



Application Number	21/00500/FUL
Site Address	Mister Construction Ltd, South Street, Worcester
Description of Development	A new mixed-use development comprising 2no. ground floor commercial (Class E) units and 4no. upper floor apartments.
Expiry Date	22 July 2021
Applicant	Misters Bros Ltd.
Agent	Zebra Architects
Case Officer	Thomas Gabriel
	thomas.gabriel@worcester.gov.uk
Ward	Cathedral Ward
Reason for Referral to Committee	In the view of the Corporate Director the application raises matters of judgement which should be considered by the Planning Committee.
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/21/00500/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee refuses planning permission for the reasons set out at Section 9 of this report.

1. **Background**

- 1.1 The application was registered on 27 May 2021 and was due for a decision on 22 July 2021. An extension of time for the determination of the application has been sought to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. The site and surrounding area

- 2.1 The application site comprises a cleared vacant site along South Street, accessed from the City Walls Road. The site was previously used as a builder's yard.
- 2.2 The surrounding buildings are up to three stories in height and comprise residential uses Fownes hotel and its associated car park and industrial/ commercial activities. There is also a Western Power substation adjacent to the site. There are also residential properties on the opposite side of City Walls Road.
- 2.3 A hand car wash and a number of other small commercial venture are located directly behind the site on Carden Street. Enterprise Rent-a-Car are also nearby.
- 2.4 The area of the site is 307.04sqm/ 0.03ha.



Figure 1 – Location Plan

3. The proposals

- 3.1 The proposal is for a three storey building with two Class E commercial units on the ground floor, with 4no 2 bedroom apartments above.
- 3.2 The ground floor commercial units are 66.3sqm and 89.2sqm. Residential units will all be 81.5sqm.
- 3.3 Both commercial/office units at ground floor are independently accessed via a central covered entrance point. Generous glazing to the southern and eastern elevations introduce daylight into both spaces and ensure that the primary facade is as interactive as possible.

The residential circulation core is located to the rear of the building, along with a number of other service-led spaces, in order to allow the habitable zones of each flat to be sited on the front elevation.

- 3.4 Balconies will be provided to each flat to provide necessary private amenity space on the restricted site. The single-storey bin and cycle store is located on a small portion of land directly behind the existing substation.
- 3.5 The proposal will be of a contemporary appearance. Two large panels of projecting brickwork directly above the buildings entrance will be the only exception to this and will aid in directing those unfamiliar with the building to its main access point.
- 3.6 The recessed first and second floor apartments would be primarily clad in grey Zinc panelling to echo nearby slate roofing and help suppress the visual dominance of the building on the street. Large glazing panels with minimum fenestration and a series of timber-clad infill panels will also help to achieve this.
- 3.7 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

Site Location and Block Plan (ref: Zeb1501_PL001 Rev -)

Proposed Floor Plans (ref: Zeb1501_PL101 Rev -)

Proposed Elevations (ref: Zeb1501_PL201 Rev -)

Proposed 3D images (ref: Zeb1501_PL501 Rev -)

Design and Access Statement (ref: Zeb 1501 Rev)

Noise Assessment (Ref: P20532 R01v1)

- 3.8 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any Other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.
- 4.2 The Development Plan for Worcester includes:
 - The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted on December 2012.

South Worcestershire Development Plan

4.3 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 4: Moving Around South Worcestershire
SWDP 6: Historic Environment
SWDP 21: Design
SWDP 22: Biodiversity and Geodiversity
SWDP 25: Landscape Character
SWDP 27: Renewable and Low Carbon Energy
SWDP 28: Management of Flood Risk
SWDP 29: Sustainable Drainage Systems
SWDP 30: Water Resources, Efficiency and Treatment
SWDP 33: Waste
SWDP 44: Worcester City – Allocation Policies

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

4.4 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

WCS1 (Presumption in favour of sustainable development)
WCS3 (Re-use and recycle)
WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

4.5 The following Supplementary Planning Documents (SPD) are relevant to the application proposals:-

- South Worcestershire Design SPD
- Planning for Health in South Worcestershire SPD
- Renewable and Low Carbon Energy SPD

4. Other material considerations

4.6 The following documents are considered are relevant to the application proposals however due to the documents not being planning documents and therefore not adopted the weight attached to the decision should be considered as limited:-

- Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
- Worcestershire County Council Streetscape Design Guide (2020)
- Worcester City Centre Masterplan

5. Planning History

5.1 The site has been the subject of the following planning applications:

P03L0434 Outline application for B1 workshops with single person flats above.
Refused Sep 25 September 2003

P05D0317 Erection of three storey office block with ground floor parking.
Withdrawn 5 July 2005

P05D0537 Erection of a three storey office block with ground floor parking.
Refused 3 November 2005

Pre-application Engagement

The applicant sought pre-application advice in 2020 under 20/00697/PA for three storey building with 4no 2B apartments set out over first and second floors with 2no. Commercial units (Class E) at ground floor. The Local Planning Authority gave the following advice on 24 November 2020. The advice was as follows:

In the South Worcestershire Development Plan 2016, the site falls within an "Opportunity Zone" (SWDP 44, Table 17, Policy Reference SWDP44/5 "Blockhouse/Carden Street), which encourages mixed use development.

