guidance, IAN195/16 be consulted as part of the process. The roads will no doubt carry HGV traffic, and whilst not HE roads the nature of the traffic is very much catered for.
- Ensuring shared paths alongside busy, and on occasion, fast moving roads offer sufficient segregation (and by default a perceived view of safety which will be different for every person) is essential. A 3 metre wide shared footway may meet the minimum design standard but once LTN 1/12 or IAN 195/16 is applied the "3m wide usable width path" is a corridor closer to 4m in width.

- Much of this is detailed design but ensuring the principles of good design are established now and in the initial detailed design phase.

81. **West Mercia Police** comment that in their opinion the development will not have an adverse effect on crime and disorder in the area. Therefore, they have no objections.

82. **The Worcestershire Local Enterprise Partnership (LEP)** have made the following comments:

- They support the proposed improvements to highways infrastructure in the Churchfields area.
- The proposed development will have significant regeneration potential north of Churchfields as a new urban village expected to deliver up to 600 homes. The development will provide a significant boost to the local economy and help to improve connectivity between Churchfields, Horsefair and the wider area.
- The new access points to the A456 will help to ease congestion and air quality problems for Blackwell Street and improve accessibility for pedestrians and cyclists.
- The infrastructure improvements to the Churchfields and the A456 will enable local businesses to boost their productivity even further.

83. **Worcestershire Regulatory Services – Air Quality** have the following comments:

- The revised Air Quality report shows that, overall, the proposed scheme in the 'Do-Something Scenario' is expected to deliver a beneficial effect to Nitrogen Dioxide (NO<sub>2</sub>) levels in the Kidderminster area with significant reductions in the Blackwell Street section of the Horsefair/Coventry Street AQMA, although it is predicted that Blackwell Street will still be in breach of the air quality objective of 40 micrograms per cubic metre (µg/m<sup>3</sup>). The model predicts that there will be a slight increase in NO<sub>2</sub> concentrations along Clensmore Street, Chester Road North and Birmingham Road but will remain below the air quality objective.
- Modelled sensitive receptors along the Churchfields section of the proposed one way system predict that concentrations would be in the range of 32/5-38.5 µg/m<sup>3</sup> for all receptors located between 4 metres and 6 metres from the road centreline.

84. **Worcestershire Regulatory Services – Demolition and Noise** comment that they have no objections, subject to a pre-commencement condition requiring a Construction Environmental Management Plan (CEMP) to be approved by the County Planning Authority, and a pre-commencement condition requiring a noise assessment to be carried out to determine whether existing dwellings would be eligible for additional noise insulation under the Noise Insulation Regulations 1975.

85. **Worcestershire Regulatory Services – Ground Contamination** have no objections, subject to conditions, and have the following comments:



- They are in agreement with the potential sources, pathways and receptors identified in the applicant's submitted report. They comment that the primary risk to receptors from ground contamination is the risk posed during the groundworks and construction phase where historic contaminants may become mobilised.
- They understand that an intrusive site investigation is proposed as the next stage of assessment and that this will include soil and groundwater sampling. They are in agreement with this proposal as the next phase of assessment.
- They advise that the Environment Agency are consulted on this application regarding contaminated land matters.
- They recommend a number of planning conditions to ensure that the site is suitable for its proposed use and to accord with the National Planning Policy Framework.

86. **Worcestershire Wildlife Trust** have no objections and comment that they are content to defer to the opinions of the County Ecologist for all on-site biodiversity considerations.

## **Other Representations**

87. The application has been advertised in the press, on site, and by neighbour notification. To date there have been 40 letters of representation commenting on the proposal. 1 letter supports the proposal, 20 letters object to the proposal, and 19 letters comment on the proposal. These include letters from the Horsefair Traders Partnership, Horsefair and Proud and Trinity Methodist Church. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

### **General comments**

88. Support for the proposal.

- Hope that the proposal will lead to wider regeneration in the area.
- Hope that a greater sense of pride will be instilled in the area after the works.

### **Air Quality**

89. Questioning whether there will be an avenue of trees along the proposed Link Road to address air pollution.

### **Drainage**

90. Comments that there are roadside drainage issues at various locations around the site and questioning what measures will be taken to address these.

### **Ecology and Biodiversity**

91. Comments that felling two trees in the Horsefair island seems unavoidable.

- Concern that one tree in the Horsefair island can be retained.
- Questioning what replacement trees are planned to mitigate the tree loss.

- Comments that the three trees in the Horsefair Island should be retained and that more trees should be added as part of the works.
- Concern that the wildlife in the area has been underestimated.
- Objection to the tree removal at Horsefair with comments that they add greenery to the town, perform an important role in addressing poor air quality, and support positive mental health.

### **Economic Impact**

92. Objection because there should be more car parking provided in the Horsefair Local Centre (HLC). Comments that convenient parking is a key element for attracting shoppers to sustain local shops for the long term.

- Comments that over 100 spaces have been lost in the HLC over the past 10 years and that the survival of some of the local businesses will depend on whether they are able to attract passing trade with car parking spaces.

### **Heritage**

93. Objections and comments that the heritage kerbstones, paving and ironwork (including drain covers, stop tap covers and rainwater channels) should be retained as part of the proposals, including those located outside the Old Peacock Public House and on Union Street.

- Comments that there is an opportunity to enhance the pavements adjacent to the Grade II Listed Weavers Cottages and 5-6 Dudley Street with anything other than black tarmac.
- Objection commenting that "the Old Post Office" would benefit from more funding instead of ruining the heritage of the area.

### **Horsefair Horse statue**

94. Comments that the Horse statue should be as near as possible to the Horsefair island.

- Objection at the proposal to move the Horse statue from its present location.

### **Horsefair Island**

95. Comments that the Horsefair island is a civic and community space and concerns that the gyratory proposal will make this impossible to use.

- Objection at the proposed gyratory, which is used for community events and brings a community spirit. Comments that removing this will leave a spiritless area and that local gatherings and feeling part of a community are essential to wellbeing and positive mental health.
- Comments that the seating and history plaque should be reinstated after the works.
- Comments that the triangular area outside the Old Peacock and Dudley Street with its planned replica clock could fulfil the desire for improved public realm.

- Comments that the Horsefair Clock should have been included in the plans due to extensive donations by local people.

### **Lighting**

96. Comments that it is commendable to use a local company for lighting but that a heritage style would have added to the character of the area more.

- Questioning whether the Council will communicate with Horsefair and Proud, who have the former Victorian style lamp posts from Kidderminster High Street which they hope to use at Horsefair.

### **Noise**

97. Concern that noise levels will be increased for Trinity church flat tenants and Trinity Church activities.

### **Planning Policy**

98. Concern that more attention should be paid to the following policies and objectives:

- Kidderminster Central Area Action Plan 2006 - 2026.
- Churchfields Masterplan Supplementary Planning Document 2011.

### **Traffic, Transport and Highways Safety**

99. Support for the one way proposal.

- Support for any measures to alleviate congestion at the Horsefair.
- Concern that the needs of pedestrians and disabled users of the St Marys Ringway have been considered, and that their safety will not be impaired.
- Concern that traffic will significantly increase in Churchfields due to the proposal to connect Clensmore Street to the Ringway.
- Concern that Churchfields will be used as a 'rat run' and whether measures are being considered to prevent this.
- Concern that there will be a bottleneck for traffic seeking to join the A451 from Churchfields.
- Concern that there will be a bottleneck on the approach to the A456 Ringway from Blackwell Street.
- Concern that linking Clensmore Street into the Ringway without a 'run in' lane is not best practice.
- Questioning whether all connections to and around the Horsefair island are to be intelligent light controlled.
- Comments that the Blackwell Street subway is equally as important as the St Marys Ringway subway and also requires lighting improvements and refurbishment.

- Objections at no action to improve the subways at Blackwell Street and at the bottom of Birmingham Road, which are damaged, smell, and suffer from graffiti despite being frequently told there is no money for these important works. Comments that the Blackwell Street subway is more frequently used but is not proposed for improvement.
- Concerns that the dropped kerb locations for pedestrian crossing points do not take into account the current desire lines for pedestrians.
- Concern that the amount of signage proposed will lead to excessive street clutter.
- Concern at the poor state of pedestrian access to and from town.
- Comments that the proposed gyratory at the Horsefair should not eliminate the bus stop. The No.125 Stourbridge bus should run via Horsefair.
- Questioning whether there will be new bus stops.
- Concern that the flow of traffic past businesses on Blackwell Street will be reduced by 50% due to the one-way proposal.

