



# **Wyre Forest District Council Local Plan 2016-2036**

## **Examination**

### **Matter 9: Business, town centres and retailing; previously developed sites in the Green Belt**

*(Policies 10A-C, employment site allocation policies, Section  
22, Policy 23A, Policy 35 and supporting text)*

### **Wyre Forest District Council Response**

## **Contents page**

|                          | Page No. |
|--------------------------|----------|
| Response to question 9.1 | 1        |
| Response to question 9.2 | 5        |
| Response to question 9.3 | 9        |
| Response to question 9.4 | 12       |

## **Wyre Forest District Council**

### **Wyre Forest District Local Plan (2016-2036) Examination**

#### **Matter 9: Business, town centres and retailing; previously developed sites in the Green Belt** *(Policies 10A-C, employment site allocation policies, Section 22, Policy 23A, Policy 35 and supporting text)*

#### **Q9.1(i) Are the employment allocations justified and are they likely to provide for the needs of the local economy over the Plan period?**

- 9.1.1 Wyre Forest District Council (WFDC) appointed Nathaniel Lichfield & Partners (Lichfields) to undertake an Employment Land Review (ELR) update in 2018 (ECON04).
- 9.1.2 The ELR was required to ensure that sufficient suitable employment sites are provided to accommodate the scale of economic growth projected for the District over the Plan period. Sites have been assessed through the Wyre Forest Housing and Economic Land Availability Assessment 2019 (HOU04) to ensure that sites are suitable, available and achievable for economic development over the Local Plan period. The ELR Update considered the existing situation, assessed future requirements for employment land and analysed existing employment sites and the need for any additional sites to address the gap between demand and supply.
- 9.1.3 The ELR Update was prepared in the context of requirements set out in the revised National Planning Policy Framework (the Framework) published in July 2018 and the Planning Practice Guidance (Practice Guidance) with regards to planning for economic development needs to ensure that it was consistent with national policy and to facilitate the delivery of employment sites. Both quantitative and qualitative methods were used to assess the need for, and supply of, employment land. This involved analysis of economic, demographic and commercial property market data and consultation with a range of stakeholders.
- 9.1.4 All potential sites were initially assessed through the Housing and Economic Land Availability Assessment (HELAA) (HOU04). The methodology for this was prepared in accordance with the NPPF and the NPPG at section ID3. The HELAA aims to identify sites and broad locations with development potential, assess their potential and suitability.
- 9.1.5 The Sustainability Appraisal (SA) (SD04, SD04a) also assessed all of the potential site allocations. A framework of sustainability objectives was developed for assessing the suitability of both the proposed policies and individual sites. A Policy Framework with 13 SA objectives has been used to assess the impacts of the Local Plan's vision and objectives, strategic

options and policies. A specific SA framework was developed for the sites. This was revised in response to comments received at Preferred Options consultation, also to make it more practical and useful. To avoid duplication, the SA information was integrated into the HELAA site forms. Table 5.2 of the SA shows how the sites scored against the SA objectives.

- 9.1.6 Sites were also assessed through a Green Belt assessment (GB01, GB02, GB02a) which was undertaken by Wood Group (previously Amec Foster Wheeler) The Green Belt Review Stages 1 and 2 (GB01, GB02), enabled the Council to take a spatially balanced approach to identifying sites for the delivery of the development needs over the plan period. The Plan aims to site as much employment development as possible on brownfield land to achieve a sustainable pattern of development. The Council has sought to prioritise brownfield land first, followed by sustainable development on greenfield land, and sustainable development on Green Belt sites (some of which is previously developed and surplus public sector land). The additional proposed employment sites were assessed in the Green Belt Topic Paper 2020 (ED20) Additional Site Assessments (ED20A) and Summary of Site Assessments (ED20B).
- 9.1.7 The employment allocation is justified and positively prepared; the ELR considered different scenarios and evidence and provided a strategy to meet the District's employment needs. The breakdown of the employment allocation is 4.0ha offices (14%) and 24.54ha industrial/warehousing (86%).
- 9.1.8 Additional employment sites were required as the existing employment land supply of 17.32 ha is not sufficient to meet the estimated 29 ha need. The employment allocation of 35.21 ha is justified and positively prepared; the requirement was based on a range of robust scenarios and evidence and underpins the Council's strategy to meet Wyre Forest's employment needs.
- 9.1.9 The assessed employment need is approximately 29 ha; however, the Submission Plan allocates 35.21 ha. This is because the NPPF requires that Planning policies should "*be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances*" (paragraph 81 d). The Council therefore considered that an additional uplift to the overall supply was necessary to be consistent with national policy.
- 9.1.10 The sites range in size from 0.2ha at Green Street depot situated in Kidderminster through to the largest at 7ha at Lea Castle together with a smaller site of 0.34. Sites for employment uses have been allocated across the District in both urban and rural locations. In the east of the