It should be noted that two previous applications have been refused for similar proposals on the site and an appeal dismissed (see applications P03L0434 and P05D0537 in the Planning History section above).

In terms of the sketch proposals, in my informal opinion the general scale and massing of the 3 storey building would be acceptable, although the use of good quality durable materials would be essential opposite a historic building (The Fownes Hotel) and adjacent to Tannery Mews. I consider that the flat roofed design is a reasonable design transition between Tannery Mews and the lower scale industrial uses to the north and west. A potential future planning application should contain a Design and Access statement that fully explain the relationship between the proposed scheme and surrounding development, including any windows that overlook the site. The balconies provide a welcome addition in providing some outside space as well as an added visual element break to the front elevation. The flat roof could be a sedum roof or similar. Sustainable drainage would also be essential.

Some concerns regarding the two ground floor Class E units could cause potential noise/nuisance conflicts with the residential occupiers above as well as issues with deliveries, parking and waste/rubbish storage. It is acknowledged that a mixed use scheme is encouraged by SWDP44 (Table 17) but given the limited size of the site and the proposals, it may prove a better alternative to amend the proposals to 6 apartments. It was considered that this would result in residential uses being prevalent across the whole of the defined Opportunity Zone (SWDP 44).

This would also allow the design to be amended on the ground floor, so that with the two Class E units becoming apartments, they could be recessed in order to allow small outside /defensible space to replicate the balconies of the flats above.

It should be noted that the Economic Development Officer suggests that it may be preferable to see the site developed as part of a wider scheme, rather than a small piecemeal standalone development.

Introducing residential uses near to industrial/commercial activity has the potential for obvious conflicts in terms of noise and nuisance and it would be important that existing commercial activities are not constrained by the introduction of new housing. It will be essential therefore that appropriate noise assessment information accompanies any planning application. It may be beneficial that this issue is fully explored with WRS prior to a formal application being made.

6. Consultations

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third party comments: Objections have been received from the occupants of neighbouring businesses on grounds relating to the following matters:

- Miller and Lloyd Limited, South Street, Worcester – the only access to my business is along South Street. The proposed development would cause issues for my business and may finish it off. Continual access is needed along South Street for the business and should the proposed development result in additional vehicles, pedestrians or parking on the road, this would cause me access issues. There would also be no turning space for the development so vehicles would have to reverse out onto City Walls Road, which would be dangerous.

The noise assessment may not be correct. The development would result in many interruptions to the running of Miller and Lloyd, causing bankruptcy. Dust and dirt in the air that would be sucked into the Paint Booth ruining the painting process. Construction traffic would block access to the garage. There would be massive inconvenience to businesses along South Street and The Fownes Hotel. I believe I would have the right to claim compensation for the consequential loss of and damage to business. This would be never enough to cover the stress and distress caused and probably not enough to cover to maintain the viability of my business.

- Seats and Sofas, 6 Tannery Mews, Carden Street, Worcester – Do not object to the development of the site but 6 mixed use uses would represent overdevelopment of the site. A residential development in this commercial area of the city would not be appropriate as the noise and traffic would cause disturbance to domestic occupiers. South Street may get blocked as a result of the development.

Worcester City Council Archaeological Officer: A programme of archaeological mitigation is recommended.

Worcester City Council Landscape and Biodiversity Adviser: No objections

Worcestershire County Council (Highway Authority): No objection subject to conditions

Worcestershire Regulatory Services:

Noise: The submitted noise assessment appears satisfactory and predicts that noise from road traffic and the surrounding commercial activities could be adequately controlled with the recommended noise mitigation measures relating to glazing, ventilation and partial screening of the balconies. The assessment also recommends noise limits for any external plant/ equipment associated with the ground floor commercial units. Therefore, I would not have any objection to the application in terms of noise.

Odour: The proposed development is in close proximity to the paint spray-booth associated with car workshop. Odour from paint spraying has the potential to significantly impact future residents. Should the application be granted and subsequently complaints of odour nuisance are referred to WRS this could negatively impact the car workshop business. Therefore, I formally object to the application in terms of potential odour nuisance from the paint spray-booth.

