

Open

Planning Committee

Agenda

6pm
Tuesday, 20th June 2017
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams
Vice-Chairman: Councillor J R Desmond

Councillor J Aston
Councillor M J Hart
Councillor N Martin
Councillor C Rogers
Councillor J D Smith

Councillor J A Hart
Councillor D Little
Councillor F M Oborski MBE
Councillor J A Shaw
Councillor R Wilson

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

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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By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

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.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

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, 20th June 2017

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members 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.	Declarations of Interests by Members 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.	Minutes To confirm as a correct record the Minutes of the meeting held on the 16th May 2017.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Planning and Related Appeals 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.	116
7.	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.	

8.	Exclusion of the Press and Public 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

9.	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.	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER**

16TH MAY 2017 (6 PM)

Present:

Councillors: S J Williams (Chairman), J R Desmond (Vice-Chairman), J Aston, I Hardiman, J A Hart, M J Hart, D Little, N Martin, F M Oborski MBE, J A Shaw, J D Smith and R Wilson.

Observers:

There were no members present as observers.

PL.1 Apologies for Absence

Apologies for absence were received from Councillor C Rogers.

PL.2 Appointment of Substitutes

Councillor I Hardiman was a substitute for Councillor C Rogers.

PL.3 Declarations of Interests by Members

Councillor M J Hart declared, in respect of application number 16/0703/FULL that he had spoken with the applicant in the preceding months but would judge the application with an open mind.

Councillor M J Hart declared, in respect of application number 16/0640/FULL that he had given advice to the applicant but only regarding the planning process and would judge the application on its merits and with an open mind.

Councillor F M Oborski declared, in respect of application number 17/0163/FULL that she had taken part in discussions as a Member of Kidderminster Town Council, but came to this meeting with an open mind.

Councillor J Hart declared, in respect of application number 17/0163/FULL that he had received e mail correspondence but came to the meeting with an open mind.

Councillor I Hardiman declared, in respect of application number 16/0640/FULL that had received e mail correspondence from and had met the applicant in the past, but came to the meeting with an open mind.

PL.4 Minutes

Decision: The minutes of the meeting held on 18th April 2017 be confirmed as a correct record and signed by the Chairman.

PL.5 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 554 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 554 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.6 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.

There being no further business, the meeting ended at 7.01 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16th May 2017 Schedule 554 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.

Application Reference: 16/0703/FULL

Site Address: FIELD 2 GLEBE LAND, CHURCHILL LANE, CHURCHILL, KIDDERMINSTER, DY103LX

REFUSED for the following reasons:

1. The application site is located within the West Midlands Green Belt. The proposed development would represent inappropriate development in the Green Belt, which Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (2013) and paragraph 87 of the National Planning Policy Framework (NPPF) states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The other considerations advanced by the Applicant do not clearly outweigh the significant weight that the NPPF demands is attached to inappropriateness, the harm identified to the openness and the purposes of including land in the Green Belt. As such, very special circumstances do not exist. The proposal would therefore be contrary to Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (2013) and paragraph 89 of the NPPF.
2. The location of the application site lies outside of any recognised settlement boundary as defined within the Adopted Wyre Forest District Core Strategy and the Adopted Wyre Forest District Site Allocations and Policies Local Plan, and in turn is not considered to be a sustainable form of development in accordance with paragraph 55 of the National Planning Policy Framework (NPPF). The application fails to accord with:
 - i. The settlement hierarchy identified within Policy DS01 of the Adopted Wyre Forest District Core Strategy and Policy SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan; and,
 - ii. Sites for Residential Development identified within Policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

It is considered that there are no material circumstances that outweigh the conflict with the above policies, which seek to guide residential development to appropriate locations within the Wyre Forest District that would safeguard the landscape character and promote the regeneration of

the District's urban areas.

3. The proposed development consists of a large four bedroom detached dwellinghouse to address the needs of the Applicant, outside of any recognised settlement boundary within the Churchill and Blakedown Neighbourhood Plan. The application therefore fails to accord with Policies CB17 and CB18 of the Churchill and Blakedown Neighbourhood Plan which seek to provide small scale affordable/market housing to meet local needs and make provision for smaller houses to address local housing needs.

Application Reference: 16/0227/FULL

Site Address: CHURCHILL GRANGE, CHURCHILL, KIDDERMINSTER, DY103LZ

APPROVED, subject to the following suggested conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Provision and protection of visibility splays, as per approved plan
4. Protection and enhancement of existing hedgerow
5. Closure of existing access to vehicles upon completion of the new access
6. Consolidation and surfacing of access track in accordance with details to be submitted to and approved in writing by the local planning authority

Application Reference: 16/0640/FULL

Site Address: HOBRO CROFT, HOBRO, WOLVERLEY, KIDDERMINSTER, DY115SZ

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)

Application Reference: 17/0163/FULL

Site Address: KIDDERMINSTER TENNIS CLUB, BAXTER GARDENS, KIDDERMINSTER, DY102HD

REFUSED for the following reasons:

1. The proposal will result in a loss of public open space without any provision of equivalent or better provision. It is considered that the needs for the additional tennis court do not clearly outweigh the harm that would be caused as identified in the additional reasons below. To allow the proposal in these circumstances would be contrary to Policy SAL.UP4 of the Wyre Forest Site Allocations and Policies Local Plan and Government advice in the National Planning Policy Framework.
2. The proposal would by virtue of its size and siting adversely impact on the

openness and visual amenity of the Park. An appraisal of the impact of the proposal on the adjacent Cherry Tree has not been undertaken and it is considered that the proposals could result in its loss or diminish its appearance which would further exacerbate the impact on visual amenity. To allow the proposal in light of this harm would be contrary to Policy SAL.UP7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

3. Insufficient information has been provided to enable the Local Planning Authority to assess the requirement for parking provision for the tennis club and the Park as a whole. The additional court is likely to attract additional vehicular trips with inadequate parking facilities, resulting in displacement of cars parking in unsuitable locations to the detriment of highway safety. To allow the proposal in these circumstances would be contrary to Policies SAL.CC1 and SAL.CC2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government advice in the National Planning Policy Framework.

Application Reference: 17/0170/FULL

Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE ROAD, BEWDLEY, DY12 1LF

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. Details of plant/machinery for waterfall
5. Waterfall operational until 7pm
6. Use of the buildings for housing elephants only

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

20/06/2017

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
16/0441/FULL	LAND AT WHYTEHOUSE FARM GREENWAY ROCK KIDDERMINSTER	REFUSAL	13
16/0550/OUTL	OFF THE LAKES ROAD BEWDLEY	REFUSAL	25
17/0162/FULL	LAND ADJ OAKHOUSE ST. JOHNS LANE BEWDLEY	APPROVAL	104

PART B Report

Ref.	Address of Site	Recommendation	Page No.
17/0225/FULL	NORTHUMBERLAND HOUSE 437 STOURPORT ROAD KIDDERMINSTER	APPROVAL	111

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH JUNE 2017

PART A

Application Reference:	16/0441/FULL	Date Received:	22/07/2016
Ord Sheet:	374274 270484	Expiry Date:	21/10/2016
Case Officer:	Paul Round	Ward:	Bewdley & Rock

Proposal: 20 starter homes and other ancillary works

Site Address: LAND AT WHYTEHOUSE FARM, GREENWAY, ROCK,
KIDDERMINSTER, DY149SJ

Applicant: P & J Lawley

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP04, CP11, CP12, CP14 (CS) SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAP.UP7, SAL.UP9 (SAAPLP) Ministerial Statement ‘Starter Homes’ – 2 nd March 2015 National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	‘Major’ planning application. Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The land at Whytehouse Farm is located off the Greenway within the parish of Rock. The application site forms an area of industrial land which contains a number of intact and dilapidated structures, some of which are currently in use. It is accepted that the land is previously developed and underused.
- 1.2 The site is within the open countryside and has public rights of way intersecting the site. Residential conversions exist at the entrance to the site and the Grade II listed Whytehouse Farm lies to the west. The trees to the southern part of the site are protected by a Tree Preservation Order.
- 1.3 The proposal seeks for the construction of 20 Starter Homes

16/0441/FULL

2.0 Planning History

2.1 None of relevance

3.0 Consultations and Representations

3.1 Rock Parish Council – Recommend refusal due to lack of infrastructure, access road, no spaces in local school for Starter Homes. Remote location for young families, drainage, water, & sewerage problems. The Parish Council Housing needs survey calls for bungalows for local residents to downsize, this should be supported by planners not ignored following detailed parish survey. This location is not suitable for young starter families.

3.2 Highway Authority – The proposed development would be situated in an isolated, rural location whereby the walking and cycling distance to amenities more than those in local villages, such as employment, education, health and leisure are beyond the acceptable range of 2km and 5km respectively. The site is therefore considered to be unsustainable. There are no opportunities for sustainable modes of transport such as walking, cycling and public transport and future occupants would be wholly reliant on the car. This is contrary to NPPF paragraph 32.

There is no infrastructure to promote sustainable modes of transport including no footways to link with public transport or cycle paths on a proposed access road which is not of adoptable standard. The straight length of the access road does not conform to a 20 mph design speed the purpose of which is to engender a safe environment for walking and cycling.

As such the application does not accord with Local Transport Policy or with the NPPF (paragraphs 32 and 35).

3.3 North Worcestershire Water Management – I understand from the submitted Flood Risk and Drainage Strategy prepared by Robert West Consulting, that the intention is to provide soakaways for the roof drainage of the majority of the properties and that where this is not possible due to the trees being present discharge of roof drainage will be to permeable pavement within each curtilage. I understand that all driveways (including shared ones) and the internal development road will be constructed using porous black paving. Porous paving and soakaways are both classed as SuDS, therefore meeting the Council's policy that sets out that where possible SuDS should be provided.

16/0441/FULL

Following changes in planning policy the LLFA is required to ensure that appropriate SuDS are provided for the management of run-off, unless it is demonstrated inappropriate, and that the proposed scheme is in compliance with the non statutory technical standards for SuDS (Defra, 2015). I am concerned that the submitted Flood Risk and Drainage Strategy does not reference these standards. These standards require the proposed drainage system to be designed for a 1 in 100 year event. On top of this, the newest climate change guidance needs to be taken into consideration.

From the Micro Drainage calculations submitted with the Flood Risk Assessment, I understand that the systems have currently been designed for a 1 in 30 year (no climate change) event and that an infiltration rate has simply been assumed. I appreciate that the applicant might want to leave the actual sizing of the devices to the detailed design phase and will probably not undertake permeability testing until later. However, in my opinion the design criteria should get agreed at this stage – the detailed design can then be conditioned. I would like to invite the applicant to think about whether green, aboveground SuDS features could be used instead of or in addition of the currently proposed permeable surfaces and soakaways. There are inspirational examples of what can be achieved.

Regarding the foul water drainage of the site, I understand that the proposal is to discharge to a sewage treatment plant. I did not see on the plans where this treatment plant is going to be sited. For all applications that involve non-mains drainage, it is advisable to ask the applicant to return the attached foul assessment form so we can be sure that a non-mains drainage solution is acceptable in this instance.

CONCLUSION

I believe further information regarding both foul and surface water drainage should be submitted as part of the current application and that the application should be deferred until this information has been made available.

- 3.4 Conservation Officer – No objections. The site proposed for development is currently occupied by a number of dilapidated buildings which may have been originally intended for agricultural use but have also been in commercial and storage uses for many years. These buildings are of no historic or architectural interest. Their utilitarian design and somewhat random layout reflects the growth of and diversification of the use of the site over the past 50 years. The collection of buildings prevents any inter-visibility between Whytehouse Farm and Rock Church, and the footpath passes between and around these buildings. The removal of these buildings would have, I suggest, a positive impact on the setting of Whytehouse Farmhouse and the adjacent non-designated heritage assets.

I think it is fair to say that the historic setting of Whytehouse Farm has been heavily compromised to the northwest on land which formed parcels 2245 and 2237 of the 1884 map but that parcels 2236, 2235, 2232 and 2234 remain relatively legible.

16/0441/FULL

Although the elevations and sections submitted indicate quite modest two-storey buildings, because the applicant has not furnished any details of the heights of the existing agricultural/storage/commercial buildings to be removed it is possible that the height of the proposed housing is greater than these existing buildings. This could result in the proposed development having an additional impact on the wider setting of the site including the nearby village of Rock.

The construction of a small residential estate quite separate from the rest of the village will create a somewhat incongruous feature in the landscape. Clearly the buildings are houses and could not be interpreted in any other way within that landscape, particularly as viewed from the Abberley to Clows Top road.

The non-designated heritage assets have been subject to comprehensive alterations over the past century, however their original relationship to Whytehouse Farmhouse is still discernible, forming part of a farmstead group. The previous development to the north west has already compromised their setting as viewed from that direction to a large extent.

However visible the development either in the setting of the Grade I listed church or the Adjacent Grade II listed Whytehouse Farmhouse, the level of harm caused to the setting of those assets must be considered less than substantial. The farmhouse retains most of its existing setting, particularly as viewed from the footpath running south through the farm (RK771), and the church retains its prominence as the tallest building and landmark structure in the landscape. I think were the development any nearer the church (and given the similar elevation of the site) that greater harm would be caused, particularly at night when the development would be illuminated.

In this case, and as there is some cause to consider that the removal of the existing buildings will benefit the setting of Whytehouse Farmhouse, I consider that the overall impact of the proposals in heritage terms is neutral. Thus the proposal is compliant with the NPPF at paragraphs 134 and 135 and WFDC Policy SAL.UP6.

- 3.5 Arboricultural Officer – No objection subject to conditions. The poplars around the boundary of the site do act as good screening, but many are in a poor condition and I don't feel they are in-keeping within the wider landscaping so would have no objection to them being removed if necessary and replaced with native species were possible.

A tree protection plan in accordance with BS5837:2012 will need to be submitted prior to commencement; I am happy for this to be a pre-start condition.

Suitable landscaping would be beneficial to allow the development to fit within its rural location.

16/0441/FULL

- 3.6 Worcestershire Regulatory Services (Contamination) – Part of the site concerned was a large former pond and it is not known if the pond has been in filled at all or the nature of the fill or its potential for gas generation, we recommend the following:

The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented. Little information is known or has been provided on this site and consequently a Phase I study is recommended.

- 3.7 Worcestershire County Council Archive & Archaeology Service – Heritage assets in the immediate vicinity of the proposed development principally comprise the Grade II listed Whitehouse farmhouse (WSM40896) and a surviving range of farm buildings depicted on the 1st edition Ordnance Survey map, which are of likely 17th to 19th century date. Neither of these heritage assets would be directly affected by the proposed development.

The settlement pattern in the wider site area is of a dispersed nature, comprising isolated farmsteads such as Whitehouse Farm, and few other heritage assets are recorded in the vicinity. Consequently the archaeological potential of the development areas is judged to be low and further decreased by the likely impact of the existing semi-industrial use of the site.

On this basis we do not consider that the proposed development would have a significant impact on the historic environment and we have no further recommendations or comments to make regarding this application.

- 3.8 West Mercia Police Designing Out Crime Officer - No objections to the application.

The area is a low crime area, however from time to time there are problems with sheds and outbuildings being broken into. In view of this perimeter security is important.

All fences and gates should be at least 1.8 metres high, preferably topped with trellis

- 3.9 Worcestershire County Council Countryside Service – No objection subject to note.

16/0441/FULL

- 3.10 Severn Trent Water - I can confirm having checked our statutory sewer records there are no sewers within the site area and therefore we have no comment to make.
- 3.11 Neighbour/Site Notice – 20 letters of objection and 1 letter of support, raising the following issues:
- Not affordable starter homes due to size and price
 - Overdevelopment of the site
 - Not a sustainable location for family homes
 - Greenway not adequate to cater for additional traffic with substandard junctions
 - Lack of services such a water pressure, electricity supply, drainage and sewage
 - Site would benefit from redevelopment but not for 20 starter homes – starter homes have not sold well in Rock
 - Would adversely impact on the character of the landscape
 - Increase in traffic in an area. Danger to children and other users walking on roads with no footways and the public rights of way that lead to the site
 - Loss of amenity through increased traffic
 - Loss of privacy and overlooking
 - Set of precedent in an area where development is restricted through local plan policy to meet local needs through Parish Needs Surveys.
 - Restriction of access to other landowners
 - No fall back position
 - Loss of employment land

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

- 4.1 The Development Plan for the District consists of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the Adopted Wyre Forest Core Strategy which contain specific policies for the location and delivery of housing within the District. Policies DS01 and DS04 of the Adopted Wyre Forest Core Strategy and Policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan provide the detail, focusing residential development on brownfield site within the towns of the District. In the rural areas and villages development is restricted to specific exemptions such as rural exceptions sites and rural workers.
- 4.2 Whilst the site is submitted as being part of the Government’s Starter Homes initiative, the key changes to the definition of affordable housing within the National Planning Policy Framework and relevant legislation have not been commenced. As such Members are advised that the scheme, whilst being pursued as a Starter Homes, does not constitute affordable housing as part of this consideration. It will be noted that there is no support from Rock Parish Council for either the location or the type of housing based on the latest Housing Needs Survey.

16/0441/FULL

- 4.3 It is clear that the development fails to comply with established Development Plan Policy. The National Planning Policy Framework highlights the statutory duty in the plan-led system and the importance of determining according to the plan unless material circumstances indicate otherwise. Material circumstances will be considered towards the end of this report, however it is sufficient to establish at this stage that the proposal is contrary to the housing policies of the Development Plan. As the development is in policy conflict it does not constitute sustainable development as therefore the general presumption in favour of development, as set out in the National Planning Policy Framework does not apply in this instance. This conflict is afforded significant weight.

HIGHWAY IMPACT AND SUSTAINABILITY

- 4.4 Highway access is via the private track that leads to the site and other properties. The track will be improved to 4.8m width allowing two vehicles to pass, however no footway is provided despite the existence of the public right of way. The Highway Authority object to the application as the proposed road will not be to adoptable standards, due to the lack of footway and the opportunities for excessive speeds along the road due to its alignment. I share these concerns, which will put pedestrians, cyclists and other users of the public right of way at significant risk, particularly in view of the number of dwellings proposed coupled with those already in existence. The proposal in this respect will compromise highway safety contrary to the Development Plan, Local Transport Plan and the National Planning Policy Framework. This harm also carries significant weight.
- 4.5 Whilst the Highway Authority is satisfied that the number of vehicles associated with the proposal can be accommodated on the surrounding highway network, including the proposed and existing junctions, they have highlighted the sustainability of the location of the site. The core planning principles within the National Planning Policy Framework is to "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..." The immediate area does not provide adequate services that are situated within a suitable distance. In addition the surrounding road network and public transport links are unsuitable to support the number of dwellings provided. Bearing in mind the type of dwellings proposed, the location of the development in association with key services is a critical consideration. This factor adds additional weight against the proposal.

