

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 16th August 2016  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Planning Committee

### Members of Committee:

**Chairman: Councillor S J Williams**  
**Vice-Chairman: Councillor C Rogers**

**Councillor J Aston**

**Councillor J R Desmond**

**Councillor M J Hart**

**Councillor N Martin**

**Councillor J A Shaw**

**Councillor S J M Clee**

**Councillor J A Hart**

**Councillor D Little**

**Councillor F M Oborski MBE**

**Councillor R J Vale**

### Information for Members of the Public:-

**Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.**

**An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.**

**Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.**

**Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.**

### Public Speaking

**Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):**

- **Introduction of item by officers;**
- **Councillors' questions to officers to clarify detail;**
- **Representations by objector;**
- **Representations by supporter or applicant (or representative);**
- **Clarification of any points by officers, as necessary, after each speaker;**
- **Consideration of application by councillors, including questions to officers**

**All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.**

**If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Lynette Cadwallader Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732729 or email**

**[lynette.cadwallader@wyreforestdc.gov.uk](mailto:lynette.cadwallader@wyreforestdc.gov.uk)**

## **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of the Council’s constitution for full details.

## **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

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If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

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**If you have any queries regarding this, please speak with the Council’s Legal Officer at the meeting.**

\* unless there are no reports in the open session.

## **NOTES**

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director of Economic Prosperity & Place before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 110D will always include the case Officer's written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 16th August 2016

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 19th July 2016.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	<b>Planning and Related Appeals</b>  To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	84
7.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

<b>8.</b>	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

<b>9.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER

19TH JULY 2016 (6:00 PM)

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**Present:**

Councillors: S J Williams (Chairman), S J M Clee, J R Desmond, J A Hart, M J Hart, D Little, N Martin, S Miah, F M Oborski MBE, C Rogers, J A Shaw and R J Vale.

**Observers:**

Councillor: T L Onslow.

**PL.7 Apologies for Absence**

Apologies for absence were received from Councillor: J Aston.

**PL.8 Appointment of Substitutes**

Councillor S Miah was a substitute for Councillor J Aston.

**PL.9 Declarations of Interests by Members**

Councillor R J Vale declared an ODI in respect of application number 14/0060/HHED, New House Farm, Belbroughton Road, Blakedown, Kidderminster, as she was friends with the applicant, however, as the matter was only to be noted, she did not think that it would prejudice her position and she would remain in the room

**PL.10 Minutes**

**Decision: The minutes of the meeting held on 26<sup>th</sup> May 2016 be confirmed as a correct record and signed by the Chairman.**

**PL.11 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No.544 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 544 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.**

**PL.12 Planning and Related Appeals**

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

**Decision: The details be noted.**

**PL.13 Section 106 Obligation Monitoring**

The Committee considered a report from the Director of Economic Prosperity & Place that gave details of the most current Section 106 Obligations which required monitoring.

**Decision: The details be noted.**

**PL.14 Exclusion of the Press and Public**

**Decision: That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.**

**PL.15 New Enforcement Case**

The Committee received a report from the Director of Economic Prosperity and Place on a new enforcement case.

**Decision: The Solicitor to the Council receive delegated authority to serve or withhold an Enforcement Notice for the reason detailed in the confidential report to the Planning Committee.**

**PL.16 Enforcement Matters**

The Committee received a report from the Director of Economic Prosperity and Place which provided Members with a summary report on enforcement matters.

**Decision: The information be noted.**

There being no further business, the meeting ended at 6:40 pm



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

19<sup>th</sup> July 2016 Schedule 544 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Development Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

<b>Application Reference:</b> 15/0170/FULL
<b>Site Address:</b> KIDDERMINSTER 132KV/11KV GRID SUBSTATION, NEW ROAD/TRAM STREET, KIDDERMINSTER, DY10 1AB
<b>APPROVED</b> subject to the following conditions: <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. Material/finish of mast to be agreed</li> <li>4. Removal of 'permitted development' rights for further antenna on the mast</li> <li>5. Any flood vulnerable equipment to be located on the mast to be set above known flood levels. Details to be submitted and approved.</li> <li>6. Landscaping plan to be submitted and approved</li> </ol>

Councillor T L Onslow left the meeting at this point (6:32 pm), and returned at 6:33 pm.

<b>Application Reference:</b> 16/0297/FULL
<b>Site Address:</b> ELGAR HOUSE, GREEN STREET, KIDDERMINSTER, DY10 1JF
<b>APPROVED</b> subject to the following conditions: <ol style="list-style-type: none"> <li>1. A9 (Temporary permission – uses of land)</li> <li>2. A11 (Approved plans)</li> </ol> <p>Note SN5 (No advertisements)</p>

<b>Application Reference:</b> 16/0041/EIA
<b>Site Address:</b> SEVERN TRENT WATER LTD, TRIMPLEY WATER TREATMENT WORKS, TRIMPLEY, BEWDLEY, DY12 1PJ
<b>Delegated authority to APPROVE</b> subject to the conditions listed below and subject to the Secretary of State not being mindful to call-in the application: <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. Materials/finish to be agreed</li> <li>4. Noise assessment to be submitted and approved</li> </ol>

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| <ol style="list-style-type: none"> <li>5. Full landscaping scheme to be submitted and approved</li> <li>6. Contaminated land – tiered investigation</li> <li>7. Construction Environmental Management Plan (CEMP) to include (but may not be limited to) a ‘water management plan’, ‘soils and materials management plan’, ‘site waste management’ and ‘pollution prevention plan’ to be submitted and agreed.</li> <li>8. Lighting management plan to confirm times of operation and levels of illumination to be submitted and approved.</li> </ol> |
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<b>Application Reference:</b> 16/0099/FULL
<b>Site Address:</b> BROOK FARM, HEIGHTINGTON ROAD, HEIGHTINGTON, BEWDLEY, DY12 2YR
<b>Delegated authority to APPROVE</b> the removal of Condition 4 of Planning Permission WF/0025/00 subject to the Solicitor to the Council removing the Section 106 from the property and the associated land.

<b>Application Reference:</b> 16/0215/FULL
<b>Site Address:</b> THE STABLES, DEANSFORD LANE, KIDDERMINSTER, DY10 3NN
<b>APPROVED</b> subject to the following conditions: <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. B6 (External details – approved plan)</li> <li>4. B5 (Timber staining)</li> <li>5. J11 (Stables – no commercial use)</li> <li>6. J35 (Manure storage/disposal)</li> <li>7. No floodlights</li> <li>8. No mirrors</li> </ol>

<b>Application Reference:</b> 16/0266/ADVE
<b>Site Address:</b> BEWDLEY MEDICAL CENTRE, DOG LANE, BEWDLEY, DY12 2EF
<b>APPROVED</b> subject to the following conditions: <ol style="list-style-type: none"> <li>1. L1 (Standard advertisement conditions)</li> <li>2. L9 (Standard time)</li> <li>3. Materials as per approved plans</li> </ol>

<b>Application Reference:</b> 16/0279/FULL
<b>Site Address:</b> THE COOPERS ARMS, 108 CANTERBURY ROAD, KIDDERMINSTER, DY11 6ET
<b>APPROVED</b> , subject to the following conditions: <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> </ol>

3. B1 (Details of materials to be agreed)
4. C7 (Landscaping details to be submitted)
5. C3 (Tree protection during construction)
6. C8 (Landscape implementation)
7. B12 (Erection of fences)
8. E2 (Foul and surface water)
9. Submission of drainage strategy
10. Demolition and construction method statement
11. Details of contractor's compound
12. Protected species survey and mitigation
13. Lighting details
14. Pedestrian and vehicular access details to be agreed
15. Cycle parking
16. Residents 'Welcome Pack'
17. Removal of permitted development rights

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**16/08/2016**

**PART A Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
16/0277/FULL	123 STOURPORT ROAD KIDDERMINSTER	APPROVAL	13

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
16/0040/EIA	LAND ADJACENT LICKHILL QUARRY BEWDLEY ROAD NORTH STOURPORT-ON-SEVERN	DELEGATED APPROVAL	20
16/0181/FULL	THE OAKLANDS CALLOW HILL ROCK KIDDERMINSTER	APPROVAL	54
16/0205/FULL	ROYAL EXCHANGE 31 NEW ROAD KIDDERMINSTER	APPROVAL	59
16/0273/FULL	10 GLADSTONE PLACE BLAKEDOWN KIDDERMINSTER	APPROVAL	70
16/0347/FULL	BEWDLEY LIBRARY & OLD MEDICAL CENTRE LOAD STREET BEWDLEY	APPROVAL	73

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**16<sup>TH</sup> AUGUST 2016**

**PART A**

<b>Application Reference:</b>	16/0277/FULL	<b>Date Received:</b>	08/05/2016
<b>Ord Sheet:</b>	382190 274813	<b>Expiry Date:</b>	03/07/2016
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Foley Park & Hoobrook

**Proposal:** Erection of coffee shop (use class A1/A3) with drive through facility and amended car park layout

**Site Address:** 123 STOURPORT ROAD, KIDDERMINSTER, DY117BW

**Applicant:** QW Retails Estates Limited

<b>Summary of Policy</b>	DS01 CP01 CP03 CP09 CP11 (CS) SAL.GPB2 SAL.GPB3 SAL.UP7 SAL.UP9 SAL.CC1 SAL.CC2 (SAAPLP) Section 2 (NPPF)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site measures 0.15 hectares in area and is currently vacant. Adjacent to the site is a recently constructed KFC Drive-thru restaurant. The site benefits from an extant consent for the construction of an A1 retail unit which was approved as part of the application for the KFC restaurant (as detailed below at Paragraph 2.2).
- 1.2 To the northern boundary of the site is the Severn Valley Railway rail track; to the west are residential properties fronting Clee Avenue; to the east (beyond the KFC restaurant) runs the A451 Stourport Road; and to the south is the site entrance on the Clee Avenue and Stanley Dental Practice which sits on the opposite side of Clee Avenue.
- 1.3 The site is identified in the Site Allocations and Policies Local Plan as being in a residential area.

16/0277/FULL

## 2.0 Planning History

- 2.1 16/0278/ADVE - Display of 2no. illuminated building signs and 8no. illuminated site signs : Awaiting to be determined
- 2.2 13/0656/FULL - Demolition of existing building and redevelopment of the site to provide a class A1 retail unit and a class A3/A5 unit, car parking, landscaping and associated works (amendment to and resubmission of withdrawn application 13/0521/FULL) : Refused (Allowed on Appeal)
- 2.3 13/0521/FULL - Demolition of existing building and redevelopment of the site to provide a Class A1 retail unit and two Class A3/A5 units, car parking, landscaping and associated works : Withdrawn

## 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Approve subject to AC units being placed away from local housing and suitable planting between the boundary to reduce the noise impact on local residents.
- 3.2 Highway Authority – No objection
- 3.3 Worcestershire Regulatory Services (WRS) - The submitted noise assessment indicates that noise from external plant / equipment should not cause noise nuisance at the nearest residential receptor, therefore I have no objections to the application in terms of noise.
- 3.4 Neighbour/Site Notice – One letter of objection received. The main matters raised are summarised as follows:
  - a) Privacy  
The development will have a hugely adverse effect on our (occupiers of 6 Clee Avenue) privacy particularly that of my teenage daughter whose bedroom is closest to and overlooks the site. There would be a clear line of sight from the proposed development into the bedroom window.
  - b) Disturbance  
Myself and my family spend a lot of time in the garden and believe the noise of the cars approaching, using the drive-through, parking and revving their engines will disturb us, as it will when also using our conservatory. The noise from the fan will also cause disturbance. The close proximity of the building and activities in and around the structure, people moving and talking, cars moving etc will be an invasion of what peace we have left following the disturbance caused by KFC.

16/0277/FULL

c) Light Pollution

The lights from the existing development cause upset to us; they shine in through our kitchen window, the upstairs bathroom window, the front bedroom bay window, front lounge bay window, my husbands office window and our disabled daughters sensory room window. Our daughter has a rare life-limiting chromosome disorder and is poorly a lot of the time. She is disabled and the room is currently under review as being potentially adapted to become her bedroom (this has been on-going for about a year now as we're awaiting assessment by Worcestershire County Council). She is sensitive to quite a few external factors including light and sudden noises. The back of the house is quite open plan so the light through this window shines through into the whole back half of the house. The site lighting that is currently in place is already causing some distress to all of us given the brightness of the light that shines in all the aforementioned windows and also that through the bay windows at the front of the house.

d) Visual Impact

I also object to the imposing structure itself which will be clearly visual above the top of the fence for much of our back garden.

**4.0 Officer Comments**

**PROPOSAL**

4.1 Planning permission is sought for the construction of a Starbucks coffee shop with drive-thru facility. It is proposed that the coffee shop would be sited in a location similar to the retail unit approved under reference 13/0656/FULL, albeit the proposed building would be a further 1m from the boundary shared with the adjacent property at 6 Clee Avenue. A similar car parking layout to that already approved is proposed, with parking along the boundary shared with 6 Clee Avenue, some to the front of the proposed store and a further 8 spaces along the internal roadway and boundary to Clee Avenue.

4.2 The building would be a single storey structure of modular design incorporating a mix of flat and mono-pitch roof designs resulting in a building with varying heights ranging from 3m closest to the boundary with 6 Clee Avenue to 5.8m at its highest point. The building would be constructed of brick and finished with a render, however large areas of glazing, including clerestory windows above the main eaves into the mono-pitch roof, are proposed as is typical with the Starbucks style.

16/0277/FULL

SITING, SCALE & DESIGN

- 4.3 Concern has been raised that the proposed building, by virtue of its scale and location would result in an adverse impact on the amenity of occupiers of 6 Cleve Avenue as a result of the building being overbearing on occupiers of that property. I visited the property to assess this perceived impact and whilst I agree that the building would be visible from the garden and when looking out of the windows, I do not agree that the impact would be overbearing to the point that it would adversely affect the amenity of occupiers. In drawing this conclusion I am mindful that the proposed building would be a further 1m from the boundary shared with 6 Cleve Avenue than the already approved retail unit and would be of a comparable scale (approved retail unit height 5.7m, proposed coffee shop height 5.8m (max)). For these reasons I see no reason to conclude that the impacts arising from the siting or scale of the development would cause harm of the type described.
- 4.4 The design of the proposed building is typical of that associated with the Starbucks coffee shop chain. Having assessed the design in the context of the surrounding urban form and character I am satisfied that the proposal would not appear as an incongruous addition to the Cleve Avenue or Stourport Road streetscenes. The building will relate well with the architectural characteristics of the adjacent KFC restaurant and being sufficiently different in character to the traditional dwellings of Cleve Avenue so as not to compete with or detract from their character, I find that the proposal would have an acceptable visual impact on its surroundings.

HIGHWAY SAFETY

- 4.5 The proposal intends to utilise the same access/egress as previously approved and would adopt a parking layout very similar to the layout proposed for the retail unit already approved. Given that the Highway Authority do not identify any concerns and have not objected then I am satisfied that there would be no harm caused to highway safety as a result of this proposal and that sufficient parking provision for the intended use is proposed.

IMPACT ON AMENITY

PRIVACY

- 4.6 Concern has been raised that the proposed development would afford users of the site a direct line of sight into habitable rooms of 6 Cleve Avenue thus resulting in a loss of privacy for occupiers. Information provided by the occupier of 6 Cleve Avenue and having visited the site I am mindful that the internal configuration does mean that there are ground floor habitable room windows which do face directly towards the site however views into these rooms are prevented by the boundary fence. With regards to first floor windows to the rear and front elevations I do not find that there would be any direct overlooking because the proposed building is single storey in form. Whilst there are clerestory windows on the elevation facing 6 Cleve Avenue these are high level windows and would not serve any first floor accommodation. For these reasons I do not find that the proposal would result in a loss of privacy to occupiers of 6 Cleve Avenue.



16/0277/FULL

LIGHT POLLUTION

- 4.7 In respect of light pollution concerns have been put forward by the immediate neighbours at 6 Clee Avenue, as set out above, are that the existing lighting on the site is having an adverse impact on their amenity. No new clear objection has been raised relating to the current proposal however these concerns have been passed to Worcestershire Regulatory Services whose remit it would fall within to investigate such concerns.

NOISE POLLUTION

- 4.8 In addition to comments relating to complaints with the site as it currently operates, there are concerns that the proposed development would increase the level of noise and disturbance to those persons at 6 Clee Avenue, particularly when in the garden of this property. The main objections appear to be with the noise from traffic movements and the general coming and goings of people on the site. There could also be a noise impact from the proposed plant (air conditioning/extraction) which is proposed to be located 9m from the boundary with 6 Clee Avenue.
- 4.9 The proposed plans show that an acoustic fence is proposed to the boundary with 6 Clee Avenue and along the rear boundary shared which follows the railway track to the north of the site. The application has also been supported by a detailed Acoustic Assessment which has been fully considered by Worcestershire Regulatory Services who raise no objection to the proposal. On this basis, and provided that the acoustic mitigation (fencing) is installed prior to first use of the building (which can be controlled by condition) then I am satisfied that there would be no detrimental impact on the amenity of neighbouring residents.
- 4.10 In addition to the above and in order to ensure that the amenity of adjacent residents is preserved it is proposed that the conditions attached to planning permission 13/0656/FULL relating to opening hours which would limit opening times to between 07:00 and 23:00 daily, should be imposed. This is consistent with the suggested opening hours put forward by the applicants and is therefore considered to be a reasonable and necessary restriction.
- 4.11 In order to provide some comfort to nearby residents it is worthy of note that the condition attached to planning permission 13/0656/FULL which controlled vehicular access to the site between 00:00 and 06:00 would still have effect due to the shared nature of the access. This condition can be duplicated on any permission given.