### **Parking**

100. Support for the six car parking spaces and one disabled space and comments that more should be provided.

- Concern about lack of parking proposed on Blackwell Street and comments that this should be provided to allow stopping outside the commercial premises.
- Comments that more disabled spaces would have been preferable
- Comments that short stay car parking should be provided on Blackwell Street to mitigate the problem of lane blockage in the event of a vehicle breakdown.

### **The Planning Development Manager's Comments**

101. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

### **Traffic and Highways Safety**

102. The proposed development involves improvements to highways infrastructure in the Churchfields area of Kidderminster. The proposal includes the construction of a new link road from the St. Marys Ringway to Churchfields, new pedestrian footpath from Blackwell Street to the new link road, a new junction between Clensmore Street and the St. Marys Ringway, and a revised highways layout at Horsefair. The proposal also involves making Blackwell Street one-way southbound and the northern end of Churchfields one-way northbound. In addition, upgraded lighting would be provided on the pedestrian underpass near St. Mary's Church, as well as upgraded highways lighting to meet current standards.

103. The County Highways Officer comments that the scheme has been subject to minor amendments throughout the determination process and that further minor alterations are likely as the final details are refined. They comment that this is not unusual for schemes of this scale. They comment that widespread Traffic Regulation Orders will be required to facilitate the scheme and that these will be progressed alongside the scheme. They comment that any permission the County Planning Authority may wish to grant should be subject to pre-commencement conditions requiring final highways drawings to be submitted for approval and the details of the bus stop relocation proposals to be approved.

104. Sustrans comment that from an active travel perspective, the provision for pedestrian and cycle movements appears to be limited to creating a series of shared footway links. They comment that this is to be expected given the nature of the road layout and the space required to deliver high quality segregated infrastructure, which isn't available. They comment that shared footways work, but only effectively when sufficient space is allocated to pedestrians and cyclists. They expect the current Department for Transport (DfT) Guidance relating to the provision of shared footways should be regarded as the minimum for the revised network. They comment that ensuring shared footpaths offer sufficient segregation is essential and comment that a 3 metre wide shared footway may meet the minimum design standard. They comment that much of these matters are for detailed design.

105. Letters of representation raise a number of concerns regarding highways matters. A letter expresses support for any measures to alleviate congestion at Horsefair. In terms of parking, there is concern that more car parking should be provided at Horsefair to support local businesses and that parking should be proposed on Blackwell Street to allow stopping outside commercial premises. There are also comments that more disabled spaces would have been preferable. Other concerns raised are identified at Paragraph 103 of this report and cover the following matters:

- Concern that pedestrian and disabled user safety will not be impaired
- Concern that traffic will significantly increase in Churchfields due to the proposals
- Concern about rat running in Churchfields and any measures to prevent this
- Concern about bottlenecking on the approach to the A451 from Churchfields and the approach to the A456 from Blackwell Street
- Concern about best practice being followed for a the run in lane to Clensmore Street
- Questioning whether intelligent light controlled crossings are to be used at connections to and around the Horsefair
- Comments and objections that the Blackwell Street subway is equally as important as the St. Marys Ringway subway and also requires lighting improvements and refurbishment
- Concerns that dropped kerb locations for pedestrians do not take into account pedestrian desire lines
- Concern about street clutter from excessive signage
- Concern at the poor state of pedestrian access to and from the town
- Comments that the gyratory at Horsefair should not eliminate the bus stop
- Questioning whether there will be new bus stops, and
- Concern that the flow of traffic past businesses on Blackwell will be reduced by 50% due to the one-way proposal

106. Following consideration of the consultee and public comments, the applicant has provided additional comments. Regarding parking, the applicant states that parking is being provided to ensure the vitality of local businesses and that car parking would be similar to the existing facilities in the area. Regarding comments that parking should be provided on Blackwell Street, they state that no parking is recommended on a priority route because reversing vehicles would disrupt traffic flow and passengers would alight from the traffic side, which is considered to be dangerous. They comment that parking along Blackwell Street would be inappropriate. They also comment that Wyre Forest District Council are to look at the possibility of providing more parking on Radford Avenue.

107. In relation to concerns about the pedestrian environment, safety and desire lines, the applicant states that the scheme aims to make the area more attractive to pedestrians and that safe crossing points have been provided for pedestrians and cyclists. Regarding concerns about increased congestion, the applicant states that they have designed a scheme which will reduce congestion, improve air quality, and improve traffic flow in this highly constrained area. Regarding concerns about best practice being followed at the proposed Clensmore Street junction run in, the applicant states that the deceleration lane has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) for non-HGV use and widened to ease manoeuvrability.

108. Regarding concerns about lighting at the Blackwell Street underpass, the applicant states that pre-application engagement showed the underpass at St. Mary's church to be the preferred route. Therefore, they are not proposing to replace the lighting at the Blackwell Street underpass as part of this application. Regarding concerns about street clutter, the applicant states that there is a need to inform road users with appropriate signage but they will review this to avoid clutter. Regarding concern about bus stops, the applicant states that these will be provided and that it is proposed to move bus stops further along Stourbridge Road because buses would not be able to stop within the traffic signals around the gyratory. They state that there is no intention to re-route to the rail station for bus stops. Regarding the reduction in traffic past businesses on Blackwell Street, they state that there will be 100% southbound traffic as before and that wider footpaths will improve pedestrian connectivity to the area helping to encourage pedestrian footfall, and to stop and shop.

109. In terms of the Development Plan, Policy CP03 states that proposals should have full regard to the traffic impact on the local highway network. Policy CP11: Quality Design and Local Distinctiveness states that design measures which help to improve sustainable transport including pedestrian, cycling and public transport links should be integral within scheme designs.

110. Policy SAL.CC1: Sustainable Transport Infrastructure states that all new developments must be designed to maximise accessibility to, and movement around, the development for cyclists. In addition, SAL.CC1 indicates that proposals should consider the use of shared surfaces with an emphasis on pedestrians over vehicles in a way that promotes highway safety, and that proposals which would lead to the deterioration of highway safety will not be allowed. Policy SAL.CC2: Parking states that car parking should be designed to fully integrate within development proposals, where possible minimising the extent of surface car parking, and that all new developments must demonstrate that they have met the required parking standards

as set out in the Worcestershire County Highways Design Guide and the District Council's Design Quality Supplementary Planning Guidance.

111. Policy KCA.CC2: Sustainable Transport states that developments should contribute towards the creation of a well-connected and accessible town centre that provides safe and easy access to the surrounding neighbourhoods. New development must assist in managing the flow of traffic and offering convenient movement choices for vehicles, pedestrians and cyclists. Development must take into account the need to provide for pedestrian movement within, to and through sites and contribute to the enhancement of the cycle network and improved public transport facilities. Policy KCA.CC3: Walkable Town states that new development should contribute to the aspiration for a walkable town centre by providing simple and direct routes that are visually and physically well-connected. Connections should be as direct as possible and take into account pedestrian desire lines and ease of movement. Proposals should incorporate shared surface streets and spaces where appropriate.

112. In terms of highways, Policy KCA.UP1: Urban Design Key Principles states that development proposals should improve accessibility and permeability within and around the site, improving pedestrian and cycle priority and following desire lines and reduce the amount of surface car parking to help repair the urban fabric without leading to a significant reduction in the overall number of spaces. Policy KCA.UP3: Ring Road Framework states that development affecting the ring road should contribute towards surface level pedestrian crossings over the ring road to create links between the town centre and adjacent neighbourhoods along primary desire lines and routes and consider introducing traffic signals as a means of facilitating surface level pedestrian connections. In addition, the Policy states that developments should create facilities that give equal priority to cyclists, pedestrians and vehicular traffic. Policy KPA.UP4: Ring Road Character Areas states that schemes should create surface-level pedestrian crossings to provide alternatives to the subways on the Blackwell Street island, and that a physical and visual link should be re-established between Church Street and St. Mary's Church, including a surface level pedestrian crossing. Policy KCA.Ch1: Churchfields Masterplan indicates that new development within the Churchfields area will be expected to conform to the overall aims of the Churchfields Masterplan SPD including the established Design Principles and Character Area Objectives. Any deviations from the core principles of the masterplan must be justified and proposals that would prejudice the comprehensive development of the wider Masterplan area, including any necessary infrastructure, will not be acceptable. Policy KCA.Ch5: Phase 3a – Churchfields Business Park states that new development on the site should address Clensmore Street as a key movement corridor through the area, contribute to solving the problems of the Horsefair AQMA, and provide means of access to facilitate the scale of development proposed without having a detrimental impact on the AQMA of Blackwell Street. Policy KCA.Ch8: Horsefair states that car parking will be sought along Blackwell Street.