16/0441/FULL

SITING, DESIGN AND LANDSCAPE IMPACT

- 4.6 There is no doubt that the existing site is in need of redevelopment and causes visual harm at present. The opportunity to tidy up the site is of benefit. The proposed layout focuses development primarily on the footprints of existing buildings whilst allowing the opening up of public rights of way. A public open space is proposed which enhances the situation of the protected trees. The area of housing does stretch to areas where buildings are no longer in existence. It is accepted that there will be some visual improvements to immediate setting and the wider setting. However there will still be significant numbers of buildings in a form that is incompatible with the surrounding landscape. Overall the balance in this respect is neutral and at best provides some weight in favour.
- 4.7 The design of the layout in isolation is acceptable and each plot has an acceptable relationship with itself and surrounding properties. The elevational treatment of the properties is suitably designed carrying a cottage like appearance. When viewed as a large estate in this rural isolated location the overall design and layout would appear out of sync with the surrounding area, however given the existing situation this is judged to be acceptable and provides an overall neutral balance.

RESIDENTIAL AMENITY AND PRIVACY

- 4.8 A number of comments have been made in respect of loss of privacy and amenity of existing residential properties based on traffic movements and overlooking. I am satisfied that the layout and the separation distances are acceptable as to not impact adversely on residential amenity or privacy. In respect of traffic movements, it is accepted that the track already exists and can be used to access the site at present. The proposal does not, in my opinion, result in a position where traffic generation is such that amenity would be a loss to residential properties.

MATERIAL CIRCUMSTANCES IN FAVOUR OF THE DEVELOPMENT

- 4.9 The Agent has set out two main areas for consideration; the fallback position and, the Government's Starter Homes Exceptions Policy.
- 4.10 In respect of the fall back position, the Applicant's Agent has stated that when taking the substantive buildings on the site and looking at utilisation for office accommodation there is a possibility that 94 people could occupy the site. This position is noted; however a certificate of lawfulness to establish the usage of the site remains undetermined due to the lack of evidence and, as such, the true usage of the site remains undetermined. There is also the question as to whether some of the buildings have been abandoned. It is established in case law that only a theoretical prospect of a situation can lead to a fall back position, however the weight to be given is a matter for the decision taker. On this occasion given the nature of the buildings and undetermined certificate I conclude that only moderate weight can be given in favour of the application.

16/0441/FULL

- 4.11 The Coalition Government's Starter Homes Exception Policy was launched on 2nd March 2015 and states:

Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of sites suitable for housing for first- time buyers. In particular, they should look for opportunities to create high quality, well designed starter homes through exception sites on commercial and industrial land that is either under used or unviable in its current or former use, and which has not currently been identified for housing.

Where applications for starter homes come forward on such exception sites, they should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the national planning policy framework that cannot be mitigated.

- 4.12 The current Government has set out a commitment to this policy looking to extend and strengthen the exception policy. This has been done via the Housing and Planning Act 2016 which received Royal Assent on 12th May 2016. This included a number of definitions and duties on Local Planning Authorities. The Government has not published a timetable for bringing the starter homes legislation into force. The Housing White Paper and response to the technical consultation on Starter Homes Regulations were published in February 2017. Essentially the legislation is in the early days and amendments to the National Planning Policy Framework have not yet been made.
- 4.13 In view of the above the Local Planning Authority can only rely on the 2015 statement. This is specific that it refers to Local Planning Authorities providing a "supply of sites" and the policy relates to "such exception sites". The Local Planning Authority's current Development Plan does not include any starter homes as it was adopted prior to this policy. The Local Plan Review is underway but is at early stages and cannot support the application at this time. The proposal, as set out above, provides conflict with the National Planning Policy Framework.
- 4.14 It is considered that whilst regard has to be given to the policy, given the commentary above, I would attach some weight to this policy, however this cannot be significant.

OTHER MATTERS

- 4.15 In respect of drainage the comments of North Worcestershire Water Management are noted with the need for additional detail. I am satisfied that any additional matters could be dealt with by way of condition.
- 4.16 Other matters raised in respect of services are not fundamental at this planning stage.

16/0441/FULL

THE PLANNING BALANCE

- 4.17 I have weighed the aspects of harm identified namely, the conflict with the development; the location of development; and, highway safety against the positive arguments namely the design, the visual improvements to the area; the fallback position; and, the Start Homes Exception Policy. Having taken all aspects into account and afforded them appropriate weight I find that the harm that would be caused would not be outweighed and therefore the application cannot succeed.

5.0 Conclusions and Recommendations

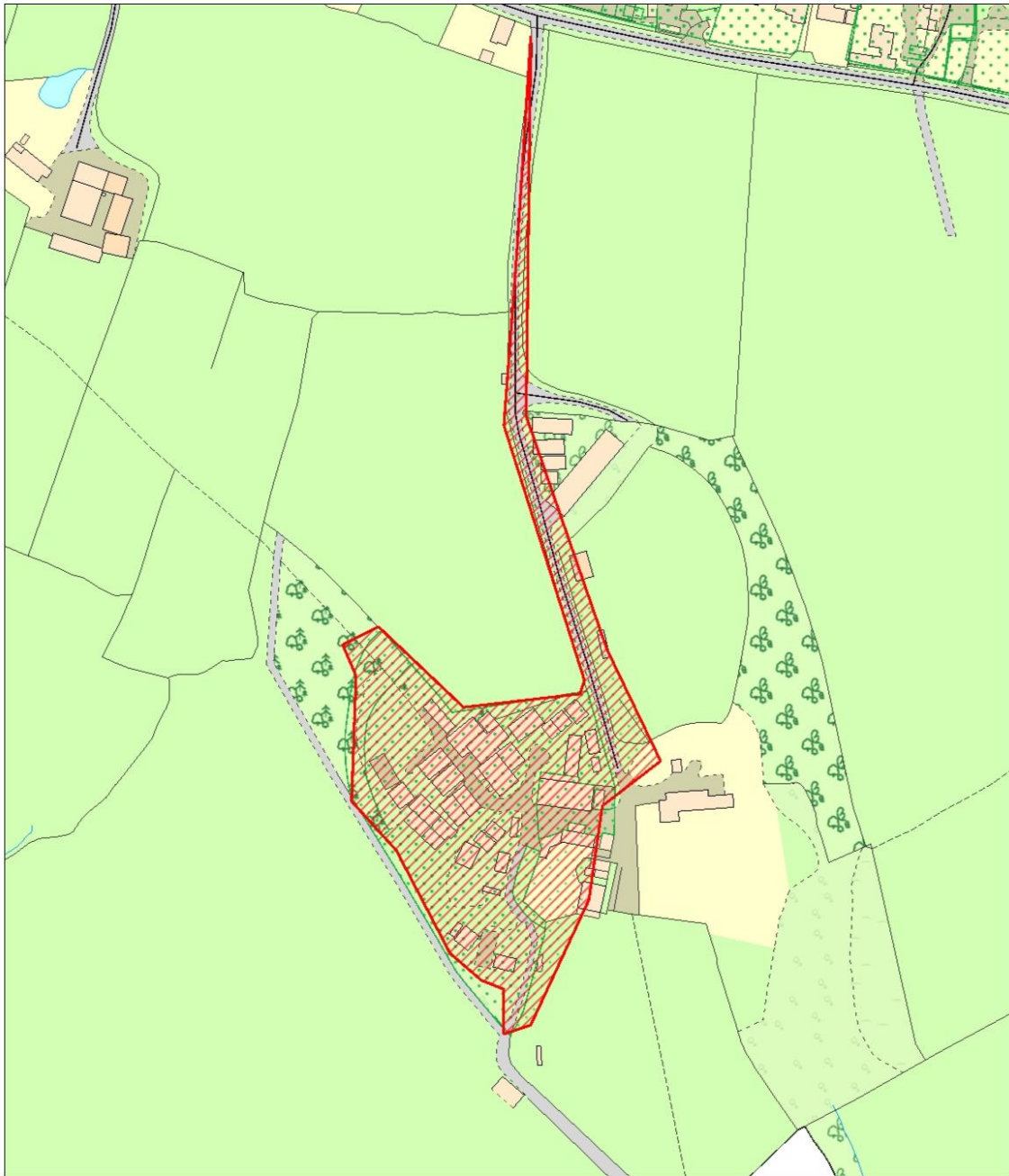
- 5.1 The site is an isolated position within the open countryside outside any settlement, village or town boundary. The provision of dwellings in this location would fail to comply with the strategic position within the Development Plan for the provision of housing. In addition it is considered that the proposal as submitted would lead to significant harm to highway safety and provide development in an unsustainable location. The matters in support of the application have been fully considered as part of the planning balance; however these matters are insufficient to outweigh the harm that has been identified.

- 5.2 It is therefore recommended that the application be **REFUSED** for the following reasons:

1. The location of the residential accommodation fails to accord with Housing Policies DS01 or DS04 of the Adopted Wyre Forest Core Strategy, or policies SAL.DPL1 or SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. These policies seek to guide residential development to appropriate locations. To approve the development at the location proposed would create development which lies outside a settlement boundary and goes against planning policy which seeks to protect the open countryside.
2. The proposed development would be situated in an isolated, rural location whereby the walking and cycling distance to amenities more than those in local villages, such as employment, education, health and leisure are beyond the acceptable range of 2km and 5km respectively. The site is therefore considered to be unsustainable. There are no opportunities for sustainable modes of transport such as walking, cycling and public transport and future occupants would be wholly reliant on the car. To allow the development in these circumstances would be contrary to Policy CP03 of the Adopted Wyre Forest Core Strategy, Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the Local Transport Plan and Government Guidance of the National Planning Policy Framework.

16/0441/FULL

3. There is no infrastructure to promote sustainable modes of transport including no footways to link with public transport or cycle paths on a proposed access road which is not of adoptable standard. The straight length of the access road does not conform to a 20 mph design speed. As such the proposal would result in a deterioration of highway safety for pedestrians and cycles using the Public Right of Way. To allow the development in these circumstances would be contrary to Policy CP03 of the Adopted Wyre Forest Core Strategy, Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the Local Transport Plan and Government Guidance of the National Planning Policy Framework.



Economic Prosperity and Place Directorate

Land at Whytehouse Farm

Greenway

Rock, DY14 9SJ



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Scale 1:2500

Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF Telephone: 01562 732928, Fax: 01562 732556

Application Reference: 16/0550/OUTL	Date Received: 14/09/2016
Ord Sheet: 377695 275333	Expiry Date: 14/12/2016
Case Officer: John Baggott	Ward: Bewdley & Rock

Proposal: Outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children’s play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road (DY12 2BP).

Site Address: OFF THE LAKES ROAD, BEWDLEY, DY122PH

Applicant: Gladman Developments Ltd

Summary of Policy	DS01, DS03, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.GPB5, SAL.CC1, SAL.CC6, SAL.CC7, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP14 (SAAPLP) NPPF as a whole, but in particular Achieving sustainable development – paragraphs 6-17 inc, and Sections 1, 3, 4, 6, 7, 8, 10, 11, 12
Reason for Referral to Committee	‘Major’ planning application. Third party has registered to speak at Committee. Town Council request to speak on application.
Recommendation	REFUSAL

1.0 Site Location and Description

1.1 The application site consists of approximately 9.5 hectares of existing agricultural land bounded by Dry Mill Lane and The Lakes Road, Bewdley, and is located adjacent to existing residential development to the south and east of the application site. Beyond the site, to the north lies Dowles Road. The agricultural land takes the form of four fields, separated by established hedgerows. The site is unallocated (“white land”) as defined by the Development Plan.

1.2 The site rises quite steeply from north to south, and features a public footpath which crosses the site linking Dry Mill Lane to Dowles Road. Sitting in this elevated position above Bewdley, the site is visible from various vantage points from beyond the town, primarily on the opposite side of the River Severn but also from the approaches to the north-west from the Button Oak direction as approaching the town along Dowles Road.

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- 1.3 As mentioned above, the site lies adjacent to established residential development in the form of the wider housing estate to the south and east, with larger detached dwellings scattered to the north, north-east and west.
- 1.4 The County Council's Landscape Character Assessment includes the site within the Forest Smallholdings and Dwellings Landscape Character Type, which is described as:

"...an intimate, densely settled landscape characterised by strings of wayside cottages and associated smallholdings. These nestle within a small-scale matrix of pastoral fields and narrow interlocking lanes, usually defined by prominent dense hedges with hedgerow trees. The consistency of human activity in these distinctive, small scale landscapes has resulted in a unified, palpably domestic character."
- 1.5 The current application proposes a development of up to 195 residential dwellings and associated works. The application is made in outline form, with all detailed matters reserved for subsequent approval, with the exception of the main vehicular access to serve the development, which is proposed from The Lakes Road, at its junction with Baldwin Road.
- 1.6 Members will be aware that the Applicants have submitted an Appeal to the Planning Inspectorate (PINs) against the non-determination of the application. This being the case, and with the Appeal now confirmed as "valid", and with a "start date" of 16 May 2017, the Council is no longer able to formally determine the planning application. The purpose of this report, therefore, is to help inform the preparation of the Council's case at the Appeal, which is to be heard by way of Public Inquiry in due course, and to identify those matters that might have formed reasons for refusal had the application been determined prior to the appeal having being lodged, as well as matters which, by contrast, may not have been controversial and where there is "common ground" between the Applicants and the Local Planning Authority.

2.0 Planning History

- 2.1 16/0328/FULL – Change of use of land to the keeping of horses; construction of stable block and hard standing; and creation of access track and alterations to existing field access on The Lakes Road – Refused (10/10/16)
- 2.2 16/0502/EIASC – EIA Screening Opinion for residential development of up to 195 dwellings, introduction of structural planting and landscaping , informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works – Screening Opinion concluded that this would not constitute EIA development (09/09/16)

16/0550/OUTL

3.0 Consultations and Representations

3.1 Bewdley Town Council –

Original comments (as submitted on 18/10/16):

Bewdley Town Council recommend refusal of the application for the following reasons:

1. WELCH GATE AIR QUALITY MANAGEMENT AREA

The proposed development has the potential to increase substantially the number of vehicles using roads in Bewdley by hundreds of vehicles per day. It is inevitable that Welch Gate, already a designated Air Quality Management Area (AQMA) providing main access from The Lakes Road to Bewdley town centre will be affected. Welch Gate simply cannot accommodate additional vehicle movements without it impacting seriously on Nitrogen Dioxide levels in the area, which already exceed acceptable parameters. Policy CP03 of the District Council's Adopted Core Strategy as well as the National Planning Policy Framework (NPPF) acknowledge the need for promotion of healthy living and that a sustainable community requires reduction of poor air quality to improve health and quality of life for the population of Wyre Forest District. Any significant increase in traffic in this area is therefore unacceptable.

2. HIGHWAY ACCESS AND INFRASTRUCTURE

The single access route into and out of the proposed development is not sufficient to accommodate the number of vehicular movements expected as a result of this development. The Lakes Road is not suitable for additional traffic resulting from this development, nor are the roads around the existing estate. Speeding on the narrow estate roads has already resulted in part of Yew Tree Road being redesigned By Worcestershire County Council as 'one way' and residents' safety will be compromised further by additional cars travelling to/from the proposed new development.

A concentrated development of 195 new homes will undoubtedly place an additional burden on local services. At present, local schools are at capacity, with many Bewdley schoolchildren having to travel to other local towns for schooling. The new Medical Centre is already under pressure due to increasing numbers of patients in an aging local population and there is uncertainty regarding the future of the current Fire Station, which is likely to be relocated to central hub in another town.

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3. HISTORIC LANDSCAPE, CONSERVATION AREA AND NATURAL ENVIRONMENT

In our opinion, the effect this proposed development would have on the views into and out from Bewdley's Conservation Area is unacceptable and the historic value of the land adjacent to an a designated Site of Special Scientific Interest (SSSI) and the ancient woodland of Wyre Forest has been underestimated. Much of this countryside was recognised in the Worcestershire County Development Plan during the 1950's as being an Area of Great Landscape Value and has been recognised in successive Local Plans as having high local landscape quality. It is vital to conserve the rural setting of the Town and Conservation Area and in so doing to recognise the interrelationships between the Area and overall setting. A development of the scale proposed would destroy this relationship forever.

In addition, there is a Public Right of Way running across the proposed site. This Council is concerned that the lawful right to walk freely across open farmland with historic views will be severely compromised by the proposed development.

A diverse number of species have been identified on the proposed site, including bats, great crested newts, slowworms, dormouse, barn owls, butterflies and moths. The environmental impact on this area by the proposed development will conflict with section 41 (England) of the National Environment & Rural Communities (NERC) Act (2006) and the Government's Biodiversity 2020 strategy which contains an ambition to ensure that 'by 2020, we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened species'.

4. NON-ALLOCATED SITE IN THE CURRENT LOCAL PLAN

The Local Planning Authority (Wyre Forest District Council) has not allocated the proposed site in their current Local Plan as a development site. In addition, results from Bewdley Town Council's Neighbourhood Plan consultation have shown that Bewdley Parish residents do not want large developments, rather they support smaller developments within preferred other local sites.

5. THE LOCAL PLAN IS UP-TO-DATE

We are satisfied that Wyre Forest District Council's five year land supply is up-to-date.

CONCLUSION

For the reasons given above, Bewdley Town Council strongly oppose this application and urge the Planning Authority to refuse outline planning permission.

Additional Comments, following the re-consultation in respect of additional submissions made by the Applicants, have been submitted by Bewdley Town Council (as received on 11/05/17).

16/0550/OUTL

Recommend Refusal for the reasons previously advised (see above) plus additional comments (below)

ECOLOGY

The presumption that the installation of bat boxes in 'ten buildings and on twenty trees' will provide a better habitat than what exists in nature and also that this will result in improvement in new building is not accepted. A wooden bat box is unlikely to last very long in the elements and, clearly, the removal of bats' natural habitat during building work (over an unknown period) will disrupt the bats survival. Already they are a vulnerable and endangered species and if disturbed, particularly during hibernation in winter or when baby bats are born and raised in summer this will have a huge detrimental impact on the local bat population.

Skylarks, another protected species, also have nested within the proposed site and are at risk when their natural habitat is disturbed. Under the Wildlife and Countryside Act 1981, it is an offence to kill, injure or take an adult skylark, or to take, damage or destroy an active nest or its contents. The skylark is a characteristic species of lowland farmland and other open habitats. It is ground-nesting, and shuns tall structures, so virtually all activity is carried out in open habitats. Any ploughing, digging or building works will destroy their nests forever, as would land herbicide spraying.