16/0277/FULL

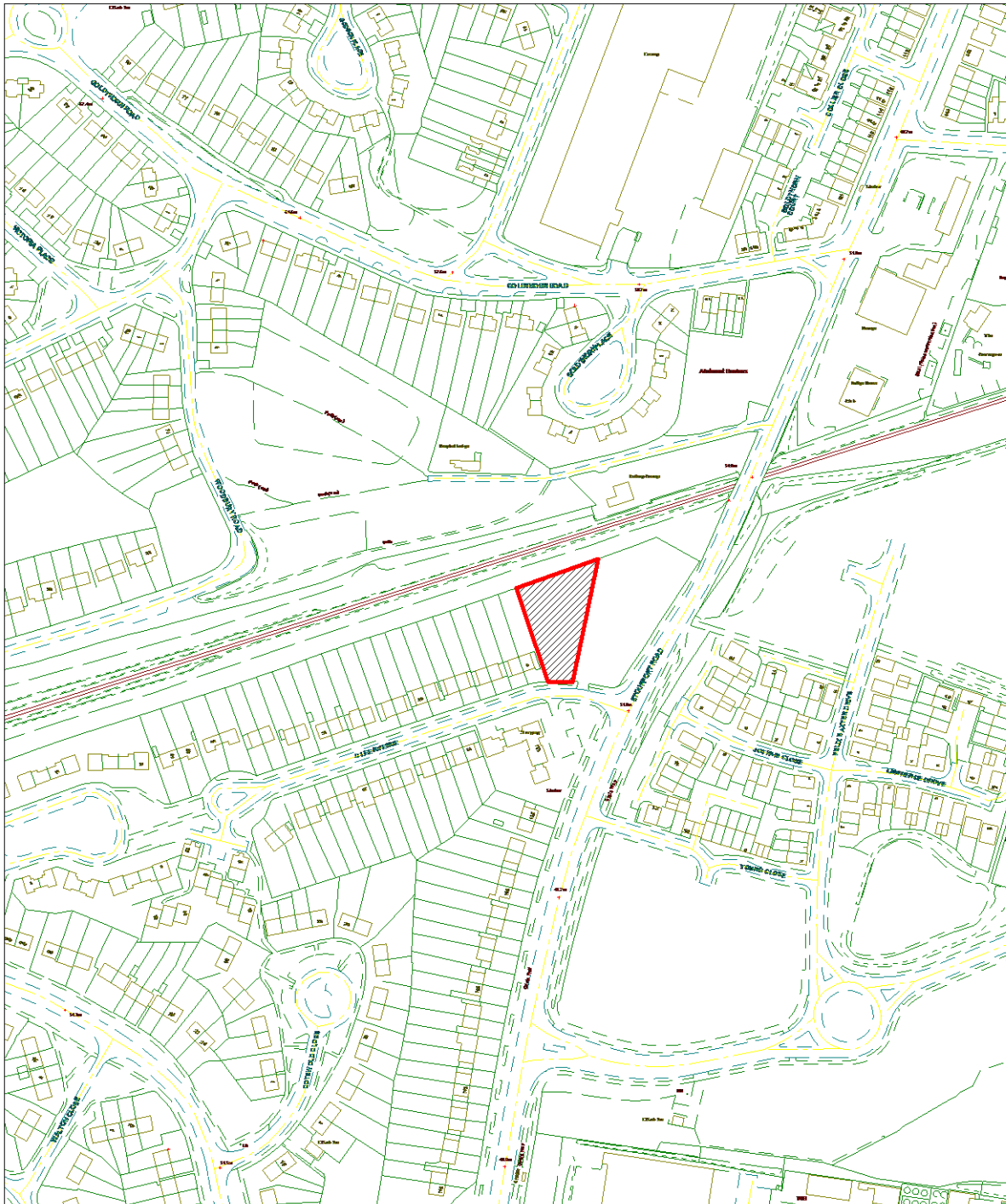
4.12 The Use Class of the proposed coffee shop is proposed as a hybrid of A1/A3 Uses, however given that there are internal seating areas the use is more akin to a typical A3 Use (restaurant and cafe), albeit that for the purposes of the occupier they do not operate as a restaurant or cafe cooking food, from scratch on the premises. A more traditional A3 Use might however involve the preparation and cooking of food as and such may require additional or more substantial extraction units, which could have a materially different impact on the amenity of neighbours than is likely to be the case with the current proposed occupier. In order to ensure that the amenity of neighbouring occupiers is preserved it is considered necessary and reasonable to limit the use of the building to a coffee shop (A1/A3) and to impose a condition restricting the additional of any further extraction equipment or alterations to the equipment hereby approved.

## 5.0 Conclusions and Recommendations

5.1 The proposal represents an appropriate form of development in this location which would have an acceptable appearance in the streetscene and is capable of implementation without detriment to neighbour amenity.

5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Materials as per the approved plan
4. Opening hours restricted to 07:00 to 23:00 daily
5. No further extraction/ventilation equipment to be installed
6. Approval only for the extraction/ventilation as proposed which should be fully installed prior to first occupation
7. Acoustic fencing to boundary to be installed in full prior to the first use of the building
8. Restriction of hours of vehicular access
9. Removal of permitted development rights for extensions



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**123 Stourport Road  
Kidderminster, DY11 7BW**

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WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**16<sup>TH</sup> AUGUST 2016**

**PART B**

<b>Application Reference:</b>	16/0040/EIA	<b>Date Received:</b>	02/02/2016
<b>Ord Sheet:</b>	378934 272736	<b>Expiry Date:</b>	24/05/2016
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Mitton

**Proposal:** Construction of a river intake, pumping station at Lickhill, underground water pipeline (approximately 12.5km in length) running from proposed pumping station between Kidderminster and Stourport On Severn, north of Mustow Green and Bluntington and South of Drayton and associated infrastructure including temporary site compound off Hartlebury Lane, Stourport On Severn forming part of the Birmingham Resilience Project.

**Site Address:** LAND ADJACENT LICKHILL QUARRY, BEWDLEY ROAD NORTH, STOURPORT-ON-SEVERN,

**Applicant:** Severn Trent Water Ltd (Mr D Moore)

<b>Summary of Policy</b>	DS01, CP01, CP02, CP03, CP11, CP12, CP13, CP14, CP15 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP14 (SAAPLP) CC8, CC12 (Chaddesley Corbett Neighbourhood Plan) Sections 7, 9, 10, 11, 12 (NPPF)
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

**1.0 Site Location and Description**

1.1 This application is submitted by Severn Trent Water Ltd (STW) and is one part of a larger infrastructure projects known as the Birmingham Resilience Project (BRP). The BRP is intended to provide an alternative source of drinking water for Birmingham.

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- 1.2 The proposal is to provide an alternative source of water from the River Severn to enable the Elan Valley Aqueduct (EVA), which currently provides such water, to be taken out of service for short periods to allow essential refurbishment work to be carried out. The intention is for the BRP scheme to be operated for periods of around 50 days at a time, during the autumn or winter months when river levels are sufficiently high to enable abstraction without any significant environmental or social impacts. It is anticipated that one 50 day EVA outage would be planned every one to two years, subject to water availability in the river.
- 1.3 The proposed new abstraction point (river intake) is proposed at Lickhill. The abstracted water would then flow from the river to a new pumping station at Lickhill and would then be piped across the District towards the Water Treatment Works (WTW) at Frankley. The BRP would thus consist of infrastructure which runs through the administrative areas of four Local Authorities including Wyre Forest District Council, Wychavon District Council (planning permission in place), Bromsgrove District Council and Birmingham City Council (planning permission in place).
- 1.4 This application seeks planning permission for the construction of the river intake, a pumping station, a pipeline as well as associated supporting infrastructure. A separate application for planning permission covering BRP associated works at the Trimley Water Treatment Works was considered by Members at the Planning Development Control committee in July where there was a resolution to approve the application subject to the Secretary of State resolving not to 'call-in' the application (planning reference 16/0041/EIA).

## **2.0 Planning History**

- 2.1 None relevant

## **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval.
- 3.2 Bewdley Town Council - Recommend approval subject to the condition that Severn Trent ensure the access road to the pumping station is properly maintained and kept clear from excessive dust/mud etc which may be caused by lorries and heavy vehicles visiting the site, in order that the road is, at all times, safe and unobstructed for other vehicles and road users, in particular adjacent caravan/mobile home dwellers.
- 3.3 Highway Authority - Whilst this is a significant engineering project the only permanent highway works are within Bromsgrove; all other works are temporary and associated with the construction phase. The temporary works can be controlled through condition and will not lead to any longstanding highway implications.

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Recommended condition - Temporary site access (specification to be agreed)

3.4 Environment Agency (Comments as of 26/07/2016) -

FLOOD RISK

Comments refer to the revised Flood Risk Assessment (FRA) D03, V02 reference A5W11215- PW31704\_B\_Add dated July 2016, received on 22 July 2016 as a formal submission. This is further to a number of discussions with Jacobs [for the applicant] and draft FRA addendums since the original submission, to help ensure a comprehensive FRA.

Jacobs [for the applicant] have modelled and considered the construction and operational phase of the development. The FRA now includes relevant information to inform the 'construction' phase impacts. For both the construction phase and operational phase the FRA shows that no additional properties will be at risk of flooding including those at Severn Bank Caravan Park. The FRA indicates that there will be some small, marginal, flood risk increases during the construction phase.

Flood risk management during the construction phase is important due to the perceived likelihood of a flood event during the proposed two year construction phase. We would suggest that a flood management plan is secured, as committed to within the FRA. This should set out the approach and measures which will be carried out by the applicant following the issue of a flood alert or warning to minimise the potential flood risk impacts from the temporary works.

The applicant will need to secure a Flood Risk Activity Permit from us for the permanent structure and the temporary works. The modelling already undertaken is for the worst case scenario. We would look for the applicant to continue to assess ways in which the impacts from the temporary works can be reduced. For example, by minimising the duration of the temporary works and the extent of the temporary structure required to allow the construction of the intake.

We are in discussion with the applicant and their contractor regarding the above permit.

For the operational phase the FRA shows that there will be some flood risk impacts elsewhere (impacts on agricultural land, 500sq.m of land being flooded in the design flood event). It also shows some small pockets of impact within the nearby caravan park – the FRA suggests these are “minor increases in flood level” and indicates that no existing properties at the park should be flooded internally. This land would effectively become a “flooded area” and the FRA proposes this be addressed through monetary compensation to those third party landowners that may be affected.

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With regard to groundwater and contamination/landfill related issues we would reiterate the comments made in our previous letter of 13 July 2016, reference SV/2016/108836/02-L01. This included a draft suggested condition to secure a review of site investigation, monitoring data and a detailed groundwater monitoring scheme.

(Comments as of 13/07/2016)

GROUNDWATER AND CONTAMINATION/LANDFILL

Discussions between ourselves and the applicant centred on the way that contaminated groundwater from the landfill site is moving toward the river, or whether the geology is providing some level of protection. Fundamentally, the landfill site is a dilute and disperse site – there is no liner and limited cap in place at the site. Rainfall will land on the site, percolate through collecting contaminants and will leach through to the groundwater beneath.

Contamination is therefore currently present beneath the site and has been for some time. It has been moving towards the river via the hydraulic gradient for some years.

The main issue during development is the groundwater pumping required at the site. In order to create the vertical well, the sandstones will need to be dewatered to allow the excavation to proceed. This volume of water will not be insignificant. The geology will have a direct bearing on how contamination beneath the site is mobilised during this construction phase. Contamination will arrive at the river from this site, with or without the development taking place. However, we need to understand the potential impacts through a conceptual model and ensure a monitoring and mitigation plan is in place.

A planning condition will be needed to require agreement of the conceptual model, the physical location and installation details of the monitoring infrastructure, the monitoring regime that needs to be in place before, during and after the construction phase. The monitoring will need to continue until the groundwater levels and contaminant concentrations have returned to normalised, pre-existing conditions. There will need to be a clause requiring mitigation plans to be in place prior to dewatering, with a range of scenarios developed to show what would be put in place to remedy adverse impacts.

(Comments as of 25/04/2016)

PROPOSED WORKS ON THE LICKHILL LANDFILL SITE

Lickhill landfill holds an Environmental Permit which is regulated by us. The landfill site which accepted a range of commercial waste is classified as 'closed'. The permit requires the holder 'Hills (West Midlands) Ltd' to undertake monitoring of Groundwater and Landfill gas. We receive regular monitoring reports from the permit holder. These confirm the presence of landfill gas at the facility.

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The applicant is aware of the permit and the need to ensure the potential impact upon the landfill is fully considered within any construction proposals. They are also aware that any changes to the landfill including changes to monitoring infrastructure may require an application to vary the existing permit. An application would need to be made by the permit holder Hills.

Should the proposal involve the removal and treatment of any waste at the site these treatment activities would require a separate environmental permit by the proposed operator.

#### WATER QUALITY

It is noted that there is a risk that dewatering or contact with landfill leachate could result in contaminated water that either requires treatment prior to discharge or removal for offsite treatment. It is also noted that surface waters from high risk areas associated with the landfill works and haul routes will be collected (due to risk it could become contaminated) this will be treated and discharged or removed for specialist treatment. Further onsite monitoring will need to be carried out. This will ensure water is appropriately treated/disposed of as contaminants may not be homogenous. We would prefer contaminated water to be discharged to foul sewer or removed offsite for specialist permitted treatment.

In order to discharge contaminated water from dewatering and/ or contaminated surface water to the environment is likely that a permit will be required, this will be subject to a full determination. There are some differences throughout the main report in relation to the discharge / disposal of contaminated dewatering water / contaminated surface water / water contaminated by leachate. In some cases the report states water may be treated off site, in other places it confirms treatment will be on site under permitted discharge. In other places it suggests that treatment may not be required. It is understood that the options may depend on the extent / type of contamination but given the project timescales this does need to be clarified and further discussion with us in relation to permitting.

#### GEOMORPHOLOGY AND ECOLOGY

We note the proposed intake as shown on the general layout plan. Generally the structure considers most of our pre-planning application comments. For example, the hard engineered structures are proposed to grade into the existing bank profiles and the transition from solid concrete structures to natural bank is proposing to use placed stone. However, there may still be a potential problem with the upstream ends of the metal screening equipment acting as a snagging point for flood debris etc. These are shown as being perpendicular to the river flow and may, during high flow events, attract flood debris and possibly be at risk of damage from large floating objects e.g. large trees. Opportunities to reduce or minimise this impact should be explored.



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TUNNEL CROSSINGS

Whilst the tunnelling of the major watercourse crossings is preferred and welcomed there is a concern over the potential impacts that short term de-watering may have on sensitive water dependant habitats/features as the aquifer/groundwater levels are locally depressed. There needs to be specific mitigation measures in place or immediately ready to be implemented should any evidence of impending impacts become apparent. This should be secured by condition.

- 3.5 Planning Policy - The buildings which form part of this application are substantial buildings but bunding and screening will lessen their impact. Planning policy have no objection to the development.
- 3.6 Arboricultural Officer - Confirm that no trees covered by a Tree Preservation Order (TPO) are affected by the installation of a new pipeline. I am a little concerned by were the pipeline intersects with the Minster Road as there are some very nice trees in that area. The pipeline obviously affects a number of trees on its route, but as it is a necessary development I would not be minded to place new orders on trees that are affected. If the impact for the trees on the Minster Road could be minimised I would be grateful, but otherwise I have no objections.
- 3.7 Countryside & Conservation Officer – No objection. The only point to note is that the applicant will need to undertake a precautionary survey for reptiles prior to site occupation (Stourport Road compound) and then take appropriate mitigation measures to prevent re colonisation of the compound by reptiles. This needs to be prior to any further works or actions being undertaken on this site.

The application has come with an appropriate ecological assessment that has looked at all the relevant protected species and habitat of importance. In general the protection of biodiversity has been embedded into this scheme and given the scale of this undertaking, the route and design of the Pipeline and its infrastructure has been chosen and engineered in such a way as to have the minimal amount of harm to biodiversity as feasible.

The scheme poses 2 potential; areas of biodiversity harm; firstly, the direct physical impact of the development habitats and species; secondly, the impact on aquatic species and habitats that due to the nature of the structures function.

DIRECT IMPACTS

Important wildlife sites have been avoided through good route choice and the use of tunnelling. And I feel no protected sites will be negatively impacted upon subject to the mitigation measures set out in the Environmental Statement (ES).

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The ES does fail to provide sufficient detail on the impact of the proposed Biobullet method of pipe cleansing to rid the pipes of zebra mussels and its potential impact on Otter. This has however been subsequently picked up by the applicant to my satisfaction.

The application includes the mobilisation compound on Hartlebury Road in Stourport. I could not see any ecological work had been done on this site. the land was recently industrial but has good ecological connectivity to a disused rail line and via this a SSSI heathland. Hence I feel the site has good potential for reptile. I know the site has just been cleared but risk of harm to this species still exists.

There is also some potential for harm to exist from noise impacts on migratory fish, it is hoped this would be insignificant but I feel that as it is a little of an unknown some post operation surveying should be included in the scheme to ensure this is in fact the case.

#### INDIRECT IMPACTS

The ES has lead me to feel comfortable that under the normal operating regime is unlikely to cause biodiversity harm further down stream. However if in the unlikely event of an incident takes place that requires the system to be operated out side of the normal operating guidance at time of low flow on the river Severn potential for significant harm exists. I assume some work will be done somewhere that will give guidance of what actions and emergency protocols etc will need to be put in place at such time. Given the significance of the harm it would be good that Biodiversity is embedded into this document giving measures and actions, pre determined and planed so that wherever possible harm is reduced and mitigated.

- 3.8 Worcestershire Regulatory Services (WRS) (Contaminated Land) - No new sensitive receptors are being introduced as a result of this project. The reports are focussed on the potential for the construction of the pipeline to impact upon existing sensitive receptors along the route. The site investigations have identified areas of contamination and the risks associated with mobilised contaminants impacting groundwater and windborne dust affect human health receptors. The Environment Agency has been consulted and in addition, some of the work will require an Environmental Permit, regulated by the Environment Agency.

The risks to human health and off site receptors can be mitigated through the implementation of the CEMP and it is anticipated the LPA will engage with the contractor to reach agreement on the content of this document. Particular attention is required for the Pump House site, Burlish Tip, Bonemill Tip due to the proximity of residential and recreational receptors and should include the reinstatement of land following the construction of the pipeline. The submission of this document for approval can be dealt with by planning condition.

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Ground gas measures are recommended for the new pump house at Lickhill.

It is acknowledged that due to the size of the project there may be unexpected contamination encountered and additional contamination wording is recommended to address this issue. The following conditions are recommended;

- a) Gas Protection
- b) Reporting of Unexpected Contamination

3.9 Worcestershire Regulatory Services (WRS) (Air Quality) - I have reviewed the application in relation to air quality. This has involved a review of Technical Appendix 18.1 and other relevant documents. WRS are satisfied with the content of the report and have no adverse comments to make in respect of air quality.

3.10 North Worcestershire Water Management (NWWM) - In accordance with the National Planning Policy Framework, a Flood Risk Assessment (FRA) has been produced for each scheme element, including the river intake and pumping station and the pipeline. Each FRA assesses the level of risk posed to the proposed development. The mitigation measures and residual risks are summarised within the ES.