District Cursley Distribution Park which is 0.7 hectares, in the west of the District Alton Nurseries 1ha providing rural employment. The majority of the allocated sites are situated in or close to the urban areas of Kidderminster and Stourport-on-Severn. The number and situation of sites have been allocated to ensure that they meet the needs of the local economy over the Plan period.

**Q9.1(ii) Do they allow reasonable flexibility to respond to changing market demands and promote sustainable development?**

- 9.1.11 Many of the allocated employment sites are suitable for B2 and B8 uses. Sites that are close to residential development to protect the residential amenity may be suitable for uses that previously were in the B1 Use Class these being offices, research and development and light industrial uses that can be carried out in a residential area without causing detriment to the amenity of the area. The variety of uses ensures that there is flexibility and therefore the portfolio is able to respond to changing market demands.
- 9.1.12 The Council proposes to allocate 35.21ha which is a higher number than the 29ha identified in the ELR. As set out above, by allocating a level of supply above the identified need, this factors in an additional level of flexibility to ensure that a shortage of employment land within the District does not occur. This approach is in accordance with national policy.
- 9.1.13 All employment sites were subject to sustainability appraisal. The urban allocated employment sites are in, or adjacent to, existing built development in sustainable locations.
- 9.1.14 Alton Nurseries and Cursley Distribution Park were existing business uses in rural areas. Paragraphs 83 of the NPPF states that planning policies *"should enable the sustainable growth and expansion of all types of business in rural areas"*

**Q9.1(iii) With regard to the employment policies, how should the Plan take account of the September 2020 amendments to the Use Classes Order? Does the Plan need to do more to protect land for business use?**

- 9.1.15 In September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations amended the Town and Country Planning (Use Classes) Order 1987 (UCO). Significant changes to the system of use classes were introduced. They include the reclassification of a number of uses. Class B1 which includes offices and light industrial are removed and incorporated within a new Use Class E which also includes previous use classes A1 (Shops), A2 (Financial and professional services), A3 (Restaurants and cafes), D1 (Non-residential institutions)

and D2 (Assembly and leisure). Change of use to another use within Class E will be allowed without the need for planning permission.

- 9.1.16 Sites allocated for employment use do need to be protected for employment uses to ensure that there are sufficient sites available to meet the future need for offices, research and distribution and light industrial. General industrial B2 use and storage and distribution B8 use are unchanged in the amended Use Classes Order. The amount of employment land allocated was assessed through the ELR to ensure that sufficient employment land was allocated within the District. The National Planning Policy Framework (paragraph 8) states that *"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."* It goes on to say at paragraph 20 *"Strategic policies should set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for ...employment."*
- 9.1.17 We suggest that references to A and B1 Use Classes in the Submission Plan should be deleted or amended as these will no longer exist once the transitional arrangements come to an end on 31<sup>st</sup> July 2021. These could be proposed as main / minor modifications to the Plan.
- 9.1.18 Otherwise, the employment policies in the Plan remain valid, including the quantum of employment land identified in Policy 10A and the employment site allocations. Although offices and light industry are now in a different Use Class from general industry and storage and distribution, they were still in different use classes at the time the 2018 ELR was undertaken (B1, B2, B8) and therefore this does not represent a significant change to the approach. In its current form, the Local Plan is not overly prescriptive about particular employment uses and the employment allocations. This provides the necessary flexibility for employment land to come forward on the allocated sites in the way the market dictates.
- 9.1.19 However, in order to ensure that the Council plans positively in providing sufficient land for future employment needs, as well as addressing the consequences of former B1 employment changing to other uses within Class E without the need for planning permission, it may be necessary (in some cases) to use conditions and/or planning obligations to limit the uses within new Class E development on some allocated employment sites, industrial land.
- 9.1.20 The following condition could be attached to any planning permission on the allocated sites for uses that would previously have been in Use Class B1. Any permissions within classes B2 and B8 would be unaffected by

the changes to the Use Classes Order 2020 and would therefore not need this condition.