The proposed removal of hedgerows will result in the destruction of existing wildlife, which will not be compensated by the creation of 'green open recreation space'. The removal of hedgerows will affect small mammals, insects, butterflies, plants and birds, all of which use hedgerows to travel from one region to another. The hedgerow provides a corridor along which to move, shelter from the elements, find safety from predators and a supply of food. So wherever hedgerows are removed or damaged, nature loses its means of travel, its source of sustenance, and becomes isolated and more vulnerable. Gladman's proposals are to remove probably more than 50m of hedgerow and, realistically, even the remaining lengths are likely to be unattractive to wildlife if there is surrounding human habitat.

There is no consideration of the outstanding landscape value and beauty of the land in question. The proposed housing is on a slope and therefore will drastically impede the views from the public right of way and pedestrians along Dry Mill Lane who will have a restricted view across the whole valley/forest panorama. Walkers, at present, enjoy uninterrupted views, which would be lost forever under the application proposals.

DRAINAGE

The initial proposed outlet from the rain water storage structure involved drainage onto the surface of Dowles Road just to the south of the Dowles Brook bridge. An alternative connection has now been proposed which is routed in a north-westerly direction and, therefore, would oppose the slope of the ground. A deep pipe here is likely to be compromised with a insufficient slope and not allow for adequate flow.

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ACCESS TO TOWN CENTRE

Furthermore, the proposal for a footpath to the Town Centre via Dowles Road is a dangerous one. Not only is Dowles Road notorious for speeding cars (residents of Woodthorpe Road already have difficulty pulling out safely into it), the footpaths are narrow and present a clear and present danger to pedestrians and road users alike. As proposed, it would also involve the felling of a line of mature oak trees in order to access the eastern edge of the site. This is likely to produce instability into a relatively steep slope overhanging the Dowles Road. The associated idea of a bus stop in order to access the 125 Kidderminster-Bridgnorth bus service is also highly dangerous. Both sides of Dowles Road at this position have no flat curtilage area, therefore an off-road layby is not possible. Any bus stopping at the kerb side would totally block visibility in a forward direction at a point where many vehicles, despite the narrowness of the roadway, are travelling at all speeds between 30 and 60mph.

TRANSPORT/AIR QUALITY MANAGEMENT

It is apparent that testing undertaken (10am-3pm) is not truly representative as rush hour traffic is not included. A professional traffic management report within the Welch Gate AQMA commissioned in 2010 by Worcestershire County Council and resulted in the Halcrow Report. This very thorough report rejects the priorities proposed. They simply would not work. Dowles Road is the main thoroughfare for traffic from Kinlet through to Bewdley and beyond. There is already a known everyday problem of traffic queuing to get into Bewdley along Dowles Road and the main car park to the town is accessed directly from this road, adding to the congestion in this area. (Photos are available for inspection to evidence this point).

Despite the insignificant raw data for a NOx analysis at this junction, the latest report has apparently shown a set of mixed results for pollution concentrations when extra vehicles are included. Nonsensically, the consultant then concludes that a changed traffic priority at the Welch Gate AQMA area would result in a "substantially improved situation" compared to the existing situation. Until a rigorous survey of traffic flows is undertaken at this critical junction, it is considered that no ad-hoc proposal made in support of a housing proposal can have any weight for an acceptable solution.

3.2 Highway Authority –

Original comments (dated 25/10/16)

Recommends that the permission be REFUSED for the following reasons:-

- The unmitigated impact on the Air Quality Management Area at Welch Gate
- Limited Accessibility to Local Amenities by sustainable means
- Unacceptable Highway Alterations at the junction of The Lakes Road, Dry Mill Lane, Richmond Road

16/0550/OUTL

The application proposes development on site which has not been allocation with the current adopted local development plan, therefore no previous consideration has been made as to the implications of developing this site prior to the application being submitted. The applicant has engaged with the Highway Authority as part of a pre application submission which resulted in the use of a VISUM multimodal model to consider traffic assignment and impact on other transport modes, this tested 175 dwellings and has not been included within the Transport Assessment. Notwithstanding the use of this model the applicant has undertaken local junction assessment based on traffic counts and projected them forwarding using TEMPRO to a 2021 future year

IMPACT ON WELCH GATE

Welch Gate is an air quality management area, and whilst the Highway Authority isn't directly responsible for air quality it is a partner organization. The adopted Local Transport Plan contains specific policies as to how AQMAs will be treated and particularly there is a policy on land use planning. The applicants assessments indicate that there will be an impact on the AQMA, this position is confirmed by the VISUM model. It should be noted that the VISUM model underestimates the impact due to the number of dwellings tested. The applicant has recognized the impact of their proposed development and contained within the Air Quality Assessment 9.2.14 and 9.2.15 are details of how this impact will be mitigated. These measure are

- Contributions to highway improvements in order to reduce local traffic congestion
- Support for and promotion of car clubs
- Contributions to low emission vehicle refueling infrastructure
- Provision of incentives for the uptake of low emission vehicles
- Financial support to low emission public transport options
- Improvements to Walking and Cycling Infrastructure

The applicant has indicated that £114,098.89 is warranted and primarily should be directed to the Welch Gate AQMA

The Highway Authority considers that the application will adversely impact on the AQMA without mitigation and this can be observed in queue length and journey time analysis.

The Transport Assessment and Travel Plan does not include any schemes or incentives to promote the above mitigation and therefore the applicant clearly expects the Highway Authority to take a lead role in realising these measures. By comparison the Highway Authority considers that the applicant should provide a suitable mitigation package themselves unless there are larger proposals being promoted by the Highway Authority which the applicant could contribute towards.

16/0550/OUTL

The contribution is based on a cost associated with NO₂ damage over a 5 years period, this approach is incorrect as it has no relationship to the cost to deliver the mitigation proposal. Should a package of schemes be ultimately provided the contribution should be reflective of the costs of those measures or delivery of any proposals could not occur.

The Highway Authority has already undertaken considerable work in an attempt to resolve the AQMA and these are reported in the Air Quality Action Plan. In summary efforts have been unsuccessful and junction improvement schemes are not considered to be a solution given the constraints of the area. Therefore a contribution towards junction improvements would only be appropriate if there was a defined scheme to address the issues. As no scheme exists a contribution to physical junction improvements is not considered to represent a mitigation measure. If such mitigation is necessary, and it is considered to be so, the applicant should provide a scheme which they can implement under a section 278 agreement with suitable evidence such as a VISSIM model and AIRE model to assess do nothing and do something scenarios.

The Highway Authority is of the opinion that a car club in Bewdley would be difficult to establish and to operate in the long term without considerable financial assistance. For such a scheme to be considered the applicant should present a suitable business case, preferably supported with a car club operator who would have a strong understanding of market demand and operational requirements. Without a suitable business case this is not considered to be a realistic prospect and is therefore not considered to be a mitigating factor.

With regards to electric vehicle charging, it is considered that such measures should be provided to contribute to the sites overall sustainable credentials as it accords with NPPF 35. This is directly in the applicants gift to provide. In the case of the Welch Gate impact this could reduce the impact from the traffic generated, but will not address the increased queue length or journey time of existing vehicles passing through the area.

Bus services in the area are commercially operated, therefore it is not within the Highway Authority's gift to ensure that that low emission public transport is provided.

Where improvements are warranted to improve walking and cycling conditions the applicant should be providing this as part of the promotion of walking and cycling to meet the requirement of the Local Transport Plan and NPPF paragraph 32. Given the existing highway limits and the local topography it is difficult to see what measures could be provided to create pedestrian and cycle priority.

16/0550/OUTL

Overall the package proposed fails to address the impact on the AQMA , its unrealistic or unevidenced and is consequently fails to meet the tests of the CIL regulations 2010. The Highway Authority considers that there is no suitable mitigation scheme proposed and previous work by the Local Authorities has exhausted all reasonable options. Therefore there appears to be little prospect of this application being able to address their impact.

ACCESSIBILITY

The application has undertaken an assessment of the sites proximity to local amenities and employment opportunities. Whilst it is agreed that the site does present good accessibility to the passenger transport network and some destinations such as primary schools and medical facilities are walkable they are at the extremity of an accessible walk, this is significant as the transport assessment fails to address the significant gradient which will be a deterrent to some users particularly those with a mobility impairment. It is considered that the application by its location doesn't connect well to a wide range of amenities either by walking or cycling. The Highway Authority accepts that there is a regular bus service which this proposal can advantage from, but it will require a change of service at Kidderminster bus station to access the larger employment areas of the District and this will increase journey time and in turn reduce the likelihood of passenger transport being a realistic prospect for Commuters.

JUNCTION ALTERATIONS

The application proposes to introduce a 4 way mini roundabout at the junction of The Lakes Road, Dry Mill Lane, Richmond Road. National guidance on the design of mini roundabouts is contained in TD54/07 of The Design Manual for Roads and Bridges. Whilst this document is not mandatory on the Local Highway Network the adopted Design Guide of the Highway Authority will require it to be complied with. The roundabout proposed falls considerably short of the requirements of this document, and significant concerns arise over the level of side road flows and visibility. The Highway Authority considers that the substandard nature of the junction proposed in its own right will have a detrimental impact on highway safety as it fails to provide suitable provisions for road users. It is recognised that the existing junction arrangement is unconventional and it considered that given the associated vehicle trips generated that the arrangement should be rationalised, however this arrangement creates new hazards to which the impact would be considered to be severe.

In conclusion the Highway Authority considers that this application fails to accord with the National Planning Policy Framework paragraphs 32, 35 and 124, or the Local Transport Plan.

Further additional revised comments have been received (dated (24/04/17) from the Highway Authority following receipt of an additional Technical Note submitted by the Applicants.

16/0550/OUTL

Recommends that the permission be REFUSED for the following reasons:-

Since the recommendation of 25th October 2016 considerable progress has been made by the applicant to address matters of concern. The latest technical note summaries a series of meetings to explore what may be achievable and overall it is accepted the sites accessibility can be improved and concerns about junction designs have been resolved by the design altering the proposed arrangement. Considerable effort has been undertaken to review the Welch Gate arrangements to consider what capacity improvements could be made which might benefit air quality. Two proposals have been promoted to reverse the junction priority or install a mini roundabout, these options have been appraised and shown to offer a capacity benefit and modelling results provided to experts in air quality. The most beneficial proposal is to reverse the junction priorities and that is also considered to be the most consistent junction arrangement given the surrounding highway network.

Whilst the proposals at Welch Gate are beneficial to capacity the statutory consultee for Air Quality has confirmed that there is a detrimental impact to air quality as traffic queues on different roads, as such the application fails to conform with paragraph 124 of the NPPF or policies DC2 and DC5 of the Development Control (Transport) Policy contained within Local Transport Plan 3.

3.3 Planning Policy Manager – Recommends Refusal.

Key issues relevant to the planning application that will be covered in more detail:

- Wyre Forest District Council has up to date NPPF compliant policies.
- Wyre Forest District Council has a 5.82 year supply of housing land as of 1st October 2016.
- The planning application in principle is contrary to adopted planning policy.
- Conservation, Heritage and Landscape
- Air Quality Management Area (AQMA)
- Transport

WYRE FOREST DISTRICT COUNCIL POLICIES

Wyre Forest District Council's Policies are not out of date. The Core Strategy does predate the NPPF, the Site Allocations and Policies Local Plan went through examination post NPPF and incorporates objectives set out in the Core Strategy.

Wyre Forest District Council Core Strategy – The Adopted Core Strategy was adopted in 2010. The Core Strategy does not address specific sites, but it does set the overall Development Strategy for the District and broad areas where new housing and employment development will be located.

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Wyre Forest District Council Site Allocations and Policies Local Plan - The Adopted Core Strategy set out the future strategy for development, but did not specifically identify any particular sites where development would occur. The Site Allocations and Policies Local Plan identify and allocate the sites where new development will occur.

Policy DS01 Development Locations states that *“Limited opportunities for development to meet local needs will be identified on brownfield sites in Bewdley...”*

When allocating sites in subsequent DPD’s preference will be given to the following sequential approach to the allocation and subsequent phased release of sites:

3. Smaller infill brownfield sites within Kidderminster, Stourport-on-Severn and Bewdley”

Policy DS03 of the Core Strategy identifies what is considered suitable development for each settlement. For Bewdley *“housing need will be limited primarily to the provision of affordable housing to meet local needs on allocated sites. This reflects the town’s conservation context and more limited availability of jobs and services.*

Policy SAL.DPL1 (Site Allocations and Policies Local Plan) states that *“In order to meet the housing requirement of policy DS01 of the Adopted Core Strategy residential development will only be allowed in the following locations:*

- *In Bewdley, on small windfall sites for 5 or less dwellings, subject to proposals being on previously developed land within areas allocated primarily for residential development on the Policies map”*

This proposal does not meet these criteria.

Other policies will be found in the following relevant sections.

WYRE FOREST DISTRICT HOUSING LAND SUPPLY

Currently Wyre Forest District has a 5.82 year housing land supply as of October 1st 2016. (A list of sites included in this supply can be found on the policy WebPages, a link to this is in the attached appendix). This is based on the latest (2016) Objective Assessment of Housing Need (OAHN) figure of 4072 dwellings (2016-32) and includes an additional 5% buffer. This supply consists of sites with the benefit of a full planning permission together with some allocated sites where proposals are well advanced.

The Core Strategy has a sequential approach to site identification with Brownfield sites being promoted ahead of Greenfield ones, this is reiterated in the Wyre Forest District Site Allocations and Policies Local Plan. Over the last 10 years 89% of new housing has been on brownfield sites. There are allocated sites still available for development and these have been assessed as sustainable and readily available and should be developed in advance of any unallocated sites coming forward.

16/0550/OUTL

The application site was put forward through the call for sites as part of a larger site for 400 dwellings. The Core Strategy states that “*The District will accommodate at least 4000 net additional dwellings up to 2026*” Housing completions for the first half of this time period (2006-2016) were a net increase of 2542 dwellings, of these 89% were on brownfield sites. This shows that policy DS01 of Wyre Forest District Core Strategy was realistic and is still fit for purpose.

CONSERVATION, HERITAGE AND LANDSCAPE

The application site is not in the Green Belt. However, the NPPF in paragraph 80 makes it clear that historic towns are regarded as having a setting. It also states that the setting of a designated heritage asset can contribute to its significance. Bewdley Conservation Area was designated a heritage asset in 1968.

Paragraph 3.1a of the revised Bewdley Conservation Area Appraisal (2015) states that:

“The Conservation Area is at the heart of the town of Bewdley that is itself set in and hidden by unspoilt undulating countryside. The Area includes a large proportion of the town and in places abuts open countryside; hence the rural setting of the town is an important component of its character and in turn that of the Conservation Area.... To the west, north and south lies the Wyre Forest and its outliers, which are recognised as being of national importance to nature conservation. The urban fringe to the east of the River is entirely allocated as Green Belt. It is important to conserve the rural setting of the town and Conservation Area and in so doing to recognise the interrelationships between the Area and overall setting”

The Appraisal at 3.1d (Bewdley Conservation Area Appraisal) states:
“Rising land immediately beyond the (river) shelves, which merges with small hills. These hills rise to a significantly higher level than the town centre and provide it with a strong sense of natural containment”

The Appraisal also explains that Bewdley is provided with a strong sense of natural containment and that further intensification or infilling on the rest of the hillside should be avoided. Wyre Forest District Council’s Conservation Officer has carried out a thorough analysis of information submitted with the planning application. He has visited a number of viewpoints of the application site taking photographs.

The Landscape and Visual Appraisal submitted with the application identifies several viewpoints from which the application site is visible in the locality. In disagreement with the comment relating to viewpoint 8 at 4.65 (Landscape and Visual Appraisal) in which it states that “*The site is just visible on the horizon although mostly obscured by the mature trees along the roadside which falls towards the Dowles Brook valley*”. It is clearly shown in Wyre Forest District Council’s Conservation Officers photographs that a large part of the application site is visible from viewpoint 8 even when the trees are in full leaf.

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Significantly, the town is not visible at all from the B4194 on the northern approaches as the road exits the Wyre Forest. Whilst the row of conifers marks the southern boundary of the application site the existing extent of the town's development behind them in Woodthorpe Drive is set at a lower level.

The fact that the town does not encroach on views south from the B4194 is important because it maintains the rural aspect on entering Worcestershire from Shropshire. And it is from Viewpoint 8 that the full extent of the undeveloped land can be appreciated. Concern is raised that the site will with the provision of street lighting create a prominent and permanently lit night time backdrop to the town, which will cause harm to the setting of the Conservation Area as seen against the present unlit backdrop of the Wyre Forest and the Severn Valley.

The sense of urban encroachment if the proposed development was approved would have an adverse impact on the setting of the Wyre Forest and therefore is contrary to Policy SAL.GPB5.

Severn Heights a Grade II Listed Building can be clearly seen from Dowles Road. The isolated setting of Severn Heights serves to reinforce its historic significance as one of the very few buildings remaining of the hamlet of Dowles which has now all but disappeared. To develop the application site would reduce the isolation of Severn Heights from Bewdley urban area.

It is considered that development of the application site will adversely affect the relationship of the Bewdley Conservation Area to its wider context, as perceived from vantage points from the surrounding area, and thus will diminish its significance. Development on the application site will detract from existing views from within the Conservation Area towards the site and beyond and that will have a negative effect on the significance of the Area. Both of these points will cause harm to the Conservation Area which should be assessed against the public benefits of the scheme as required by NPPF paragraph 134. It is considered that there are insufficient public benefits to outweigh the less than substantial harm thus the application must fail as it fails to comply with the NPPF paragraph 134, Policy CP11, CP12, SAL.GPB5 and SAL.UP6.

Development on the application site has the potential to harm the significance of the designated heritage asset which is Bewdley Conservation Area through the principle of development alone. This considerable although less than substantial harm should be weighed against the public benefits of the proposal.

It is considered that there are insufficient public benefits to outweigh the less than substantial harm thus the application must fail as it will fail to comply with the NPPF paragraph 134 and adopted policies within the WFDC Site Allocations and Policies Local Plan 2006-2026.

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AIR QUALITY MANAGEMENT AREA (AQMA)

One of the development objectives of the Wyre Forest District Council's Core Strategy is to improve the District's air quality, particularly in the town centre areas of Kidderminster, Stourport-on-Severn and Bewdley, this is reiterated in the Site Allocations and Policies Local Plan.