Having considered the information contained in the ES I would not raise an objection.

3.11 Worcestershire County Council Archive & Archaeology Service – No objection. It is recommended that the required works should be secured and implemented by means of a suite of suitably worded conditions attached to any grant of planning permission for the scheme. In order to comply with policy, the following two conditions should be attached to any consent:

- a) Programme of archaeological investigation to be submitted, including a written scheme of investigation.
- b) No development to commence until the programme of archaeological investigation has been agreed.

3.12 Worcestershire County Council (Minerals & Waste) - As the proposed development would not introduce new sensitive receptors, we consider that it is unlikely that the pipeline itself would have a significant impact on the operation of existing nearby waste sites.

No objection subject to a condition requiring a Construction Environment Management Plan (CEMP) to cover a detailed Site Waste Management Plan, Materials Management Plan and Soils Management Plan.

3.13 Campaign for the Protection of Rural England – No objection to the principle but object to the current scheme on the basis of the following;

1. In this particular case, the Green Belt is already broken up by the presence of a densely populated park home development.

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Unless there are good engineering reasons to the contrary, the intake should be placed as near as possible to the park home development; and the Lickhill pumping station should also be placed close to it or to the farm buildings adjacent to the access track, so as to maintain the openness of the rest of the nearby Green Belt.

Comments also include the following suggestions:

- a) Before approving this application in its present form, the Committee should satisfy itself that no works connected to the intake will hinder lawful navigation of the waterway.
- b) The Committee should satisfy themselves that the works will not have that effect on flooding .
- c) Any planning consents granted by all the District Councils should accordingly be subject to conditions for an archaeological contractor to undertake a watching brief over the pipeline as it is laid, and for the investigation and recording of any archaeological remains encountered whether previously known or unknown.
- d) If CCTV coverage is required at night, illumination should be infrared only, not the visible, spectrum, to limit light pollution.

- 3.14 Natural England - No objection. Natural England is satisfied that the proposed activities being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which any designated sites have been notified.

We would like to see that the measures to protect grassland to the area adjacent to Burlish Top Local Nature Reserve (on the whole field not just on the land disturbed directly by works), as agreed with the applicant, are subject of a condition.

- 3.15 Sport England – This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception E4 of the above policy, which states:

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E4.

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Sport England understands that Birmingham Metropolitan College has agreed to the temporary replacement of the affected 'back' pitches with pitches on the disused golf driving range, which is owned by the College. Severn Trent propose to provide the College with a financial contribution to provide pitches on the disused golf driving range. An assessment of the disused golf driving range has been undertaken and it is understood that there are no major barriers to providing pitches on the disused driving range which has previously been used as playing field. Sport England have not been involved in the negotiation of the financial contribution that Severn Trent will pay the College to bring those pitches back into use and it is not known if agreement has been reached or if the financial settlement will be sufficient to provide the replacement pitches. However I have been assured by Severn Trent that sufficient funding will be made available to undertake the necessary works to provide the pitches on the disused driving range.

In principle the replacement of the 'back pitches' with pitches on the disused golf driving range is acceptable. However this is only subject to the replacement pitches being of equivalent or better quality than the existing pitches and subject to the pitches being made available for use before the existing pitches are taken out of use. Furthermore the existing 'back pitches' will need to be restored and brought back into use once the pipeline works have been completed. It is my understanding that Severn Trent propose to restore the pitches once works have been completed on the 'back pitches'.

#### CONCLUSIONS AND RECOMMENDATION

Given the above assessment, Sport England do not object to this application as it is considered to broadly meet exception E4 of the above policy. The absence of an objection is subject to a condition being attached to the decision notice requiring replacement pitches.

- 3.16 Canal & River Trust – No objection, refer to standing advice.
- 3.17 Health & Safety Executive – No comments to make.
- 3.18 Ramblers Association - We have no concerns about the principle of the development recognising its importance to the well-being of a large population in the West Midlands. Fortunately, the proposal appears to us to be sympathetic to walkers interests in general terms.

The following concerns were highlighted;

- a) Works to existing Public Rights of Way (PROW)
- b) Damaged hedgerows to be replaced
- c) Appropriate landscape design is essential

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- d) We are concerned about the material to be used on the fence to be located on the North East, landward side of the diverted section of the path. The fence on the South West, river side, of the path is to be of a wooden post and wire construction but will be screened from the path in due course by shrubbery. No indication is given of what is to be used for the other fence. We would suggest that it be of a wooden post and rail construction.
- e) Having visited the location of the pumping station at Lickhill. It is to be positioned in a slight depression on a valley side in very open countryside overlooking the river Severn. It is likely to be visible from the two riverside paths and Ribbesford Woods with their open access. It is likely to be very difficult to screen adequately. We assume that its position is crucial in engineering terms and cannot be negotiated. If that is not the case then we would ask that you press for it to be moved further to the east away from the west facing slope. Failing that we hope that the Council will insist that it must be totally and sympathetically screened..

3.19 Kidderminster Harriers Development Centre FC – Objection. We currently hire several pitches from Birmingham Metropolitan College on their site known as ‘Centre of Sporting Excellence’ to provide football for over 200 players ranging from 8 to 18 years old.

We have developed a relationship with formerly Stourbridge College, and now BMet, to make this site our home. All our teams identify with having a permanent base and it has become very much part of our DNA.

The current proposal would mean that we would lose access to all of those pitches meaning that the vast majority of our teams would be unable to play football for at least 2 seasons.

We understand that there have been discussions between Severn Trent and BMet regarding proposals for alternative provision on the former golf driving range on site. When the application was submitted there was no agreement between the two parties to progress this alternative provision.

Therefore we are faced with a very real prospect of having to either find alternative provision away from our home, or if unable to do so, tell many local children that we cannot provide them with the football that they enjoy playing.

The proposed alternative provision will only partly alleviate our situation meaning that we would only need to find outside provision for approximately 4 of our teams instead of 8 or 9. However, we would urge Wyre Forest District Council to reject the current application until such time as alternative provision has been formally agreed with Severn Trent.

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3.20 Birmingham Metropolitan College (BMC) – Objection.

BMC owns the 'Centre of Sporting Excellence' at Zortech Avenue which forms part of the application site. BMC operates a football academy in partnership with Kidderminster Harriers FC with 146 members using the site full time. Kidderminster Youth Academy also use the site as well as members of the public.

The proposal would affect the pitches resulting in them being out of use for up to 24 months. Discussions between BMC and STW have been ongoing to try to seek provision for alternative compensatory pitch provision but to date have not been fruitful.

3.21 Worcestershire Football Association Ltd – Objection

The loss of the important football training pitches is not acceptable, alternative local provision should be provided by STW.

3.22 Stourport Boat Club – Objection. The following matters of concern were raised;

- a) Physical intrusion of the river intake which may affect the width of the river.
- b) Visual intrusion from pumping station.

3.23 Neighbour/Site Notice – Three letters received. The main matters raised are summarised as follows;

- a) We have been advised by Severn Trent that an application for working hours of 7am to 7pm have been requested. We feel this is unreasonable. I believe the working hours in both the Bromgrove and Wychavon District have been restricted to 8am to 6pm and we feel this would be more reasonable.
- b) Severn Trent have advised that they plan to work 24 hours a day whilst tunnelling. Again, we have concerns about this due to the noise of both the transport and the workers.
- c) The section of Wilden Lane just north of McVeigh Parker floods on a regular basis during the winter months. If Severn Trent plan to have a further 40 truck movements along this stretch of road it can only further add to our despair. We would like Severn Trent, the Highways Agency and WFDC to look into installing extra drainage on this section and providing regular road and path sweeping throughout the project.
- d) The plans and paperwork associated with the application are not easy to understand.
- e) The application does not detail the temporary site compound off Hartlebury Lane (road) location, traffic management or impact and contribution to congestion on a road which is heavily congested at peak times.
- f) The submission does not mention working hours and how noise, dust and light pollution is going to be managed to not impact or kept to an acceptable minimum on the local residents.
- g) The application does not detail the pipeline location around Stourport and how it is going to be accessed during construction, this could impact on highway safety.

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#### 4.0 Officer Comments

##### PROPOSAL

- 4.1 Planning permission is sought for the construction of a river intake, a new pumping station and a length of pipeline running from the proposed extraction point on the River Severn at Lickhill across the District towards Frankley Water Treatment Works in Birmingham. Each component of the project is described in more detail below;

##### River Intake

1. The proposed river intake would be located on the river bank of the Severn at Lickhill. The intake structure would measure 45m in length and would sit proud of the edge of the river bank by 8.5m (3.6m from the point at which the river flow rate when at 16.17mAOD). The overall height of the structure would be 10.1m, however most of it would be subterranean with just 1m of the structure protruding above the top of the riverbank. The structure would be most visible from the river where 4.7m of the structure would be visible above the water level. The river at the point of the proposed intake structure measures 40m in width.
2. At the intake site access roads will be required and are proposed to be laid in reinforced grass, new fencing and access gates are also proposed as well as lighting columns. A Public Right of Way would need to be diverted from along the river bank edge to go around the proposed intake structure.

##### Pumping Station

3. A pumping station is required to receive water extracted from the Severn by the river intake via a proposed underground pipe. The pumping station site is located outside of the flood plain, approximately 400m behind the river intake and would comprise of a U-shaped above ground building with a footprint of 42m x 45.6m, measuring 8.6m tall at its greatest height, taken from the proposed ground levels which would be made-up to allow the structure to be sunken into the site. Below the surface would sit a 23.3m pump channel which would receive water from the Severn which would then be pumped up the two pump shafts to the main pump room where it would then join the main pump main and would be directed towards Frankley.
4. The pumping station development would comprise the following principal components:
  - Four fixed speed pumps (3x duty plus 1x standby) with a combined duty capacity of 140MI/d.
  - High voltage electrical incomer (to be provided by Western Power Distribution Ltd) and switch gear (NB: no standby power (i.e. diesel generators) would be provided).
  - Three surge vessels.



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- Mess room including control room, store, office and welfare facilities.
  - Improvements to the road serving the Severn Bank Park residential area.
  - Flow control valve for discharge of 'sweetening flow' into the River Severn.
5. The building has been designed to be read as an agricultural building in order to better blend with the open rural landscape of its setting. The building would resemble an agricultural building, similar to existing barns found in the surrounding farmland. This would include grey blockwork with dark green steel cladding above, topped by a goose-grey steel pitched roof. The doors would be dark grey to provide an appropriate degree of contrast. As detailed above the building would be sunken into the site, a landscape bund is proposed to west and south perimeters to reduce the visual impact of the structure. When viewed from the River Severn at the intake and from the south-east the full extent of the height of the pumping station would be apparent, however the bund would provide significant screening and softening from other viewpoints, specifically from Severn Bank Park. From the west/north-west the addition of the 2m high bund would result in approximately 4.5m of the 6.4m high part of the pumping station structure being visible. From the north-east, with existing land levels at around 37.9AOD the ridge of the building (standing at 39.9AOD) and 2m of the main body of the structure would be visible.
6. External works are also proposed around the proposed pumping station building which comprise the laying of a concrete access road, fencing and the installation of a below-ground attenuation tank and lighting. Detail in the Planning Statement submitted with the application confirms that external lighting for the site would be provided by a series of 6.0m floodlights providing tightly focussed illumination for the access road within the security fence, while 4.0m high floodlights would provide illumination within the courtyard area. All lighting has been designed to minimise impacts on adjacent receptors and would only be in operation when personnel are at the pumping station. The facility would be unmanned and unlit in normal operation. All activity requiring personnel to be present would take place in daylight hours. Operation of the lighting would therefore be an infrequent event.

Pipeline

7. The pipeline across the Wyre Forest District would measure a total of 12.5km in length (8miles). Starting at the intake structure at Lickhill and then moving up to the pumping station the pipeline would then continue in a north-east direction passing beneath the Lickhill Road and then across fields towards Burlish Top. At Burlish top the pipeline would change to an eastwardly direction and would continue across the sports pitches, under the Stourport Road (A451) and across towards Wilden. In Wilden the pipeline would pass through Wilden Industrial Estate and under Wilden Lane and the rail line changing course to head towards the north-east going out across fields towards Shenstone (running roughly parallel with the Worcester road). At Mustow Green the pipeline would pass beneath the Bromsgrove Road and the Worcester Road as it continues on its path through open field towards Chaddesley Corbett where it would pass beneath Woodrow Lane and Drayton Road and would continue towards Belbroughton where it would pass into the administrative District of Bromsgrove.
  
8. With the exception of the air valves, washout chambers and cathodic protection kiosks, the entire pipeline would be located underground. Air valves are required at high points along the pipeline route to allow release of air during initial filling of the main and subsequently during operation. Air valves would be located in below ground chambers with only manholes visible. Washout chambers are required at low points along the pipeline route to enable certain sections of pipe to be drained down for maintenance purposes. These would be located in below ground chambers with only manholes visible when not in use. Cathodic protection is required to prevent corrosion of the pipeline. They are required at two locations along the route where a small above ground kiosk would be sited on the roadside or on an existing access track with cabling to connect to the pipe. A typical cathodic protection kiosk takes a similar form to a roadside electricity/telephone cabinet.

Associated Infrastructure

9. The extent of the works proposed will necessitate a range of ancillary operational working and storage space provision. As a general rule of thumb, along the entire length of the pipeline a 45m working width, with the pipeline at the centre, will be required to facilitate it being laid. At some points along the route additional space will be required for the storage of pipes, machinery and welfare facilities such areas are as follows;
  - a) A temporary construction compound at Hartlebury Road/Worcester Road, Stourport-on-Severn. This site would comprise the site offices for the pipeline construction, car parking for up to 300 personnel and storage areas for plant, materials and equipment. This compound would be the logistical hub for the pipeline construction, and act as a focal point for the operations.

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- b) At the river intake and pumping station site where working areas providing temporary site office, welfare facilities and approximately 70 car parking spaces would be provided.
  - c) Seven 'mobilisation areas' along the route for the storage of equipment and materials at: Wilden Top Road, two areas to the west of Wilden industrial Estate, at the Recreation Ground off Stourport Road, adjacent to Burlish Top car park, and two mobilisation areas at Lickhill between the proposed pumping station and Bewdley Road North.
10. An Environmental Impact Assessment (EIA) has been carried out for the proposed development and deals with the BRP scheme as a whole across the four local planning authorities. As part of the EIA the Applicant has carried out a number of surveys and reports including: an Extended Phase 1 Habitat Survey; species surveys (bat, bird, badger, barn owl, reptile, Great Crested Newt, otter and water vole, dormouse); a draft Construction Environmental Management Plan (CEMP); Aquatic Ecology Assessment; Tree Survey, Archaeological Desk Based Study, Flood Risk Assessment (FRA); Transport Assessment; Air Quality Assessment and Noise Assessment. The findings of the EIA are set out in the Environmental Statement (ES) and its appendices. A Planning Statement, Design and Access Statement, Consultation Statement and Utilities Statement have also been submitted in support of this planning application.

#### PRINCIPLE OF DEVELOPMENT

- 4.2 The proposed development would be largely limited to rural areas of the District washed over by the West Midlands Green Belt and as such Policy SAL.UP1 of the Site Allocations and Policies Local Plan and Paragraphs 89 and 90 of the National Planning Policy Framework are relevant. In having regard to the greenbelt and landscape policies of the development plan the following conclusions are drawn relative to each identifiable element of the scheme;

##### Pipeline

1. The pipeline would run through areas of Green Belt, in accordance with the policies listed above I am minded to conclude that the laying of the pipeline would be an appropriate form of Green Belt development given that it would constitute an engineering operation which would not impact on openness and therefore would satisfy the definition of 'appropriate' development set out in the National Planning Policy Framework.

##### River Intake and Pumping Station

2. The proposed development at both of these sites is considered to be 'inappropriate' development in the Green Belt causing harm, both by definition and due to the likely harm to openness which would arise. The applicant accepts that the proposed development is inappropriate in the Planning Statement which accompanies the application.

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Harm to openness would arise as a direct result of the proposed development (excluding the pipeline), the applicants have sought to limit the severity of this harm through either excavating new development into the existing topography of the site (pumping station) or through the introduction of new landscape features (landscape bunds and extensive landscape planting) which would reduce the visual intrusion into the landscape. The visual impacts of the proposal are discussed in more detail below.

3. There is therefore a requirement for the applicant to demonstrate that 'very special circumstances' exist which would outweigh the harm by virtue of inappropriateness and any other harm before the development could be approved, in accordance with Paragraph 87 of the NPPF. Paragraph 88 of the NPPF continues "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."
4. The applicant has advanced a case for 'very special circumstances' which covers two broad strands; Firstly that the main objective of the BRP scheme is to provide resilience to the water supply of Birmingham and the 1.2 million Severn Trent Water customers using this water supply, which is currently highly dependent on the Elan Valley Aqueduct which, due to its age, requires maintenance. Secondly, there is the statutory requirement to ensure resilience as The Water Bill, introduced in the House of Commons in June 2013, contains changes to Ofwat's duties concerning resilience. It features a new primary duty for Ofwat "*to secure the long-term resilience of water supply and sewerage systems against environmental pressures, population growth and changes in consumer behaviour*". This reflects the high priority that government places on resilience. It is also accepted that due to the need to link up the proposed intake and pumping station with existing infrastructure at Frankley Water Treatment works then it would be impossible to do so without a significant amount of the required infrastructure being in a Green Belt location. Whilst I cannot conclude that there would be no harm to openness, it is considered that the measures proposed by the applicant would limit the severity of this harm.
5. Given the above, I am therefore satisfied, that in the context of Paragraphs 87 and 88 of the NPPF, the benefits of the proposed development i.e. resilience to the water supply of Birmingham, are highly significant and clearly outweigh any harm to the Green Belt by reason of inappropriateness and other harm through loss of openness.

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6. Very special circumstances do therefore exist to justify this development in the Green Belt.