113. In terms of material considerations, the Churchfields Masterplan SPD identifies that the two-way routes around the Horsefair public space are busy and that there is little room left over for non-highway functions. Improving access, movement and permeability of the area is a key aim of the SPD. The SPD's Strategic Framework indicates that development should promote accessibility and local permeability by making a place that is connected and easy to move through, putting people before

traffic and integrating land uses and transport. Design Principle 1 (DP1): Improve connectivity identifies that a new one-way link road should be created from the ring road to Churchfields to relieve Blackwell Street of half of its traffic to deal with congestion and air quality. DP1 also states that street level crossings should be introduced over the ring road to the town centre, including the link to Church Street at St. Mary's Church. Greater priority should be given to pedestrians and cyclists to and through the area. Proposed Transport Links identified include replacing the existing roundabout junction at Blackwell Street with traffic signals and to incorporate at-grade crossings over the ring road, to make Blackwell Street one-way southbound enabling footway construction an on-street parking, and to introduce one-way traffic around the Horsefair. These measures are identified in Figure 27 of the SPD. In addition, Clensmore Street is to be connected to the ring road.

114. In terms of Highways, the Design Guidance SPD (a material consideration) states that public realm should be used to support movement and that pedestrian movement should be prioritised over the movement of vehicles.

115. The material consideration of Worcestershire's Local Transport Plan 4 Policy PR5: At-Grade Pedestrian Crossings states that it is the County Council's general policy to provide at-grade crossings on pedestrian desire lines wherever it is possible and safety considerations allow it. Policy PR6 states that the County Council will seek to enhance poor quality grade separated infrastructure (e.g. subways) and replace with at-grade alternatives where appropriate. Policy WC1: infrastructure and Other measures for Pedestrians and Cyclists states that the needs of pedestrians and cyclists will inform the redesign of junctions and roundabouts and that when considering infrastructure for pedestrians and cyclists, the County Council will take into account best practice on matters such as street furniture, width, gradient and horizontal alignment. Policy WC4: Spatial Planning and Developer Contributions for Walking and Cycling states that the County Council will work to ensure that new developments are designed to incorporate cycle parking and other suitable facilities. Policy WC6: Parking for Cycles states that the County Council will work to provide appropriate levels of safe and secure cycle parking at key destinations. Policy M4: Motorcycle Parking states that the County Council will seek to establish more motorcycle parking spaces at or close to key destinations. Policy M5: Spatial Planning and Developer Contributions for Motorcycling states that the County Council will work to ensure that new developments are designed to incorporate secure motorcycle parking and other suitable facilities.

116. Paragraph 110 (e) of the NPPF (a material consideration) states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

117. A large number of issues have been raised regarding traffic and highways safety. In no particular order of importance, the Planning Development Manager shall address these matters.

118. In terms of matters raised by the public, the Planning Development Manager considers that the applicant's additional comments are sufficient to address all of the concerns. It is noted that the County Highways Officer comments that conditions are required to make the proposal acceptable. In terms of comments made by Sustrans, the Planning Development Manager refers to the lack of objections from the County Highways Officer and considers that the proposal presents a development that would



achieve its primary aim of improving highways infrastructure within a highly constrained environment. On this point, it is noted that Sustrans acknowledge that there is not space to deliver high quality segregated infrastructure, which would of course have been desirable.

119. In terms of the development plan and material considerations of the SPDs and NPPF, the Planning Development Manager has the following comments. The development plan is considered to be calling for a proposal that considers the use of shared surfaces with an emphasis on pedestrians over vehicles; delivers a walkable town centre with direct pedestrian connections; introduces surface level pedestrian crossings over the St. Marys Ring Road (specifically near St. Mary's Church and to replace the Blackwell Street subway); and provides a means of access to the Churchfields Business Park site sufficient to facilitate the scale of that development without having a detrimental impact on the AQMA of Blackwell Street. The material considerations of the SPDs are considered to be seeking a development that improves connectivity putting people before traffic; provides a new one-way link road from the ring road to Churchfields to relieve Blackwell Street of half its traffic to address congestion and air quality; introduces surface level crossings between Church Street and St. Mary's Church and between Blackwell Street and the town centre; and connects Clensmore Street to the ring road. The Development Plan and the material consideration of the LTP4 document calls for at-grade pedestrian crossings where possible; cycle parking and other facilities to be incorporated into new developments; and motorcycle parking at or close to key destinations. Paragraph 110(e) of the NPPF calls for development to enable charging of plug-in and other ultra-low emission vehicles.

120. The Planning Development Manager considers that the proposal would clearly fulfil its main aim of providing a means of access sufficient to facilitate the Churchfields Business Park site as required by Policy KCD.Ch5. However, the proposal appears not to accord with the emphasis on shared surfaces identified by Policy SAL.CC1, or deliver surface level pedestrian crossings as required by Policies KCA.UP3 and KCA.UP4, the Churchfields Masterplan SPD and the LTP4 document. The proposal is also considered to not incorporate cycle parking and motorcycle parking at this key destination. This comment is considered to be justified because car parking spaces are proposed at the site because it is a key destination for the community and local shops. The development as proposed would also not enable the charging of plug-in and other ultra-low emission vehicles.

121. In response to these considerations, the applicant states that the Department for Transport have recently advised not to propose shared spaces. Regarding surface level crossings, they state that the original masterplan for Churchfields was adopted several years ago and that the principles of the masterplan have generally been adhered to in this development. They state that signalised junctions on the St. Mary's Ring Road that would facilitate surface level pedestrian crossings at the identified locations were originally looked at when developing this proposal. However, the applicant concluded that it was not possible to deliver this highways design without causing widespread disruption and congestion in north Kidderminster. They state that this judgement was reached in consultation with the County Highways Department. In addition, the applicant states that surface level pedestrian crossings were ruled out from the final design because of objections on Road Safety Audit grounds due to visibility on the existing dual carriageway. They state that bridge connections were not considered to be feasible. Regarding the lack of cycle and motorcycle parking, the

applicant states that cycle spaces and(or) a motorcycle space could be provided instead of approximately two car parking spaces at Horsefair if the County Planning Authority consider these are required. This provision would also result in one tree being saved from felling at Horsefair. The applicant also states that cycle parking would be better located at the relocated bus stops and that the applicant for the Churchfields Business Park proposal would be expected to develop a cycle strategy as part of their proposals.

122. Regarding the enabling of charging for plug-in and other ultra-low emission vehicles, the applicant states that ducting would be installed as part of this project to enable Wyre Forest District Council (who would control the proposed car park at Horsefair) to install equipment that would enable charging.

123. In view of the applicant's responses to the concerns raised about the Development Plan and other material consideration documents, the Planning Development Manager considers that the explanations offered by the applicant are considered to be suitable material considerations to outweigh those concerns, specifically the requirement to consider shared spaces; to provide surface level pedestrian crossings as replacements for the existing subway crossings at St. Mary's Church and at Blackwell Street; and to enable the charging of plug in and ultra-low emission vehicles. In terms of the Planning Development Manager's concerns about cycle parking and motorcycle parking, the proposal to incorporate these at Horsefair instead of approximately two car parking spaces, and also to save one tree from felling, is accorded moderate weight which needs to be considered in the overall planning balance.

124. Overall, having taken into account the comments of consultees (including the lack of objections from the County Highways Officer), public comments, the development plan and other documents, the Planning Development Manager considers that, overall, the proposal would be acceptable in terms of traffic and highways safety, subject to the conditions recommended by the County Highways Officer.