The Core Strategy states that "traffic congestion is rapidly increasing within the District and is prevalent within the three towns.... The urban areas are experiencing declining air quality and there are two designated Air Quality Management Areas (AQMAs). Further growth will exacerbate these problems unless it is delivered in conjunction with investment in public transport infrastructure and services and pedestrian, cycle and highways infrastructure"

Policy CP03 (Core Strategy) Taking Account of Air Quality states that *"proposals for new development should fully consider their impact on air quality, particularly for areas within or adjacent to designated AQMAs. Development within or adjacent to an AQMA will be required to proactively demonstrate that it has fully considered the promotion of access by alternative modes of transport"*

The proposal also conflicts with NPPF paragraph 109 which states that *"The planning system should contribute to and enhance the natural and local environment by:*

- *Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"*

If the development were approved additional traffic caused from more vehicles travelling through Bewdley and the AQMA is likely to exacerbate the existing situation which would have an adverse impact on the air quality in Welch Gate, Dog Lane and Load Street.

Worcestershire Regulatory Services state that this *"could lead to an extension of the existing AQMA to include Dog Lane at the junction with Welsh Gate if the development were to proceed. This is not consistent with the objectives set out in the Air Quality Action Plan for Worcestershire May 2013 (updated September 2016) and is contrary to paragraph 124 of the National Planning Policy Framework (NPPF) and Chapter 2.9 of Wyre Forest District Site Allocations and Policies Local Plan (2013)"* in which it states that *"It is important that the site selection is in conformity with the adopted Core Strategy's Development Strategy. The objectives of the Adopted Core Strategy, which have driven the decisions for site allocations, include issues such as:*

- *Developing Kidderminster as a strategic centre whilst maintaining the important roles of Stourport-on-Severn and Bewdley and supporting the viability of the villages.*
- *Enhancing landscape character and delivering green infrastructure.*
- *Conserving and enhancing heritage assets.*

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- *Re-using land and buildings.*
- *Safeguarding biodiversity.*
- *Addressing climate change.*
- *Addressing flood risk.*
- *Improving air quality.*
- *Increasing the provision and use of sustainable modes of transport”*

Welch Gate in Bewdley is a designated AQMA (Air Quality Monitoring Area), without an improvement in environmental conditions such areas deteriorate. In addition to the air quality the vibration of heavy traffic takes its toll on the fabric of historic buildings, particularly those timber frame structures lining Welch Gate. If the development proposed in this application were approved it is likely to result in further deterioration to the air quality in Welch Gate, this will have a consequent negative impact on the significance of the Conservation Area. The proposal will thus fail to “preserve” or “enhance” the environmental conditions of the Conservation Area contrary to Policy SAL.UP6 of the Site Allocations and Policies Local Plan. As deterioration in air quality cannot be considered a public benefit, the application would fail the test required under NPPF paragraph 134.

TRANSPORT

Worcestershire County Council recommend that permission be refused due to

- Impact on AQMA,
- Limited accessibility to local amenities by sustainable means
- Unacceptable highway alterations at the junction of The Lakes Road, Dry Mill Lane, Richmond Road

The application site is situated at the top of a significant gradient. It is considered that the site access due to its location would be difficult for those with mobility problems, disabled and those with prams/pushchairs. Whilst the town of Bewdley with shops, G.P surgeries (approximately 0.75 mile) and schools (primary school approximately 0.5 mile, high school approximately 1.5 miles) are possibly within a distance that it may be possible to walk or cycle but due to the topography of the area this would make the distance much more difficult.

Bewdley High School and Sixth Form is situated approximately 1.5 miles from the application site, however the route through the town would be through the AQMA. Alternative access to avoid the AQMA would increase the distance to approximately 3.25 miles. (All distances taken following the route of existing highways)

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CONCLUSION

There is no basis for bringing forward a non-allocated site which is not in an appropriate location based on adopted planning policy and which raises concerns in respect of:

- Development of Greenfield site which is not allocated when Wyre Forest District Council have a 5.82 year housing land supply.
- Impact on heritage, conservation and landscape assets,
- Impact on AQMA,
- Access and transport issues, the comments of County Council Highways Officers will be a significant factor in determining this application in view of the application sites rather inaccessible location.

After assessing the above evidence the view of Planning Policy is that this planning application should be REFUSED.

3.4 Worcestershire Regulatory Services (WRS) –

- CONTAMINATION

No objection, subject to condition(s).

- NOISE (to include Roads; Industrial; Construction & Demolition)

No objection, subject to conditions.

- AIR QUALITY

Original comments as received on 19/10/16

I have reviewed the Air Quality Assessment by Wardell Armstrong entitled Land off the Lakes Road, Bewdley (Report ref: LE13435/002) dated August 2016 submitted in support of the above application.

The report assessed the impact of the proposed development on air quality in the Cleobury Road/Welch Gate area of Bewdley. Air dispersion model ADMS Roads was used to model two scenarios to predict pollution concentrations for NO₂, PM₁₀ and PM_{2.5} for the year 2021, the year the proposed development is expected to be fully constructed and occupied.

- Scenario 1- assumes that traffic to Kidderminster routes via Welch Gate.
- Scenario 2 - assumes that traffic to Kidderminster routes via the A456 (Bewdley By-Pass)

An Air Quality Management Area (AQMA) was declared in Welch Gate in 2002, the annual mean concentration for NO₂ for 2015 at 88 Welch Gate was 44.24 µg/m³ (annual mean objective = 40µg/m³)

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Scenario 1

The sensitivity analysis for 2021 using 2015 as the baseline year predicted that there would be a negligible impact on PM₁₀ and PM_{2.5} concentrations at the twenty six receptor locations used for the model. The analysis predicted the impact on NO₂ concentrations of the proposed development at the following receptors:

ESR16 (5-6 Welch Gate) = 51.56 µg/m³
 ESR17 (92 Welch Gate) = 54.38 µg/m³
 ESR20 (Malt House Walk, Dog Lane) = 48.67 µg/m³
 ESR22 (61-62 Load Street) = 41.89 µg/m³
 ESR23 (25 Load Street) = 39.99 µg/m³

Scenario 2

The sensitivity analysis for 2021 using 2015 as the baseline year predicted that there would be a negligible impact on PM₁₀ and PM_{2.5} concentrations at the twenty six receptor locations used for the model . The analysis predicted the impact on NO₂ concentrations of the proposed development at the following receptors:

ESR16 (5-6 Welch Gate) = 49.16 µg/m³
 ESR17 (92 Welch Gate) = 51.91 µg/m³
 ESR20 (Malt House Walk, Dog Lane) = 47.08 µg/m³
 ESR22 (61-62 Load Street) = 40.57 µg/m³
 ESR23 (25 Load Street) = 38.72 µg/m³
 ESR10 (Toll House Cottage, Stourport Road) = 35.05 µg/m³

Wardell Armstrong performed a damage cost calculation using the Defra Emissions Factor Toolkit to estimate the cost of mitigation measures and calculated that the damage cost of NO_x for the proposed development would be £114,098,89 over a five year period. However, the calculation they used was not correct given that the proposed development would “affect areas likely to breach legally binding air quality limits” (Chapter 5, Paragraph 26, Valuing impacts on air quality: Updates in valuing changes in emissions of Oxides of Nitrogen (NOX) and concentrations of Nitrogen Dioxide (NO2). Defra: September 2015).

The correct calculation is the Unit Abatement Cost, guidance for which can be found in 'Abatement cost guidance for valuing changes in air quality. Defra: May 2013'. A further assessment of the cost of mitigation measures is required using the Unit Abatement Cost calculation.

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In both scenarios for the proposed development show that there would be an adverse impact to the air quality in Welch Gate, Dog Lane and Load Street and could lead to the extension of the existing AQMA to include Dog Lane at the junction with Welch Gate if the development were to proceed. This is not consistent with the objectives set out in the Air Quality Action Plan for Worcestershire, May 2013, (updated September 2016) and is contrary to paragraph 124 of the National Planning Policy Framework (NPPF) and Chapter 2.9 of Wyre Forest District Council's Site Allocations and Policies Local Plan 2006 – 2026 (adopted July 2013).

Taking the above concerns into consideration WRS cannot support a development proposal of this nature that is clearly predicted to significantly deteriorate air quality within existing sensitive areas and the current AQMA in Bewdley. (Officer's emphasis)

Revised comments following the submission of additional information and technical note along with the proposed redesign of the Welch Gate junction and priorities (received 23/03/17)

WRS have reviewed following the Air Quality Assessment Addendum to the Air Quality Assessment (Report ref: LE13435/002; Dated: August 2016) by Wardell Armstrong submitted in support of the above application, entitled:

Wardell Armstrong; Gladman Developments Limited; Land off the Lakes Road, Bewdley; Air Quality Assessment Addendum; Report ref: LE13435/003/Addendum; Dated: 23rd February 2017

Worcestershire County Council (in its role as the relevant Highway Authority) has recommended refusal of the planning application, one reason given was 'the unmitigated impact on the AQMA at Welch Gate'. The developer appointed Prime Transport Planning (PRIME) to assess two proposed alternative junction layouts (Technical Note TN01) to the current junction layout at Welch Gate/Dog Lane/Load Street, where traffic from Welch Gate must give-way, to seek to mitigate air quality within the Welch Gate Air Quality Management Area (AQMA). The two proposals are:

- A mini-roundabout at the junction of Welch Gate, Dog Lane and Load Street.
- Reversal of priority, by moving the give-way line to Dog Lane making it the minor arm.

PRIME's assessment predicted that both proposed layouts would improve junction capacity from the Welch Gate arm, PRIME have indicated that the reversal of priority is the preferred option and Wardell Armstrong have only considered this option in the addendum. Five scenarios have been modelled for air quality using ADMS-Roads (CERC, Version 4.0):

- Scenario 1: 2015 Base Year;
- Scenario 2: 2021 Opening/Future Year, Without Development, With Current Junction Layout;

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- Scenario 3: 2021 Opening/Future Year, Without Development, With Reversed Priority Junction Layout;
- Scenario 4: 2021 Opening/Future Year, With Development, With Current Junction Layout;
- Scenario 5: 2021 Opening/Future Year, With Development, With Reversed Priority Junction Layout.

The original Wardell Armstrong Air Quality Assessment (Report ref: LE13435/002) modelled twenty six sensitive receptor locations. For this addendum only the thirteen of the closest receptor locations to Bewdley town centre along the roads potentially affected by the reversal of priority were considered. The original Air Quality Assessment determined that PM₁₀ and PM_{2.5} concentrations were 'not significant' and have not been considered for this addendum.

A sensitivity analysis of the modelled results was undertaken, the following tables summarise the results for those receptors where NO₂ concentration are above or within 10% of the air quality national objective of 40µg/m³. The EPUK/IAQM Guidance has been used as an impact descriptor for the individual receptors.

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COMPARISON OF SCENARIO 2 TO SCENARIO 3
2021 OPENING/FUTURE YEAR WITHOUT DEVELOPMENT

Receptor	Address	Junction Layout	NO ₂ µg/m ³	Impact*
ESR 16	5-6 Welch Gate	Current Junction Layout (S2)	45.78	Substantial Beneficial
		Reversed Priority Junction Layout (S3)	44.72	
		Percentage Change Relative to AQAL	-1.06 (-2.65%)	
ESR 17	92 welch Gate	Current Junction Layout (S2)	53.80	Substantial Beneficial
		Reversed Priority Junction Layout (S3)	47.37	
		Percentage Change Relative to AQAL	-6.43 (-16.03%)	
ESR 19	44 Load Street	Current Junction Layout (S2)	41.51	Moderate Adverse
		Reversed Priority Junction Layout (S3)	42.94	
		Percentage Change Relative to AQAL	+1.43 (+3.58%)	
ESR 20	37 Load Street	Current Junction Layout (S2)	38.68	Negligible
		Reversed Priority Junction Layout (S3)	38.68	
		Percentage Change Relative to AQAL	0%	

*For all other receptors the impact is described as Negligible.

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COMPARISON OF SCENARIO 4 TO SCENARIO 5
2021 OPENING/FUTURE YEAR WITH DEVELOPMENT

Receptor	Address	Junction Layout	NO ₂ µg/m ³	Impact*
ESR 16	5-6 Welch Gate	Current Junction Layout (S4)	49.72	Substantial Beneficial
		Reversed Priority Junction Layout (S5)	48.52	
		Percentage Change Relative to AQAL	-1.20(-3.0%)	
ESR 17	92 Welch Gate	Current Junction Layout (S4)	58.53	Substantial Beneficial
		Reversed Priority Junction Layout (S5)	51.27	
		Percentage Change Relative to AQAL	-7.26 (-18.15%)	
ESR 19	44 Load Street	Current Junction Layout (S4)	43.20	Substantial Adverse
		Reversed Priority Junction Layout (S5)	44.68	
		Percentage Change Relative to AQAL	+1.48 (+3.70%)	
ESR 20	37 Load Street	Current Junction Layout (S4)	40.22	Negligible
		Reversed Priority Junction Layout (S5)	40.22	
		Percentage Change Relative to AQAL	0%	
ESR 22	61-62 Load Street	Current Junction Layout (S4)	37.17	Negligible
		Reversed Priority Junction Layout (S5)	37.16	
		Percentage Change Relative to AQAL	-0.01 (-0.03%)	

*For all other receptors the impact is described as Negligible.

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COMMENT

The modelled results with sensitivity analysis show that when comparing Scenario 2 to Scenario 3 (current junction layout to reversed priority junction layout **without** the development) and Scenario 4 to Scenario 5 (current junction layout to reversed priority junction layout **with** the development) at receptor locations ESR 16 and ESR 17 there is a substantial benefit with the reversed priority junction in place. For receptor location ESR 19 there is a moderate to substantial adverse effect and that receptor location ESR 20 would be in exceedance of the national objective with the reversed priority junction and the development in place.

However, when comparing 'like with like' i.e Scenario 2 to Scenario 4 (current junction layout **without** the development to **with** the development) and Scenario 3 to Scenario 5 (reversed priority junction layout **without** the development to **with** the development) it shows that for air quality at receptor locations ESR 16 and ESR 17 within the AQMA, the modelled results predict that there would be a substantial adverse effect with concentrations of NO₂ increasing by approximately 10% with the development in place (see tables below).

CURRENT JUNCTION LAYOUT - COMPARISON OF SCENARIO 2 TO SCENARIO 4 AT ESR 16 & ESR 17 (WELCH GATE)

ID	Current Junction Layout	NO ₂ µg/m ³	Impact
ESR 16	Without Development (S2)	45.78	Substantial Adverse
	With Development (S4)	49.72	
	Percentage Change Relative to AQAL	+3.94 (+9.85%)	
ESR 17	Without Development (S2)	53.80	Substantial Adverse
	With Development (S4)	58.53	
	Percentage Change Relative to AQAL	+4.73 (+11.83%)	

REVERSED PRIORITY JUNCTION LAYOUT - COMPARISON OF SCENARIO 3 TO SCENARIO 5 AT ESR 16 & ESR 17 (WELCH GATE)

ID	Reversed Priority Junction Layout	NO ₂ µg/m ³	Impact
ESR 16	Without Development (S3)	44.72	Substantial Adverse
	With Development (S5)	48.52	
	Percentage Change Relative to AQAL	+3.80 (+9.5%)	
ESR 17	Without Development (S3)	47.37	Substantial Adverse
	With Development (S5)	51.27	
	Percentage Change Relative to AQAL	+3.90 (+9.6%)	

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When comparing Scenario 2 to Scenario 4 (current junction layout **without** the development to **with** the development) and Scenario 3 to Scenario 5 (reversed priority junction layout **without** the development to **with** the development) for receptor locations ESR19 and ESR 20 in Load Street it shows that there would be a moderate to substantial adverse effect, with an increase in concentration of NO₂ at ESR 19 and an exceedance of the national objective at ESR 20 with the development in place. Wardell Armstrong have noted that their model has over-predicted the NO₂ concentrations on Load Street by approximately 10% and that the possibility of a significant adverse effect on human health “cannot be discounted”, but is “unlikely”. They are currently undertaking passive diffusion tube monitoring in Bewdley town centre which should assist in the accuracy of the validation of the model in Load Street.

CURRENT JUNCTION LAYOUT - COMPARISON OF SCENARIO 2 TO SCENARIO 4 AT ESR 19 & ESR 20 (LOAD STREET)

ID	Current Junction Layout	NO ₂ µg/m ³	Impact
ESR 19	Without Development (S2)	41.51	Moderate Adverse
	With Development (S4)	43.20	
	Percentage Change Relative to AQAL	+1.69 (+4.23%)	
ESR 20	Without Development (S2)	38.68	Moderate Adverse
	With Development(S4)	40.22	
	Percentage Change Relative to AQAL	+1.54 (+3.85%)	

REVERSED PRIORITY JUNCTION LAYOUT - COMPARISON OF SCENARIO 3 TO SCENARIO 5 AT ESR 19 & ESR 20 (LOAD STREET)

ID	Reversed Priority Junction Layout	NO ₂ µg/m ³	Impact
ESR 19	Without Development (S3)	42.94	Substantial Adverse
	With Development (S5)	44.68	
	Percentage Change Relative to AQAL	+1.74 (+4.35%)	
ESR 20	Without Development (S3)	38.68	Moderate Adverse
	With Development (S5)	40.22	
	Percentage Change Relative to AQAL	+1.54 (+3.85%)	

When comparing the ‘like with like’ scenarios i.e. S2 to S4 (current junction layout) and S3 to S5 (reversed priority junction layout) for the proposed development there would be an adverse impact to the air quality in Welch Gate and Load Street and could lead to the extension of the existing AQMA to include Load Street at the junction with Welch Gate if the development were to proceed.

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This is not consistent with the objectives set out in the Air Quality Action Plan for Worcestershire, May 2013, (updated September 2016) and is contrary to paragraph 124 of the National Planning Policy Framework (NPPF) and Chapter 2.9 of the Site Allocations and Policies Local Plan 2006 – 2026 (adopted July 2013).

Taking the above concerns into consideration WRS cannot support a development proposal of this nature that is clearly predicted to significantly deteriorate air quality within existing sensitive areas and the current AQMA in Bewdley. (Officer's emphasis)

3.5 Worcestershire County Council : Planning –

WASTE

Policy WCS 16 – New development proposed on or near to existing waste management facilities

The Waste Core Strategy web-tool confirms that there are no waste management facilities within 250m of the proposed development, meaning that WCS policy to protect such facilities does not apply.