#### VISUAL & LANDSCAPE IMPACTS

- 4.3 The most obvious and lasting impacts of the proposed scheme are undoubtedly the landscape and visual impacts of such a sizeable project and as such, in addition to the consideration of the principle of development and any impact on openness, careful thought has been given to the impact of the proposal on the immediate and surrounding landscape. The Environmental Statement (ES) submitted with the application identifies the landscape and visual impacts of the proposed development, using photomontages to illustrate impacts over time from surrounding receptors. It identifies that during the construction phase there would be a range of visual effects ranging from 'slight adverse' to 'large adverse' effects across the entire length of the pipeline. The ES then goes on to categorise the perceived visual effects in the short term (opening year, 2018) and then the perceived visual impacts thereafter up to 2033 (year 15). Predictably the greatest long term visual impacts would be at the site of river intake and pumping station sites.
- 4.4 In line with the NPPF, the Wyre Forest Core Strategy also seeks to protect and enhance the landscape character of the district (Policy CP12: Landscape Character). In addition, the existing green infrastructure network, including assets essential to the District's local distinctiveness such as the Rivers Severn and Stour, associated wetlands and the Staffordshire and Worcestershire Canal, should be safeguarded and enhanced (Policy CP13: Providing a Green Infrastructure Network of the Wyre Forest Core Strategy and Policy SAL.UP3 Providing a Green Infrastructure Network of the Wyre Forest Site Allocations and Policies Local Plan). Any new buildings are required to be well designed and complement the layout through the appropriate use of scale, mass, proportions and materials (Policy CP11: Quality Design and Local Distinctiveness of the Wyre Forest Core Strategy) and landscaping schemes are required to protect existing trees and distinctive landscape features where possible (Policies SAL.UP9: Landscaping and Boundary Treatments and SAL.UP7: Quality design and local distinctiveness of the Wyre Forest Site Allocations and Policies Plan). Policy CC8: Landscape Design Principles of the Chaddesley Corbett Neighbourhood Plan specifically seeks to retain open spaces surrounding settlements within Chaddesley Corbett Parish, protect specific views as detailed in the Neighbourhood Plan Proposals Map, and protect mature and established trees.

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- 4.5 In terms of the direct visual impacts of the pipeline these would be minimal (post construction) given that the land affected by the pipeline would be restored to its former use, there would be no changes to topography along the route, and the extensive proposals for native planting including replacement hedgerows along the pipeline route would help to restore the landscape pattern and character. It is considered necessary to secure all matters relating to landscaping by condition.
- 4.6 At the site of the proposed pumping station mitigation measures are proposed in order to avoid, reduce or offset adverse effects from the scheme. These include excavating the structure into the existing topography and landscape mounding carefully designed to balance the need to respect local landscape character and reduce visual impacts through limiting their engineered appearance by the mounds having shallower outward facing slopes blended as far as possible with the surrounding landform. Appropriate planting and landscaping will further reduce the visual impact and will soften the scheme into the landscape.
- 4.7 The river intake structure would be a prominent feature in the riverside landscape, especially from the watercourse itself as detailed above. The final design as submitted is a result of negotiations between the Council's Countryside & Conservation Officer and the applicant during the pre-application stage. Measures to soften its visual impact are proposed including the appropriate use of landscaping and would be capable of being secured by condition. Given the technical requirements of such a facility and the fact that it has to be located on a watercourse I am satisfied that the applicant have done as much as is possible to minimise the visual intrusion of the structure in the riverside landscape.
- 4.8 The proposal has been assessed by the Council's Arboricultural Officer who has confirmed that no trees which are subject to a TPO would be affected by the proposal. Concern has however been raised that there are a group of trees which front the Minster road and have high amenity value which could be compromised by the engineering works required to tunnel under the highway and lay the pipeline. In order to minimise harm to these trees a condition requiring full details of how they would be protected has been suggested and is considered both reasonable and necessary to protect visual amenity in accordance with Policies SAL.UP5 and SAL.UP9 of the Site Allocations and Policies Local Plan.

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4.9 One other element of the scheme which has the potential to impact on the landscape (and ecology) is external lighting which is proposed at the intake and pumping station sites and is needed for the safe operation and maintenance of each site. The Planning Statement outlines how once operational, at the river intake and pumping station, lighting would be provided to ensure an average illumination level of 20Lux to ensure safe movement of people, machines and vehicles. The lighting design includes directional mounting of the luminaires with diffusers arranged to limit light spill. The lighting would be manually switched by STWL personnel on arrival at the sites. The lighting would only be in operation when STWL personnel are present at the facilities outside daylight hours. Activities requiring site attendance such as maintenance are anticipated to be undertaken at monthly visits during day light hours. Typically the facilities would only be illuminated as a result of:

- Security alert by the CCTV systems requiring a site visit to inspect or secure the facility.
- An unplanned plant failure requiring urgent intervention to prevent an unsafe condition or further equipment damage.

Given that the lighting would be used only intermittently I am satisfied that there would be no permanent and lasting harm to the landscape. Similarly, given that the Countryside officer has not raised an objection on the basis of harm from lighting I am satisfied that the means of illumination as proposed are acceptable.

#### ECOLOGY & BIODIVERSITY

4.10 The proposed development offers significant potential for harm to be caused to biodiversity and ecology as is set out in the Environmental Statement (ES) as submitted. This application runs near to a small number of Sites of Special Scientific Interest (SSSIs) in north and west Worcestershire. In this section of Pipeline, Wilden Marsh and Meadows SSSI and River Stour Flood Plain SSSI would be affected. Accordingly the advice and guidance of the Council's Countryside & Conservation Officer and Natural England has been sought and is detailed above. In summary the Countryside & Conservation officer is content that the vast majority of the required ecological protection and mitigation strategies are covered in the ES. Accordingly I consider a condition requiring such measures to be fully adhered to would be essential. Where there are gaps in the detail submitted with the ES, for example relating to the specific methods for the use of Biobullet cleansing methods, then a separate condition requiring the applicant to adhere to the application techniques approved by the Countryside & Conservation officer would be reasonable.

4.11 Two other concerns which were identified by the Countryside & Conservation Officer, namely the potential for noise impact on migratory fish and the likely environmental impacts should the scheme be required to operate outside of the 50 days every two years programme as proposed, have been satisfactorily addressed by the applicant as follows;

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- 4.12 Potential noise impacts on migratory fish - The Contractor is committed to using silent piling to minimise construction noise. Operational noise will be highly intermittent, this being the operation of the screens for intermittent periods when the facility is in operation. There will be no noise from the pumping station which is set back from the bank. Potential impacts on fish (and other river ecology) have been discussed with the Environment Agency and impact assessment undertaken in line with their requirements. There was not perceived to be any need for monitoring of noise impacts on migratory fish.
- 4.13 Extended use of the BRP facility in an emergency - It should be stressed that this is a highly unlikely event and would only be necessary if there was a catastrophic failure of the EVA (there is no plan to use the facility to supplement for other shortfalls). In the highly unlikely scenario of an emergency occurring (and at the same time as low river flow), the use of the BRP facility would be directed by Defra. The principal mitigation would be to ensure that the EVA is brought back on line as quickly as possible to reduce the need for river abstraction. As noted in the ES, this could happen quickly in the majority of cases by providing emergency over-pumping. If an event were to occur, all indications are (from the many drought order environmental studies that have been undertaken on the River Severn) that the river biota would recover relatively quickly, and STW would implement immediate monitoring to determine any potential impact and recovery rate.
- 4.14 Natural England have suggested condition covering measures to protect grassland to the area adjacent to Burlish Top Local Nature Reserve on the whole field not just on the land disturbed directly by works, I consider this both a necessary and reasonable request which could be covered by condition.

#### CONTAMINATED LAND, AIR QUALITY & NOISE

- 4.15 WRS have confirmed that most of the new pipeline will be laid in ground that has not been identified as potentially contaminated, there are however a number of Potentially Contaminated Land (PCL) sites that have been identified namely; Lickhill Quarry and Landfill, Burlish Top, Bonemill Tip and some small scale quarries and landfills along the vicinity of the transfer pipeline. WRS have also been able to assess the conceptual model provided for each area to identify the potential risks and the required mitigation measures as set out below;

##### Lickhill Quarry and Landfill

1. Most of the risks are associated with the construction phase and the potential for mobilising contaminants, to air and groundwater. The significant receptors are construction workers, on site workers, nearby residents, surface water and groundwater.



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Pathways include dust inhalation during construction, migration of contaminants into groundwater due to piling activities, dewatering and stockpiling of material. There is also a risk of asphyxiation due to ground gas. Post construction there is a risk of downward migration of contamination to the River Severn pumping station via the new source feed carrier pipe and ground gas building up in the new buildings.

Required Mitigation

- a) Risks will be dealt with through proposed Construction Environmental Management Plan (CEMP), Personal Protective Equipment (PPE) for construction workers, piling foundation design (CFA), stockpiling management, and installation of clay stank within the pipeline trench for the section exiting the pump station.
- b) A detailed assessment of the environmental risks associated with piled foundations will be completed when the pumping station design has been completed. It will include risk assessments for groundwater and landfill gas to support an application to vary the extant Environmental Permit to allow the construction work on the landfill.
- c) Gas protection measures will be required in the new pumping station building. Long term groundwater and ground gas monitoring is recommended prior to construction to assess the associated risks and for a period post construction.
- d) Installation of a capping layer to protect future site users from landfill waste.

Burlish Top

2. It is proposed that the pipeline will pass through the landfill at a depth of approximately 3m. The main risks are to human health during construction for on site and off site receptors, from dust and asbestos fibres. Construction workers are also at risk from asphyxiation from landfill gas in enclosed spaces. There are no future site users so this has not been considered further.

Perched water was encountered within the landfill, which is situated directly on the sandstone bedrock. There is the risk of contamination being mobilised during construction and through dewatering due to perched groundwater.

Required Mitigation

- a) Control of dust and windborne asbestos fibres through the CEMP: Dust control and suppression during excavation, covering of materials during transport, PPE, forced ventilation in confined space working.
- b) The pipeline will be laid via an open trench through the landfill at a depth of approximately 3m and it is thought unlikely that contamination will be mobilised and impact the groundwater. However, any risk to groundwater will be controlled through the CEMP.

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- c) Further ground investigation is proposed to gain further information on ground conditions so that STW can better understand the site and potential risk of mobilising contaminants during ground intrusive works and inform the CEMP.

Bonemill Tip

3. Risk to site users, and construction workers during the construction and operational phases is considered low due to the absence of ground gas in the area of the shafts.

Risk to groundwater is considered low, however dewatering during construction may be necessary, including a de-silting operation before discharge to surface water. Due to imminent changes to the permitting regulations, this process may require a permit.

No mitigation is required as there will be no disturbance to landfill materials, therefore there is plausible link with respect to human health.

Pipeline

4. The principal risk is to construction workers from potential asbestos fibres and ground gases when working in confined spaces. Also off site receptors are at risk from windblown dust and asbestos fibres. Exceedances above General Assessment Criteria (GAC) in groundwater is thought to be the baseline groundwater quality. Surface water and groundwater quality are not thought to be at risk of deterioration during construction subject to correct management of excavated soils.

Required mitigation

- a) The development of an emergency response plan alongside the CEMP to deal with unforeseen contamination during construction.

4.16 Given that WRS do not object to the proposed development either in respect of land or air pollution, subject to the suggested conditions then I am satisfied that the proposal is capable of implementation without exacerbating risks associated with land contamination or air quality.

4.17 Concern has been raised that the noise impacts of the development would have a detrimental impact on local sensitive receptors. Specific concerns relating to working hours was raised by members of the public. The proposal is a significant engineering operation and as such it will be inevitable that there would be increased noise impacts during construction. Advice from the applicants is that a construction noise assessment has been undertaken to identify local sensitive receptors and it is accepted that a Construction Environmental Management Plan (CEMP) (to be secured by condition) will be required to ensure that the impacts of construction noise are not adverse.

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- 4.18 With regards to working hours advice contained in the Planning Statement confirms that, with the exception of tunnel boring activities, construction activities for the river intake, pumping station and transfer pipeline would be restricted to between 07:00 to 19:00 from Monday to Friday and 07:00 to 13:00 on Saturdays. Tunnel boring activities would need to be undertaken 24-hours per day, 7 days per week in order for the process to operate efficiently as it is not feasible to stop and start the boring machine. I am satisfied that there is a requirement to tunnel continuously due to the nature of the activity and machinery used. Due to the scale of the scheme and the potential for nearby receptors to be affected in differing ways by any noise emitted I am not happy to allow blanket working hours during construction across the scheme. I propose that in order to ensure that no noise pollution would arise then finer details of working hours for areas of the development which would be near to sensitive receptors should be controlled by condition as part of the CEMP.

#### MINERALS & WASTE

- 4.19 The proposed pumping station design comprises the removal of between 6,000cu.m and 10,000 cu.m of material from beneath the proposed footprint of the pumping station building and compound, and piled foundations would be socketed into underlying sandstone strata with a reinforced concrete raft foundation forming the pumping station building floor. Below ground the pumping station would comprise a 15.0m diameter shaft leading down to the pump well at approximately 21.0m depth below the floor level where the pumps would be housed.
- 4.20 The proposed location for the Pumping Station is on part of Lickhill Quarry which has been restored using landfilling of waste. Landfilling at Lickhill Quarry has ceased, with the site having been returned to agricultural use and the statutory aftercare period has come to an end. The application documents acknowledge that the historic landfill at Lickhill presents a significant constraint and outlines that elevated levels of contaminants and concentrations of landfill gas have been detected.
- 4.21 Worcestershire County Council, in their capacity as waste and minerals authority, have also considered the proposal in terms of its potential impact on existing waste receptors and do not object to the application.
- 4.22 The Environmental Statement submitted with the application outlines the mineral resources which the pipeline and associated development would pass through. This includes a number of "key" and "significant" terrace and glacial sand and gravel resources as well as solid sand resources.

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- 4.23 The National Planning Policy Framework seeks to ensure that minerals resources of local and national importance are not needlessly sterilised by non-mineral development. However, although over its entire length a significant amount of mineral could be sterilised by the pipeline and any subsequent standoff that might be required if mineral extraction were proposed in future, Worcestershire county Council consider that the potential impact on each individual resource area is not significant in comparison to the strategic importance of the Birmingham Resilience Project. In addition, no sites in these resources have been put forward for consideration as specific sites in the development of the emerging Minerals Local Plan. WRS have confirmed that they would not seek to safeguard mineral resources by condition in this case.

#### FLOOD RISK & DRAINAGE

- 4.24 The adopted Wyre Forest Core Strategy predates the NPPF and its policy relating to flood risk refers to Planning Policy Statement 25: Development and Flood Risk which has now been superseded by the National Planning Policy Framework. Policy SAL.CC7 of the Site Allocations and Policies Local Plan requires developers to have regard to the Worcestershire Local Flood Risk Management Strategy and to incorporate SuDS which are designed to take account of the effects of climate change, mitigate for flood risk, promote biodiversity and water quality, provide for enhanced landscape and good quality spaces, and integrate with the layout and infrastructure of the development. Decisions should therefore be made in accordance with the policies above policies and in accordance with the NPPF with regard to flood risk.
- 4.25 In accordance with the NPPF, Flood Risk Assessments (FRAs) have been prepared for both the construction and operational periods for the pipeline, the river intake and pumping station. Each FRA assessed the level of risk posed to the proposed development item as well as the potential impact of the development elsewhere. Potential risks have been identified in certain locations along the pipeline route for the construction phase, including potential risks to pipeline construction due to working in the floodplain. With the implementation of proposed mitigation (including use of temporary drainage channels and minimising storage within the floodplain) residual flood risks have been assessed as low. For each component of the scheme a Surface Water Drainage Strategy has been prepared which has informed the development of the drainage design.
- 4.26 The proposed river intake and pumping station would be located in Flood Zones 3 and 1 respectively. The proposed works are considered 'essential infrastructure' in accordance with the Environment Agency classification. The Planning Statement concludes that minor increases in peak water depths within the floodplain are predicted upstream during both construction and operation; however this increase occurs in an area of natural floodplain and would not result in any increase in flood extent. No additional properties are predicted to be at risk as a result of the development.

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- 4.27 All surface water runoff from the impermeable areas surrounding the pumping station would be managed on site where it would be channelled into an attenuation and infiltration zone and allowed to infiltrate into bedrock. At the river intake, reinforced grass would be used to mitigate the risk of increased surface runoff from the access track. Site drainage would be directed to an underground attenuation area for discharge of uncontaminated surface water drainage at rates equivalent to greenfield runoff rates.
- 4.28 NWWM have been consulted in their capacity as the lead Local Flood Authority in respect of ordinary watercourse flood risk and drainage matters have confirmed that they believe that the FRA adequately mitigates against flood risk to the proposed development and that any flood risk resulting from a failure of the structures (including the pipeline itself) are low. In relation to surface water run-off and flood risk, the hard surfaces and additional structures proposed do offer potential for an increased risk. The proposed attenuation tank for drainage from the pumping station is a suitable form of drainage, as confirmed by NWWM however final details of the SuDS credentials of the scheme would need to be secured by condition.
- 4.29 The construction of the pipeline would require the crossing of a number of watercourses. The Environmental Statement recognises that these crossing points have the potential to result in significant sediment release into the affected watercourses through trench excavation and other general construction activities in the riparian zone. Where trenchless techniques are proposed the direct risks would be largely removed. For all open cut crossings and potentially for some of the trenchless crossing flood defence (main river) and land drainage consents (ordinary watercourses) will be required. For each consent application a method statement detailing how pollution (including sediments) of the water environment will be prevented is a standard validation requirement. Notwithstanding this, the contractor undertaking the works remains responsible for full compliance with environmental law, which includes pollution prevention. For this reason I am satisfied that there is legislation in place which would ensure that the pollution to existing watercourses would be avoided and therefore there is no need to require any further information on this matter. Similarly the impact of the effects of any dosed water entering the existing system is a matter which would be dealt with by the Environment Agency. NWWM have noted that there is the potential for the new pipeline between the pumping station and the river intake to create a preferential pathway for contaminated groundwater (landfill leachate) from the historical landfill to track to the River Severn. However this is to be mitigated through design to prevent any migration of leachate.