### **Design**

125. The proposal would involve highways improvement works in the Churchfields area of Kidderminster including a revised highways layout at Horsefair to accommodate a new traffic gyratory and traffic signalised junctions. The existing central island would be removed and rebuilt to a new arrangement retaining existing car parking spaces. The applicant states that three trees would require removal to facilitate the layout at Horsefair, and that the community art Horse statue would be repositioned within the Horsefair triangle area.

126. County Councillor Tracey Onslow comments that she thinks it is an excellent project that will improve the aesthetics of the area.

127. Letters of representation comment that the horse statue should be as near as possible to the Horsefair island, whilst there is also an objection to the statue moving from its present location. Regarding the Horsefair Island, respondents comment that the Horsefair is a civic and community space and express concern that the gyratory will make this use impossible. Other comments are raised regarding seating and the history plaques; that the triangular area outside the Old Peacock Public House and Dudley Street could fulfil the desire for improved public realm; and that the Horsefair

Clock should have been included in the plans. Respondents also comment (and object) that the three trees in the Horsefair island should be retained and that one tree in the Horsefair can be retained.

128. Following consideration of the consultee and public comments, the applicant states that one tree could be retained at Horsefair if the number of parking spaces is reduced, which is a judgement for the County Planning Authority. The applicant states that approximately two parking spaces could be lost if the tree is retained, but that they could look at providing a motor cycle space and(or) cycle rack in place of the lost parking spaces due to greater flexibility in their placement next to a tree. The applicant also states that the Horse statue will be relocated in the Horsefair Island (subject to final design).

129. Policy CP11: Quality Design and Local Distinctiveness states that design quality reflecting a thorough understanding of site context must be demonstrated as part of any proposal. The Policy also indicates that design must have regard to the latest SPDs. Policy SAL.UP7: Quality Design and Local Distinctiveness states that all new development proposals must demonstrate that they maximise opportunities to contribute to local distinctiveness, integrate well within the existing streetscene, incorporate existing trees (or where it has been demonstrated through a tree survey that retention is not possible, provide replacements), and demonstrate consistency with the provisions of the Design Quality SPG.

130. Policy KCA.UP1 states that new development will be expected to be consistent with principles and guidance set out in the Adopted Core Strategy and Design Quality SPG. In addition, core design principles applying specifically within the KCAAP are identified including that development proposals should contribute to the creation of a quality public realm that is attractive, safe, uncluttered and accessible to all, and that the amount of surface car parking should be reduced to help repair the urban fabric (although this should not lead to a significant reduction in the overall number of spaces). Policy KCA.UP2: Public Realm states that proposals for improved public spaces should use imaginative designs that enhance the character and identity of the town, incorporate street furniture that is unobtrusive and integral to the landscape, incorporate street trees and planting where practicable, and provide well integrated good quality public art and lighting. Policy KCA.Ch1: Churchfields Masterplan indicates that new development within the Churchfields area will be expected to conform to the overall aims of the Churchfields Masterplan SPD including the established Design Principles and Character Area Objectives. Policy KCA.Ch8: Horsefair states that an improved public realm will be sought along Blackwell Street, including a new public space.

131. In terms of design, the Churchfields Masterplan SPD Design Principle 1 (DP1) states that one-way traffic should be introduced around the Horsefair, enabling carriageways to be reduced in width and the central public space to be enlarged. DP3 states that character areas should be created to define place and that a variety of multi-functional spaces and squares should be integrated to define character. Horsefair is identified as an existing character area in figure 27 of the SPD and new public space is identified for the Horsefair with the indicative layout incorporating green space and trees. DP5 states that the public space at Horsefair should be improved and enlarged. DP7 states that high quality materials should be incorporated in the design of street furniture, surfaces and landscaping including semi-mature planting. In addition, the sustainability, adaptability and flexibility of use should be

demonstrated and public art should be incorporated in the local neighbourhood. The Design Guidance SPD states that creation of high quality public realm should provide a variety of functions including leafy, shaded areas, multi-use spaces, or tree lined streets.

132. Paragraph 130 of the NPPF indicates that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

133. The Planning Development Manager considers that the public comments and development plan policies require consideration of the design of the Horsefair as a public space and the proposed tree removal.

134. In terms of the design of the Horsefair as a public space, it is considered that the Development Plan policies, and material consideration of the Churchfields Masterplan SPD, are (in combination) calling for the central public space at Horsefair to be enlarged and improved. In addition, Policy KCA.UP1 indicates that, in creating public realm, surface car parking should be reduced to help repair the urban fabric (although this should not lead to a significant reduction in the overall number of spaces). In view of this consideration, the Planning Development Manager considers that the proposal as presented would not enlarge or significantly improve the public space at Horsefair in terms of its utility as an area of open public space for community events and benefit. However, it is acknowledged that the proposal would lead to an improvement in the highways and pedestrian surfacing materials at Horsefair.

135. In response to this judgement, the applicant states that public consultation at the end of 2017 highlighted that the overall loss of parking in the Horsefair over the years was a major issue for residents and businesses. They comment that they are aware of the Masterplan as a material consideration but have sought to re-provide parking to ensure that the vitality of local businesses is protected. The applicant also states that their proposed design has been developed with traffic flow as the priority issue, and that safe crossing points have been established for cyclists and pedestrians. In addition, the applicant states that the area around Dudley Street is being improved to create an area for gathering, and could possibly incorporate the community Clock (subject to final design).

136. In view of the applicant's comments, the Planning Development Manager considers that the applicant's proposed design at Horsefair has attempted to balance the competing interests of highways concerns (in terms of providing adequate infrastructure improvements for the wider Churchfields), car parking, and public space provision. In the context of this highly constrained urban environment, the Planning Development Manager considers that, overall, the balance in terms of design is acceptable in terms of the development plan, taking into account the fact that the design has been informed by local concern about loss of car parking spaces and the overriding need to provide suitable highways infrastructure for the wider Churchfields area. It is also considered that the applicant's proposal to improve the area around Dudley Street to provide a gathering space would mitigate the loss of the existing larger area of public space to some extent.

137. In terms of the proposed tree removal, the Planning Development Manager considers that Policies SAL.UP7 and KCA.UP2 require proposals to incorporate

existing street trees where practicable. Taking into account the applicant's comments that one tree at Horsefair could be retained if approximately two parking spaces were removed, it is considered that moderate weight should be allocated to the possibility of retaining one tree at Horsefair. The weight is considered to be justified because removing approximately two parking spaces is not considered to be a significant reduction in the overall number of car parking spaces, which Policy KCA.UP1 indicates should be factored into considerations concerning public realm.

138. Overall, the Planning Development Manager considers that the proposal would be acceptable in terms of design, with moderate weight accorded to the possibility of preserving one tree at Horsefair, which should be taken into account in the final planning balance in the conclusion of this report.

### **Historic Environment**

139. The proposal would involve highways improvements in the Churchfields area in the vicinity of a number of Listed buildings, the Staffs and Worcs Canal Conservation Area, and the Church Street, Kidderminster Conservation Area.

140. The County Archaeologist comments that the below ground potential for historic assets should be unknown because complex and deeply stratified archaeology is regularly found in historic urban areas despite later development. They consider archaeology can be appropriately addressed via planning condition post-determination. They recommend imposing conditions requiring a programme of archaeological work to ensure the application complies with Paragraph 199 of the NPPF. Wyre Forest District Council's Conservation Officer comments that they have no objections to the application but wish to see the kerb edging retained either at Union Street or Blackwell Street (outside the Peacock Pub), or both combined into a new area of historic pavement somewhere within the application site.

141. Letters of representation expressed objections at the potential removal of the heritage kerbstones, paving and ironwork in the application site. Respondents comment that these elements should be retained as part of the proposals including those located outside the Old Peacock Public House on Union Street. Respondents also comment that a heritage style of lighting would have added to the character of the area more and question whether the Council will communicate with Horsefair and Proud who have Victorian style lamp posts which they hope to use at Horsefair.

142. Following consideration of the consultee and public comments, the applicant states that Dudley Street by the Peacock Public House has been identified as a community centre and that heritage paving and ironwork can be retained for use there. They state that Union Street will not be impacted. In terms of lighting, the applicant states LED lighting is proposed to the latest specification but that they will communicate with Horsefair and Proud to assess the possibility of reusing the Victorian style lamp posts.