9.1.21 *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the premises/building(s)/site(s) shall be used for light industrial/offices/ research and development and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).*

*Reason: In order to define the permission in accordance with Policy 10A of the Wyre Forest District Local Plan and the National Planning Policy Framework.*

**Q9.2 Overall, does the Plan set out a positive vision with clear and integrated policies to support the management, adaptation and growth of the District's town centres? In particular:**

**a) does Policy 10B policy focus sufficiently on the full range of town centre uses and their respective contributions to maintaining and enhancing the vitality and viability of the centres?**

9.2.1 The Council commissioned Boyer to undertake a Retail and Commercial Leisure Needs Study (ECON01) in 2016. The conclusion of the report was that apart from Bewdley having a modest level of capacity for an additional convenience store there was not a requirement for additional retail floorspace in the District. Other uses in what were traditionally retail areas in the town centres especially Kidderminster would therefore be needed to maintain and enhance the vitality and viability of the town centres. Policy 10B specifies that new development for retail, commercial and leisure uses should be focussed on the three towns which follows the hierarchy as set out in the Settlement Hierarchy Technical Paper 2019 (SH01). The hierarchy focused development in Kidderminster as the main focus for development in the District followed by Stourport-on-Severn as a large market town and Bewdley as a market town.

9.2.2 One of the aims and vision of Policy 10B is to safeguard, maintain and enhance the vitality and viability of existing retail centres in the District. The policy states that new retail, commercial and leisure uses should be focussed on the three town centres within the District. It clearly specifies the range of town centre uses that would be supported in the town centres that would contribute to their vitality and viability. The policy also supports small scale office development in the town centres as well as recreation uses. Outside of the primary shopping areas residential

development will be encouraged. Policy 10B does focus on a range of town centre uses but many of these may now not require planning permission to change from retail to alternative uses due to the Use Class Order changes.

- 9.2.3 In September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations amended the Town and Country Planning (Use Classes) Order 1987 (UCO). Significant changes to the system of use classes were introduced. They include the reclassification of several uses. Class B1 which includes offices and light industrial are removed and incorporated within a new Use Class E which also includes previous use classes A1 (Shops), A2 (Financial and professional services), A3 (Restaurants and cafes), D1 (Non-residential institutions) and D2 (Assembly and leisure). Change of use to another use within Class E will be allowed without the need for planning permission.
- 9.2.4 It appears that one reason for the change in the Use Classes Order is to promote and encourage the vitality and viability of town centres by allowing typical high street uses (the new Class E uses) to merge or switch without planning permission. This will ensure greater flexibility which will allow businesses to respond to rapid changes in the retail and leisure sectors especially at a time when typical High Streets are finding conditions challenging. In the town centres in the District this will allow more flexibility between uses as Use Class E allows for a mix of retail, business and leisure uses, this reflects the changing patterns of retail shopping and should enhance the vitality and viability of the town centres.

**b) for effectiveness, should the links be strengthened between the strategic policies for the town centres, transport and accessibility, Unique Place policies including for the waterways, and the relevant allocation policies?**

- 9.2.5 The strategic policies for the town centres (Policy 10B), Transport and Accessibility (Policy 13) and the Unique Place policies (11A, 11B, 11C and 11D) are most effective when read in conjunction with the allocation policies. Links could be added to the relevant allocation policies to ensure that awareness is made of the strategic policies listed above.

**c) do Policies 22A-22E provide a clear, justified and effective basis for managing town centre uses in the District and are they consistent with national planning policy?**

- 9.2.6 Amendments to Policies 22A, C and E are considered needed which are listed under d) to provide clear, justified and effective details for the management of town centres. The amendments are in response to the changes to the Use Class Order September 2020 for town centre uses



and to ensure that they are consistent with national planning policy The Council believe that with these amendments Policies 22A to E do provide a clear basis for town centre development. The policies are justified as they are based on evidence and the Retail and Commercial Leisure Needs Study (ECON01).