South Worcestershire Land Drainage Partnership: No objection - The applicant should follow a sustainable approach to water management. An advisory note regarding the use or re- use of sewer connections is recommended.

Canal and River Trust: No comment.

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 6.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. Planning Assessment

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development having regard to the 3 dimensions of sustainability set out in the Framework.

The Principle of Development

- 7.2 In the South Worcestershire Development Plan 2016, the site falls within an "Opportunity Zone" (SWDP 44, Table 17, Policy Reference SWDP44/5 "Blockhouse/Carden Street), which encourages mixed use development which suggests a total of approximately 120 dwellings can be accommodated in the wider area over the whole of the area.

- 7.3 Policy SWDP 44 states;
'Redevelopment proposals for the Opportunity Zones will be supported providing they:
- i. Incorporate a range and variety of land uses to create a truly mixed-use development;*
 - ii. Make a contribution to achieving the SWDP objective for new B1 office space in Worcester;*
 - iii. Will not result in residential development being the predominant use across the Opportunity Zone as a whole.*
 - iv. Offer genuine, sustainable travel choices.*
 - v. Do not result in retail or leisure dominating the other land uses within the zone.*
 - vi. Enhance views over the historic city centre.*
 - vii. Secure the refurbishment and future of listed buildings and structures within the zone.*
 - viii. Encourage existing businesses to remain or alternatively provide suitable relocation opportunities.*
- D. Proposals for single uses in an Opportunity Zone will be evaluated for their contribution and effect on the overall mix of uses in the area'.*

- 7.4 In the context of Policy SWDP44, the proposed mixed use of the site would be acceptable in principle. It should be noted that Class E allows a wide range of commercial uses and further clarification on the use class should be conditioned if planning permission should be granted. As the application is not supported by a Sequential Test, the use of the commercial units for retail would not be appropriate as there would be appropriate units available within the City Centre.

Design

- 7.5 Policy SWDP 21 of the Development Plan states that the siting and layout of a development should reflect the given characteristics of the site in terms of its appearance and function. Further the policy advises that development proposals must complement the character of the area. In particular, development should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area. On scale, height and massing, Policy SWDP 21 states that the scale, height and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density.
- 7.6 In terms of the design of the proposal, the three storey flat roofed appearance of the building would be acceptable given the scale, bulk and form of the surrounding buildings.
- 7.7 However, it is considered that the design details of the proposed building would detract from the street scene. The front (South Street) elevation would have a lot of full height glazing in it, at all three levels.

In the context of the surrounding buildings (the adjacent Seats and Sofas building and the Fownes Hotel on the opposite side of South Street), this would not be compatible. These buildings have rather smaller openings in them (as do the dwellings on the opposite side of City Walls Road). In relation to these buildings, the proposed development would appear as a jarring and discordant feature of the street scene. Moreover, the central expanse of blank wall at first and second floor levels of the proposed building would further detract from the character of the street scene along South Street.



front elevation (south)

Figure 2- South Elevation

7.8 When viewed from the rear, from Carden Street, the proposed development would also have an adverse impact. At three stories in height (around 9.5m), it would be around 4m taller than the Miller and Lloyd car washing and paint spraying premises to the rear of the site (fronting Carden Street). The proposed blank rear elevation of the building would accordingly project above the Miller and Lloyd building by this amount. Moreover, as the building would be slightly staggered to the side of the Miller and Lloyd building, its blank flank elevation would also be visible from Carden Street. Its largely blank and deep appearance (albeit the third floor would be set back from the floors below and with a different material) would further exacerbate the harm to the street scene that the development would cause. The other flank elevation would also be visible from Carden Street, above the buildings along it and while not as visually impacting as it would be largely screened by them, it would nevertheless serve to emphasise the bulk and massing of the proposed building and the adverse impact it would have upon the street scene.



rear elevation (north)

side elevation (east)

side elevation (west)

Figure 3 – Rear and Side Elevations

7.9 The proposals due to the proximity to the boundaries of the site would also be potentially impact on the neighbouring development and the proposals are not significant to deliver wider regeneration or act as an “agent for change”.



Figure 4 – 3D images

- 7.10 The proposed development is therefore contrary to Policy SWDP21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Guide Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).

Future Amenity of Residents

- 7.11 In terms of the impact upon the amenity of the neighbouring and surrounding properties, the proposed development would be acceptable. The development would be over 20m from the Fownes Hotel to the south, along Clare Street, and over this distance, the proposal would not have an overbearing or visually intrusive appearance and would not result in the overlooking of or loss of privacy for the occupiers of the hotel, particularly given that much of the guest accommodation at first and second floor levels is set back from the ground floor front elevation of the building by around 7m.