143. Policy CP11: Quality Design and Local Distinctiveness states that development should sensitively connect to the surrounding streets, spaces and communities and take into account heritage assets, and where possible utilise historic streets, buildings, spaces and infrastructure as an integral part of the scheme design. Policy SAL.UP6: Safeguarding the Historic Environment states that any proposal affecting heritage assets, including their setting, should demonstrate how these assets will be protected, conserved, and where appropriate, enhanced. Policy KCA.Ch8: Horsefair

states that the historic street frontage along Blackwell Street and Dudley Street will be retained and repaired where appropriate. The Churchfields Masterplan SPD Design Principle 6 (DP6) states that historic areas should be sensitively incorporated including the Blackwell Street/Horsefair local centre.

144. The following legislation and NPPF Paragraphs are relevant to the consideration of this proposal:

145. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

146. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects conservation areas in the exercise of planning functions. Subsection (1) provides that *"in the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

147. Paragraph 193 of the NPPF states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

148. Paragraph 194 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..."*.

149. Paragraph 195 of the NPPF states that *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*.

150. Paragraph 196 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

151. Taking into account the comments of the County Archaeologist and Wyre Forest District Council's Conservation Officer, the Planning Development Manager considers that the proposal would not result in any harm to heritage assets at the site. The applicant's proposal to retain locally important heritage paving and ironwork at Dudley Street is considered to accord with Policy CP11, which requires sensitive connection to streets and utilisation of historic infrastructure where appropriate. This proposal would also accord with Policy KCA.Ch8 regarding the historic street frontage along Blackwell Street. Regarding the comments concerning re-use of heritage lamp posts,

the Planning Development Manager considers that the proposal would be acceptable in terms of the historic environment without the use of these, of which little specific detail is known at this stage of the determination process. However, the Planning Development Manager would encourage the applicant to consider the re-use of these lamp posts if it would be appropriate in terms of traffic and highways safety. Overall, the Planning Development Manager considers that the proposal would be acceptable in terms of the historic environment.

### **Ecology and Biodiversity**

152. The proposal involves highways works in the vicinity of Churchfields including a revision of the highways layout at Horsefair and the creation of a new junction between Clensmore Street and the St. Marys Ringway. The works would require the removal of five trees in total. The applicant states that they are happy to accept a landscaping condition to incorporate biodiversity enhancement in the event that planning permission is granted in order to develop planting and landscaping that integrates with the wider Churchfields development to the north. The applicant has supplied an indicative landscaping plan showing that it would be possible to plant six replacement trees to mitigate for the loss of the existing trees.

153. Natural England have no objections and comment that the development will not have significant adverse impacts on statutory protected sites or landscapes. The County Ecologist comments that they have no objections, subject to pre-commencement conditions that would minimise the potential for impacts on biodiversity by requiring a CEMP and a lighting plan and secure net gains for biodiversity by requiring a LEMP. Wyre Forest District Council have no objections, subject to a condition requiring a landscaping scheme to include replacement tree planting. Wyre Forest District Council's Countryside Manager has no objections providing the applicant can confirm that the CMS building proposed for demolition is included within the scope of the Ecological Appraisal. Wyre Forest District Council's Arboricultural Officer recommends refusal of the application on the grounds that trees would need to be removed and because the development does not include green infrastructure to assist with pollution issues and to mitigate for loss of trees at Horsefair. Worcestershire Wildlife Trust have no objections.

154. Letters of representation expressed objections and concerns at the felling of trees at Horsefair and question what replacements are planned to mitigate the loss. There is also concern that one tree at Horsefair could be retained.

155. Following consideration of the consultee and public comments, the applicant states that one tree could be retained at Horsefair if the number of parking spaces is reduced by approximately two spaces.

156. Policy CP14: Providing Opportunities for Local Biodiversity and Geodiversity states that new development will be required to contribute towards biodiversity within the District and that on brownfield sites, consideration should be given to incorporating existing flora and fauna where appropriate to preserve the site's ecological and biodiversity value. The Policy also states that on appropriate development sites, new trees will be planted in keeping with the landscape character of the area.

157. Policy SAL.UP5: Providing Opportunities for Safeguarding Local Biodiversity and Geodiversity states that development should take steps to enhance biodiversity both

within and outside of designated areas. The Policy also states that outside of Designated Sites, the interests of nature and biodiversity conservation must be taken into account, in accordance with national policy.

158. Policy KCA.UP7: Green Infrastructure states that all schemes within the KCAAP will need to provide green infrastructure through their design including well integrated landscaping and tree planting.

159. Paragraph 170(d) of the NPPF starts that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

160. Taking into account the comments of the County Ecologist, the Planning Development Manager considers that, overall, the proposal would accord with the development plan, subject to the imposition of the recommended conditions including the lighting plan for biodiversity, a CEMP, and a LEMP (to facilitate net gains for biodiversity). In making this judgement, the Planning Development Manager accords moderate weight to Policy CP14's requirement to incorporate existing flora and fauna where appropriate in view of the concerns expressed about tree removal at Horsefair. However, for clarity, the Planning Development Manager considers that the proposal as presented (with the loss of all five trees) would be acceptable in terms of ecology and biodiversity, subject to conditions.

### **Landscape and Visual Impact**

161. The proposal would involve improvements to highways infrastructure in the Churchfields area of Kidderminster. The works would involve the removal of five trees, including all three trees located at the Horsefair gyratory. The applicant states that they are happy to accept a landscaping condition in the event that planning permission is granted. The applicant has supplied an indicative landscaping plan showing that it would be possible to plant six replacement trees to mitigate for the loss of the existing trees, together with green ivy fencing at the Horsefair.

162. The County Landscape Officer comments that they welcome the indicative landscaping plan, which they consider is sufficient at this time to present the broad range of proposals for landscaping.

163. Letters of representation express objections and concerns at the proposed tree removal at Horsefair. Representations include comments that the trees add greenery to the town and support positive mental health.

164. Policy CP12: Landscape Character states that development must protect and where possible enhance the unique character of the landscape and that opportunities for landscape gain will be sought to strengthen and enhance landscape character. Policy SAL.UP9: Landscaping and Boundary Treatment indicates that landscaping schemes must demonstrate that they involve predominant use of species native to the area and acknowledge the importance of existing trees. Policy KCA.UP7: Green Infrastructure states that all schemes within the KCAAP will need to provide green infrastructure through their design including well integrated landscaping.

165. Policy KCA.Ch1: Churchfields Masterplan indicates that new development within the Churchfields area will be expected to conform to the overall aims of the Churchfields Masterplan SPD. Design Principle 3 (DP3) of the Churchfields



Masterplan SPD states that character areas should be created to define place and that a variety of multi-functional spaces and squares should be integrated to define character. Horsefair is identified as an existing character area in figure 27 of the SPD with the indicative layout incorporating green space and trees. DP5 states that the public space at Horsefair should be improved and enlarged.

166. Taking into account the comments of the County Landscape Officer, the Planning Development Manager considers that, overall, the proposal would be acceptable in terms of landscape and visual impact, subject to the imposition of a condition requiring the submission of a landscaping plan that would ensure appropriate soft landscaping in-keeping with the wider Churchfields area. However, the Planning Development Manager considers that the loss of three trees at Horsefair weighs against the proposal and would not accord with Policy SAL.UP9's requirement to acknowledge the importance of existing trees. In addition, the proposed loss of trees would not accord with Policy KCA.Ch1 due to the Churchfields Masterplan SPD indicating that the indicative layout at Horsefair incorporates trees as part of an improvement to the public space there. The Planning Development Manager accords moderate weight to these concerns and considers that the applicant's proposal that one tree could be retained at Horsefair, subject to planning judgement, should also be accorded moderate weight. For clarity, the Planning Development Manager considers that the proposal, as it is proposed, would be acceptable in terms of landscape and visual impact.

#### **Air Quality**

167. The proposal involves highways improvements including a new link road, a new junction between Clensmore Street and the St. Marys Ringway, and making Blackwell Street and the north end of Churchfields one way.