- 9.2.7 The policy has been written in compliance with the NPPF, taking a positive approach to uses within the town centre to support alternative uses and growth. The Council produced a Settlement Hierarchy Technical Paper 2019 (SH01) of towns and villages within the District which defined the hierarchy of the three main towns. The hierarchy focused development in Kidderminster as the main focus for development in the District followed by Stourport-on-Severn as a large market town and Bewdley as a market town.
- 9.2.8 The Retail and Commercial Leisure Needs Study (ECON04) forms evidence underpinning the retail and town centre policies. Other studies which include Kidderminster Eastern Gateway Development Framework Report 2016 (ECON07) and A Prospectus for Regenerating Kidderminster 2009 (ECON02).
- 9.2.9 The policies in compliance with NPPF paragraph 85 support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

**d) how should the town centre and retail policies take account of the September 2020 amendments to the Use Classes Order?**

- 9.2.10 The change in the Use Classes Order promotes and encourages the vitality and viability of town centres by allowing typical high street uses (the new Class E uses) to merge or switch without planning permission. This will promote vitality and viability of town centres and ensure greater flexibility which will allow businesses to respond to rapid changes in the retail and leisure sectors especially at a time when typical High Streets are finding conditions challenging. In the town centres in the District this will allow more flexibility between uses and should enhance the vitality and viability of the town centres.
- 9.2.11 Amendments to several policies will be required to take account of the amendments to the Use Classes Order September 2020. Proposed amendments are as follows:

Policy 22A Town Centre Development

- 9.2.12 Recreation now falls within the same use class as retail Use Class E. Proposed change to Policy 22A:

## Policy 22A - Town Centre development

- Large scale retail development (2,500sqm net and above) and commercial or leisure uses should be targeted towards Kidderminster as the strategic centre of the District followed by Stourport-on-Severn and Bewdley in a sequential approach. Proposals for new retail development (of more than 280sqm net), or proposals regarding the removal of restrictive retail conditions, (condition that restricts retail use) will only be permitted where a sequential approach has been followed and it is demonstrated that:
  - It is within the Primary Shopping Area.
  - If edge-of-centre, that the proposals cannot be accommodated within the Primary Shopping Area.
- Support will be given to proposals that safeguard, maintain and enhance the vitality and viability of the existing retail centres throughout the District without causing adverse effects on the built and natural environment and that are of a scale that is appropriate to its location.
- In secondary shopping areas, support will be given for change of use of retail units to alternative uses such as leisure, ~~recreation~~, employment and residential. Proposals must demonstrate that the building is fully used avoiding vacant floors above shops. Proposals to introduce residential development above ground floor within the Primary Shopping Area will be supported. Within secondary shopping frontages, residential development at ground floor will be considered in accordance with other policies within the plan and on their individual merits. This will help to improve the vitality of the centres without compromising the core retail function of the towns.
- Support will be given for the appropriate development for the regeneration of the eastern gateway area of Kidderminster town centre.
- ~~Within the defined Primary Shopping Frontage development proposals for retail use at ground floor (A1 A5) will be permitted where:~~
  - ~~The scale and type of development proposed is directly related to the role and function of the centre and its catchment area and it contributes to the provision of a safe environment.~~

- ~~○ There would be no adverse impact on the vitality and viability of the centre or other centres.~~
- ~~○ They provide an active frontage and are open for business during the day.~~
- Proposals for development within the Primary Shopping Frontage area must not result in an adverse cluster of non-retail uses at ground floor level or unduly fragment the retail area.

#### Policy 22C Change of use from retail to alternative uses in local centres

9.2.13 This policy is no longer required, and we consider that it should be removed. Retail shops that were previously in Use Class A1 now fall within in Use Class E. This means that shops can change to other uses such as Financial and Professional Services, Restaurants and Cafes, Business, Non- residential institutions and Assembly and leisure without the need for planning permission.

#### Policy 22E Specialist Retailing

9.2.14 Retail developments within employment areas (factory outlets) will not be permitted unless they are small scale uses (not exceeding 280sqm net) related to or an ancillary part of a business use. Car showrooms and vehicle maintenance, repair and service centres will also be permitted on land allocated for offices (other than within Use Class E), research and development of products or processes, any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area B1, B2 and B8 purposes.