Policy WCS 17 – Making provision for waste in all new development

Policy WCS 17 aims to ensure that the waste implications of all new development are considered. The policy provisions expect that proposals for new development either:

- a) incorporate facilities into the design that allow occupiers to separate and store waste for recycling and recovery; or
- b) make appropriate developer contributions where this is more appropriate than on-site facilities; or
- c) have adequate existing provision.

The explanatory text accompanying this policy sets out that the level of on-site provision should be adequate to meet the needs of the proposed development. Where significant areas of retail development are proposed, such as in this application, waste storage facilities are likely to be required and the applicant should consider that "part a" of the policy is most appropriate for this type of development

We recognise that these matters may be too detailed in nature for an outline application, and encourage the applicant to give them full consideration at reserved matters stage and that proposed waste facilities are in line with the ADEPT report "*Making Space for Waste*" (June 2010).

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MINERALS

The proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map. The County Council has now commenced work on a new Minerals Local Plan and the minerals resource maps do not indicate any known sand and gravel resources.

LANDSCAPE

The acting county Landscape Advisor cannot support the application in its current form as proposed.

Comments on the evidence base submitted

The LVA submitted by FPCR Environment and Design Ltd has addressed relevant national and local planning policy; the Worcestershire Green Infrastructure Strategy and district Green Infrastructure policy, and national and local landscape character data and guidance. Attributes and specific issues related to the specific landscape context and fringes of the Wyre Forest have been identified, which is welcomed.

Site context and landscape value

There is some disagreement between the assignment of character types referred to in paragraphs 4.34 and 4.44, with the former stating that the site is less typical of Forest Small Holdings and dwellings, compared with the latter paragraph which, by contrast, states the site is "quite typical" of Forest Small Holdings and Dwellings. This should perhaps be clarified if there is a value judgement dependent on the distinction

Paragraph 4.71 notes how the valley side location of the site facilitates long distance views, yet that the "extensive areas of woodland and valley landform" has led to a low incidence of receptors. Observations I made during my site visit (12th October 2016) suggest this is not the case with farmsteads, residential properties, the chalet park at Northwood Lane and SVR Bewdley bridge all within sight at locations around the site. Given development will raise the visual threshold of the site to local and distant receptors I would argue this is not the case.

Paragraph 6.5 concludes that the site "could accommodate change as presented by the Masterplan." This is justified in summary by an absence of landscape designation although the report has nonetheless assessed the site to be of "medium/high landscape value." Mitigation is focused around retention of existing hedgerows and trees, which is welcomed, and implementation of a GI plan that will include new planting and an area of public amenity space. However, retention and enhancement of the existing landscape assets is not considered sufficient mitigation to offset the impact of development, which even if it is integrated into the existing land parcels, will impose a significant effect on the rural setting adjacent to Bewdley

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Section 6 of the report discusses the visual effects of the proposal and concludes in several cases that new planting will be sufficient to soften the impact of development by "Year 10", which is considered the point at which the development will have "matured." It is accepted that new planting will contribute towards softening the impact of development, but two points of concern are raised: 1.) 10 years is not a significant period of time for immature broadleaf trees to develop and I question the value of their contribution in reduction of impact over this time-scale. 2.) Paragraph 7.15 states that long-term there will not be any "unacceptable landscape and visual harm" imposed. I question this statement, which underplays the fact that residential development will affect significant change to the site regardless of screening, which cannot be absolute in its intended result.

General Comments

The site is typical of small-scale, irregular-shaped field enclosures that are a signature characteristic of historic piecemeal enclosure of land that was formerly wooded or unenclosed heathland (source: Worcestershire HLC). A similar pattern can be observed about the immediate setting of Wyre Forest, blending with former historic orchard enclosures towards the west. Any encroachment and expansion of the existing suburban area of Bewdley will, regardless of GI, impact on the setting of Wyre Forest and its distinctive field systems.

The existing settlement boundaries, marked by Dry Mill Lane and The Lakes Road, follow a topographical line that restricts views of current development from receptors to the north and east. However, by contrast, the valley slope location of the proposed development site will encroach into the visual envelope that, again, is part of the setting of Wyre Forest and the rural fringe of Bewdley.

3.6 Worcestershire County Council : Footpaths –

The proposal site appears to contain a public right of way as recorded on the Definitive Map. The public right of way is Bewdley footpath BW-518

I appreciate the proposal is at outline stage. I am not clear whether the footpath is intended to remain on its current line. I suggest the applicant obtains a public right of way Search to provide them with an extract of the Definitive Map and can, if requested, include a check of the Modification Orders register and Public Path Orders list for any changes or claims in the area

If it is necessary to divert / extinguish / create public rights of way in order for the permitted development to take place, this should be completed to confirmation stage before any development affecting the public right of way is started.

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3.7 Worcestershire County Council : Education –

Worcestershire Children's Services have assessed the impact of this proposed development on local schools and wish to seek a planning obligation for education infrastructure

The schools which have been identified as related to the development are listed below. We have considered a number of criteria by which the impact of the development and the ability of schools at each phase of education to manage it can be assessed.

Estimated additional pupils per year group: 5 – 6

Related Schools

The development site sits in the catchment area of St Anne's CE Primary School. Bewdley Primary School is also considered to be a related Primary School due to the proximity of the school to the proposed site. Bewdley Primary School is approximately 1 mile straight line distance from the proposed site. Analysis of pupil records shows that children from the area attend both primary schools and therefore both are recognised for the purposes of this assessment as being related to the development.

At secondary phase the development site sits in the catchment area for The Bewdley School & Sixth Form Centre.

In consideration, St Anne's CE Primary is currently full in 2 year groups. Forecast numbers show intakes within the locality remain static for the foreseeable future. Bewdley Primary School is currently full in 6 year groups. Forecast numbers show intakes within the locality will meet the Published Admission Number (PAN) for the foreseeable future. It is expected that most families resident on the proposed development will seek places at either St Anne's CE Primary School or Bewdley Primary School. A S106 contribution is therefore sought to fund an appropriate project at either or both Primary schools to ensure that the County Council has a sufficiency of school places and can maintain an operational surplus of 5% in the event of families moving into the area.

The Bewdley School & Sixth Form Centre is the designated high school serving the district of Bewdley and is popular within the district with 2 of the 5 year groups currently full or oversubscribed. It is expected that most families resident on the proposed development will seek places at The Bewdley School & Sixth Form Centre. However, current forecasts show that there is sufficient capacity to accommodate in-area pupils and those pupils expected to be generated from the proposed development. A S106 Planning Obligation will not be required for secondary infrastructure.

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Planning Obligations Sought

In response to the Outline application an education contribution for the Primary Phase would be sought of:

£2,476 per open market 2 or 3 bed dwelling
£3,714 per open market 4 or more bed dwelling
£ 990 per open market 2 or more bed flat

The contribution rate is applicable as at April 2016 and may be subject to change to reflect the scale of charges in operation at the time the Legal Agreement/Unilateral Undertaking is entered into.

Contribution to be paid on or before occupation of one third of dwellings. Payment in instalments will be considered but first payment must be received before occupation of one third of the dwellings and full payment must be received before occupation of the final dwelling.

3.8 County Archaeologist –

The application is supported by an Archaeological Desk-based Assessment which notes that the proposed development area (PDA) has not been subject to any form of intrusive or non-intrusive field evaluation to date and that very little archaeological fieldwork has been undertaken in the wider landscape either, with the result that baseline information concerning the historic environment potential of the PDA is limited.

Desk-based studies have shown that the PDA contains a number of undated historic track-ways and the potential has also been identified for the presence of remains associated with a Deserted Medieval Village (DMV) located off Dowles Road that may extend into the eastern part of the PDA. Remains relating to historic agricultural practices and Post-Medieval/modern agricultural buildings are also likely to be present.

Given that the archaeological potential of the PDA is poorly understood and desk-based studies have identified the potential for heritage assets of archaeological interest to be present is recommended that a field evaluation is undertaken in the first instance in order to conclusively determine the presence or absence, extent, date character, condition and significance of any archaeological remains. This should comprise an initial geophysical survey of all available land within the development area to be followed by a programme of trial trenching to investigate any anomalies of likely archaeological origin identified by the geophysical survey and as a means of prospection for remains of a type or period that may not respond to this type of survey. If the presence of any such remains is verified then where they cannot be preserved in-situ this would then be followed by a defined programme of archaeological excavation and/ or a watching brief to record the threatened remains prior to damage or destruction.

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The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 128, which states:

"...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation";

and paragraph 141,

"...They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted".

Accordingly, in order to comply with policy, the recommended work can be secured and implemented by means of conditions.

3.9 Historic England – No comments. We do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions

3.10 Conservation Officer –

A. GENERAL SUMMARY OF INFORMATION RELEVANT TO THE APPLICATION:

1. The applicant has provided a Built Heritage Assessment (BHA) assessment in support of this outline application, however in considering whether the proposed development affects the setting of heritage assets and has the potential to enhance or harm the significance of these assets I will also refer to the Design and Access Statement (DAS), The Landscape and Visual Appraisal (LVA) and The Archaeological Desk-Based Assessment (ADBA).
2. The ADBA identifies no archaeological remains on the application site but does not discount the possibility of the disturbance of buried archaeology during construction works. It provides a comprehensive review of the data held by the Worcestershire HER and sites and monuments covered by that record. This is in accord with NPPF Paragraph 128.

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3. The BHA contains much useful background information on the application site which until 1895 was wholly in the Parish of Dowles, Shropshire. It considers the impact of the development on just two designated and one undesignated heritage assets. The rationale for this very limited scope appears to be a perceived lack of inter-visibility between the site and other built heritage assets, however there is no other explanation for this other than acknowledgement of the distance separating the site from built heritage assets.
4. The LVA provides a much more comprehensive overview of the site as seen in its wider context and evidences the inter-visibility between the site and several other designated heritage assets.

B. IMPACT OF THE PROPOSAL ON THE BEWDLEY CONSERVATION AREA

5. Historic England's Historic Environment Good Practice Advice in Planning: 3, The Setting of Heritage Assets states that the NPPF in paragraph 80 makes it clear that historic towns are regarded as having a setting. It also states that the setting of a designated heritage asset can contribute to its significance. Bewdley Conservation Area was designated a heritage asset in 1968.
6. I have highlighted the most relevant parts of para 3.1a of the revised Bewdley Conservation Area Appraisal 2015 below:

The Conservation Area is at the heart of the town of Bewdley that is itself set in and hidden by unspoilt undulating countryside. The Area includes a large proportion of the town and in places abuts open countryside; hence the rural setting of the town is an important component of its character and in turn that of the Conservation Area. Much of this countryside was recognised in the Worcestershire County Development Plan during the 1950's as being an Area of Great Landscape Value, and has been recognised in successive Local Plans as having high local landscape quality. To the west, north and south lie the Wyre Forest and its outliers, which are recognised as being of national importance to nature conservation. The urban fringe to the east of the River is entirely allocated as Green Belt. It is important to conserve the rural setting of the town and Conservation Area and in so doing to recognise the interrelationships between the Area and overall setting.

The Appraisal at 3.1d states:

Rising land immediately beyond the [river] shelves, which merges with small hills. These hills rise to a significantly higher level than the town centre and provide it with a strong sense of natural containment.

The Appraisal continues:

It is important to retain the remaining undeveloped areas.....off Richmond Road, and to avoid further intensification or infilling on the rest of the hillside.

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7. Historic England's Historic Environment Good Practice Advice in Planning: 3, The Setting of Heritage Assets also states that even where the significance of a designated heritage asset may have been compromised in the past by unsympathetic development affecting its setting, to accord with the NPPF consideration needs to be given whether additional change will further detract (or enhance) the significance of the asset.
8. The Good Practice Advice also notes that a negative change could include severing links between an asset and its setting, including direct visual links.
9. Wyre Forest District Council Policy SAL.UP6 at 2. Conservation Areas states that when development is proposed in, or adjacent to, a Conservation Area, proposals should accord with the existing (or draft) Conservation Area Character Appraisal and seek to enhance or better reveal the significance of the area. Development should not adversely affect views into, within, or out of the Conservation Area.

10. I CONSIDER THERE ARE TWO MAIN ISSUES:

- a. Whether development on the application site will adversely affect the relationship of the Conservation Area to its wider context, as perceived from vantage points from the surrounding area, and thus diminishes its significance.
- b. Whether development on the application site will detract or enhance those existing views from within the Conservation Area towards the site and beyond and whether that would affect the significance of the Area.

11. SUMMARY

- a. The level of inter-visibility between the Conservation Area and the eastern part of the application site is strong however there are no plans at present to develop that part of the site.
- b. Insufficient information has been provided to fully assess the impact of development on the setting of the listed building Severn Heights, however in principle development of the application site will remove the sense of remoteness that Severn Heights currently possesses and which situation has not changed since the date of listing.
- c. The western parts of the application site (central and upper fields) are visible from some locations within the Conservation Area (and not all of these locations are elevated). Development on these parts of the site could compromise the visual relationship between the Conservation Area and the surrounding countryside, particularly where from a lower viewpoint development forms part of the horizon, which was formally tree or hedge lined.

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- d. The level of inter-visibility between the Conservation Area and Titterstone Clee Hill is an important feature of the Conservation Area which could be compromised not only by urban development on the application site but also by the mitigation proposals as outlined in the DAS relating to planting of screening. This would introduce a formality into the landscape which has not hitherto existed, and creating a tidy sub-urban character which will not only encroach into the wider landscape, but will serve to threaten the characteristics of the FSHDLT and the LDUWP07.3.
- e. As these landscapes which form an arc of land running round the eastern-most extremities of the Wyre Forest and provide space between the urban environment and the forest, they provide an understanding of the wider context of the Conservation Area from within the Area itself. Any diminution of their characteristics, particularly those directly visible from the Area erodes the rural setting of the town, and thus blurs the relationship between town and its environmental setting. This is contrary to the analysis of setting and topography clearly set out in the Bewdley Conservation Area Appraisal.
- f. The application does not provide an analysis of the impact of the development on the application site when viewed from vantage points to the South-East of the Conservation Area or from vantage points within the Conservation Area which lie to the east of the application site. These are fundamental to the understanding of the location of the town (and Conservation Area) within its local and wider contexts.
- g. Paragraph 2.9 of the Site Allocations and Policies Local Plan 2006-2026 adopted July 2013 at 2.9 refers to the objectives of the Core Strategy which at CP03 considers that development should improve air quality.

Worcestershire County Council has commented that the proposed development will lead to further deterioration in the air quality in the Welch Gate part of Bewdley Conservation Area. The impact of the proposed development is thus that it will fail to “preserve” or “enhance” the environmental conditions of the Conservation Area, contrary to the P (LBCA) A 1990 and WFDC Policy SAL.UP6. As deterioration in air quality cannot be considered a public benefit the application should fail the test required under NPPF paragraph 134.

12. CONCLUSION

- a. Development on the application site will adversely affect the relationship of the Bewdley Conservation Area to its wider context, as perceived from vantage points from the surrounding area, and thus will diminish its significance. This will cause less than substantial harm to the Conservation Area, which should be assessed against the public benefits of the scheme (if any) as required by the NPPF paragraph 134.

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- b. Development on the application site will detract from those existing views from within the Conservation Area towards the site and beyond and that will have a negative effect on the significance of the Area. This will cause less than substantial harm to the Conservation Area, which should be assessed against the public benefits of the scheme (if any) as required by the NPPF paragraph 134.
- c. Development on the application site will adversely affect the environmental conditions within the Bewdley Conservation Area and thereby have a negative impact on the significance of the area by causing less than substantial harm to it. As this cannot be considered to be in the public benefit the proposal fails to meet the requirements of the NPPF paragraph 134.

13. RECOMMENDATION

Development on the application site has the potential to harm the significance of the designated heritage asset which is Bewdley Conservation Area through the principle of development alone. This considerable (although less than substantial) harm should be weighed against the public benefits of the proposal.

If there are considered to be insufficient public benefits to outweigh the less than substantial harm then the application must fail as it will fail to comply with the NPPF paragraph 134 and adopted policies within the WFDC Site Allocations and Policies Local Plan 2006-2026.

- 3.11 Strategic Housing Manager – The application does not include any details around housing tenure, types or the mix and so these comments are at this stage general in relation to the housing needs of Bewdley. We have recently completed a HNS (Housing Need Survey) and this has identified a need for both alternative and additional units of housing. The 30% affordable housing provision should be 65% rented and 35% shared ownership with the majority being made up of two bedroom houses but also including two bedroom bungalows and then a mix of one, three and four bedroom units that reflect the HNS and overall numbers of each type on the site. There may also be general concerns with sustainability and access on the site.

- 3.12 Natural England –

Original comments (as received 18/10/16).

There is insufficient information to enable Natural England to provide a substantive response to this consultation.

SITES OF SPECIAL SCIENTIFIC INTEREST (SSSI)

Natural England is concerned that the proposal will have a negative impact on the Wyre Forest SSSI/ National Nature Reserve (NNR) from increased recreational pressure and cat predation/ disturbance. The documents include an assessment of impacts however we have some queries around this assessment.-

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- Section 4.11 of the Ecological Appraisal states that “the increase in visits to Wyre Forest SSSI by residents of the application will be relatively small”. How have they measured this? What are they basing this statement on?
- Section 4.13 of the Ecological Appraisal states that there is unlikely to be a significant impact on the SSSI from the increased visitors as a result of the proposal. Against what background have they measured the relative increase in numbers? There is direct access to the SSSI/NNR via Dry Mill Lane. To establish what the impacts are likely to be, information on the current number of visits to the SSSI are required. (As far as we are aware there is no data on visitor numbers to this part of the SSSI). Once background data has been gathered this can then be compared against an assessment on what people from the proposal site are likely to do and what the increase in numbers is likely to be.
- In section 4.17 of the Ecological Appraisal there are a number of measures proposed to deter cats from entering sensitive areas. As far as we are aware there are no effective means of mitigating for cat predation and disturbance.
- It is noted that the proposal includes green infrastructure and public open space. We would like to see more green infrastructure including habitat creation within the proposal which is well located and high quality to provide greater buffering to the SSSI. Further mitigation measures could include household information packs (we note this is in the mitigation already- page 20 of the Ecological Appraisal) and information boards (both within the proposal site and within the SSSI) which explain the importance of the Wyre Forest SSSI, the pressures and potential impacts and responsible use/ recreation of the site.
Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Revised comments received following receipt of additional submissions from the Applicant (received 20/03/17)

No Objection, subject to appropriate mitigation being secured.