168. The applicant's Air Quality Report concludes that the scheme would have a significantly positive effect in the Horsefair/Coventry Street AQMA due to the redistribution of traffic flows. The report indicates that there would be insignificant negative effects in some other areas where traffic flows are expected to increase, and that it is likely the proposed scheme would improve air quality but not to the extent that the need for the AQMA will be removed when the proposed scheme is in place.

169. Worcestershire Regulatory Services – Air Quality comment that the scheme is expected to deliver a beneficial effect to NO<sub>2</sub> levels in the Kidderminster area with significant reductions in the Blackwell Street section of the Horsefair/Coventry Street AQMA. They comment that there is a prediction of a slight increase in NO<sub>2</sub> concentrations along Clensmore Street, Chester Road and Birmingham Road but that it will remain below the air quality objective. Public Health England comment that the one way proposal may result in a localised improvement of air quality in some areas, but a slight worsening in others, and that they have no significant concerns regarding risk to health of the local population providing the applicant takes appropriate measures to prevent or control environmental emissions.

170. A respondent questions whether there will be an avenue of trees along the proposed Link Road to address air pollution.

171. Policy CP03: Promoting Transport Choice and Accessibility states that proposals for development should fully consider their impact on air quality, particularly for areas within or adjacent to designated Air Quality Management Areas. Policy KCA.Ch5

states that proposals must provide appropriate means of access to facilitate the scale of development proposed without having a detrimental impact on the Air Quality Management Area of Blackwell Street.

172. Paragraph 181 of the NPPF states that planning decisions should contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

173. Taking into account the comments of Worcestershire Regulatory Services and Public Health England, the Planning Development Manager considers that the proposal would accord with Policy CP03, Policy KCA.Ch5, and Paragraph 181 of the NPPF. The proposal would provide an appropriate means of access to facilitate the scale of the wider Churchfields development without having a detrimental impact on the AQMA of Blackwell Street due to the predicted significant reduction in NO<sub>2</sub> levels in the AQMA. Therefore, the Planning Development Manager considers that the proposal would be acceptable in terms of air quality.

### **Water Environment**

174. The proposal would involve highways improvement works including a new link road. The applicant's Flood Risk Assessment (FRA) concludes that the proposed development is not at significant flood risk in terms of fluvial flooding, that there is low risk of groundwater flooding, and that the proposed changes to the area in terms of surface water flooding can be managed by a Sustainable Drainage System (SuDS).

175. North Worcestershire Water Management (NWWM) comment that they have no objections, subject to a pre-commencement condition requiring the submission and approval of a detailed SuDS design. They comment that they have a preference for option 1, which proposed infiltration techniques, but that both options would be acceptable. The Environment Agency comment that they have no objections, subject to conditions that protect controlled waters from the risk of ground contamination. Severn Trent Water Limited have no objections, subject to a pre-commencement condition requiring the approval of drainage plans for the disposal of foul and surface water flows.

176. A letter of representation comments that there are roadside drainage issues at various locations around the site and questions what measures will be taken to address these.

177. Policy CP02: Water Management states that development will be required to incorporate appropriate Sustainable Drainage Measures (SUDSs). Policy SAL.CC7 states that all developments should incorporate SUDS schemes and that development proposals which do not have a negative impact on water quality directly through pollution of surface or groundwater will be permitted.

178. Taking into account the comments of North Worcestershire Water Management, the Environment Agency, and Severn Trent Water Limited, the Planning Development Manager considers that the proposal would be acceptable in terms of the water environment, subject to the imposition of conditions requiring drainage proposals to be finalised prior to the commencement of development, including the development of a SuDS design.

## **Ground Contamination**

179. The proposal would involve improvements to highways infrastructure on brownfield land, including the demolition of a car showroom building.

180. Worcestershire Regulatory Services – Ground Contamination comment that they have no objections, subject to conditions that would ensure the site is suitable for its proposed use and address the risk of ground contamination where historic contaminants may become mobilised. The Environment Agency comment that they have no objections, subject to conditions that would require a comprehensive site investigation for ground contamination with extensive soil and groundwater sampling to be undertaken. They comment that these conditions would protect ground and surface waters at the site. Public Health England comment that a review of ground conditions should be undertaken in accordance with industry best practice and that any mitigation should ensure that the health of the public is not adversely affected during the construction phase.

181. Policy CP01: Delivering Sustainable Development Standards states that all development must demonstrate that land contamination issues have been fully addressed and that proposals must undertake appropriate remediation measures and verification works where contamination issues are identified.

182. Taking into account the comments of the Worcestershire Regulatory Services and the Environment Agency, the Planning Development Manager considers that the proposal would accord with Policy CP01, subject to the imposition of conditions that would require a preliminary risk assessment, a detailed site investigation, and a remediation scheme (if required) to address the risk posed by ground contamination to human health and controlled waters. The Planning Development Manager would also make Members aware that the recommended conditions have been jointly agreed by Worcestershire Regulatory Services and the Environment Agency. In view of the above, the Planning Development Manager considers that the proposal would be acceptable in terms of ground contamination.

## **Residential Amenity and Noise**

183. The proposal would involve highways improvements in the Churchfields area of Kidderminster to the north of the St. Marys Ringway. The proposed works would take place in the vicinity of many residential and commercial properties. The proposal would involve upgrading highways lighting to meet current requirements. The applicant states that construction would begin approximately in July 2019 and that various operations would last until December 2020, although the final programme of works is still developing.

184. The applicant's noise assessment predicts that 8 dwellings would experience a significant negative effect in terms of noise in line with the levels defined by the Government's policy on noise. Mitigation has been considered for these dwellings but, overall, the applicant's assessment considers that there is no appropriate mitigation to reduce the significant noise effects at the identified receptors and that these will remain as unmitigated significant noise effects of the scheme. Members are advised that the Government's Planning Practice Guidance provides the following definition for a significant observable adverse effect for noise:

*"The noise causes a material change in behaviour and/or attitude, eg avoiding certain activities during periods of intrusion; where there is no*

*alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area."* (Paragraph: 005 Reference ID: 30-005-20140306)

185. Public Health England comment that the applicant's noise assessment notes a number of properties within the area would see a significant negative effect in the short-term and the long-term. They comment that mitigation has been considered but given the urban nature of the scheme the options are considered to be impractical, and that the County Planning Authority should consider the negative impact in their decision.

186. Worcestershire Regulatory Services – Demolition and Noise comment that they have no objections, subject to pre-commencement conditions requiring the submission and approval of a Construction Environmental Management Plan (CEMP) and a noise assessment to determine whether existing dwellings would be eligible for additional noise insulation under the Noise Insulation Regulations 1975.

187. A letter of representation expressed concern that noise levels will be increased for Trinity Church flat tenants and Trinity Church activities.

188. Following consideration of the consultee and public comments, the applicant states that a noise assessment will be carried out to determine eligibility under the Noise Insulation Regulations.

189. Paragraph 180 of the NPPF states that planning decisions should ensure development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. It also states that development should mitigate, and reduce to a minimum, potential adverse impacts resulting from noise and avoid noise giving significant adverse impacts on health and quality of life. In addition, the Paragraph states that development should limit the impact of light pollution from artificial light on local amenity.

190. Taking into account the comments of Public Health England and Worcestershire Regulatory Services, the Planning Development Manager considers that the proposal would accord with Paragraph 180 of the NPPF. This is because the proposal would mitigate and reduce to a minimum the adverse impacts that would result from noise on a number of dwellings, taking into account the limited potential for mitigation in an urban environment.

191. However, Members are advised that 8 dwellings would experience a negative noise effect identified as significant by the applicant (taking into account the Government's policy on noise). This negative effect would remain unmitigated following the scheme and should be taken into account during the final planning balance. The Planning Development Manager advises that in the context of the whole proposal this is not considered so significant as to justify withholding planning permission.

192. In terms of lighting, the Planning Development Manager considers that the imposition of a lighting strategy condition to minimise adverse impacts from light spill

would make the proposal acceptable in terms of Paragraph 180 of the NPPF. Overall, the Planning Development Manager considers that the proposal would be acceptable in terms of residential amenity and noise, subject to a condition requiring a lighting strategy to minimise adverse impacts from light spill. It is not considered necessary to impose a condition requiring a noise assessment to be carried out because the Worcestershire County Council has committed to undertaking this as part of this development proposal.