### **Q9.3 Are the requirements of Policy 22G for development of hot food takeaways sound?**

- 9.3.1 The Wyre Forest District Local Plan has identified as a Plan Objective encouraging healthier lifestyles and improving the health and wellbeing of the District's population.
- 9.3.2 In accordance with Paragraph 35a of the NPPF 2019 we believe that Policy 22G Hot Food Takeaways was positively prepared. Wyre Forest District Council Officers worked closely with Worcestershire County Council Public Health Directorate. Public Health also produced a document in response to Wyre Forest District Local Plan which forms part of the Statement of Common Ground with Worcestershire County Council (SD10a).
- 9.3.3 Policy 22G complies with Paragraph 35b of the NPPF 2019 in that it is justified, the policy took account of evidence and statistics within Wyre Forest District relating to obesity and evidence from studies regarding the links between hot food takeaways and obesity. The Public Health

response documented evidence of health issues within the District and the general upward trend in the prevalence of overweight and obesity in both children and adults. "Features of the environment within which individuals live have been identified as potential risk factors for obesity as they may affect both eating behaviour (energy intake) and physical activity level (energy expenditure). The evidence details that there are elevated levels of obesity in communities with high concentrations of fast food outlets and further evidence that such concentrations are highest in areas of greatest deprivation. Local evidence in Worcestershire highlights that exposure to at least one fast food outlet within 1 mile of home and within 1 mile of school were both associated with a higher proportion of children becoming obese. This was most pronounced in the proportion who were overweight in reception and became obese by year 6. It has been recognised that local authorities, through a wide range of their functions, are well placed to take action to combat obesity. Several important publications have already drawn attention to the potential for local government to use its powers in a variety of ways to combat obesity and try to dilute some of the effects of the obesogenic environment. The planning system is one area in which local government can act. Policy 22G is justified as it is considered an appropriate strategy taking account of statistics regarding obesity and health in Wyre Forest District based on the evidence. The alternative would be to do nothing and the evidence displayed demonstrates that we should be doing something and that hot food takeaways can have an effect on obesity levels and particular school aged children, which leads to obesity in adults.

- 9.3.4 Policy 22G is in compliance with Paragraph 35c in the NPPF in that it is effective the policy is deliverable over the plan period and has been based on effective joint working between the Council and Worcestershire County Council Public Health Directorate as evidenced in the Statement of Common Ground.
- 9.3.5 In accordance with Paragraph 35d of the NPPF 2019 the policy is consistent with national policy as detailed below. The NPPF states that planning should:
- take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 9.3.6 At the heart of the NPPF is a presumption in favour of sustainable development, with three dimensions to the concept: economic; social; and environmental.
- 9.3.7 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; Policy 22G complies with the Social objective by supporting by encouraging healthier lifestyles and improving the health and wellbeing of the District's population.

- 9.3.8 NPPF paragraph 91 states that "Planning policies and decisions should aim to achieve healthy, inclusive and safe places" and "enable and support healthy lifestyles, especially where this would address identified local health and well-being needs" The policy complies with this paragraph as a Plan Objective is encouraging healthier lifestyles through walking and cycling and improving the health and wellbeing of the District's population. This is proposed to be done by measures such as limiting the number of hot food takeaways adjacent to one another and outside of designated centres by not permitting hot food takeaways within 400m of the boundary of a school to try and reduce the prevalence of obesity.
- 9.3.9 Planning Policy Guidance states that "*A healthy place is one which supports and promotes healthy behaviours and environments and a reduction in health inequalities for people of all ages. It will provide the community with opportunities to improve their physical and mental health, and support community engagement and wellbeing*". Paragraph: 003 Reference ID:53-003-20191101. Policy 22G would be working towards this by promoting healthy behaviours and looking to reduce health inequalities by looking to reduce the numbers of hot food takeaways in walking distances of schools and reducing health inequities. More fast food outlets in these areas of deprivation may increase the availability of energy-dense food outlets which may exacerbate poorer health outcomes. It is well known that along with age; gender, ethnicity and deprivation influence the prevalence of obesity.
- 9.3.10 Policy 22G is considered sound and is consistent with national policy. The National Planning Policy Framework makes it clear that the planning system can play an important role in creating healthy, inclusive communities. There is evidence that there are elevated levels of obesity in communities with high concentrations of fast food outlets and further evidence that such concentrations are highest in areas of greatest deprivation. There is also evidence that the type of food on sale nearest to schools may influence the diet of school children.
- 9.3.11 In September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations amended the Town and Country Planning (Use Classes) Order 1987 (UCO). Significant changes to the

system of use classes were introduced. They include the reclassification of a number of uses. Class B1 which includes offices and light industrial are removed and incorporated within a new Use Class E which also includes previous use classes A1 (Shops), A2 (Financial and professional services), A3 (Restaurants and cafes), D1 (Non-residential institutions) and D2 (Assembly and leisure). Change of use to another use within Class E will be allowed without the need for planning permission.