As submitted the application would:

- Damage or destroy the interest features for which Wyre Forest Site of Special Scientific Interest has been notified;

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Sufficient and appropriately located, well designed high quality open space(s).
- Information packs for new home owners with information on the Wyre Forest, responsible use and recreation of the site, and information on cat predation and mitigation.
- Information boards at the entrance to the site and the open space(s) explaining sensitive nature of the Wyre Forest and the habitats provided in the open space(s), their importance for nature conservation and how the habitats on site reflect and complement those within the local area.

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- Appropriate native planting to deter cats from entering the Wyre Forest. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

FURTHER ADVICE ON MITIGATION

Natural England is satisfied with the survey work which has been undertaken to assess recreational impacts. The proposed mitigation is in principal generally acceptable and proportionate however the proposed location of the open space needs to be reconsidered. We would want to see the open space with the circular walk on the west side of the site to encourage current users of the site and the proposed new residents to use this open space rather than the Wyre Forest SSSI/NNR. We believe that having the open space solely on the east side will not fully mitigate the increased recreational impacts, especially on the Dry Mill Lane part of the Wyre Forest SSSI/NNR.

We note that a financial contribution was suggested as part of the proposed mitigation proposals. Natural England welcomes this approach provided that this form of mitigation is not substituted for those mitigation measures (please see above) required to avoid, mitigate and compensate for impacts on the SSSI/NNR.

3.13 Worcestershire Wildlife Trust (WWT) –

We note the contents of the various associated documents and in particular the findings of the Ecological Appraisal and surveys by FPCR. We also note that the site falls close to a number of designated assets including the Wyre Forest SSSI and NNR and several Local Wildlife Sites. According to the Wyre Forest DC Site Allocations Map the site is not allocated for development and therefore we question whether its release is required at this time. We have an in-principle objection to significant developments on unallocated sites in areas where 5 year housing land supply can be demonstrated. In the broadest terms it is hard to see how delivery of unallocated sites can be considered as sustainable development when other more sustainable sites, allocated through the local plan, must still be available. However, based on the findings presented in the ecological reports we do not wish to object to the application on ecological grounds but we would like to make the following comments.

1. Given the close proximity of the site to the SSSI and NNR we would strongly recommend that you consult Natural England for an opinion on the likely effects of the development on the Wyre Forest and species using it. This is essential in light of the legislative requirements and guidance in the NPPF. Matters of concern include (but may not be limited to) potential adverse impacts arising from noise and light pollution, drainage and disturbance from people and pets. Increased visitor pressure is also a concern for the Trust directly as we have two nature reserves (Knowles Coppice and Meadows and Fred Dale Reserve) in close proximity to the site. We note the commentary in the application documents regarding visitor pressure and we look to the council to consider this matter in more detail should the proposals reach reserved matters.

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2. The site itself clearly has important wildlife features, most notably the trees and hedges with their obvious high value for birds and bats, and these need careful consideration in the design process. Mature trees and hedgerows should be retained wherever possible and any losses must be mitigated for in line with guidance in the NPPF (see for example para. 118). In particular we note that some severance of the hedgerow network is anticipated and mitigation for this, both in terms of replacement planting and maintenance of flight corridors for bats etc., will be required.
3. Given the size of the proposed development there are opportunities to deliver significant biodiversity enhancement through sensitive planting but it is essential that species chosen do not pose a risk to the nearby SSSI. Native (and locally native where available) stock should be used and future consideration of landscaping proposals should pay particular attention to ensuring that proposals augment the local hedgerow network and important corridors radiating to and from the Wyre Forest in line with guidance in the NPPF (see for example para.109).
4. We note the commentary on other protected species and we anticipate that mitigation commensurate with the legal requirements can be achieved. However further consideration will be required in due course and we look to the council to ensure that sufficient space is retained within the development parcels to allow for meaningful mitigation.
5. The site is close to and sits above the Dowles Brook and River Severn LWSs and so careful control of drainage and runoff will be particularly important. We note that the applicant proposes to use SUDS, which is welcome, but we would prefer to see a wider range of water bodies used rather than just a single attenuation feature. Large single features of this type often suffer from significant fluctuations in water level and may become polluted after heavy summer storms meaning that their overall biodiversity value is diminished. Multiple smaller attenuation features can be a more effective multi-functional solution and we look to the council to drive such considerations in later detailed discussions.

We consider that these issues are all relevant planning matters and we urge you take them into account in your deliberations. Should you be otherwise minded to grant permission we believe that conditions to cover the following will be required in order to make the proposed development policy compliant.

- Construction Environmental Management Plan – to cover all elements of the build process and ensure that there are no unacceptable impacts on wildlife, either on site or nearby, during construction. Matters of particular concern include drainage and pollution control, noise and light, tree and hedge protection and management of protected species refuges.

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- A long-term habitat management plan – to cover all elements of site management including hedge, tree and grassland maintenance, control of public access to sensitive areas, lighting and provision of dark corridors for night flying species, provision of suitable POS to reduce visitor pressure on the SSSI and monitoring of the environmental outcomes of the development (including the success of proposed nest and roost boxes etc.).
- SUDS – to include not only attenuation but also protection for the receiving watercourse, habitat provision and water quality improvement where possible.
- Lighting – to ensure that the development does not cause undue harm to the nearby environment or wildlife.

Appropriate model wording for suitable conditions can be found in Annex D of BS42020:2013 Biodiversity – Code of practice for planning and development. We would be pleased to discuss any of the issues raised in our submission if that would be helpful but in the meantime I hope that these comments are of use to you. Please do not hesitate to contact us again if we can be of further assistance.

3.14 Countryside Conservation Officer –

Incorporating both Original and updated comments following receipt of additional submissions from the Applicants (dated 17/10/16 and 23/03/17, respectively)

This application is proposed on an area of arable land in close proximity to the Wyre Forest SSSI. Potential for harm to biodiversity exists from the development proceeding through directly impacting on the habitats and species found within the SSSI and by directly impacting on habitats and notable species that depend on the development site.

The application has come with an ecological study that addresses many of these biodiversity concerns. There are few areas that I feel need some further work before we grant outline approval to ensure that this application will not biodiversity harm. I also feel at this stage, before any grant outline approval we need on an ecological plan showing all the ecological measures and limitations proposed, as to demonstrating to us that the application is able to accommodate all the proposed aspects of mitigation, enhancements and ecological constraints within the scheme. There are many complicated ecological requirements that we need to know can be spatially accommodated. There is also some ambiguity to the extent of some of the biodiversity mitigation on offer and it would be good to see this clearly illustrated on a plan, so the level of mitigation and enhancement can be better judged.

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Updated comments: We now have this but it is quite basic. However the text in the revised submission does fill in a lot of the missing detail and hence I feel what we have is sufficient to allow us to feel that the proposed development can accommodate the ecological measures being proffered.

DISCUSSION ON PROTECTED SPECIES MITIGATION.

Bats

The application has come with an extensive and thorough bat survey. This identified that the site does not have any bat roosts on site but a variety of bat species were detected using the hedgerow network within the site for some foraging and for commuting. The application proposes to retain most hedgerows, introduce new planting and create dark corridors to allow this commuting and foraging activity to continue. We need to see how this will be achieved within the proposal. There are also suspected bat roosts on the site boundary. These should be noted on the ecological plan and measures, if any, to prevent these being impacted on, eg lighting identified.

Updated comments: The developer has now adequately demonstrated this.

Great Crested Newts (GCN)

A study of great crested newts was submitted that concentrated on the presence or absence of GCN in 3 nearby pools. No GCN were recorded. The concern is, are these the only pools in close proximity to the development site? Some discussion is needed to demonstrate that the methodology used to determine the pools / water bodies identified in the report are the only potential GCN sites in proximity to the development. GCN may be present in garden pools that could exist within the housing in close proximity to the site.

Updated comments: We now have an acceptable methodology.

Breeding birds

The majority of the bird life identified using the site was confined to using the hedgerow environs. With these been in the majority retained and enhanced, the addition of new planting and habitat creation ,bird boxes etc, I feel their needs have been adequately covered. However Skylark was identified as a potential on site breeding bird. This either needs further discussion into the effects that the loss of habit will have for this species and/or some element of mitigation needs to be proposed

Updated comments: We now have some further discussion and there is a net loss of skylark habitat. It is difficult to mitigate this loss and none is offered. However, it has been argued that this loss will present a relative small impact on the county population.

The Wyre Forest SSSI and its surrounds is also host to owls that have potential to use the development site for forage. This potential needs some discussion. All the proposed mitigation works relating to nesting birds need to be shown on the Ecological plan.

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Updated comments: No further discussion of this is offered. It is unlikely that the loss of this area of open relatively poor habitat will be significant but we could do with the requested discussion, this could be dealt with at reserved matters. The inclusion of an owl box in the development is welcome but it might need tailoring to a different owl species following the results of the discussion.

Dormice

We have this report and there are no issues relating to potential harm to these species however the offered ecological enhancement for this species is most welcome.

Reptiles

A breeding slowworm population was identified. It is proposed that prior to development the reptiles will be displaced. Following this displacement what measures / working practices will be being put into place to ensure animals will not return and be inadvertently killed in the development process?

Mitigation is proposed in the form of habitat creation and sympathetic management provision of hibernacula and measures to deter predation from increased numbers of domestic cats. These need to be shown on the ecology plan.

Updated comments: The reptile mitigation measures have been "filled-out" and I feel that these are now fit for purpose.

Other notable species

There are some records of notable invertebrate species, mainly moths, on the boundary of the development. There will need some discussion on the potential for the development to impact on these species.

Updated comments: The measures and further discussion is now sufficient to allow me to feel that the needs of invertebrate species are being, within reason, addressed.

On site habitat

The report identifies the hedgerows and the field margins as the most significant ecological features. The ecological report contains a selection of good ecological measures that when implemented will potentially mitigate for losses and enhance biodiversity of the site. These need to be clearly shown on an ecological plan at outline stage so that we can determine the scheme is able to spatially deliver all the proposed measures. Post development management needs to be briefly discussed on this plan to ensure there are no fundamental conflicts in management and the techniques being proposed are viable, with the detail of the management plan then being prepared at reserved matters stage.

Updated comments: We now have this information.

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Impacts on Wyre Forest SSSI

The development would see an increase in people living near the Wyre Forest SSSI and its ecologically sensitive natural environments. Concern raised by Natural England is that the increase in visits to the SSSI by people and their domestic animals living within the new homes would cause environmental damage to this nationally significant nature reserve. The developer has argued that the provision of open space would reduce/ mitigate this impact. However the land already has a footpath through it that is frequently used for informal dog walking. Hence it could be argued the development may cause this use to be displaced to the forest further increasing disturbance.

The forest is open for public access but some areas are more sensitive to disturbance than others. Access provision near the application site is currently very low key and whilst the increase in visitor numbers throughout the Forest might be relatively small the increase in visitors at this location may be significant.

I feel additional work is needed to better determine the likely impacts of additional visitors from the development and a discussion based on this needs to take place between the developer and the Forest's ecological team.

Updated comments: The applicant has supplied some additional survey data and discussion. We were looking for the likely impact on the Dry Mill Lane area of the forest (area 1). The report comes to the conclusion that the development will be likely only to attract just over one individual visit to this area of the forest per day. The proposal is for 195 homes and an additional 449 people. The likelihood that only one of these people would choose to enter the Forest at this location a day feels very unlikely. The statistical blending of the accesses and new resident figures and visitor numbers between Bewdley town and the Forest does not feel to be a very robust manner of determining likely increases in visitor pressure at the Dry Mill Lane access.

Not being a statistician it is hard for me to definitively argue the case, but a more reasonable assessment might be the statistical number of households likely to have dogs and/or are likely to participate in countryside recreation from a development of the same scale as what is being proposed. This would be more likely to generate a more reasonable figure to how many additional visits this location is likely to receive, and from this a better determination of harm at the Dry Mill Lane location can be reached.

The treatment figures feel very wrong so I would perhaps like a little more discussion on this. The Wyre Forest Management Strategy has been refereed to but it is specific wildlife sensitivities at the Dry Mill Lane location that are the concern. Some further discussion as to what these are likely to be is needed, perhaps through the consultation with the Land Managers. This would allow us some confidence that the suggested provision of finance to improve infrastructure and/or education in the area would be sufficient to mitigate any potential of harm.

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The results of this will allow us more confidence that the increase in visitor pressure on the Wyre Forest SSSI at this location is either insignificant or ample mitigation can be provided. If recreational pressure is being mitigated through the open space provision this needs to be clearly shown on the ecological plan to ensure there is no conflict between this and the proposed above ecological mitigation and enhancements.

There is potential of light pollution from the development either directly impacting on the SSSI's wildlife or through affecting the naturalness of the Nature Reserve's current setting. The proposed buffer tree planting will go a long way to resolve this once mature. Hence, the detail of the extent, volume, and the size/age of trees being planted would be good to include on the ecological plan so the likely effect and duration of any lighting can be determined.

Lighting harm is proposed to be mitigated for through the use of sensitive lighting. Given the significance of lighting to the various aspects of the ecological mitigation some indicative thoughts on this should be included in the ecological plan at this stage of the planning application.

Updated comments: We now have this information.

Domestic animal predation is suggested to be deterred by ditching. These need illustrating on the plan.

Updated comments: We have sufficient discussion to have some confidence that harm will be limited as much as might be reasonable.

Some potential for harm exists to the Wyre Forest SSSI water courses and their wildlife through discharge of surface water into the brook. The developer will need to assess the current and future potential of the brook to support notable aquatic wildlife and we will need to feel assured that the quality of the discharge into the forests water bodies will be of a standard that will not cause harm. I will bow to NWWM's expertise in this matter but I feel we need confirmation that this is viable before granting outline approval.

A detailed CEMP (Construction Environmental Management Plan) will need to be prepared to include mitigation against all forms of mobile contaminants, incursions of wildlife, temporary lighting and drainage etc. This will need to be controlled by condition.

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- 3.15 Arboricultural Officer – No objections. I have no Arboricultural objections to the proposed outline development in the above application. All of the trees with a high amenity value have been taken into account within the design and are proposed for retention. In addition there is significant tree planting around the edge of the site which I am in favour of. The hedgerows on the site are to be retained, which is welcomed. If permission is given I would like additional planting within the development too and for the design of the development to take the rural nature of the area into account.
- 3.16 Campaign for the Protection of Rural England (CPRE) – We object to this application.

This application relates to a Green Field site adjoining the developed area of Bewdley, but outside it. The site enjoys extensive views to the north, which conversely means that it (and hence development on it will be visible from that direction. As an example of this we would draw attention to the view from Trimpley Lane. For example, there is a gap in the hedge about 50 yards south of the sign at the entrance to Trimpley village from the south, immediately below Wassell Wood (c. SO 794777). We would ask that the Planning Committee before considering this application should view the site from that location. The value of the view is confirmed by a bench having been placed adjacent to the village sign, though this is currently obscured by an overgrown hedge. There is a layby at the suggested viewpoint.

PLANNING STRATEGY

As a matter of principle, planning is supposed to be plan-led. Principal elements of this are Wyre Forest Core Strategy (WFCS) and Site Allocations and Policies Local Plan (SALP) and the related policies map. WFCS was going through its Examination at the point when the Minister has first attempted to revoke WMRSS, and before the promulgation of NPPF. As a pre-NPPF Plan it is open to the charge that it quickly became out-of-date. I also took part in the Examination of SALP and recall no substantial challenge to the housing targets used in WFCS. There were a couple of objectors seeking to promote sites in Kidderminster, but the Inspector did not accept those objections. That Examination took place after the adoption of NPPF, so that it cannot be said that the current Development Plan is wholly non-compliant with NPPF, at least not to the extent that the Plan should be ignored, so that NPPF would apply by default.

The fundamental policy of WFCS is DS01, which specifies the extent of the development needed and its location. It provides for the provision of 4000 houses over 20 years. It also provides for a sequential approach to site identification. The third of these includes brownfield sites in Bewdley. The possibility of needing to use brownfield sites is nowhere mentioned. Since this is a Green Field site and therefore falls beyond the end of the sequence, its release for development would be contrary to DS01.

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The Council's *Residential Land Availability Report* (April 2016) identifies that over the previous decade some 89% of new housing has been on Brownfield sites. This shows that the policy of DS01 was a realistic one, and should not be departed from. Furthermore, the computations undertaken prior to the Examination of WFCS did not take into account the possibility of redeveloping the Lea Castle Hospital Site, a possibility accepted by SALP, which provides a potential large (brownfield) windfall site. It should be added that all the major political parties included in their manifestos before the last General Election a commitment to Brownfield First. Furthermore, research undertaken by CPRE's National Office (as yet unpublished) indicates that brownfield land is considerably more abundant nationally than government estimates have suggested.

Policy DS01 goes identify what will be suitable development for each settlement. For Bewdley this includes housing for *local needs* (emphasis added). The term 'local needs' is not defined in the 'jargon guide', but WFCS was prepared to implement the now revoked West Midlands Regional Spatial Strategy (WMRSS). This is defined on its Phase 2 Revision Preferred Option (December 2007), p. 231 as:

'Anticipated requirements (e.g. for housing) generated by local growth or other (e.g. demographic) trends. This specifically excludes demands generated by migration from elsewhere'.

Since WFCS was intended to implement WMRSS the term local needs should be given the same meaning. Reference may also be made to its policy CF2 for housing beyond Major Urban Areas. Its Policy CF2B allowed developments on a smaller scale adjacent to Market Towns (of which Bewdley is one). Nevertheless, WMRSS has been revoked, so that only a little weight can be attributed to it, as being the context of WFCS. Policy DS03 provides 'Bewdley's contribution towards the District's housing need will be limited primarily to the provision of affordable housing to meet local needs on allocated sites. This reflects the town's conservation context and the more limited availability of jobs and services within the town'. Policy DS04 (relating to rural areas) provides for 'New residential development ... to meet local housing needs only, as established through parish surveys'. This provides a mechanism for establishing 'local need' but has no equivalent in the policy for Bewdley. The same policy provides for Bewdley's new housing primarily to be affordable, but this is an application primarily for market housing, though the developer will no doubt submit to provide the affordable quantity provided by the Plan.

Policy DS05 frontloads the housing requirement, providing for rather more than the average of 200 per year to be built in the second quinquennium of the plan. This was probably unrealistic in the light of the reduced activity in the housing market following the Credit Crunch, whose duration and impact were still unknown when WFCS was examined and adopted. The Plan required 2830 houses to be built by April 2016. The latest Housing monitoring report shows 2540 were provided, a deficit of a mere 300.