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- 4.30 The Environment Agency has taken an active role in lengthy discussion with the applicant to ensure that the proposal would not result in harm to any main watercourse (namely the River Sever) either during the construction or operational phase. During the discussions several areas of concern were highlighted and are summarised at 3.12 of this report. The greatest risks associated with the proposal are related to flood risk and water quality.
- 4.31 With regards to flood risk, the Environment Agency accept that there would be some increase to flood risk during both the construction and operational phase of the development. It is recommended that in order to minimise risk during the construction phase then a flood risk management plan, which includes ongoing monitoring and contingency measures, should be agreed by condition. This is considered to be both a necessary and reasonable condition which would ensure that the risks associated with flooding arising from the temporary works are suitably managed.
- 4.32 Flood risk would result during the operational phase (were the modelled worst case scenario outcomes to arise), this increased flood risk would be to areas of open agricultural land and would not directly affect any residential property. As detailed in the comments of the Environment Agency, the applicant intends to seek to mitigate for this impact through financial compensation to the landowners. Details of any compensation regime are not material in the consideration of this application and as such it stands to be considered the increased flood risk to open areas of agricultural land, which would be contrary to the advice contained at paragraph 103 of the National Planning Policy Framework. Paragraph 103 requires that developments should not increase flood risk elsewhere which is clearly not the case in this instance. In balancing the likely increase in flood risk against the wider and wide reaching public benefits of this development I am minded to conclude that the increased flood risk identified, being on agricultural land, is acceptable.
- 4.33 Due to the fact that the pumping station is to be constructed on a former landfill site, that the extraction is directly from the Severn and that both of these sites sit adjacent to each other, there is a significant risk of both construction related and operation related impacts on water quality. This has been covered by the comments of the Environment Agency who have recommended conditions to cover ongoing monitoring and agreement of the conceptual model, the physical location and installation details of the monitoring infrastructure, the monitoring regime that needs to be in place before, during and after the construction phase which I find to be an acceptable approach to ensuring the development would not increase contamination risks to the watercourse or subsurface water flows. Other matters relating to land contamination and landfill are controlled through the Environment Agency's licensing regime and as such I am satisfied that there would, through that licensing regime and the imposition of the conditions suggested by the Environment Agency, be sufficient control over the development to prevent any harm to the water environment from contamination.

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- 4.34 Given that the Environment Agency do not object to the proposed development then I am comfortable in concluding that it would be capable of implementation without harm to any main watercourse and that the increased flood risk likely to arise, when balanced against the public benefits of the development, would not result in significant harm being caused.

#### HIGHWAY IMPACTS

- 4.35 The Development proposals should have full regard to the traffic impact on the local highway network and any proposals that would result in the deterioration of highway safety would not be allowed. In line with the NPPF, proposals should also ensure that adequate visibility is available for vehicles turning into and out of the site (Policy CP03: Promoting Transport Choice and Accessibility of the Wyre Forest Core Strategy and Policy SAL.CC1: Sustainable Transport Infrastructure of the Wyre Forest Site Allocations and Policies Local Plan). Where a development is likely to generate significant goods vehicle traffic, it should be located in close proximity to the Lorry Route Network (as indicated on the Policies Map), and will not be permitted if it will have an adverse impact on residential areas (Policy SAL.CC4: Freight of the Wyre Forest Site Allocations and Policies Local Plan). In addition, within Chaddesley Corbett Parish, Policy CC12: Highways and Traffic Principles of the Chaddesley Corbett Neighbourhood Plan seeks to ensure that development meets road safety standards and maintains a peaceful and safe rural parish. Adopted policy would also require that the level of parking provided for development should be consistent with the standards set out in the Worcestershire County Highways Design and car parking should be designed to fully integrate with development proposals (Policy SAL.CC2: Parking of the Wyre Forest Site Allocations and Policies Local Plan).
- 4.36 In the Planning Statement which accompanies the application it is demonstrated that only very low levels of traffic would be generated by the development at the Lickhill site once operational comprising, small vans or cars as follows:
- Weekly inspection of sampling equipment.
  - Monthly routine maintenance of all areas and grounds maintenance.
  - Monthly inspection of landfill gas monitoring.
  - Annual inspections of power incomer, surge vessels, security and fire systems.
  - During a 50 day operational period, vehicle movements would increase to daily visits by various operational staff to check on pump runs and calibration of instruments.

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- 4.37 Details of the levels of traffic expected to be generated during the construction of the scheme are provided in the Transport Assessment and summarised in the Environmental Statement both of which have been carefully considered by Worcestershire Highways who do not object to the proposal. A preliminary Construction Traffic Management Plan (CTMP) has been provided which identifies traffic mitigation measures during construction. It is considered reasonable that these preliminary proposals would form part of a formal CTMP (which would detail specific measures and working hours for each significant location along the pipeline route) and CEMP (Construction Environmental Management Plan) which would be agreed by condition to ensure that as little harm as is possible would arise as a direct result of the development proposed and would ensure that the third party concerns relating to increased traffic congestion around the proposed compound at Hartlebury Road, Stourport are suitably managed.
- 4.38 Where road closures would be required during the construction phase these matters would be covered by separate negotiation with the Highway Authority and as such would not require planning permission in their own right.
- 4.39 Concern was raised by a member of the public that the submission documents fail to provide sufficient detail on the proposed compound at the Hartlebury Road site sufficient to conclude that there would be no detriment to a road which is already severely congested at peak times. The detail provided by the applicants is simply that the compound would be the main contractors' compound for the project, providing the office, storage and facilities required by the project. I am mindful that the site is a former industrial premises where traffic similar to that which would be involved in this project would go to and from the site on a daily basis so on that basis it is likely that traffic movements would be similar.
- 4.40 In being mindful of the comments of the Highway Authority, I am satisfied, despite the likely traffic generation associated with the proposal that subject to suitable restrictions being imposed as part of a specific CTMP that the proposal is capable of implementation without significant harm to highway safety.

#### HERITAGE IMPACTS

- 4.41 Policy CP11 of the Adopted Core Strategy, Policy SAL.UP6 of the Site Allocations and Policies Local Plan and Policy CC8 of the Chaddesley Corbett Neighbourhood Plan, in accordance with the National Planning Policy Framework require that for development that affects the District's heritage assets, including their setting, applicants are required to demonstrate how these will be protected, conserved and where appropriate, enhanced. If a development is likely to result in an adverse impact on an asset or its setting, or it will result in a reduction or loss of significance, it must be clearly demonstrated that there are no alternative means of meeting the need of the development and the reasons for the development outweigh the significance of the heritage asset.



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- 4.42 The development would directly affect only one heritage asset, the Staffordshire and Worcestershire canal Conservation Area where the proposed pipeline would pass beneath the watercourse, otherwise the development would avoid designated historic assets as a result, no features of cultural heritage value would be directly impacted as a result of the proposed scheme. It would however be the case that during construction the setting of Harvington Hall would arise however given that this would be for a temporary period only there would not, in my opinion, be a lasting detrimental impact on this asset.
- 4.43 The applicant has undertaken a range of archaeological surveys to inform the development of the Cultural Heritage chapter for the Environmental Statement which have been carefully considered by Worcestershire County Council's Archive & Archaeology Service who confirm that the applicant has provided enough baseline information to inform/ allow the determination of the application. However, it should be noted, as stated in the Environmental Statement that less than 50% of the route has been subject to geophysical survey or any other form of field evaluation, primarily due to land access issues/ crop cover at the time the scheme was being designed. It is then stated that: a programme of additional geophysical survey would be undertaken on areas that were not accessible during the previous phase of survey. In accordance with the advice of the Archive & Archaeology Service the requirement to carry out said surveys would need to be a condition of any planning permission issued.
- 4.44 Based on the advice of the Council's Conservation Officer, Worcestershire County Council's Archive & Archaeology Service and Historic England (as detailed above) I am satisfied that whilst the scheme is likely to result in adverse impacts to the settings of one designated heritage assets during construction, once operational, no conflict with planning policies relating to cultural heritage assets is expected.

#### **SOCIAL IMPACTS**

- 4.45 The proposed development will affect several features which provide for outdoor sport and recreation, most obviously the River Severn but also parts of the Public Rights of Way (PRoW) network and also a number of sports pitches which are located to the north of Stourport Sports Club adjacent to the recreation ground and golf driving range.
- 4.46 Concerns were raised by Stourport Boat Club that the physical intrusion of the intake structure in to the river would have a detrimental impact on the enjoyment of the watercourse. Whilst I accept that there is likely to be some disruption during the construction phase this would be temporary in nature and would, at the end of the construction phase, not result in the width of the River at the intake site being significantly reduced (being 40m wide at present being reduced to just over 36m as a result of the construction of the intake structure).

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- 4.47 Where the proposed development would cross an existing PRoW (Footpath number 37/560(B) (Severn Way), Lickhill) and would require a temporary closure or even a permanent diversion then this is a matter which is to be dealt with by Worcestershire County Council. The comments made by the Ramblers Association have been carefully considered and it is felt that many of the points can be dealt with adequately by conditions relating to landscaping across the entire scheme. Details of boundary fencing can also be controlled by condition.
- 4.48 The objections submitted by Birmingham Metropolitan College and Worcestershire Football Association have been very carefully considered and Sport England (who originally raised concerns) have been involved in ongoing negotiations with the applicant.
- 4.49 The proposed development would require the temporary loss of seven sports pitches and a car park at the football academy at Burlish Park where the pipeline would cross the A451 minster Road and where land would be required for a working area associated with the tunnelling activity. Information contained in the ES confirms that two of the pitches would be lost for a period of approximately 15 months for the construction of a tunnel shaft. There would also be disruption to the other five pitches which would be minimised by confining the pipeline construction to a 12 week period during the summer close season. The applicants have identified this as a significant impact of the scheme and have been in discussions with the landowners to agree mitigation measures including temporary compensatory provision during the construction phase and permanent enhanced facilities post construction. It is proposed in the ES that the sports pitches would be remediated as part of the construction of the pipeline. It is proposed to rehabilitate an area of scrubland contaminated with asbestos lying between the pitches, so that an additional pitch would be provided. New surfaces would also be provided to all the pitches. This is proposed as a long term enhancement to sports pitch provision.
- 4.50 Advice from the applicants is that they are working closely with the college to reach a legal agreement that will provide the college with the finances required to convert the redundant driving range site into football pitches. This has been agreed between the college and STW as the best solution for alternative provision of pitches. Severn Trent has financed a report on the driving range, at the college's request, to ensure that the work on the driving range is feasible. STW intends to finalise this agreement with the college shortly so that the conversion works can commence in good time. The intention is that the conversion is completed towards the end of the 2016/17 season so that the main works are able to commence in the summer of 2017. STW have also carried out a benchmarking assessment of the existing pitches to aid with re-instatement at the end of the scheme.

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- 4.51 Sport England have provided comment on the proposals put forward as detailed at 3.15 of this report. Given that Sport England do not object to the proposal I am happy that, subject to the condition suggested, the development is capable of implementation without long term harm to sports pitch provision and that the remediation measures identified by the applicant would constitute an enhancement to sports pitch provision.

**OTHER MATTERS**

- 4.52 A concern was raised during the public consultation that the construction traffic associated with the development would exacerbate an existing highway drainage concern along Wilden Lane, north of the McVeigh Parker site which floods due to run-off from nearby fields building up on the highway. Whilst this is not a material planning consideration for the purposes of determining this application the matter has been passed to Worcestershire County Council (as the local Highway Authority) as the responsible authority.
- 4.53 The application as submitted comprised a suite of plans and technical documents. The concern put forward by a member of the public that the plans were not easy to understand is acknowledged however I take the view that they are simply representative of the complexity of the project.

**5.0 Conclusions and Recommendations**

- 5.1 I consider that the benefits of the proposed development i.e. resilience to the water supply of Birmingham, would constitute very special circumstances which clearly outweigh any harm to the Green Belt by reason of inappropriateness and harm to openness. The proposed above-ground structures, their location, siting, materials and design have all been carefully considered in order to minimise impacts on the landscape, visual amenity and existing trees, and as such I am satisfied that there would be a neutral impact on the landscape/visual amenity of the surrounding area in the long term. I consider there would be no material adverse ecological impact as a result of the proposed development, with replacement habitat to support that lost and a range of mitigation and ecological enhancement measures proposed. There would be no adverse impact on flood risk, traffic, risk of land contamination, materials and waste, water resources or heritage assets as a result of the proposed development. Some of the potential impacts identified, i.e. noise and air quality, are associated solely with the construction period of the scheme and would therefore be temporary in nature. A range of mitigation measures are proposed to minimise construction impacts on local residents and the environment. In the context of the wider scheme, accepting some individual elements may have differing effects, some harmful, I consider that the proposed development complies with the relevant planning policies and provides a sustainable balance between localised environmental disturbance and the highly significant social and economic benefits of providing a resilient water supply for the City of Birmingham. I am therefore satisfied that the proposal would accord with all relevant policies of the development plan.

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- 5.2 In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, it is a requirement that should Members be minded to approve the application then it should be referred to the Secretary of State under Section 9 of that Direction to afford the Secretary of State the opportunity to consider whether to utilise the call-in powers conferred by Section 77 of the Town and Country Planning Act 1990.
- 5.3 For the reasons outlined above it is recommended that **delegated** authority be granted to **APPROVE** the application subject to:
- a) the Secretary of State not being mindful to call-in the application; and
  - b) the following conditions:
    - 1. A6 (Full with no reserved matters)
    - 2. A11 (Approved plans)
    - 3. Materials to be agreed
    - 4. Severn Trent ensure the access road to the pumping station is properly maintained and kept clear from excessive dust/mud etc
    - 5. A Construction Environmental Management Plan (CEMP) to include specific reference to the following matters;
      - a) proposals for keeping all site access/egress, including private access tracks and the public highway, free from mud/debris during the construction phase.
      - b) The means by which risks to human health to off site receptors (resulting from mobilised contaminants) will be monitored and managed to ensure no harm would arise.
      - c) the means of land reinstatement post construction
      - d) a construction noise management plan
      - e) Site, waste management plan including a materials management plan and soils management plan.
      - f) proposed working hours relative to each phase of the construction process
    - 6. Precautionary re-survey for reptiles at the proposed Minster Road compound (including mitigation and measure to prevent re-colonisation during construction) to be agreed.
    - 7. All mitigation measures as set out in Environmental Statement to be fully adhered to.
    - 8. Should the use of Biobullet cleansing be required then such methods shall be carried out with strict regard to the agreed implementation methodology
    - 9. Details for the ongoing monitoring of the impacts of noise on migratory fish in the River Severn adjacent to the intake structure shall be agreed.
    - 10. Full details of the emergency plan for the protection of the water environment shall be agreed.

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11. Details of tree protection measure proposed at the location where the pipeline intersects the Minster Road shall be agreed.
12. Full landscaping scheme including hard and soft landscaping as well as details of re-instatement of any hedgerows removed as a result of the development, to be agreed.
13. Gas protection measures to be agreed
14. Drainage details to be agreed
15. Details of new temporary proposed site access points to be agreed.
16. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation to be agreed.
17. Measures to protect grassland to the area adjacent to Burlish Top Local Nature Reserve to be agreed.
19. Replacement sports.
20. Details of all proposed fencing/boundary treatments which are within 5m of any PRoW to be agreed.
21. Groundwater contamination mitigation and monitoring measures to be agreed
22. Flood Evacuation Management Plan to be agreed.
23. Sports Pitches alternative provision

Notes

- A. The applicant's attention is drawn to the requirement to us the County Council's nominated contractor to undertake the construction and reinstatement of any permanent or temporary access required.
- B. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Before any work is commenced upon the development hereby approved representatives of Worcestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

## Agenda Item No. 5

**Application Reference:** 16/0181/FULL      **Date Received:** 21/03/2016  
**Ord Sheet:** 373750 274003      **Expiry Date:** 16/05/2016  
**Case Officer:** Tom Cannon      **Ward:** Bewdley & Rock

**Proposal:** Conversion of barn to dwelling

**Site Address:** THE OAKLANDS, CALLOW HILL, ROCK, KIDDERMINSTER,  
DY149DB

**Applicant:** Mr J Tidman

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP11 (SAAPLP) Sections 3, 4, 6, 7 (NPPF) Planning Practice Guidance (PPG)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

1.1 The Oaklands is a large, imposing two storey dwelling which is set back from the road behind an extensive parking and turning area. Immediately to the rear of the dwelling is a small garden/patio area which is defined by a low retaining wall. This structure demarks the transition between the domestic curtilage of the property and the adjacent yard which is also falls under the ownership of The Oaklands. There are several outbuildings within this area including the brick barn subject to this current application and various stable blocks. Beyond which are a series of paddocks. It is understood that this land and the structures within it have formerly been used for agricultural purposes, however, the predominant use of this area now appears to be of an equestrian nature. Therefore, from the evidence presented, the building in question, which is currently used to store a tractor and other equipment, falls outside the domestic curtilage of the property.

### 2.0 Planning History

- 2.1 15/3076/PNES – Conversion of agricultural building to dwelling : Refused  
23/12/15
- 2.2 14/0491/FULL – Reinstatement of existing barn : Approved 03/10/14.

16/0181/FULL

### 3.0 Consultations and Representations

- 3.1 Rock Parish Council – Refuse. This is overdevelopment of the site. The structure is within the curtilage of a domestic garden and is not used for agricultural use. Access off the A450 Callow Hill at this location is dangerous.
- 3.2 Highway Authority – No objections, subject to conditions requiring the access, parking and turning area to be completed, and the provision of secure parking for 4 bicycles to be provided prior to the first occupation of the dwelling.
- 3.3 Conservation Officer – The proposal involves very minor alterations to the existing building which, given its history should be assessed under Policy SAL.UP11 (Re-use and Adaptation of Rural Buildings) rather than SAL.UP6 (Safeguarding the Historic Environment). No objections, subject to conditions regarding the submission of all external materials and a photographic record of the building to be completed prior to commencement of development.
- 3.4 Worcestershire Regulatory Services (WRS) (Contaminated Land) – No objections, subject to conditions requiring the submission of a preliminary risk assessment to establish if there are any land contamination issues on site given its former agricultural use.
- 3.5 Neighbours/Site Notice – No representations received.

### 4.0 Officer Comments

#### BACKGROUND

- 4.1 It is clear from the historical photographs provided that the barn originally comprised of a part two storey, part single storey red brick building. A fire destroyed the first floor of the barn approximately 40 years ago, with this element of the building only rebuilt following the grant of planning permission for its reinstatement in 2014. Prior approval was refused for the conversion of the barn to a dwelling in 2015 on the basis that the site and building was not being used solely for agricultural purposes.

#### PROPOSAL

- 4.2 This application seeks to convert the existing barn to provide a two-bedroom dwelling. As such, it should be assessed under Policy SAL.UP11 of the SAAPLP which refers to the re-use and adaptation of rural buildings. It does not draw the distinction that to be assessed under this policy, rural buildings should be in agricultural use. Indeed, subject to buildings satisfying certain criteria, Policy SAL.UP11 should be applied to applications for the re-use and adaptation of all rural buildings.