## **Other Matters**

### Economic Impact and Housing Provision

193. The proposal would involve highways improvement works to facilitate significant wider regeneration of the Churchfields area of Kidderminster totalling up to 600 homes, including a proposal for 270 residential dwellings and 670m<sup>2</sup> of mixed use floor space at the Churchfields Business Park site.

194. Wyre Forest District Council comment that the proposal would unlock the delivery of new housing on land to the northwest of the site; that the proposal would bring social and economic benefits to the area; and that the proposal would bring social and economic benefits to the area through the delivery of housing and economic growth. The Worcestershire LEP comment that the proposal would have significant regeneration potential north of Churchfields as a new urban village expected to deliver up to 600 homes, and that the development would provide a significant boost to the local economy.

195. A letter of representation expresses support for the proposal with comments that there is hope the proposal will lead to wider regeneration in the area. Letters of representation express concern that more car parking should be provided in the Horsefair Local Centre because car parking is a key element for attracting shoppers to sustain local shops for the long term. There are also comments that the survival of some of the local businesses will depend on whether they are able to attract passing trade with car parking spaces.

196. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 59 of the NPPF indicates that the Government has an objective of significantly boosting the supply of homes.

197. Taking into account the comments of Wyre Forest District, the Worcestershire LEP, and letters of representation, the Planning Development Manager considers that the proposal would be acceptable in terms of economic impact and housing provision. The Planning Development Manager considers that significant weight should be allocated to the need to support economic growth in accordance with Paragraph 80 of the NPPF. In addition, the Planning Development Manager considers that great weight should be accorded to the proposal's purpose of unlocking significant housing development in the Churchfields area to support the Government's objective of significantly boosting the supply of homes as set out at Paragraph 59 of the NPPF.

198. In allocating this weight, members are advised that in terms of the specific issue of parking at the Horsefair Local Centre raised by letters of representation, there is limited opportunity to provide additional car parking, although this is not considered

sufficient weight to justify withholding planning permission. Therefore, the Planning Development Manager considers that moderate weight should be allocated to the need to provide car parking in the Horsefair Local Centre to support the needs of local businesses, and that this should be balanced against other matters concerning the Horsefair area in the conclusion of this report. Members are also advised that local businesses would be likely to benefit from the presence of approximately 270 dwellings within walking distance and their household spending that would be enabled by this link road proposal.

#### Cumulative Effects

199. Cumulative effects result from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact. In addition, cumulative effects can result from the combined effects of different types of impacts associated with the project, for example noise, air quality and visual impacts on a particular receptor.

200. The applicant examined these effects in Section 9 of their Environmental Assessment Report (EAR). In terms of cumulative effects of the project, no significant effects are predicted to affect the environmental receptors of the site. In terms of cumulative effects of this development and other planned developments, the EAR concludes that there would be no cumulative adverse effects.

201. In view of the above, the Planning Development Manager considers that cumulative effects have been adequately addressed in this application and does not consider that the cumulative impact of the proposal would be such that it would justify a reason for refusal of the application.

### **Conclusion**

202. The Churchfields area of Kidderminster is undergoing significant regeneration to form a new urban village and is expected to deliver up to 600 homes together with other mixed uses. Kidderminster Property Investments are currently applying to Wyre Forest District Council for outline planning permission for 270 residential dwellings and 670m<sup>2</sup> of mixed use floor space at the Churchfields Business Park site.

203. This proposal for highways infrastructure improvements is required to facilitate that development. The major elements of the proposal include the construction of a new link road between the A456 St. Marys Ringway and Churchfields; a new junction between Clensmore Street and the St. Marys Ringway; and a revised highways layout at Horsefair.

204. The main issues to consider are traffic and highways safety, design, historic environment, ecology and biodiversity, landscape and visual impacts, air quality, water environment, ground contamination, residential amenity and noise, and other matters including economic impact and cumulative effects.

205. In terms of the main issues, the Planning Development Manager considers that the proposal would, overall, be acceptable in terms of traffic and highways safety. In making this judgement, the Planning Development Manager acknowledges the highly constrained nature of the urban environment in this area and other traffic and safety concerns which have prevented the ability of the applicant to propose surface level pedestrian crossings between Churchfields and Kidderminster town centre. Moderate

weight has also been accorded to the applicant's proposal to replace approximately 2 parking spaces at Horsefair with cycle spaces and(or) a motorcycle space, together with saving one tree from felling, subject to the County Planning Authority's planning judgement.

206. The proposal is considered to be acceptable in terms of design. The Planning Development Manager considers that the applicant has produced a design which mediates between the competing interests at play in the constrained environment of Horsefair whilst delivering on the scheme's central purpose of providing suitable highways infrastructure for the wider Churchfields area and Churchfields Business Park residential and mixed use scheme. Moderate weight is accorded to the applicant's proposal to retain one tree in accordance with the requirements of Policies SAL.UP7 and KCA.UP2.

207. The proposal is considered to be acceptable in terms of the historic environment, subject to conditions recommended by the County Archaeologist. The Planning Development Manager considers that the applicant's proposal to re-use locally important heritage paving and ironwork at Dudley Street would accord with Policy CP11 and address concerns raised by the public adequately.

208. The proposal is considered to be acceptable in terms of ecology and biodiversity, taking into account the applicant's intention to develop a landscaping plan that integrates with the Churchfields development to the north. As part of a landscaping condition, net gains for biodiversity would need to be delivered in accordance with Paragraph 170(d) of the NPPF. Moderate weight is accorded to the applicant's proposal to retain one tree at Horsefair in view of Policy CP14's requirement to incorporate existing flora and fauna where appropriate and public concerns raised about tree removal.

209. The proposal is considered to be acceptable in terms of landscape and visual impact, subject to a condition requiring a landscaping plan to mitigate for the loss of trees in the area. Again, moderate weight is accorded to the applicant's proposal to retain one tree at Horsefair in view of Policy SAL.UP9's requirement to acknowledge the importance of existing trees and the material consideration of the Churchfields Masterplan SPD which indicates trees should form part of the Horsefair public space.

210. In terms of air quality, the proposal would result in a significantly positive effect in the Horsefair/Coventry Street Air Quality Management Area (AQMA) due to the proposed redistribution of traffic flows. Having taken the comments of Worcestershire Regulatory Services – Air Quality, and Public Health England into account, the Planning Development Manager considers that the proposal would be acceptable in terms of air quality.

211. The proposal is considered to be acceptable in terms of the water environment and ground contamination (subject to conditions that would ensure the site is fit for purpose and safe for controlled waters and human health).

212. In terms of residential amenity and noise, the proposal is considered to be acceptable in terms of the development plan. The Planning Development Manager considers that the proposal would accord with Paragraph 180 of the NPPF which requires planning decisions to ensure that the development is appropriate for its location taking into account the likely effects of pollution on health and living

conditions. In making this judgement, it is considered that the applicant has reduced to a minimum the negative noise effects of the development. This would, regrettably, result in 8 dwellings experiencing a significant negative noise effect that would remain unmitigated in the event that planning permission is granted. This aspect of the proposal is considered to weigh against planning permission being granted. However, Members are advised that the applicant's approach here would accord with the NPPF and that this negative aspect must be weighed against the benefits of the proposal.

213. The proposal is considered to be acceptable in terms of cumulative effects of the project the cumulative effects of this development and other planned developments.

214. In view of the above conclusions, the Planning Development Manager considers that the proposed development would be acceptable in terms of the main issues identified. However, it is considered that the multiple moderate weightings accorded to the applicant's proposal to retain one tree at Horsefair add up to the extent that one tree should be retained there in order to accord with the development plan and address the legitimate public concerns about tree removal. This would also allow for the provision of cycle spaces and(or) a motorcycle space at Horsefair, which would accord with Policy KCA.CC2: Sustainable Transport, and the material consideration of the LTP4 document. The Planning Development Manager considers that suitably worded conditions should be imposed to achieve this by requiring the submission and approval of final highways drawings, and to identify the tree to be retained at the Horsefair. Taking into account the above consideration that the proposal would be acceptable in terms of the main issues identified, the Planning Development Manager is mindful that significant weight should be accorded to the benefits of the proposal in terms of its economic impact, and that great weight should be accorded to proposal's purpose of unlocking significant housing development in the Churchfields area.