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However the appropriate way of dealing with this deficit is for more to be built in subsequent periods. The latest evidence on this is the Amion Report (cited by the applicant) which suggests that the Objectively Assessed Housing Need is 254 per year. This is precisely the average delivered over the first decade of the plan, despite the Credit Crunch. The applicant puts forward a higher figure of 350 per year, but provides absolutely no evidence in support of this. The figure of 350 is a bare assertion of the applicant's biased opinion, and no weight should be accorded to it.

Paragraph 5.65 of WFCS has a table indicating that 180 houses should be built in Bewdley by 2016. In fact 164 have been built in Bewdley (according to the Monitoring Report) of which only 51 were affordable, so that about 69% of the development there has been of market housing. Again there is a small deficit compared to the Plan, but the table provides for no further housing in the second decade of the Plan. The application for 195 houses thus represents approximately building at the same rates as in the Plan for the first decade and making up the deficit, when the plan target is zero. It is almost inevitable that some windfall sites will come forward. It is hardly appropriate that the present applicant should be allowed to absorb the whole of a potential housing target (albeit one that is contrary to the Plan).

The applicant relies on its assertion that the Council does not have a five-year housing land supply, but the best evidence if this is the Amion Report, giving a target of 245 per year. The Monitoring Report identifies 1583 commitments. This is 6.23 years' supply. The district has a good record of delivery, so that its target is 5.25 years' supply. This is important, because districts unable to demonstrate a five years' supply are required to give planning consent sooner than they would have done. In the present context, this would mean that sites expected to come forward in the last quinquennium of the plan would be approved in this one. However, the application site is not an allocated site at all.

Section 3.5 of the applicant's Planning Statement speculates as to what might be in the (as yet unpublished) Preferred Option for the Local Plan Revision. *Wyre Forest District Strategic Housing and Economic Land Availability Assessment 2016's* assessment sheets for Bewdley identify some 33 sites considered deliverable within five years and a further deliverable 105 beyond that period *if allocated* (emphasis added), including 45 on 3ha of the southern part of the application site (not 195). The other Green Field sites (off High Clere and Snuff Mill Walk) appear to be more closely integrated with the town and are probably sequentially preferable. However, the allocation of the District's Objectively Assessed Need between settlements and sites is ultimately a matter of policy for the Council. Allocation should depend on the respective merits of the three areas: it is not something that can (or should) be determined as part of the consideration of a planning application. What may be in the Preferred Option (when published) is mere speculation and should bear no weight at all, as there is absolutely no evidence available on the subject.

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Even if the applicant is correct in suggesting that the Local Plan is out of date. It remains relevant: see the Court of Appeal decision in *Suffolk Coastal v Hopkins Homes* [2016] EWCA Civ 168. This overrules certain previous decision as to how the Council should proceed if it does not have a 5-year housing land supply.

ENVIRONMENTAL CONSIDERATIONS

The edge of the developed area on this side of Bewdley is well-defined by strong landscape boundaries in the form of narrow lanes (with informal passing places), Dry Mill Lane and Hop Pole Lane. Dry Mill Lane is part of National Cycle Route 45, which takes its users into and through the Forest. It also provides access to a car park well-used by people walking in the Forest. These lanes are however not the means of access to the adjacent fairly dense development. NPPF advises the use of strong boundaries for the edge of Green Belt. As the Green Belt is all east of the Severn this is not strictly irrelevant, but the principle can be applied to the edge of any major settlement. The Lakes Road is somewhat different from the two lanes. But still represents a robust landscape barrier. If this is breached by new development, there is no logical place for development to stop until Dowles Brook.

The Wyre Forest is one of the largest areas of lowland forest in Britain. Parts of it are Nature Reserves or have other designations. It is desirable that a *cordon sanitaire* or buffer of agricultural land should be kept between the town and the Forest to aid the preservation of this important forest.

NPPF Paragraph 17 sets out 12 principles. The fifth requires the council to recognise '*the intrinsic character and beauty of the countryside*'. WFCS anticipated this by designating the countryside of the district west of the Severn as a Landscape Protection Area. The area north of Bewdley, where the Severn emerges from a deep valley is particularly beautiful and largely unspoiled.

The site is crossed by a public footpath. The wear on this indicates that this is heavily used. This is probably by people walking for leisure, as the path does not lead to a destination likely to be accessed for any other significant purpose. The applicant's indicative plans show most of this being replaced by the pavement along a road. This is hardly likely to be an attractive route for leisure walkers. The effect will not only be to adversely affect that setting of this public footpath, but to destroy an amenity that is clearly enjoyed by leisure walkers. The antiquity of the footpath is debatable, but it provides pedestrian access to the church cemetery of the ancient parish of Dowles and to the Severn Towing Path.

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The applicant's indicative plans appear to show the site being cleared of all hedgerows. The hedgerow containing the first style sown the path just mentioned was the boundary between the Borough of Bewdley (a chapelry in the Parish of Ribbesford) and the Parish of Dowles. That parish was an artefact of its grant (with Quatt Malvern in Shropshire and Northwood (now in Kidderminster Foreign) to Little Malvern Priory in 1157. Since Dowles became part of Shropshire, this hedge was formerly the County boundary. It has thus been a boundary since 1157, and it is likely there has been a hedge there, dividing the Priory property from Bewdley (as parcel of the Earldom of March) for most of that period, if not even longer. If the hedge is to be destroyed, an appropriate archaeological and botanical record of it should be made first, and a condition imposed to require that.

It is clear from the site submission for the *Housing and Economic Land Availability Assessment* that the landowner owns a considerable area of land beyond that over which he (or she) had (presumably) granted an option to the applicant. If this application is approved, the loss of this footpath should be mitigated (under the related s.106 agreement) by the landowner dedicating a replacement footpath across part of his land away from that to be developed (if it is to be).

HIGHWAYS ISSUES

The exit roads going west from Bewdley tend to be congested, particularly in the Welch Gate area, which is an AQMA. If this development is supposed to be for local needs in Bewdley, it ought to be well-related to the town centre and local employment, but the congestion means that it will not be. If this proposed development is intended to meet the needs of a wider area, because the main access to it would be via Bewdley bypass, its approval would go against the Plan's principle of only meeting local needs in Bewdley. Worcestershire County Council's normal standard for maximum number of dwellings to be accessed through a single access is 175. The County Council objected to a site in Hagley where more houses (250) were proposed. The site access was a difficult because two sides adjoin A456 and A491, and others land then in separate ownerships. The result was that the applicant (Cala) withdrew that application and later successfully submitted one for 175 dwellings. They subsequently applied for an increase to 192 by building a second access, involving a bridge over a brook. This was fiercely opposed locally, as the bridge would encourage rat-running to avoid an extremely congested section of A456 (the busiest A-class road in the county). This was compromised by allowing the full 192 through the one access, without the expense of building the bridge. The access is a purpose-built one on to a reconfigured major roundabout. The developers spent several million pounds reconfiguring the roundabout. The need to prevent rat-running and to use the site (which could have accommodated the full 250) well were very special circumstances justifying the County Council in departing from its standard. No such special circumstances exist in this case. Accordingly, the norm of 175 through a single access should be strictly applied here.

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SUMMARY

This is no rational justification for approving this application:

- It is disproportionately large compared to the Plan housing requirement for Bewdley.
- While the Plan was prepared to meet the requirements of WMRSS, not of NPPF, it is not out of date.
- The district as a whole has more than a six-year housing land supply, so that the NPPF provisions applicable if it does not and not engaged. Even if they were engaged, the Suffolk Coastal case makes clear that the Local Plan still applies and is not to be ignored the Plan.
- The applicant's assertion that the district target should be 350 per year is merely its own unsubstantiated opinion; they have not provided a shred of evidence in support of their view. Planning is supposed to be based on testable evidence
- This is a site not allocated in the current Local Plan.
- The development of the site will have a significant impact on the landscape and the beauty of the countryside. The applicant has provided no evidence to the contrary.
- The application raises significant highway and other environmental issues.

We call upon the Planning Committee to reject this application for as many of the reasons set out in this letter as possible.

3.17 Bewdley Civic Society – The Bewdley Civic Society object to this application.

This application is simply the wrong development in the wrong place.

We understand that WFDC have a robust 5 year land supply for the district's proper and planned development. Therefore the Local Plan and its policies must prevail over this speculative, controversial and contrary development. This site is not allocated for development in the Adopted and Approved Local Plan and is clearly contrary to the development plan.

The site is not in a sustainable location in terms of the district as a whole. It is on the western urban fringe ensuring all traffic will have to negotiate through our towns in order in order to access the West Midlands. It is furthermore sited well away from the district's transport hubs and is simply on the wrong side of town to be promoted as a sustainable site. On this basis it fails the Government's advice on the NPPF on sustainability.

This site is at the highest point of the town and rolls down the valley side. This will impact dreadfully upon the landscape quality and character of the area which includes the Wyre Forest and the Severn Valley, but also on the setting of this historic town which policies in the Worcestershire Green Strategy 2013-18 (amongst others) seek to safeguard and enhance. This extensive development would do neither.

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Access to the site to and from the town is poor. The only access is via the single lane Yew Tree Lane, the Lakes Road or the narrow, steep, one way route down Richmond Road all of which connect to the B4190. None are suitable for the major increase in traffic which would be occasioned by this proposal for those reasons. They cannot be improved without significant detrimental environment impact.

Pollution at Welch Gate - this has been an AQMA since July 2009 and the increase of around c.300 additional vehicle movements per day that this site will bring, will increase pollution levels instead of decreasing them. It is well known that because of the gradients down to the town many residents use their cars and occupiers of these new properties would do the same.

There are major concerns with the impact of such a large development on local infrastructure . Our schools are running at capacity and would need major investment to cater for such a sudden increase. However, the new Medical Centre has plenty of room to expand but will require more doctors, nurses and support staff. There are major concerns with the ability of existing services to cater for such a large increase in use, ie. drainage, utilities etc. without major cost and intrusive workings.

The loss of the character and setting of a well-used and historic public footpath and its relegation to one through a suburban housing estate.

- 3.18 Ramblers Association – Public Right of Way Footpath BW-518 crosses two of the three fields affected by this development. The applicant and his agent have sought to accommodate the footpath without recourse to the need to divert or extinguish it. The footpath provides extensive views across the wooded Severn Valley towards Trimpey. Ramblers is concerned to ensure that the enjoyment that this footpath provides is protected.

We note that the fields are not shown as being intended for any form of development in the adopted Core Strategy or in the adopted Site Allocations Plan. Concerning Bewdley, Policy DS01 states that:

Limited opportunities for development to meet local needs will be identified on brownfield sites in Bewdley and within the rural settlements. Development in the open countryside will be closely controlled to safeguard the integrity of the District's Green Belt and landscape character.

Policy DS03 enlarges on this general policy, stating that:

Bewdley's contribution towards the District's housing need will be limited primarily to the provision of affordable housing to meet local needs on allocated sites. This reflects the town's conservation context and the more limited availability of jobs and services within the town.

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The sequential approach to the allocation of development sites set out in the Core Strategy anticipates that the revision of the local plan will continue to follow this approach. Ramblers strongly supports policies which seek to protect the countryside. We therefore agree with these policy statements and consider that the application should be refused as not consistent with them.

The Street Hierarchy Plan accompanying the application shows that the alignment of Footpath BW-518 will be followed by the main street and a secondary street for much of its length. The result will be that the footpath will be reduced to nothing more than a road side pavement and its unique qualities as an independent walking route free from traffic will be lost. Government guidance in DEFRA Circular 1/09, Paragraph 7.2 makes it clear that Public Rights of Way are a material consideration in determining planning applications. At Paragraph 7.8 it states that diversion proposals should avoid the use of estate roads and seek to locate footpaths in areas of open space away from traffic. Although no diversion is proposed this application fails to adopt the spirit of the advice and we consider that it should also be refused because of its adverse impact upon Footpath BW-518.

If despite our objection to this application the Council is minded to grant permission we urge that amendments be made to the indicative master plan to either provide for Footpath BW-518 to be contained within a substantial open space throughout its length or that it be diverted to an alternative green space within the site.

- 3.19 West Mercia Police Crime Risk Advisor – No objection to the above application, although I do wonder if the road infrastructure is capable of taking the extra traffic. This is not my area of expertise so I cannot comment further.

The Design and Access statement makes reference to Secured by Design new homes guide 2014. This has now been superseded by new homes guide 2016, with the introduction of Document Q there are some changes.

If the developers meet the design principles as set out on page 57 of the D&A statement there should not be any issues in terms of reducing the opportunity for crime and disorder.

When a detailed application is submitted I will be able to comment further.

- 3.20 Place Partnership – The proposed development will increase the overnight population at the application site by 442. It is therefore a fact that 195 additional homes will bring additional policing demand; particularly as there is no policing demand from what are open fields. There is no reason to doubt that there will be a corresponding increase in crime and demand (comparable with existing rates in the District) from new residents for policing services across a wide spectrum of support and intervention as they go about their daily lives at the site and across the wider policing sub-region. Whether they are victims of crime or witnesses to it, involved in car accidents for example, or require the police for some other reason, an increased population means increased demand.

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Based on existing crime patterns and policing demand and deployment from nearby areas, which from experience, we would anticipate new development nearby would adopt, there would be direct and additional impacts of the development on local policing that will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via the police's control centre.
- Attendance to additional emergency events within the development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the development and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.
- Additional vehicle use.
- Additional calls on the police's Airwaves system.
- Additional use of the Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for use of ANPR technologies
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

Therefore Section 106 contributions to policing as a direct result of the development is considered to be reasonable and justified.

PLANNING POLICY JUSTIFICATIONS FOR A POLICING CONTRIBUTION

The National Policy position to support the WP and WMP request exists in the NPPF. Securing sufficient facilities and services to meet local needs is a Core Planning Principle (para 17). Planning is to deliver facilities and services that communities need (para 70) and Supplementary Planning documents can assist applicants in this. Plan policies should deliver the provision of security infrastructure and other local facilities (para 156). Plan policy and decision making should be seamless (para 186). Infrastructure planning should accompany development planning by LPAs (para 177) who should work collaboratively with infrastructure providers (para 162). The NPPF seeks environments where crime and disorder and the fear of crime do not undermine quality of life, the health of communities and community cohesion (paras 58 and 69) and planning policies and decisions should deliver this.

The Development Plan in this instance comprises of the '*Core Strategy 2006 – 2026*' (adopted December 2010) and the '*Site Allocations and Policies Local Plan 2006 – 2026*' (adopted July 2013). The Core Strategy policies and guidance supporting this Section 106 request are as follows:

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- Key Issues and Challenges – How can new development help to alleviate the high levels of concern amongst local residents in relation to crime?
- Vision – By 2026 crime and disorder in the District remain low and local residents feel safer. Development Objective 13 – Maximise community cohesion and ensure new developments positively contribute towards crime reduction for the benefit of all residents.
- Paragraph 5.70 – The availability of the necessary infrastructure and the potential need to provide additional capacity in some of the locations will be key factors in determining the release of key sites. Costs and infrastructure requirements have been estimated from discussions with key stakeholders such as the emergency services.
- CP07: Delivering Community Wellbeing – ‘the Council will require developer contributions with regard to the following areas of social infrastructure: health and community safety (includes emergency services) facilities and services.’

The Development Plan is supported by the ‘*Wyre Forest District Council Infrastructure Delivery Plan*’ (September 2012) (IDP). This confirms on pages 73 – 74 that developer contributions will be necessary to delivery police infrastructure to support development growth. The IDP also confirms that the Council considers that ‘infrastructure’ refers to more than just premises, but also to equipment set- up costs and vehicles.

THE POLICE CONTRIBUTION REQUEST

£11,058 is sought to mitigate the additional impacts of this development because the police’s existing infrastructures do not have the capacity to meet these and because, like some other services, WP and WMP do not have the funding ability to respond to growth whenever and wherever proposed.

WP and WMP expect to procure these additional facilities once development has commenced. The contributions will be spent as individual amounts to expand the cover of their infrastructures to serve this proposed development. Where individual amounts do not secure whole infrastructures, the police may pay the remaining amount if no other developers contribute towards policing in this area of the District. This will mean that funds will have to be diverted away from other areas of deployment which is far less than ideal, but ensures the front line services are maintained.

As a further justification of this request, WP and WMP confirm that the contribution will be used wholly to meet the direct impacts of the development and wholly in delivering policing to it. Without the development in place it is reasonable to forecast the impacts it will generate as we have done, using information about the known policing demands of comparable local development. Assumptions about pupil numbers and health needs similarly depend on such comparables. We believe that the Framework encourages this.

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SUMMARY OF CONTRIBUTION REQUESTED

This police contribution request considers the amount and type of development proposed and compares this with existing policing demand and crime information for the area in which it will be situated. The existing deployment of police assets to the area is identified and applied to forecast the impact of the proposed development. The funding and capacity position of WP is defined. NPPF and local policy supporting a policing contribution are identified. WP and WMP commit to managing the contribution.

The request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in adjacent areas and existing policing demands and deployment in relation to this. The request is wholly related to the scale and kind of the application development.

If, for any reason, it is not proposed to award the Section 106 contribution requested above, WP and WMP would object to the granting of planning permission due to unacceptable impacts on local policing. In that event we would wish to be notified and would like the opportunity to speak at the Planning Committee when the application is determined.

3.21 North Worcestershire Water Management (NWWM) –

Original comments (received 28/09/16)

I understand this is a major application. As you know, following changes in planning policy in 2015 the Lead Local Flood Authority is the statutory consultee on all major planning applications for surface water management, and in Wyre Forest my team (North Worcestershire Water Management) fulfils this role on behalf of Worcestershire County Council. We are required to check that appropriate SuDS are provided for the management of run-off, unless it is demonstrated inappropriate, and that the proposed scheme is in compliance with the non statutory technical standards for SuDS (Defra, 2015 - attached).

SURFACE WATER FLOODING

Reviewing the local topography I believe that the site comprises of three subcatchments, each corresponding with a potential overland flow route identified to be present on or in the vicinity of the site. Here excess runoff following extreme rainfall will concentrate prior to discharge to existing tributaries of the Dowles Brook and river Severn. These flow routes have been touched upon in the paragraph 'existing drainage' in the submitted flood risk assessment (FRA). As the map referred to (Appendix 1B of the FRA) is not detailed enough to identify the features described, I have inserted a sketched map below.

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I believe that there are three sub-catchments with associated potential overland flows:

- The red route concentrates flow on the west side of the site and discharges this to the tributary of the Dowles Brook indicated with 1. I understand from the FRA that there is a 100 mm pipe that falls out into this tributary too that discharges treated effluent. It will be important that the flood risk to The Old Dairy cottages from this flow route will not be increased as a result of the development. I don't know how much re-levelling will be done, but if this route would still be 'in use' following the development then it is important that any discharge will not affect the water quality in the Dowles Brook adversely. This is both during and after construction.
- the pink route concentrates flow of the majority of the development site. This valley is less pronounced than the other two sub-catchments, but has the largest area. I understand that a pool used to be present roughly at the head of the pink arrow, and that the proposal is to install the proposed balancing pond in this vicinity. I understand that from this point there is an existing 225 mm diameter pipe that discharges water to the tributary of the Dowles Brook indicated with 2.