16/0181/FULL

PRINCIPLE OF DEVELOPMENT

4.3 Policy SAL.UP11 of the SAAPLP states that when considering the re-use and adaptation of rural buildings for any new use the following criteria will need to be met:

- *The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.*
- *The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character and setting of the building.*
- *That the proposed development enhances and safeguards heritage assets.*
- *That suitable access arrangements can be made, without the need for extensive new access roads.*
- *That there is no adverse impact on the countryside, landscape and wildlife or local amenities.*
- *That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.*

4.4 Taking each of these matters in turn, the building concerned is a permanent structure which is in keeping with its surroundings and, following the works re-instating the first floor of the structure does not require significant building works to provide for the proposed use. Nor, as identified by the Council's Conservation Officer does it involve works to a heritage asset. Given that the building is situated directly to the rear of the existing dwelling and would utilise the existing access, suitable access arrangements are available, without the need for an extensive new access road. Similarly, due to its position within a cluster of existing development, it would not adversely impact on the countryside or landscape setting. Bird boxes to be installed in the gable ends of the structure would also enhance wildlife opportunities on site. Moreover, drainage for the new dwelling would discharge into the existing main sewer and a new pumped main added which would be subject to approval by building regulations. As such, the proposal would accord with the first part of Policy SAL.UP11.



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4.5 Turning to the second part of Policy SAL.UP11, it requires that proposals for the re-use or adaptation of rural buildings for residential use must be accompanied by justification demonstrating that a reasonable effort has been made to secure a suitable economic use before residential use is considered. The building is positioned immediately adjacent to a number of domestic properties, with vehicular access only available through the domestic curtilage of The Oaklands. Given this relationship and the potential noise and vehicular movements which are likely to be generated by an economic use, I consider that its occupation for residential purposes provides the most appropriate and viable re-use of the building. Finally, the scheme would not lead to the dispersal of economic activity or involve the conversion of a domestic outbuilding.

4.6 Accordingly, the proposal would comply with Policy SAL.UP11. Therefore, the principle of development is acceptable, subject to the development satisfying other policies in the SAAPLP and all other material considerations.

#### LIVING CONDITIONS

4.7 Houses in Callow Hill front onto the A456, with the barn situated over 15 metres from the rear elevations of these properties. Due to the separation distances involved and position of the new openings, the proposed dwelling would not materially affect the living conditions of nearby occupiers, with particular regard to potential loss of privacy, daylight, sunlight or outlook.

#### OTHER MATTERS

4.8 The Parish Council have raised concerns regarding the safety of the site access. However, given the roughly linear alignment of this section of the A456, vehicles entering and exiting The Oaklands have clear and uninterrupted views of oncoming traffic. Thus, the limited increase in the number of vehicles accessing the proposed dwelling would not adversely affect highway safety. The Highway Authority also do not raise any objections in this regard.

4.9 Although it has been suggested that the proposal would represent overdevelopment of the site, appropriate separation would be provided between the proposed new dwelling, The Oaklands and other nearby properties. Therefore, it would not represent overdevelopment.

4.10 As the site has been in agricultural/equestrian use, which appears to have involved the storage of mechanical equipment connected with these activities which may contain contamination, as a precautionary approach, it is necessary for a condition requiring the submission of a preliminary risk assessment to be imposed. This reflects advice from Worcestershire Regulatory Services.

16/0181/FULL

- 4.11 To provide appropriate vehicular access to the site currently restricted by metal gates and secure the required on-site parking spaces, it is necessary for the approved access, parking and turning areas to be completed before occupation. The County Council's Interim Parking Standards advise that secure parking for 4 bicycles is required. However, as the new dwelling is a modest two-bedroom unit, with the second bedroom only large enough to accommodate a single bed, it is reasonable to assume that the dwelling would be at most a 3-person property. Consequently, I consider that a more appropriate level of provision in this case would be for 3 cycle spaces (1 space per occupier).
- 4.12 I am mindful that the Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. However, Policy SAL.UP11 of the SAAPLP states that, to protect the character and appearance of the countryside, no further extensions to dwellings that are created through this policy will be permitted. This policy requirement provides the 'exceptional circumstances' to justify the removal of permitted development rights for extensions and outbuildings in this case. Also in the interests of character and appearance, it is necessary for conditions requiring the submission and implementation of a landscaping scheme and boundary treatments to be imposed.
- 4.13 With the exception of the installation of new windows and doors, all external alterations to the building have been undertaken. Therefore, conditions requiring the submission of external materials and the requirement for a photographic record of the building are not necessary.

## 5.0 Conclusions and Recommendations

- 5.1 For the reasons set out above, and having regard to all other matters raised, it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. C7 (Landscaping details to be submitted)
  4. C8 (Landscape implementation)
  5. B12 (Erection of fences)
  6. Submission of a Preliminary risk assessment to assess any potential contamination
  7. Provision of access, parking/turning area prior to occupation
  8. Cycle parking
  9. Removal of 'permitted development' rights for extensions and outbuildings.

## Agenda Item No. 5

**Application Reference:** 16/0205/FULL      **Date Received:** 08/04/2016  
**Ord Sheet:** 383223 276267      **Expiry Date:** 03/06/2016  
**Case Officer:** Paul Round      **Ward:** Blakebrook & Habberley South

**Proposal:** Proposed conversion of former public house & adjacent premises into 4no. 2 bedroom dwellings and the construction of 5No. Townhouses with associated parking

**Site Address:** ROYAL EXCHANGE, 31 NEW ROAD, KIDDERMINSTER, DY101AF

**Applicant:** YBR003 Ltd

<b>Summary of Policy</b>	DS01, DS02, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) KCA.PFSD1, KCA.DPL1, KCA.GPB2, KCA.CC1, KCA.CC3, KCA.UP1, KCA.HP1 (KCAAP) National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The Royal Exchange is a former public house situated on New Road close to the round about junction of Corporation Street. To the rear of the property lies Aldi supermarket and Elizabeth Court which consists of a retail shop and 8 flats above. Opposite lies Tesco's petrol filling station and the property within a run of retail shops.
- 1.2 The site is allocated as being within the primary shopping area and within Flood Zone 2. Although the property is not listed or on the local list it is included within the County's Historic Environment Record being shown on the 1884 OS mapping.
- 1.3 The proposal seeks for the conversion of the public house to 4 dwellings and the construction of 5 townhouses to the rear.

16/0205/FULL

## 2.0 Planning History

- 2.1 16/0085/FULL - Proposed demolition of the former The Royal Exchange Public House and adjacent property to facilitate the construction of 5 3-bedroomed town houses and 4 2-bedroomed dwellings with parking and gardens : Withdrawn

## 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend approval

- 3.2 Highway Authority – The site is in a sustainable town centre location with access to public transport links and local amenities. Whilst the parking provision is below the standard required, there are Traffic Regulation Orders (TROs) in place to prevent displacement to on-street parking directly in the front of the site.

The applicant is expected to mitigate the shortfall in parking by producing a 'Welcome Pack' for new residents to promote sustainable travel options. Guidelines are available.

The 6m dimension for vehicle manoeuvring within the site appears to include an overhang on Units 5 – 9. However, swept path analysis (Manual for Streets: Chapter 8, p111) illustrates that where parking spaces are wider than 2.4 metres or there is space available as in this site, the turning area can measure less than 6 metres therefore, the layout is acceptable even if vehicles are required to perform several manoeuvres to negotiate it.

The garages below Units 5 – 9 are of sufficient size to accommodate cycle storage.

No objections subject to conditions.

- 3.3 Environment Agency - This application would fall under our Standing Advice (Development less than 10 dwellings within Flood Zone 2). I would refer you to your Land Drainage team for comments upon the appropriateness of the proposals with regard to flood risk

- 3.4 Conservation Officer - The New Road leading from Kidderminster Town Centre to the Worcester Toll Road was constructed in 1830. This cut across the flood plain and avoided the need to ascend Hoo Lane over Aggborough. By 1835 when the Matthews Map was published the only development along New Road was a row of properties next to the branch of the river Stour at its north end.

By 1884 as shown on the first edition Ordnance Survey New Road had been developed on both sides almost as far as the junction of with Dixon Street. The Royal Exchange itself is first mentioned in the Worcester Journal in 1849, and is marked on the 1884 map as a public house, rather than an inn.

16/0205/FULL

Whilst individually the properties lining New Road are of limited architectural interest, collectively they represent a good surviving example of the mid-Victorian expansion of the town. Originally mostly artisan dwellings most have been converted to retail use, however the original garden plots remain, predominantly on the east side of New Road.

Gradually the area became overshadowed by the massive carpet mills constructed in the late 19<sup>th</sup> century.

The Royal Exchange is a good example of a mid-19<sup>th</sup> century public house – the elevation treatment is very typical of the period with classical decorative embellishments to relieve the otherwise plain brick elevation.

Historically the building would have been very much overshadowed by the bulk of Pike Worsted Mills, immediately to the rear.

#### PROPOSALS

The new build element of the scheme is reflective of the larger scale industrial buildings which once stood to the rear of the Royal Exchange, both in terms of its profiled roof line and height.

Although the existing building is not included on the Local Heritage List for Kidderminster, it nonetheless a heritage asset.

The overall objective for heritage in the KCAAP area is to:

*“Ensure that heritage assets are maintained, enhanced and integrated into the urban environment.”*

The interior is not subject to any protection, but should be photographically recorded prior to internal demolitions.

In terms of the impact of the proposals on the structure of the existing building the principal interest is the facade to New Road. The retention of this facade maintains the building line which creates an important perspective view from the Green Street Conservation Area to the south towards the town centre to the north.

The proposal thus maintains unchanged important views towards and from the Conservation Area along New Road, and thus can be considered to “preserve” the Green Street Conservation Area and complies with Policy SAL.UP6, and the heritage objectives for the KCAAP area.

### 3.5 Disability Action Wyre Forest - Disabled access is below an acceptable level.

16/0205/FULL

- 3.6 North Worcestershire Water Management (NWWM) - I note that the proposed plan for units 5-9 now include a comment regarding finished floor levels, namely: "FFL 31.55-31.75m AOD subject to condition". To my knowledge no comment regarding the finished floor levels for units 1-4 has been included, however I understand from the 16/0085 FRA that these levels will be naturally achieved by the properties fronting New Road.

As the current site is completely impermeable I don't envisage that the proposed development will result in increased runoff levels that could increase flood risk elsewhere. The Council's policy requires all new development to include SuDS. The 16/0085 FRA recommended the use of SuDS for this site, which is also indicated on the 16/0205 application form. However, currently no further details regarding the discharge of surface water from the roofs and paved areas have been submitted so I cannot comment further upon the drainage scheme. To ensure that SuDS will be used I would like to invite the applicant to submit further details as part of the current application. If no details would be submitted then I would recommend no objections subject to a drainage condition.

- 3.7 Worcestershire County Council Archive & Archaeology Service - No objections subject to conditions. In this instance the proposals will affect a structure of local historic and architectural significance, namely the Royal Exchange Public House, which is depicted on both the 1883 1st Edition Ordnance Survey map and the 1884 Ordnance Survey 1:500 town plan, where the building is identified as the *Royal Exchange P.H.* indicating that it was already in use as a pub by this date and has retained the same name through to the present day. The public house was an important facet of social history, particularly during the 19<sup>th</sup> and first half of the 20th century, when basic back-street public houses often formed the heart of working class communities. While it is acknowledged that the building will have undergone previous phases of alteration and adaptation and some loss of historic fabric and character will have occurred as a result of this, it is clear that historic fabric and architectural detail still survives internally and externally. Consequently, in order to mitigate the impact on the historic environment caused by the proposed scheme it is advised that the building should be recorded to English Heritage Level II standard prior to demolition.

- 3.8 West Mercia Crime Prevention Design Advisor – This application is a resubmission of Planning Application 16/0085/FULL. On behalf of the police I objected to that application.

Some of the issues I raised in my objection have been addressed in that an attempt to improve the security has been made by the installation of an automatic gate to prevent access to the rear of the properties.

However, I still consider this to be an inappropriate development for this area for the same reasons outlined in my response to 16/0085/FULL, these are repeated below.

16/0205/FULL

The area is the target for increased police presence late at night and early morning due to the amount of anti-social behaviour. A nearby night club recently closed, however another one has opened that is even nearer to this development. To date the police have not seen any change in the level of disorder in the area. The main problems occur when the night club closes and people make their way towards the late night food take-away's. The area has seen outbreaks of disorder which on occasions has resulted in serious injury.

A police operation is already in existence to deal with these issues, however as long as there is a ready supply of alcohol and plenty of time to consume it the problems will persist.

It is the opinion of the police that anybody who lives in the proposed development will have their lives seriously affected by the problems outlined above.

I have spoken with the Safer Neighbourhood Team and they are of the same opinion as me. The houses bordering onto New Road in particular will have to endure an excessive amount of noise and anti-social behaviour, whilst the police are doing their utmost to reduce this they cannot provide a permanent presence in the area.

In addition the houses bordering New Road still do not have sufficient defensible space in front of them making them more susceptible to noise and possibly damage from people passing by.

The police do have records of calls to the area and the nature of those calls and would be willing to provide that evidence should it be required. I must emphasize that the police are not called to every incident and anecdotal evidence suggests that poor behaviour in the area is much higher than police records suggest.

3.9 Neighbour/Site Notice – No representations received

3.10 Agent's Supporting Statement (on behalf of the Applicant) - Following the objection received from the Crime Prevention Design Advisor the following response was received from the Applicant's Agent.

It is worth noting that despite earlier comments the letter of the 3rd of June by the Crime Prevention Design Advisor suggests that the main issue in relation to the redevelopment of the site is the conversion of the existing public house, fronting New Road, therefore the proposed town house development is not considered an issue and my comments are based on the conversion of the public house.

16/0205/FULL

Starting with National Policy, you will be aware that one of the 12 ‘Core Planning Principles’ at paragraph 17 of the Framework states:

[both plan making and decision taking should] *‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’... ‘promote mixed use development, and encourage multiple benefits from the use of land in urban and rural areas,’*

Chapter 2 ‘Ensuring the Vitality of Town Centres’ continues the presumption of mixed use environments:

*‘In drawing up local plans, local planning authorities should:*

- *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality’*
- *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*
- *where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.’*

It is clear from National Policy that there is a presumption in favour of development that would not only improve vitality of town centres but also seek to improve areas of decline. The application site is within an area of decline with a variety of uses now redundant including the application site. Given the site is of no particular environmental value and forming part of the town centre area it is clear the benefits associated with redevelopment could not be outweighed.

The Adopted Kidderminster Central Area Action Plan identifies the site within the ‘Heritage Processions’ area, that encompasses the requirements of Chapter 2 of the Framework. The policy states that a mix of uses will be promoted, including:

- C1 – Hotel
- C2 – Residential institutions
- C3 – Residential**
- B1(a) – Office
- B1 (c) – Light industrial
- D1 – Non-residential institutions

It is clear that the proposals in policy terms will satisfy the requirements of the KCAAP and the Framework. On this basis, it is for the decision maker to assess any impacts that would significantly and demonstrably outweigh the benefits. We see the benefits here clearly cut as assisting in the improvement of the vitality of the area and socio-economic quality, as well as significantly boosting the supply of housing within a previously developed site.



16/0205/FULL

With no other impacts surrounding the application, the objection from Warwickshire and West Mercia Police is the sole apparent 'dis-benefit' that would arise from the development, and must therefore be balanced.

It would be appropriate to address the concerns raised by the Crime Prevention Design Advisor within the letter dated 3rd June, of which many of the initial concerns are concluded and some evidence provided. The Crime Prevention Design Advisor identifies 4 sources of anti-social behaviour within proximity to the application site. The behaviour issues associated with these premises appears to be due to the licensed hours of operation, of which all 4 operate into the early hours of the morning (Nu Bu until 05:30 hours). The letter continues to make some assumptions, firstly surrounding noise from these premises in relation to the application site, as well as behaviours of passers by. The Crime Prevention Design Advisor also states '*Taking into account the opening hours of all the premises it means that particularly at weekends these are people in the area until at least 0600hrs. It is safe to **assume** that these people will probably have consumed a quantity of alcohol therefore they are unlikely to be quiet.*' The letter continues; '*Loud voices will disturb people in the properties. It is also **likely** that people passing these properties will not be able to resist the temptation to knock the windows or doors and run off.*' Of all of the evidence provided within the letter, which is in the form of reported incidents, there are **no** records of disturbing the peace (i.e. loud noises or shouting), nor is there any record of people 'knocking windows and doors and running off'. All of the evidence in fact is to do with the incidents within or immediately outside of Nu Bar and Lazio/Four Seasons.

On this basis, it would appear the comments of the Police are no more than supposition and in fact appears to be a licensing and police presence issue. Throughout all of the representation to the application from the Police, all have commented negatively on the use and licence hours of the nightclubs and restaurants identified. It is not for the developer to control neighbouring land or building uses, but for the Police and Council authorities to look out for public safety and wellbeing.

Without any evidence to the contrary, we do not consider it appropriate for the Police to use development control to facilitate their concerns surrounding crime and disorder.

The Crime Prevention Design Advisor suggests that '*The policy would argue it is irresponsible to expect people to live in an area where it is known that a problem exists*'. Such responsibility lies with the Police and other bodies to deal with these issues regardless of any proposed application for residential development. It is not the problem of the applicant if there are not sufficient resources to deal with the level of policing required, and begs the question whether a licensing review would be a solution, however these are not planning issues to be debated here.

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As a matter of fact, the Royal Exchange, currently vacant, has a valid fall-back position that is yet to be commented on by the Police nor form part of a balanced approach to their objection.

The public house until its closure was under licence until 4:30am Thursday – Saturday inclusively. Given the new nightclub at Nu Bu has recently opened and granted a licence until 0530hrs, it is likely a new licence would be granted to the Royal Exchange. The issue here for the Police is that should they maintain their subjective comments, and the application is refused, the Royal Exchange could be re-opened and therefore only have detriment to the current problems we have heard of. Such a scenario seems not to have been considered.

Residential development, by nature plays an important role in delivering vitality and quality mixed-use environments to town centres. This is echoed in local and National policy. Whether or not residents experience door knocking or balling in the streets, our nature is to deal with these issues and put pressure on those who are responsible to deal with them.

To conclude we do not have sufficient and robust evidence to demonstrate that there will be a significant, nor demonstrable impact to the future users of the development at the Royal Exchange to warrant a reason for refusal. It appears the issues sit outside of planning control, being associated with Police presence, resource and licensing.

#### **4.0 Officer Comments**

- 4.1 The development proposed seeks to retain the existing public house, although with some demolition to rear elements, and the conversion of the building to 4 two bed properties. Within the rear car park area it is proposed to construct 5 three bed, four storey town houses.