The amenities of the occupiers of the nearby flats in Tannery Mews (fronting City Walls Road) would not be harmed by the proposal either due to the distance involved and the intervening Sofas and Seats building.

- 7.12 In terms of the amenity of the future occupiers of the site, the individual flats would provide a suitable level of accommodation. They and their individual rooms would exceed the minimum flat and room sizes contained in the Nationally Described Technical Housing Standards document (2015) and would be provided with suitably sized balconies which would provide sufficient external amenity space.
- 7.13 The flats would be south-facing and by virtue of the extensive glazing serving their front elevations, they would receive sufficient sunlight and daylight. The flats would be around 8.5m deep and while the first floor flats would be overshadowed to a degree by the balconies serving the second floor flats, it is considered that on balance, the light reaching them would be acceptable. The single aspect nature of the flats is, on balance, also considered acceptable. The outlook for their future occupiers, including from bedroom 2 of each of the flats (immediately adjacent to flank walls of the projecting element at first and second floor levels) would be acceptable. Moreover, in the event that the development is found acceptable in all regards, amended plans could be sought proposing windows in the flank elevations of the building at first and second floor levels and in the rear elevation at second floor level, allowing light to all of the kitchens in the development.
- 7.14 Notwithstanding the above, the amenities of the future occupiers would be impacted upon by the proposed commercial use at ground floor level and the adjacent car paint spraying business and other environmental noises. The submitted noise assessment appears satisfactory and predicts that noise from road traffic and the surrounding commercial activities could be adequately controlled with the recommended noise mitigation measures relating to glazing, ventilation and partial screening of the balconies. The assessment also recommends noise limits for any external plant/ equipment associated with the ground floor commercial units. No objections are raised in terms of these considerations.
- 7.15 However, the application site is in close proximity to the car paint spray premises at Miller and Lloyd (immediately to the rear of the site). Concern has been raised by Environmental Services that the odour from the paint spraying has the potential to significantly impact upon the amenities of the future residents of the development. Considering that the paint spraying may be undertaken 6 days a week, this would have the potential to significantly impact upon the amenities of the future occupiers of the development, particularly in the summer months when windows are more likely to be open and the balconies are more likely to be in use. The smell of paint over, potentially, several hours per day, would have a significant and harmful impact upon the amenities of the future occupiers of the development. The proposal is therefore contrary to Policy SWDP21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Guide Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).

Ecology and Wildlife

- 7.16 Having regard to Policy SWDP 22 and the application proposals and the cleared nature of the site, it is considered unlikely that any protected species are present there and that no harmful impacts for wildlife would arise from the proposed development. No issues have been raised during the course of the planning application and the consultation response of the Council's Landscape and Biodiversity Advisor should be noted.

Parking, Highways and Traffic Generation

- 7.17 The NPPF and the requirement of the Act states that decisions should be made in accordance with the Development Plan unless material circumstances indicate otherwise. The NPPF and on site observations are a material consideration.
- 7.18 The application of the Streetscape Design Guide as an other material consideration carries moderate weight as amendments since its original adoption have not been through formal consultation and it does not therefore carry the same weight as an SPD. It is important to consider flexibility and have regard to individual site circumstances when applying Policy SWDP 4 of the Development Plan and related guidance.
- 7.19 Policy SWDP 4 requires new development to minimise demand for travel by private cars and encourages active travel. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.20 No parking is proposed in the scheme. However, given the close proximity of the site to the city centre and public transport links, and the presence of on-street parking restrictions, the site is considered to be in an appropriate location to not provide on-site car parking. The development would not have a harmful impact upon safety through traffic generation or on-street parking. Moreover, the proposed development would provide secure, covered cycle parking for two cycles per flat.
- 7.21 It is considered that deliveries to and from the commercial units would be limited in nature and would not have a harmful impact upon the safety and operation of the surrounding highway network.
- 7.22 The development incorporates an area for refuse storage. While it would appear to be insufficient to cater for the refuse and recycling needs for four flats and two commercial units, it could be amended to be larger, for the flats, while the refuse requirements of the commercial units may be met within the units themselves. Refuse collection from the site may be undertaken in the normal manner.

Drainage and Flooding

- 7.23 The site is located in Flood Zone 1 and is therefore at a low risk of flooding. The form of development proposed in this application is therefore suitable for the site.
- 7.24 The Canal and River Trust has no comments with the proposed development while no objections are raised to the scheme concerning water usage or the impact of the development upon the sewer network.