9.3.12 Hot food takeaways previously were in Use Class A5, now due to the revised Use Classes Order they are sui generis.

#### Policy 22G Hot Food Takeaways

9.3.13 The policy refers to Use Class A5 and therefore the policy should be amended:

- They would result in two or more **A5 takeaways** adjacent to one another.
- Applications for ~~A5 uses~~ **takeaways** will, where it is deemed necessary, be required to include a health impact screening to assess whether a full impact assessment is required (also see Policy 9 Health and Wellbeing).

#### **Q9.4 Does Policy 35 on previously developed sites in the Green Belt give clear, adequate and justified guidance on proposals for development on the identified and non-identified sites? Is it consistent with Policy 23A of the Plan and with national planning policy?**

9.4.1 Three Previously Developed Sites in the Green Belt have been identified in Policy 35. These are Rushock Trading Estate, West Midland Safari Park and Cursley Distribution Park. For each of the three there is clear guidance as to the uses that would be permitted. Policy 35 for all of these sites gives clear guidance on the proposed use classes that would be appropriate.

9.4.2 The National Planning Policy Framework (NPPF) Paragraph 145 states that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

9.4.3 Exceptions to this are:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 9.4.4 The site allocations for Rushock Trading Estate and the West Midland Safari Park are allocations rolled over from the currently adopted Site Allocations and Policies Local Plan.
- 9.4.5 Rushock Trading Estate is a former military site within the Green Belt.
- 9.4.6 The allocation for Cursley Distribution Park is a new allocation and has been proposed as an allocation because it is a former Ministry of Defence storage depot which is currently being used for B2 and B8 uses with ancillary office accommodation. Many of the buildings now require redevelopment to keep the site attractive to potential business occupiers. As a previously developed site in the Green Belt, the site would benefit from the flexibility that Policy 35 provides.
- 9.4.7 The West Midland Safari and Leisure Park is one of the largest tourist attractions within the District. The park is important locally but is also a regional and national attraction and provides a destination for visitors to the area. Due to the nature of the activities at the park, the predominant land use is open grassland, which despite the fences and ancillary animal houses, generally maintains the openness of the Green Belt. However, there is a large part of the site that is considered to be Previously Developed, this is contained primarily around the rides and leisure element of the park, as well as the associated car parking.
- 9.4.8 The Policy for both Rushock Trading Estate and Cursley Distribution Park the use is specified as B1 (Offices, Research and Development and Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution). The policy is consistent with national planning policy.
- 9.4.9 In September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations amended the Town and Country Planning (Use Classes) Order 1987 (UCO). Significant changes to the system of use classes were introduced. They include the reclassification of a number of uses. Class B1 which includes offices and light industrial are removed and incorporated within a new Use Class E which also includes previous use classes A1 (Shops), A2 (Financial and professional services), A3 (Restaurants and cafes), D1 (Non-residential institutions) and D2 (Assembly and leisure). Change of use to another use within Class E will be allowed without the need for planning permission.

9.4.10 To ensure appropriate uses at both Rushock Trading Estate and Cursley Distribution Park it is suggested that any planning approvals for development are subject to the following condition:

9.4.11 *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the premises/building(s)/site(s) shall be used for light industrial/offices/ research and development and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).*

*Reason: In order to define the permission in accordance with Policy 10A of the Wyre Forest District Local Plan and the National Planning Policy Framework.*

9.4.12 The only site that is covered in both Policy 35 Previously Developed Sites in the Green Belt and Policy 23A Supporting Major Tourist Attractions is West Midland Safari Park (WMSP). Policy 35 states that "Within the Previously Developed area of WMSP development proposals that support and enhance the park's operations as a leisure or tourism destination will be permitted". The policy is consistent with Policy 23A which also supports the park which is a Major Tourist attraction and gives further details and guidance on the criteria for acceptable development. Both policies are consistent in supporting and enhancing development at the site.

9.4.13 Proposals for Previously Developed Windfall Sites in the Green Belt is also covered in Policy 35. The policy lists requirements to ensure the openness of the Green Belt is maintained in accordance with the NPPF. The policy is clear in its guidance as to acceptable development on Previously Developed Windfall sites in the Green Belt.