#### **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

- 4.2 The site is within the Kidderminster Central Area Action Plan area. The plan framework shows the site as part of the Heritage Processions site specific policy and within Primary Shopping Area as a Secondary Frontage. Both Policies KCA.HP1 and KCA.GPB2 strongly promote a mix of uses within this allocation including residential. On this basis it is concluded that the principle of development is acceptable.

#### **HERITAGE ISSUES**

- 4.3 The property is not a listed building or within the local list, it is however of some age being shown on the 1884 OS mapping and included within the Historic Environment Record. Both the Conservation Officer and County's Archive and Archaeology Service indentify the building as playing an important historic and social role within the Town. Policy SAL.HP1 (Heritage Processions) requires "the historical linear, processional routes along Green Street, New Road and Dixon Street to be protected..."

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- 4.4 The retention of the public house retains the historical element of the site and maintains the important run of 19<sup>th</sup> Century properties which is an important feature of the streetscene along New Road. Minimal works are proposed to the front elevation, and although some demolition is proposed to the rear, the resulting form of development is appropriate to the building.
- 4.5 The proposal safeguards the building which is an important part of the existing streetscene and as such there are no heritage issues in this case.

#### LAYOUT

- 4.6 The proposed properties are set out in two blocks with the converted properties to the front with garden space of approximately 5m and the new townhouses to the rear of the site with garden areas of approximately 6m. Access is provided from New Road via an electrically operated gate. Parking and bin storage is provided within the shared area to the rear.
- 4.7 The garden areas are a little shorter that would be expected under normal circumstances for residential development, however given that there is no overlooking issues and that the development is within the Town Centre location, is it considered that the provision is acceptable. Overall the layout of the properties is considerate to be acceptable.

#### DESIGN AND EXTERNAL APPEARANCE

- 4.8 As discussed previously the proposals for the conversion of the public house are acceptable and present no design issues for further comment. The town houses are four storeys in height (approximately 12.5m) and sit to the rear of the site. The properties are of a modern design and provide an acceptable contrast with the historic design of surrounding properties. The properties will be seen from New Road above the existing street scene and from the Green Street Conservation Area to the rear. The properties will be of a similar height to Elizabeth Court and will be seen in this context. The modern appearance of the properties will create interest and variety to the streetscene. The design, massing and external appearance of the properties are acceptable in this context.

#### ACCESS AND PARKING

- 4.9 The proposals utilise the existing access directly from New Road which leads to the parking area to the rear. Car parking is provided within this area and within the ground floor area of the townhouses at a ratio of 1 space for the 2 bed units and 2 spaces for the 3 bed units. This is below the recently published parking standards issued by the County Council, however the Highway Authority has accepted this provision on the basis of the site's location within the Town Centre. I would agree with this conclusion particularly in view of the variety of transport opportunities and services within walking distance.

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CRIME, DISORDER AND NOISE

- 4.10 The comments of West Mercia's Crime Prevention Design Advisor and the Agent's response (on behalf of the Applicant) have been set out previously and will not be repeated here. Officers have discussed these concerns directly with the Police and it is clear that their main objection is noise and disturbance of occupants in the early hours of the morning due to the number of people within the locality.
- 4.11 The concerns are duly noted, however such an in principle objection cannot be sustained due to the policy stance taken by the Council which encourages the increase of the number of residences in this area. Matters of crime and disorder have not been pursued by the Police and as such I do not feel that a refusal can be sustained on the basis of noise and disturbance of members of the public utilising public areas within the town.

OTHER MATTERS

- 4.12 Matters of flood risk have been fully considered by the Environment Agency and North Worcestershire Water Management and found to be acceptable.
- 4.13 In respect of disabled access I accept the comments made by Disability Action Wyre Forest however such comments must be seen in the context of keeping the existing building which would on this occasion provide mitigating circumstances.
- 4.14 There are no planning obligations applicable in the instances following the Government's revision of the Planning Practice Guidance.

**5.0 Conclusions and Recommendations**

- 5.1 The proposed conversion and redevelopment of this Town Centre site for residential purposes is acceptable and accords with the prevailing policy context of the area. The design and impact of the proposals on the surrounding area have been fully considered and found to be acceptable. Despite concerns from the Police in respect of the incompatibility of the use in the context of late night venues within the vicinity it is not felt that a refusal can be sustained on noise and disturbance grounds. Highway access and parking is acceptable in this sustainable Town Centre location.
- 5.2 It is therefore recommend that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B1 (Samples/details of materials)
  4. B9 (Details of windows and doors)
  5. B11 (Details of enclosure)
  6. C6 (Landscaping – small scheme)

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7. C8 (Landscape implementation)
8. Drainage
9. G5 (Features retained)
10. Archaeological Recording
11. Access, turning and parking
12. Welcome pack that promotes sustainable travel
13. J1 (Removal of permitted development – residential)
14. J5 (Domestic garages – restriction of residential use)
15. Finished floor levels

Note

SN1 (Removal of permitted development rights)

<b>Application Reference:</b> 16/0273/FULL	<b>Date Received:</b> 10/05/2016
<b>Ord Sheet:</b> 388145 278335	<b>Expiry Date:</b> 05/07/2016
<b>Case Officer:</b> Julia McKenzie-Watts	<b>Ward:</b> Wyre Forest Rural

**Proposal:** Proposed kitchen, family room and dining room extension to ground floor and bedroom to first floor

**Site Address:** 10 GLADSTONE PLACE, BLAKEDOWN, KIDDERMINSTER, DY103LE

**Applicant:** Mr J Perkin Ball

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Section 7 (NPPF)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The property is a recently erected detached dwelling located on Gladstone Place which is accessed off Belbroughton Road, Blakedown.
- 1.2 It is proposed to erect a two storey side extension in order to enlarge the current living accommodation at the property by way of a two storey extension incorporating family / play room with bedroom above and single store rear extension in order to allow that enlargement of the existing kitchen and dining room.

**2.0 Planning History**

- 2.1 12/0114/FULL - Proposed change of use from former Garden Centre / Nurseries with shop and office accommodation to residential use with 42 No. dwellings comprising of 7 bungalows, 33 houses and 2 flats together with parking, associated landscaping and access roads. To include demolition of existing buildings and structures : Approved 30/11/12

**3.0 Consultations and Representations**

- 3.1 Churchill and Blakedown Parish Council – Objects to this application. They feel that the plans submitted are poor and difficult to understand but feel it is over intensification of a site that has only recently been developed.  
REVISED PLANS - The Parish Council still objects to the application on the basis of overdevelopment

16/0273/FULL

3.2 Neighbour – No representations received

#### 4.0 Officer Comments

- 4.1 It is proposed to erect a two storey side extension at the property which would measure 2.7m in width, 4.2m in depth to a height of 6.2m with a ground floor rear flat roof kitchen extension 2.5 metres in depth to a height of 2.9 metres with 5 lantern roof lights 0.8 x 0.8m. The extension would be built up to the boundary with no. 8 Gladstone Place with the current fence boundary to the driveway of no. 8 replaced with the brick wall of the two storey extension.
- 4.2 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance Design Guide includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the streetscene.
- 4.3 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states that new development should sensitively connect to the surrounding streets, spaces and communities. Buildings should be well designed to complement the layout through the appropriate use of scale, mass, proportions and materials.
- 4.4 In this instance, as the property is located within a recently developed residential area and permitted development rights were not taken away when the original application for the change of use from garden centre / nursery was approved, the applicant could erect a 4m single storey rear extension and a single storey side extension without the need to apply for formal permission. Therefore in light of this and despite the 'over intensification' point raised by the Parish Council, it is the opinion of the Officer that the extensions that are being proposed do in fact comply with local plan policy as they would be subservient to and would not overwhelm the original. Whilst it is acknowledged that the two storey element would project 2.7m past the rear wall of the adjacent property, the design of the two storey element has been revised so that the ridge is 1.5 metres lower than originally proposed which will reduce any impact on the neighbouring property. The 45 degree rule would not be infringed and this coupled with the orientation of the property would mean that neither the two storey side element nor the single storey rear element would create any overshadowing of the rear amenity space of number 8.

16/0273/FULL

## 5.0 Conclusions and Recommendations

5.1 The proposed extensions are considered to be of an appropriate scale and design to the main dwelling and would not have any adverse effects. The impact of the extensions upon the neighbouring property have been carefully assessed and it is considered that there will be no undue impact upon their amenity or 45 degree rule infringement. For these reasons the proposals are considered to be in accordance with the policies listed above.

5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)

Note

SN12 (Neighbours' rights)



## Agenda Item No. 5

**Application Reference:** 16/0347/FULL      **Date Received:** 08/06/2016  
**Ord Sheet:** 378612 275414      **Expiry Date:** 03/08/2016  
**Case Officer:** Emma Anning      **Ward:** Bewdley & Rock

**Proposal:** Demolition of Bewdley Library and Medical Centre and change of use of public car park

**Site Address:** BEWDLEY LIBRARY & OLD MEDICAL CENTRE, LOAD STREET, BEWDLEY, DY122EQ

**Applicant:** Worcestershire County Council

<b>Summary of Policy</b>	CP11 (CS) SAL.CC1 SAL.CC2 SAL.CC7 SAL.UP5 SAL.UP6 SAL.UP7 SAL.UP9 SAL.B1 (SAAPLP)
<b>Reason for Referral to Committee</b>	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site is that of the existing library and part of the existing (former) medical centre in Bewdley. The existing buildings and their associated parking/amenity areas occupy the majority of the site with the exception of a parcel of open land at the south-east boundary. The open space benefits from a mature Purple Beech tree which has high amenity value and has been considered as a subject for a Tree Preservation Order in the past.
- 1.2 The site is within the Bewdley Conservation Area and is within Flood Zone 3, as identified by the Environment Agency.

### 2.0 Planning History

- 2.1 13/0395/FULL - Demolition of existing medical centre and erection of 49 space car park; change of use of existing open space to facilitate an extension to existing Dog Lane car park to form permanent 'overflow' car parking area; erection of Medical Centre incorporating a retail pharmacy together with other ancillary health and community services on existing Dog Lane public car park : Approved 25/04/2014

16/0347/FULL

### 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection to the proposal to demolish Bewdley Library and Medical Centre and recommend approval. However, resolution to a number of concerns regarding the revised proposals are sought. This site is very important to the town. Improvement and expansion of car parking is vital to the continued economic development and prosperity of Bewdley. The Load Street car park sits in the Bewdley Conservation Area, an essential and major visitor asset. Alongside sufficient car parking, retention of open green space is vital, particularly as so much has been lost in recent years. Indications from responses received to the Neighbourhood Plan for Bewdley show that people would welcome a 'Meeting Place/Town Square', ideally in this green, open space area in this 'central' location.

With this in mind, Town Councillors seek more information, as the plans so far submitted are vague and need further clarification. Particularly as they have such far-reaching consequences. The Planning Authority are therefore requested to confirm:

- a) Retention of the green open space next to the Library and proposed future use.
  - b) Preservation and monitoring of the Copper Beech tree on the green open space next to the Library. A TPO is requested.
  - c) Landscaping, including approval of elevations, railings, fencing, road surface, etc is to be in accordance with works within a Conservation Area and are to be carefully examined and all materials approved by the Conservation Officer
  - d) Arrangements for running both car parks. Does Load Street site remain a short-stay car park? Information regarding proposed charging tariffs, location of ticket machines, etc. not yet advised.
  - e) Safety of pedestrians. (Numerous concerns have been expressed from residents and councillors regarding the lack of consideration given to people walking both to/from their cars and to elsewhere on this very busy and well used site.) Is there to be a designated pedestrian walkway?
  - f) Proposed development on land retained. Will this fit with the Conservation Area and its historic connections be preserved? What plans do the Planning Authority have and how long before information is made available to the Town Council. Can we please be kept informed.
- 3.2 Bewdley Civic Society – These sites are in the Bewdley Conservation Area in the middle of the town and therefore need to be treated with sensitivity. The Bewdley Civic Society is pleased to see the removal of the existing unsightly buildings in the centre of the town.

However, there is almost no detail of how this proposal will be enacted with no elevations, materials, timescale, etc. These should be made available before the application is approved. The Conservation Officer should approve the railings, the fencing and road surface proposed so that they are appropriate for the Conservation Area.

16/0347/FULL

The existing Load St Car Park is to be remodelled by WFDC and the Bewdley Civic Society think that these 2 sites should be considered together as one, even though the land is owned by two different councils.

Who will run both car parks? Will motorists be able to buy tickets for both sites from the same machines? Will the charges be the same? Where will the ticket machines be situated? This should be clear to motorists parking on the new and old sites.

There is no mention of Pedestrian Thoroughfares, which we understood was a condition of the original Planning Approval for the Bewdley Medical Centre (13/0395/FULL). Surely these should be included with any car park planning application on the grounds of health & safety alone?

Land Retained for Public Space - the proposal should be altered to allow easier pedestrian access to the public green space and copper beech tree. We propose that the steps to the car park be moved to the Load Street side of the site which will keep pedestrians away from vehicles in the car park. Pedestrians will not have to walk through the car park, which is safer yet motorists would access their cars using the same steps. This will help to protect the existing green space and provide the public with a more usable space in the centre of the town. Seven parking spaces would be rotated through 90 degrees providing a larger public green space too. There would need to be provision for a curb to protect pedestrians and prevent cars from entering the public space in error. This change will also help protect the important copper beech tree from potential harm caused by the nearby tarmac or vehicles using the car park.

Finally, after the Medical Centre is demolished, what will the future development site to the north be used for, before a new development is approved?

- 3.3 Arboricultural Officer - I am much happier with the [revised] layout for the car park design as there is now enough space for the tree protection zone. I am not happy with the proposed landscaping and would look for something appropriate to be agreed by condition. I would also be looking for a condition for a tree protection plan in accordance with BS5837:2012 for the Purple Beech. Other than the above I have no objections.
- 3.4 Conservation Officer - Recommend that the application be approved subject to conditions:  
Notwithstanding any materials indicated on the drawings:
- a) All boundary treatments to be approved by the LPA prior to commencement of the development.
  - b) All paving/roadway surfaces to be approved by the LPA prior to commencement of the development, both in terms of their appearance and performance.

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- c) No approval to the verge between upper and lower levels of the car park. Full details required for LPA approval prior to commencement of the development, including sectional details.
- d) Any materials for walling or coping stones, joint and mortar details to be approved by LPA prior to commencement of the development.
- e) Any crash barriers to be approved by the LPA prior to commencement of the development.

I have commented in some detail on certain features of the proposal which might be considered outside my remit. I draw these to the attention of the Planning Committee, however, because the implications of an inappropriately designed scheme could lead to it being difficult to maintain and use and the result could lead to harm to the character of the Conservation Area

The principle of demolition of the existing buildings and replacement with a car park was approved under 13/0395/FULL.

Proposals for development within the Bewdley Conservation Area should preserve or enhance that area [P (LBCA) A 1990].

The removal of the single storey health centre and library buildings will alter the character of this part of the Conservation Area. Views will be opened up, albeit rather limited, across the Area from the car park towards the rear of the listed buildings lining Severn Side North principally. The existing buildings are incongruous in the setting of the historic town but being low-rise have little impact on the town and remain quite unobtrusive in more distant views of the place.

I think that the removal of these buildings on their own represents a very minor enhancement to the Area: they are not being replaced with anything of great design value which could be construed as a major positive visual enhancement to the Area, except that the large tree on the site is to be provided with public seating under it, and this is again a minor enhancement. The demolition of buildings and the clearance of the site for future development with no firm proposals for it yet tabled creates a void space which needs careful management if it is not to become overgrown and an eyesore site.

The level of information provided with this application is sketchy. The car park itself needs careful detailing and very little indication is given in the application about how boundaries or surfaces are to be treated.

No cross section or levels are indicated, however assuming the 5 steps shown on the drawings are each of 100mm rise, that presents a level difference between upper and lower levels of 500mm. The plans are unclear on this point but I assume there is either a steep bank down to the parking area, or a level verge ending in a sheer drop.

16/0347/FULL

There is no barrier shown on the drawings to protect either the steep bank or sheer drop. A proper fence or railing, rather than a low level barrier also prevents desire-lines from establishing where users of a car park cut down a bank rather than use a path (as at Tesco's car park in Kidderminster).

There is no indication of what form of railings or handrail is to be provided for the steps down into the car park.

#### BOUNDARY RAILINGS/HIGH-LOW LEVEL BOUNDARY

The railings shown on the drawings pose, I would have thought, a hazard, and instead school board type hooped railings should be used. These are difficult to climb over but have no protruding pales for members of the public to impale themselves on.

The boundary between the high and low level parking needs proper definition. A slope will be difficult to maintain and could become an eyesore (consider the areas of sloping crazy paving used in Kidderminster in the 1960s). I would think that a simpler solution will be to create a brick clad retaining wall with hooped top 1m high railings running along the top of it, at the back of a planting bed or verge, and these railings running down the length of the slope; with similar running alongside the steps and being provided with a handrail.

These railings should be painted or powder-coated in a colour appropriate to Bewdley and the Conservation Area.

#### CAR PARK SURFACING

Practical considerations aside (and assuming the surface will need to be porous) the surface of the car park should be easily maintainable and designed to ensure that vehicles and pedestrians do not slip on the ramp in icy weather.

#### SAFETY BARRIERS

If "crash barriers" are required at the foot of the ramp or other vulnerable locations these should be timber not standard highways design galvanised steel which will have a detrimental visual impact on the Area.

#### PAVING UNDER TREE

Given the likelihood of bird mess the paving should be easily cleaned and anti-slip. Seating should be easily cleanable and vandal resistant.

#### LIGHTING

If there is to be any lighting, even if retro-fitted, it should be considered at the design stage. I think that some form of bollard lighting might be appropriate to define the ramp and to illuminate the steps.

16/0347/FULL

- 3.5 North Worcestershire Water Management (NWWM) – The submitted Flood Risk Assessment (FRA) sets out that the site is located within Floodzone 3, with a chance of flooding greater than 1 in 100 year or 1% annual probability. The FRA states that according to the NPPF the sequential and exception test are not needed. I disagree with this statement, however as the principle of the provision of a car park has already been approved for application 13/0395 I don't believe that this needs to be discussed any further.