Archaeology

- 7.25 In accordance with the requirements of the National Planning Policy Framework and Policies of the Development Plan, the proposals require assessment of the site in terms of the potential for archaeological remains that are at this time undocumented.
- 7.26 It is possible that the site contains human or historical remains given the former presence of a Franciscan Friary adjacent to the site.

While an archaeological evaluation in 2003 did not discover any details of this, it is recommended that a programme of archaeological evaluation and mitigation be undertaken for the site. This may be conditioned in the event that the development be found acceptable.

Other Matters and Issues Raised:

- 7.27 The shared access for both the residential and the commercial elements of the proposed development would not be an ideal arrangement for the site. Harm to the amenity of the residents of the site would likely arise from such an arrangement, their being exposed to potential noise/ dust/ dirt/ fumes from the commercial premises at close quarters when their doors are open. The proposed development is therefore contrary to Policy SWDP21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Guide Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).
- 7.28 The issues raised by the occupiers of the neighbouring premises are noted. However, it is not known that the proposal would unreasonably restrict access along South Street and therefore adversely impact upon the nearby business. In the event of the proposed development being found acceptable, a condition requiring the submission of a Construction Traffic Management Plan including the hours of delivery to the site, may be imposed upon the permission, thereby limiting the hours of delivery to the site. Given that the development would be car- free, it is not known that it would cause cars to need to reverse onto City Walls Road. Vehicles and cars that already use South Street to access other premises would not need to reverse along the road either as they would be able to turn within their own premises. Pedestrian safety would not be harmed either given that the development would be car- free and would not result in on- street parking.
- 7.29 The comments regarding the dust and dirt in the air arising from the scheme affecting the adjacent paint spraying business are noted though it is not considered that this is sufficient a reason to refuse the application. Whether compensation for the consequential loss of and damage to business would be payable is not an issue for consideration in this application.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.
- 8.2 The Council can currently demonstrate a 5 year housing land supply, and therefore, its relevant housing policies are not out of date. Where a development is found to be sustainable development, a presumption in favour applies. In accordance with Policy SWDP1 the decision taker should grant planning permission for such developments, unless material considerations indicate otherwise or, where specific policies in the Development Plan or material considerations indicate development should be restricted.

- 8.3 This development would assist in delivering the objectively assessed housing need for South Worcestershire over the plan period to 2030 ensuring that there is an adequate supply of land for housing. It would also make a meaningful contribution towards affordable housing need. These are factors in support of the development to which substantial weight should be attached.
- 8.4 The proposed development would result in some economic benefits; employment during construction and thereafter upon the occupation of the dwellings and the commercial units it is likely that the occupants would contribute towards maintaining the vitality of the area. For this role of sustainable development, the balance would clearly be in favour of granting planning permission.
- 8.5 With regard to the social role, the delivery of homes in this location would contribute to the continued economic and social sustainability of the City. This is a factor to which I also attach significant weight.
- 8.6 In respect of potential adverse impacts, the proposal has generated a number of objections and many of these focus around the impact on neighbouring commercial operations. However, the adjacent car paint spraying business would, as a result if the associated odours, have an adverse impact for the future occupiers of the flats. The proposals would also potentially impact on the delivery of wider regeneration and being small scale and piecemeal in nature would raise issues that cannot be addressed through amendment.
- 8.7 These are significant concerns which are to be given appropriate weighting in the determination of this application. On balance, the submitted scheme is therefore considered to be contrary to the policies of the Development Plan and National Planning Policy Framework when considered as a whole.
- 8.8 All comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework. The adverse impacts of the development significantly and demonstrably outweigh the benefits. Overall, it is considered that the proposals would be contrary to policies of the Development Plan as a whole.

9. Recommended Reasons for Refusal

- 9.1 Having considered all matters the application is recommended for refusal for the following reasons:
1. By virtue of the extent of the full height glazing at all three levels in the front elevation of the proposed building and its blank flank and rear elevations and the size of the proposal, projecting above the two storey business premises to the rear of the site, the proposed development would have an adverse impact upon the street scene. The impact would be exacerbated by the size, bulk and massing of the proposed development and its prominence in the street scene. The proposed development is therefore contrary to Policy SWDP21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Guide Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).
 2. By virtue of its nature and the odour arising from it, the adjacent paint spraying business would have a significant and harmful impact upon the amenities of the future occupiers of the development.

The proposal is therefore contrary to Policy SWDP21 of the South Worcestershire Development Plan (2016), the South Worcestershire Design Guide Supplementary Planning Document (2018) and the National Planning Policy Framework (2021).