215. Overall, the benefits of the proposal combined with its acceptability in terms of the main issues identified are considered to significantly outweigh the significant adverse noise effects that would occur at 8 dwellings in the area.

216. Taking in to account the provisions of the Development Plan and in particular Policies DS01, DS02, CP01, CP02, CP03, CP07, CP11, CP12, CP13 and CP14 of the Wyre Forest District Core Strategy 2006-2026, Policies SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP3, SAL.UP5, SAL.UP6, SAL.UP7 and SAL.UP9 of the Site Allocations and Policies Local Plan 2006-2026 and Policies KCA.PFSD1, KCA.CC1, KCA.CC2, KCA.CC3, KCA.UP1, KCA.UP2, KCA.UP3, KCA.UP4, KCA.UP7, KCA.Ch1, KCA.Ch5 and KCA.Ch8 of the Kidderminster Central Area Action Plan 2006-2026, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## **Recommendation**

**217. The Planning Development Manager recommends that planning permission be granted for Proposed Improvements to Highways Infrastructure in the Churchfields area to the north of Kidderminster Town Centre including the Demolition of the CMS/Vauxhall Building at Churchfields on Land adjacent to St Marys Ringway (A456) and Churchfields/Blackwell Street, Kidderminster, Worcestershire, subject to the following conditions:**



### Commencement of development

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The applicant shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development;

### Details

- c) The development hereby permitted shall be carried out in accordance with the details shown on the following submitted drawings, except where otherwise stipulated by conditions attached to this permission:
  - Location Plan (Ref no. HGN-01-DR-C-0007), submitted to the County Planning Authority on 03/05/2018
  - General Arrangement (Ref no. HGN-01-DR-C-0034), submitted to the County Planning Authority on 31/07/2018
  - General Arrangement (Ref no. HGN-01-DR-C-0035), submitted to the County Planning Authority on 31/07/2018
  - General Arrangement (Ref no. HGN-01-DR-C-0036), submitted to the County Planning Authority on 31/07/2018
  - General Arrangement (Ref no. HGN-01-DR-C-0037), submitted to the County Planning Authority on 31/07/2018
  - General Arrangement (Ref no. HGN-01-DR-C-0038), submitted to the County Planning Authority on 31/07/2018;

### Archaeology: Pre-commencement condition

- d) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - I. The programme and methodology of site investigation and recording;
  - II. The programme for post investigation assessment;
  - III. Provision to be made for analysis of the site investigation and recording;
  - IV. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - V. Provision to be made for archive deposition of the analysis and records of the site investigation; and
  - VI. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
- e) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (d) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;

### **Construction Environment Management Plan (CEMP): Pre-commencement conditions**

- f) No development shall take place until a CEMP for protecting European Protected Species has been submitted to and approved by the County Planning Authority in writing. The CEMP shall include the following details:
- I. Measures to minimise noise and light disturbance during the construction phase to features identified as having bat roost and nesting bird potential, and potential for commuting and foraging habitat for bats in Appendix B of the document titled "Churchfields, Kidderminster: Ecological Appraisal", dated April 11, 2017; and
  - II. Methodology for checking vegetation for bat roost potential prior to its removal;

Thereafter, the development shall be carried out in accordance with the approved CEMP;

- g) No development shall take place until a CEMP for minimising nuisance from noise, vibration and dust emissions during the demolition and construction phase(s) has been submitted to and approved by the County Planning Authority in writing. The CEMP shall be in accordance with BS 5228-1&2:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites", and Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites", dated July 2011. The CEMP shall also include measures for preventing water pollution and a scheme providing the days and hours of construction operations. Thereafter, the development shall be carried out in accordance with the approved CEMP;

### **Drainage: Pre-commencement condition**

- h) No development shall take place until a site drainage strategy for the scheme has been submitted to, and approved in writing by the County Planning Authority. The strategy shall include details of surface water drainage measures and shall conform with the non-statutory technical standards for SuDS (Defra 2015), and the principles set out in the document titled "Churchfields Urban Village – Highway Infrastructure Project, Kidderminster", dated April 2018. The plan shall include the details and results of field percolation tests used to determine the suitability of the ground conditions for infiltration drainage. The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained;

### **Ground Contamination: Pre-commencement conditions**

- i) No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the County Planning Authority:

- I. **A preliminary risk assessment which has identified:**
  - a. **all previous uses;**
  - b. **potential contaminants associated with those uses;**
  - c. **a conceptual model of the site indicating sources, pathways and receptors; and**
  - d. **potentially unacceptable risks arising from contamination at the site.**
  
- II. **A detailed site investigation and risk assessment, based on (I) to provide information for assessment of the risk to all receptors that may be affected, including those off site. This report must be approved by the County Planning Authority prior to any development taking place.**
  
- III. **Where the site investigation results and the risk assessment (II) identify that remediation is required, an options appraisal and detailed remediation strategy is required to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared. This report is subject to the approval of the County Planning Authority in advance of undertaking.**
  
- IV. **The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the County Planning Authority.**
  
- V. **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (III) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.**
  
- VI. **Prior to any part of the development being brought into use (unless in accordance with agreed phasing under part V above) a verification (validation) report demonstrating the effectiveness of the remediation carried out and completion of the works as set out in the approved remediation strategy (III and V). The report shall include results of any sampling and monitoring and any plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the County Planning Authority. The validation report is subject to the approval of the County Planning Authority prior to the development being brought into use unless otherwise agreed with the County Planning Authority.**

**Any changes to these components require the express written consent of the County Planning Authority. The scheme shall be implemented as approved;**

- j) **If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed**

in writing with the County Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the County Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the Method Statement shall be submitted to and approved in writing by the County Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the County Planning Authority;

#### **Highways: Pre-commencement conditions**

- k) Notwithstanding the details submitted, no development shall take place until final drawings of the highway improvement works have been submitted to and approved by the County Planning Authority in writing. The development shall not be brought into use until the highways improvement works have been constructed in accordance with the approved details;**
- l) Notwithstanding the details submitted, no development shall take place until final drawings of the bus stop relocation proposals have been submitted to and approved by the County Planning Authority in writing. The development shall not be brought into use until the bus stops have been constructed in accordance with the approved details;**

#### **Lighting**

- m) No new lighting shall be installed before a "lighting design strategy for biodiversity" for the scheme has been submitted to and approved in writing by the County Planning Authority. The strategy shall:**
  - I. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging; and**
  - II. Show how and where lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. Details to achieve this shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, and any measures proposed to mitigate impact of the lighting or disturbance through glare.**

**All lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other lighting be installed without prior consent from the County Planning Authority;**

### **Tree and Vegetation Retention**

- n) The tree identified as Number 25 on the plan titled "Vegetation Removal/Retention Plan" (Ref no. ETS-00-DR-EN-0002), which was submitted to the County Planning Authority on 19th September 2018, shall be retained as part of the development hereby approved and shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fencing. In the event of the tree being damaged or removed by the development, it shall be replaced in the next planting season;
- o) Vegetation identified for retention in the close vicinity of proposed highways works on the plan titled "Vegetation Removal/Retention Plan" (Ref no. ETS-00-DR-EN-0002), which was submitted to the County Planning Authority on 19th September 2018, shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fencing. In the event of vegetation being damaged or removed by the development, it shall be replaced in the next planting season; and

### **Landscape & Ecology**

- p) Within 9 months of the commencement of the development hereby approved, a Landscape & Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. The LEMP shall include the following details:-
- I. How net gain for biodiversity will be achieved;
  - II. Details of any measures (including planting) necessary for delivering net gain for biodiversity;
  - III. How any measures proposed will not be adversely affected by any new lighting required as part of this development;
  - IV. Planting details shall include the locations, seed mixes, species, sizes, spacing, ratios and planting densities with associated establishment and aftercare provision. Approved planting shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;
  - V. Details of other measures proposed for achieving net gain for biodiversity, for example bird or bat boxes, shall include their locations and specifications. These measures should be installed within 6 months of the completion of the development.

Thereafter, the development shall be carried out in accordance with the approved details.

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

### Specific Contact Points for this report

Case Officer: Joshua Scholes, Planning Officer

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Mark Bishop, Development Manager

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## **Background Papers**

In the opinion of the proper officer (in this case the Planning Development Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 18/000025/REG3.