The FRA implies in paragraph 2 that 'a scheme for new surface water drainage to show no increase in discharge to the watercourse will be provided via condition'. Paragraph 7 also refers to the future construction of a detailed drainage scheme (ensuring no increase in discharge to the river Severn). This implies to me that the applicant is hoping to agree the drainage scheme as part of a Discharge of Condition application, rather than as part of the current application. I believe that details can indeed be agreed at a later stage, but the principal design criteria (max discharges rates, method of discharge etc.) could and should be discussed now, as this could impact upon the content of the current application.

I understand that the current site is 100% impermeable and discharges via a piped system to the River Severn and believe that the proposal aims to continue this. It is however the council's policy that all new developments explore the use of Sustainable Drainage Systems (SuDS) first as these type of systems can bring benefits for biodiversity and amenity as well as water quality and quantity. I therefore believe that the applicant as part of the design process should explore the use of SuDS fully before proposing to continue the discharge via a piped system to the Severn. The use of infiltration methods will need to be reviewed carefully as there are known issues with wet cellars in the area (Load Street, Severnside North), so infiltration of runoff from the car park might not be a desirable option for this site. Using a permeable surface and storing runoff water underneath the car park to limit peak discharges to the Severn might however be an option. Permeable pavement drainage has been shown to have decreased concentration of a range of surface water pollutants when compared to impermeable surface drainage, including heavy metals, oil and grease, sediment and some nutrients. Information regarding the design of permeable pavement can for instance be found in chapter 20 of the updated SuDS manual (Ciria, 2015).

Paragraph 8 of the FRA details a flood risk management plan (administered by the District Council) to deal with the residual risks associated with the site being in close proximity of the River Severn. I believe that a condition regarding the submission of a flood management plan was attached to application 13/0395 but in hindsight that condition did not ensure the implementation of the recommended measures, so learning from this I would like to propose the following condition:

16/0347/FULL

“A flood management plan shall be submitted and approved in writing by the local planning authority and the agreed recommendations shall be implemented in full prior to the first use of the development hereby approved.”

#### CONCLUSION

As the principle of the provision of a car park has already been approved and there is no increase in impermeable area compared to the existing situation, I believe that there is no reason to withhold planning permission on flood risk grounds. I believe that the design principles for the drainage strategy for the site should ideally be agreed as part of the current application. If you would however decide to approve the application, then I would recommend attaching a drainage condition.

#### 3.6 Neighbour/Site Notice – Six letters received. Matters raised are summarised as follows:

- a) [Regarding the area of land to the north west of the site which would be left vacant] we do not need any more retail space or community facilities in Bewdley. What would happen on this site?
- b) Bewdley suffers with insufficient parking provision which has worsened since the loss of the coach parking spaces from the Dog Lane car park. The proposal does not fully replace all of the car parking which has been taken away for the new medical centre on the Dog Lane car park. The area shown hatched on the plans [outside of the application site on the footprint of the old medical centre] should be used as a free coach parking area.
- c) Much more information should be available. Surely it is not unreasonable to have details of materials to be used, boundary issues and the type of surfacing to be used. The application as submitted lacks the very basic of information.
- d) This land swap was suggested years back and it is good to see it come about. It makes good sense.
- e) I am very concerned at the proximity and impact of all this hard surfacing on the wellbeing of the Beech. There is no need for it. It is concerning that the Council seek to do remedial work on the tree to help it survive the ravages of the development. There is no detail of what is proposed underneath its spread?

#### 4.0 **Officer Comments**

##### PROPOSAL

- 4.1 Planning permission is sought for the demolition of the existing library and former Bewdley Medical Centre buildings and the laying of a 56-space public car park. The car park would occupy approximately half of the application site and would be located roughly in the centre albeit with a slight bias towards the south-east, a modest section of existing open space would be retained at the south-east extreme and at the north-west extreme the site would be left undeveloped as a future development site.

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- 4.2 It is proposed that the new car park would be an extension of the existing Load Street car park and the two would be linked by a new access ramp to be installed between the existing car park and the proposed new.

#### APPLICATION CONTEXT

- 4.3 Numerous third party comments cite concerns relating to the context of the application and as such I consider it prudent to provide some background to the current proposal. Members will recall the application referenced above for the new medical centre on Load Street car park and as part of that application, which resulted in the loss of almost 100 car parking spaces, additional compensatory car parking provision was proposed at various locations including an extension to Load Street Car Park. The initial intention was to demolish the former medical centre, once the new medical centre was occupied, and to lay a new 49-space public car park in its place. It is still the intention to provide compensatory car parking provision however this application proposes that such provision be relocated as per the proposed plans.

- 4.4 A cabinet paper presented to members in July outlined the proposal to facilitate a land exchange between the District Council (owners of the former medical centre) and the County Council (owners of the library site). Officers saw this as an opportunity to provide a better solution for the future development of this part of Bewdley which would see the site of the former medical centre left vacant next to the Fire Station (also owned by the County Council) site which may come forward for development at some point in the future.

#### PRINCIPLE OF DEVELOPMENT

- 4.5 The principle of a new public car park in this location was established through the approval of application 13/0395/FULL which was determined against an identical policy backdrop to that which stands to be considered in this application. I am therefore comfortable to conclude that, subject to all other material considerations, the proposal for a new car park in the location proposed is an acceptable form of development in this part of Bewdley.

#### LAYOUT & DESIGN

- 4.6 It is proposed that the car park would be accessed via a new ramp from the existing Load Street car park near to the boundary with the fire station. Pedestrian access is proposed via steps to be installed at the opposite end of the proposed car park near to the proposed open space area.



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4.7 The layout of the proposed car park has been revised since the application was submitted following suggestions by Bewdley Civic Society and a third party objector. The changes saw six car parking spaces, which were originally proposed adjacent to the open space along the south-west boundary rotated through 90 degrees so that they now form a boundary between the car park and open space. This also had the effect of allowing more of the site to be laid over for open space and a greater protection zone to be afforded to the sizeable Purple Beech tree. In terms of layout the proposed plans represent a betterment in terms of the amount of car parking which would become available, the car park approved under application 13/0395/FULL proposed to cater for the parking of 49 vehicles whilst the current proposal would accommodate 55 vehicles.

4.8 LANDSCAPING & HERITAGE IMPACTS

The proposed plans provide only indicative details of landscaping and surfacing and do not offer sufficient comfort to allow this development to proceed without further additional information being sought due to the potential impacts this development could have on the setting of the Bewdley Conservation Area and the health and vitality of the Purple Beech. Many of the concerns raised by third party and other consultees relate to the lack of information contained in the application, the comments of the Council's Conservation Officer being an example. I concur entirely with the views expressed by the Conservation Officer in his comments and agree that very careful attention would need to be paid to the types of surfacing, furniture and lighting. Similarly I support the view of the Council's Arboricultural Officer in that a detailed landscaping scheme should be agreed. All of these matters are however capable of being dealt with by condition and I am satisfied that with the strict guidance of the Conservation Officer and Arboricultural Officer that the most suitable forms of landscaping, surfacing and street furniture would be achieved. I consider any conditions should also require the applicant to provide section drawings to demonstrate how the ramp would be installed and how any new retaining features would be finished in order to protect visual amenity and the setting and character of the Conservation Area.

4.9 Provided that the conditions suggested by the Conservation Officer and Arboricultural Officer are imposed on any permission then I am satisfied that the proposal is capable of implementation without harm to visual amenity, the setting of the Bewdley Conservation Area or to the health and vitality of the Purple Beech.

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**DRAINAGE**

- 4.10 No detailed drainage strategy has been agreed at this stage, as outlined in the comments of NWWM. Being in a flood risk area it is essential that the proposed development would not cause or exacerbate flood risk and to this end it is recommended that, in the first instance and to be controlled by condition, that the proposal considers a SuDS approach to site drainage. I consider this both a reasonable and necessary requirement and would, in accordance with the views expressed by NWWM, secure this by condition. In addition and given the flood risk vulnerability of the site, I agree that a Flood Management Plan should also be required by condition to ensure that the safety of users of the proposed car park could be secured during a flood event.

**OTHER MATTERS**

- 4.11 Concerns relating to the operation of the proposed car park are not material to the determination of this application and would be dealt with by the District Council in the normal way.
- 4.12 Future proposals for the area adjacent to the fire station which is to be left as a 'development site' are similarly not material to the determination of this planning application save for the benefits this arrangement has in terms of improving the long term development potential of this part of Bewdley. Any development on this land will require a detailed planning application to be submitted.
- 4.13 Comments relating to the loss of coach parking spaces on Dog Lane car park are noted as is the suggestion to reintroduce in-town coach parking to the area which is to be left for future development as part of this scheme. On the former I would comment that as part of application 13/0395/FULL measures were put in place to relocate coach parking and introduce coach drop off points, these would remain unchanged. With regards to the suggestion of using the land on which the medical centre currently sits, which would be cleared and left for future redevelopment, being used as new coach parking facilities this is not part of the current application. Once the land is transferred to Worcestershire County Council then the future use of the site would be at their discretion, subject to planning permission in the usual way.
- 4.14 Pedestrian safety concerns were raised during the public consultation process. Fears were that the layout does not provide for designated pedestrian walkways within the car park. Whilst I accept that this is a genuine concern I am mindful that it is commonplace that a shared surface approach between pedestrians and vehicles using car parks is acceptable. I have no reason to suspect that in this instance there would be any greater danger proposed to pedestrian safety than is the case on other car parks in the District.

16/0347/FULL

## 5.0 Conclusions and Recommendations

- 5.1 The proposal represents a suitable form of development for this part of Bewdley which would offer improvements to the public realm and car parking provision within the Town. The proposals are capable of implementation, subject to suitable conditions, without harm being caused to the setting of the Bewdley Conservation Area or to the amenity of the Purple Beech tree on site.
- 5.2 For the reasons outlined above it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. Full landscaping scheme to be agreed
  4. Tree protection plan in accordance with BS5837:2012 for the Purple Beech to be agreed
  5. All boundary treatments to be agreed
  6. All hard surfaces to be agreed
  7. No approval to the verge between upper and lower levels of the car park. Full section details to be agreed.
  8. Any materials for walling or coping stones, joint and mortar details to be approved by LPA prior to commencement of the development.
  9. Details of any street/car park furniture to be installed, including any crash barriers, to be agreed.
  10. Drainage scheme (to include SuDS where appropriate) to be agreed.
  11. Flood Management Plan to be agreed

## WYRE FOREST DISTRICT COUNCIL

**Planning Committee**

**16 August 2016**

### PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1440 14/0060/HHED	APP/HH/14/1380	Mr D Scriven	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER  High Hedge Complaint	WR  04/08/2014	08/09/2014			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1459 15/0667/ENF	APP/R1845/C/15 /3136640	Mr D Matthews	GREEN ACRES THE HOLLOWAY CHADDESLEY CORBETT  Erection of new residential dwelling (Enforcement Case 15/0097/ENF)	LI  21/07/2016	25/08/2016			
WFA1460 15/0405/FULL	APP/R1845/W/1 8/3138636	Mr J Kelly	LAND AT LONG BANK BEWDLEY  Proposed Agricultural building	WR  01/12/2015	05/01/2016			
WFA1464 15/0526/FULL	APP/R1845/W/1 6/3145883	Mr H Docherty	LAND ADJ OAKHOUSE ST. JOHNS LANE BEWDLEY DY122QZ  Proposed construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year)	WR  06/05/2016	10/06/2016			Allowed  02/08/2016

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1465 15/0724/FULL	APP/R1845/D/16 /3149580	Mr M Samrai	139 SUTTON ROAD KIDDERMINSTER DY116QP  Proposed modification and conversion to form new dwelling	WR  14/06/2016	19/07/2016			
WFA1466 15/0329/FULL	APP/R1845/W/1 6/3151236	Metro Realty Homes Limited	FORMER WOMENS ROYAL VOLUNTARY SERVICE HALL LAND OF LAX LANE  Residential development comprising of 4No. Dwellings with associated access and amenities	WR  15/06/2016	20/07/2016			
WFA1467 16/0005/FULL	APP/R1845/W/1 6/3152536	Mr N Griffiths	BUILDING ADJ 9 BURY HALL WOLVERLEY KIDDERMINSTER  Conversion of existing building to 2 bed dwelling	WR  12/07/2016	16/08/2016			

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## Appeal Decision

Site visit made on 12 July 2016

**by Andrew Owen MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 August 2016**

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**Appeal Ref: APP/R1845/W/16/3145883**

**Land adjacent Oakhouse, St Johns Lane, Bewdley, Wyre Forest**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr H Docherty against the decision of Wyre Forest District Council.
  - The application Ref 15/0526/FULL, dated 15 September 2015, was refused by notice dated 28 October 2015.
  - The development proposed is construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year).
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### Decision

1. The appeal is allowed and planning permission is granted for construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year) at land adjacent Oakhouse, St Johns Lane, Bewdley, Wyre Forest in accordance with the terms of the application, Ref 15/0526/FULL, dated 15 September 2015, subject to the conditions in the attached Schedule.

### Main Issues

2. The main issues are whether the occupants of the development would have reasonable access to goods and services and the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Background*

3. The development would be single storey, modest in scale, have timber clad walls and generally have the appearance of a cabin or lodge. It would be a permanent building of substantial construction. It is stated repeatedly throughout the appellant's evidence, and in the description of the development, that the building would only be occupied for 11 months of the year and that its occupation during this time would be by holiday makers only. However the Council contend that the proposal should be considered to be a permanent residential dwelling.
4. It is considered that although the development would be physically be capable of accommodating permanent residents, its use can be restricted to holiday accommodation only by a condition that would meet the tests in paragraph 206 of the National Planning Policy Framework (the 'Framework'), and the guidance in the Planning Practice Guidance (PPG). Indeed the Council have suggested a

condition, without prejudice to their case, which I consider would meet these tests and the guidance and would prevent a change from holiday accommodation to a dwelling. Consequently any use of the property as a permanent residential unit would breach this condition. As such, the use class into which the development would fall is immaterial.

5. Accordingly I have considered the development as holiday accommodation and not as a dwelling outside the settlement boundary. Consequently, I give little weight to policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan, which both relate to the location of housing.

*Access to goods and services*

6. The site is an undeveloped parcel of land in a loose ribbon of development along St Johns Lane. It is not disputed by the parties that it is not a brownfield site and that it is located in the open countryside. Directly opposite the site is Wyre Forest.
7. Policy DS01 of the Adopted Wyre Forest District Core Strategy (the 'Core Strategy') relates to all forms of development and advises that all development will be concentrated on brownfield sites in order to, among other things, reduce the need to travel. Also, Policy CP10 of the Core Strategy relates to sustainable tourism and advises that tourist accommodation should be directed towards Kidderminster or other built up areas as such settlements provide the widest range of services.
8. In this case, whilst holiday makers would undoubtedly require access to shops and services found in built up areas, they would also most likely desire access to Wyre Forest and the other tourist facilities in the area. Indeed it is likely that future occupants of the cabin would select it as their holiday accommodation because of its location on the edge of Wyre Forest and close to the Wyre Forest visitor centre, which is only a short distance away along Long Bank and which is accessible through the forest opposite the site. Therefore the occupiers of the development would have ready access to such tourist facilities by foot or cycle which lends the development an advantage in this respect over similar tourist accommodation in built up areas.
9. As such, although the development would not be located within any built up area, or on a brownfield site, it would reduce the need to travel and hence would accord with the sustainable aims of Policies DS01 and CP10 of the Core Strategy.
10. I have also had regard to Policy DS04 of the Core Strategy which seeks to support the rural economy and states, in its explanatory text, that Wyre Forest's tourist role is its major economic opportunity. I consider the provision of an additional unit of tourist accommodation would contribute to supporting the Forest's tourist role and so would accord with Policy DS04.

*Character and appearance*

11. The dwellings in the vicinity of the development are generally large houses set in spacious verdant plots reflecting their position on the edge of Wyre Forest. The adjoining properties at Oak House and Birch Cottage are both large, red brick, slate roofed, two storey houses. However the variety in the design, form



and scale of the houses generally along the road is a strong characteristic of the Lane.

12. As such although the dwelling would contrast with the design of the immediate neighbours, it would generally be in keeping with the mixture of designs along the road. Moreover, as a holiday lodge, it is fitting that it would have a slightly different character and be of different materials to that of the other permanent residential units along the Lane.
13. Accordingly the development would accord with Policy CP11 of the Core Strategy which requires development to be reflective of its context and CP12 of the Core Strategy which requires development to protect the local landscape character.

#### **Other matters**

14. I note the concerns that the ecological survey was conducted in November 2014 which is some time ago and not the optimum time of year. However the report states that the flora and fauna on site were considered to be of low nature conservation interest, possibly due to the high nature conservation value of the surrounding area. In particular the overgrown nature of the site means it is unsuitable for many species including reptiles and narrow leaved hellborines. As the site is still overgrown, and probably more so than when the survey was done, I consider the results of the survey would still be reliable.
15. I note the concerns that the appellants may not benefit from a right of access along St Johns Lane. However that is a private matter between the individuals concerned, and is not a matter before me.

#### **Conditions**

16. I have considered the conditions put forward by the Council against the requirements of the PPG and the Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
17. I have imposed the standard condition relating to the commencement of development and imposed conditions in the interests of preserving the character and appearance of the area, highway safety and ecological protection. I have not imposed the suggested condition relating to reptiles as the site is unsuitable for reptiles and none have been found on site.
18. Some conditions require compliance prior to the commencement of development so that the effects of the development are properly mitigated for in order to make the development acceptable.

#### **Conclusion**

19. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

*Andrew Owen*

INSPECTOR

**SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1435 001, 1435 010, 1435 020 and 1435 021.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall only be used as holiday accommodation and not at any time as a sole or main place of residence and shall only be available as holiday accommodation for 11 months of the year.
- 5) No development shall take place until visibility splays have been provided from a point 0.6 metres above ground level at the centre of the access to the site and 2.0 metres back from the near side edge of the carriageway (measured perpendicularly) for a distance of 11 metres in each direction alongside the near side edge of the adjoining carriageway. The visibility splays shall thereafter be maintained free of obstruction at all times.
- 6) Details of the construction of the means of vehicular access, turning area and parking area shown on drawing no 1435 020 shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with those details before the development is first occupied. These areas shall thereafter be retained and kept available for the occupants of the building at all times.
- 7) The development shall not be occupied until space within the site has been laid out and thereafter retained for two bicycles to be parked.
- 8) Details of any external lighting, including a plan showing the position of lights and the pre development and anticipated post development lighting levels at the site, shall be submitted to and approved in writing by the local planning authority before any development on site takes place. Development shall be carried out in accordance with the approved details.