I understand that the proposal is to use this existing outfall for the controlled outflow from the balancing pond. Ideally I would rather see this pipe to be deculverted (opened up) to increase amenity and biodiversity value of this route. It is important that adequate treatment will be provided to ensure that this discharge will not adversely affect the water quality in the Dowles Brook. In addition, I am aware that this tributary causes concerns where it discharges alongside Dowles Road as water spills out onto the road regularly. If this was to become to formal outfall route for the proposed development then I believe that the entire route needs to be assessed and that improvement measures should be included to ensure the discharge will not cause any issues.

- the green route concentrates flow of the south-eastern side of the site. I understand from the FRA that a collection sump is present at the site boundary to collect surface water runoff and that two twin pipes (300 mm in diameter) are present to discharge the collected water to the tributary that discharges via the caravan park, indicated with 3. I'm not sure whether this route will still be in use following development?

These overland flow routes are important as we need to ensure that the proposed development will not be at risk of flooding from these routes and that flood risk off the site will not be increased by alteration of the routes and /or increased flow discharging via these routes. I believe that this has not been dealt with sufficiently in the current application.

DRAINAGE STRATEGY

I understand that it is deemed that infiltration is not possible for this site. Although I don't necessarily dispute this conclusion I believe that information should be submitted that details the reason for this (permeability test results/geology report etc), as infiltration to the ground is always the preferred option. If discharge to the ground is indeed not possible then discharge to a nearby watercourse can be considered.

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I am happy to note that a balancing pond has been proposed. I am not sure whether other SuDS features such as swales and permeable surfaces have been considered, or whether traditional drainage solutions are envisaged to discharge water from the site to the pond. If I understand it correctly then the idea is to discharge all surface water from the site to the balancing pond (even though the natural topography identified three sub-catchments), from where a Hydrobrake will limit the discharge leaving the site to Greenfield rates. A calculation of the Greenfield rates has been included, but I am not sure what area has been taken into consideration. I am also not sure whether Greenfield runoff volumes have been considered, as specified in the National Standards. The FRA contains a certain amount of drainage strategy information, but I believe this information needs to be expanded.

POLLUTION / WATER TREATMENT

Given the fact that the runoff will discharge into a watercourse that forms part of a SSSI I believe that it would be appropriate to ask the applicant to set out how the proposed drainage scheme will treat the runoff. Additional SuDS features can add further treatment; the balancing pond alone is unlikely to provide sufficient treatment.

Chapters 4 and 26 of the updated CIRIA SuDS manual set out a simple assessment. It assesses whether a combination of SuDS components in series has a pollution mitigation index that equals or exceeds the pollution hazard index for suspended solids, metals and hydro-carbons. I propose that the applicant uses this assessment and includes it as part of the drainage strategy.

CONCLUSION

The NPPF states that local planning authorities should ensure that proposed development itself is not at risk of flooding from any source and that flood risk is not increased elsewhere as a result of the proposed development. I believe that the submitted drainage strategy, currently imbedded in the FRA, needs to be expanded to enable us to fully make this assessment, especially since the proposal is to discharge all storm water via one discharge point, whereas the application site naturally spans three sub-catchments. I believe further information is also required regarding the use of SuDS on the site, the design criteria for these SuDS, the water quality treatment these SuDS provide and the state of the existing drainage infrastructure (both on and off the site) that might be utilised. A detailed drainage design can then be conditioned, as well as a method statement that sets out how pollution of the water environment during construction will be prevented.

Additional comments following receipt of additional details (received 23/12/16)

Thank you for the opportunity to comment upon the revised Flood Risk Assessment (Rev A – December 2016) prior to submission. I believe the revised document addresses the matters agreed. Below are my detailed comments and suggestions for you to consider.

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I note the non statutory technical standards for SuDS (2015) in the introduction. I believe compliance with standards 2,4,7,8 and 9 are particularly relevant for this development. The proposal to limit peak flows from the full development area to Greenfield flows attributable to Outfall A only would I believe constitute compliance with standard S2. As Defra's non statutory technical standards for SuDS (2015) also includes volume control (S4) I believe it would be good to explicitly include this in the FRA too. I believe that the FRA sets out how standards S7 and S8 are complied with, but I would advise that perhaps managing exceedance flow (S9) could be mentioned more clearly – perhaps in paragraph 5.4 where you have already mentioned that floor levels will be set above external ground levels.

In the Executive summary it is stated that flows from the full development area will be limited to those attributable to Outfall A only and that Runoff via Outfalls B and C will be reduced accordingly. And in 5.3.1 it is stated that “This proposal will achieve betterment in respect of reducing greenfield run off to Outfalls B and C.”

Can you please include whether all discharge from the entire site (5.7 ha) will be to outfall A via the basin, or are you, due to the topography, still proposing a small part of the site to discharge via outfall C?

Final question – often an indicative storage volume for the proposed basin gets included, which I think is useful as this gives people an indication of the size of basin that will be required and the associated land take, bunding etc which sometimes affects the deliverability of the scheme. Given the large informal amenity area I don't think land take will be an issue for this site; bunding might be quite relevant for this site given the topography. Would you be able to include an indicative storage volume in the FRA, based upon an assumed impermeable area?

Further comments following receipt of revised FRA (received 06/03/17)

I have reviewed the revised flood risk assessment (Rev B) that was emailed to me on 28th Feb 2017.

I believe that the consultant in this FRA has addressed the concerns I raised in my original email dated 28th Sep 2016.

The revised FRA now sets out:

- the design criteria that will be used to ensure that runoff from the site will be managed to pre-development (Greenfield) levels. This includes reference to Defra's non statutory technical standards for SuDS (2015) and the EA's climate change guidance (2016). I believe this is all we can ask for at outline stage. Detailed design should be conditioned.
- the information regarding the various sub catchments. Discharge from the development will be attenuated to Greenfield runoff levels and made to one outfall point.

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The proposed outfall (marked with number 1 in the map at the bottom of my original email) is different from the one that was originally intended and therefore my original comments regarding needing to address issues with the discharge route via Dowles Road are no longer valid.

- information detailing how the proposed drainage scheme will provide sufficient treatment as to not adversely impact upon the receiving watercourse (Dowles Brook).

I believe that based upon the information provided there is no reason to withhold approval of this application on flood risk grounds, subject to suitable planning conditions.

3.22 Disability Action Wyre Forest (DAWF) –Object.

Comment: it's difficult for developers to ensure their new builds are accessible on level sites- on this site on a hill side -so would object unless advised of all dwellings having level/ramp approaches

3.23 Severn Trent Water – No objections to the proposals subject to conditions regarding drainage plans and implementation.

3.24 Neighbour/Site Notice –

This application has been the subject of significant levels of third party responses, with in excess of 800 individual letters of objection having been received, along with the establishment of a local action group “*Bewdley Says “No” to Gladman*” who are fighting against the proposal. It would be impossible to detail every objection received given the sheer weight of correspondence, however the following bullet points provide a summary of the subject areas and grounds upon which objections have been made:

- Loss of important and valued landscape and amenity asset;
- Impact upon species habitats and protected species;
- Impacting upon nesting birds;
- Light pollution of development;
- Highway safety concerns in respect of the surrounding highway network and specific proposed junction improvements and site access, as well as impact of additional traffic movements;
- Adverse impact upon Air Quality (within Bewdley Town Centre, and specifically Welch Gate, which is an Air Quality Monitoring Area - AQMA);
- Increased demand and adverse impact upon existing education and health facilities, including doctors’ surgeries, etc;
- WFDC already has sufficient allocated sites for new housing – site not needed;
- Inadequate local facilities and services (1 local general store – not a “village centre” as stated by the Applicants);
- Inadequate facilities and services within Bewdley Town Centre to serve additional residents (e.g. no banks and inadequate health facilities);

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- Increased rain water run-off from hard surfaces within the development leading to potential flooding;
- Protected Landscape (as defined by CPRE) would be irreversibly damaged/lost;
- Inappropriate site access proposed;
- Adverse impact upon the existing Public Right of Way;
- Increased traffic congestion in Welch Gate (and associated Air Quality implications);
- Loss of views across the Severn Valley;
- Adverse impact upon Tourism and visitors to the Town;
- Pedestrian safety, especially young children;
- Adverse impact upon the Wyre Forest SSS1;
- Inadequate drainage infrastructure;
- Lack of need for scale of development;
- Contrary to adopted Local Plan site allocation policies – an unallocated site within an up-to-date Development Plan;
- Adverse impact upon the setting of Bewdley town;
- Loss of Green Belt;
(Officer Comment: The site is not, and has never has been, located within the Green Belt).
- Adverse impact upon property values of neighbouring dwellings;
(Officer Comment: Members are reminded that impact upon property/land values is not a material planning consideration);
- Potential for rat-running along nearby narrow lanes;
- Adverse impact upon junction of The Lakes Road and Cleobury Road due to increased traffic flows at the junction;
- Not all of the land which forms part of the planning application boundary is controlled by the Applicants;
- Adverse impacts during construction phases, including increased highway movements and construction traffic;
- Adverse impact upon existing historic assets – Bewdley town centre and the associated conservation area setting;
- Adverse impact upon existing “quality of life” of local residents;
- Poor public transport connectivity;
- Site and surrounding topography is such that trips to and from Town Centre by foot or by cycle are unlikely;
- Nothing more than “Rural Vandalism”;
- Contrary to the findings of the Bewdley Neighbourhood Plan housing need survey;
- Contrary to the NPPF (especially paragraphs 14 and 49);
- Council can demonstrate an adequate 5 year Housing Land Supply – therefore not needed.

By way of contrast, 5 letters of support have been received on the grounds of:

- Provision of housing to meet needs;
- Affordable Housing provision to serve needs of local younger generation;
- Financial benefits of additional residents to town centre and traders.

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4.0 Officer Comments

4.1 As summarised above, the application as submitted has been made in Outline form with all matters of detail reserved for approval, with the exception of access, with the proposed vehicular access indicated off The Lakes Road at it's junction with Baldwin Road. The application proposes the erection of up to 195 dwellings (of which 30% are proposed as Affordable Housing), with associated open space, children's play area, landscaping, etc.

4.2 The application, whilst submitted in Outline form, has been accompanied by a suite of supporting documents to supplement the proposed plans which are listed as follows:

- Planning Statement;
- Design and Access Statement;
- Transport Assessment;
- Travel Plan;
- Ecological Appraisals;
- Landscape and Visual Assessment;
- Arboricultural Impact Assessment;
- Flood Risk Assessment;
- Air Quality Screening Report;
- Noise Assessment;
- Heritage Report;
- Archaeology Report;
- Statement of Community Involvement;
- Socio-Economic Report;
- Foul Drainage Report.

Furthermore, in responding to the comments of consultees, further supplemental submissions were received in February 2017, as follows:

- Supplementary Ecology Report (and associated survey);
- Revised Flood Risk Assessment;
- Technical Note to accompany Transport Assessment;
- Air Quality Assessment Addendum.

4.3 Members will be aware that the Applicants have, despite previously agreeing to so-called Extensions of Time for the determination of the application decided to Appeal against the Council's non-determination of the application. Officers have received a copy of the Applicant's submitted Appeal papers and confirmation has also now been received from the Planning Inspectorate that the Appeal is valid, with a "start date" of 16 May 2017. That being the case, the Council is now prevented from making a formal determination of the application.

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- 4.4 This is a complex, and locally controversial, planning application with numerous strands of technical considerations, some of which as this report will go on to detail are found to be acceptable following consultation with the respective statutory and non-statutory consultees, albeit subject to the imposition of suitable planning conditions/planning obligations (via a S106 Agreement) and the subsequent approval of details. Others however, even with suggested amendments, are not acceptable.
- 4.5 The consideration of the various matters relating to this application can be subdivided under the following headings, although in doing so Members are advised that such matters are not stand alone rather they are all part of the overall planning balance and the consideration of the merits, or otherwise, of the application as submitted. To assist, therefore, the key considerations are broken down under the following subject headings:
- Planning Policy and the Principle of the development;
 - Landscape and Visual Impact;
 - Impact upon Heritage Assets;
 - Highways Matters;
 - Air Quality Matters;
 - Flooding and Drainage
 - Ecology and Biodiversity
 - Other Issues including Affordable Housing; Open Space; Education
 - Impact upon existing neighbouring/nearby properties

PLANNING POLICY AND THE PRINCIPLE OF THE DEVELOPMENT

- 4.6 At the heart of the National Planning Policy Framework (NPPF) lies the presumption in favour of sustainable development, which should be seen as the “golden thread” running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:
- *“approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted”.*

- 4.7 Nonetheless, Paragraph 12 of the NPPF makes it perfectly clear that it (the NPPF):

“...does not change the status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise ...”

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- 4.8 The application site lies on land which is unallocated (“white land”) as indicated upon the Policies Map which accompanies the Site Allocations and Policies Local Plan (SAAPLP) and as previously identified consists of four agricultural fields. Whilst the site lies adjacent to existing and long established areas of residential development, it enjoys no current residential land use allocation. As such, the proposal is immediately at odds with the Development Plan and in particular Policies DS01 (Development Locations) and DS03 (market Towns) of the Adopted Core Strategy and Policies SAL.PFSD1 (Presumption in favour of sustainable development) and SAL.DPL1 (Sites for residential development) of the Site Allocations and Policies Local Plan (SAAPLP). Members are reminded of the content of Paragraph 12 of the NPPF, as set out at paragraph 4.7 above, and in particular the comment that:

“... proposed development that conflicts (with an up-to-date Local Plan) should be refused unless other material considerations indicate otherwise.”
(Officer’s emphasis)

- 4.9 The Applicants acknowledge at paragraph 1.1.3 of their submitted Planning Statement that:

“As a matter of principle, the development, as proposed, is not in accordance with the Development Plan”.

But go on to state in the following paragraph (p.1.1.4 of their Planning Statement) that, in their opinion:

“... the Development Plan is out of date and it is inconsistent with Government Policy set out in the ... NPPF. The Framework sets out the requirement to boost significantly the supply of housing (NPPF 47) and in the circumstances, the presumption in favour of sustainable development (NPPF 14) applies”.

- 4.10 It is true that the Adopted Core Strategy (Adopted December 2010) outlines a housing requirement for 4,000 dwellings over the plan period (2006 to 2026) and that this figure was based upon the, then emerging, West Midlands Regional Spatial Strategy (Phase 2 Revision). The Regional Spatial Strategy has since been revoked. However it is also the case that the Council commissioned an Objective Assessment of Housing Need (OAHN) in 2016 and it is against the figures identified within that OAHN that the Council’s current 5 year housing land supply figures have been assessed and a sufficient supply has been identified. On this basis, there appears to be no basis to reduce the weight attached to any of the Council’s adopted housing policies.

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- 4.11 The Applicants acknowledge that the application site is not an allocated one, within the SAAPLP (adopted in July 2013 – i.e. post NPPF) and that it falls to be considered under Policy SAL.DPL1 - “Sites for Residential Development”, and in this regard the site fails to meet the Policy requirements (being an unallocated site on non-previously developed land and exceeding 5 dwellings in total). However, the Applicants assert that the housing allocations and restrictions outlined in Policy SAL.DPL1 were:

“... considered with regard to a housing requirement from the West Midlands Regional Spatial Strategy. This was not a Full Objective Assessment of Need (FOAN) as required by paragraph 47 of the Framework (i.e. NPPF) and does not reflect the present need”.

- 4.12 The Applicants go on to claim that on this basis:

“The housing restrictions defined in policies such as SAL.DPL1 (of the SAAPLP) were identified to accommodate development to meet this requirement, rather than the objectively assessed need for Wyre Forest. The unintended consequence is that they are acting as a constraint to otherwise sustainable development As part of this application the full objectively assessed need has been reviewed by GVA (the Applicant’s own consultants) and it is considered that a figure upwards of 5,600 dwellings is appropriate for 2016 to 2032. This is far greater than the adopted requirement of 4,000 dwellings”.

(OFFICER COMMENT – This is not a like-for-like comparison. The 4,000 dwellings figure within the Core Strategy (based upon the Regional Spatial Strategy figures) was for the plan period 2006-2026, while the Applicant’s figure of 5,600 is for the period 2016-2032. The proper comparison should be the GVA figure against the more recent OAHN study).

- 4.13 The Applicants accept that the general thrust of Policy SAL.DPL1 is consistent with the general approach of the NPPF, but they maintain that the Policy is out of date when considered against the NPPF requirements set out under Paragraphs 14 and 47. For clarity and completeness, these paragraphs are reproduced in full below:

PARAGRAPH 14 of the NPPF

“At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development, which should be seen as a golden thread running through both the plan-making and decision-taking.

For plan-making this means that:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*

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- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or*
 - *specific policies in this Framework indicate development should be restricted.”*

PARAGRAPH 47 of the NPPF

“To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*

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- *set out their own approach to housing density to reflect local circumstances.”*
- 4.14 The current Development Plan housing policies (within the Core Strategy and SAAPLP) are identified within the detailed response from the Planning Policy Manager, at paragraph 3.3 of this report and require no further repetition at this point. Those policies serve to identify a hierarchy of sustainable locations for housing delivery within the District, reflecting the overall character and needs of the District, and in particular the 3 main towns, including Bewdley. The application as submitted is not in accordance with the current development plan, being an unallocated site beyond the existing settlement boundary of Bewdley and of a scale of development that runs contrary, in particular, to Policy DS03 of the Core Strategy and Policy SAL.DPL1 of the SAAPLP. The current Development Plan, therefore, clearly indicates that the current application should, therefore, be refused.
- 4.15 Members will be aware that the review of the Development Plan has commenced (as too has work by Bewdley Town Council in terms of a Neighbourhood Plan for the Town and to allow local residents the opportunity to influence housing delivery to meet local needs) in part in recognition of the need to address housing delivery requirements going forward for the period on the new Local Plan, and the work to derive an up-to-date OAHN figure is part of that process. The Council’s Preferred Options for delivering housing through to 2034 has recently been publicised and are now subject to a 2 month public consultation which commenced on 15 June 2017. As part of that consultation, the Council has identified a need to provide sites to deliver 5,400 new dwellings (not including C2 Class Care Homes) within the Plan period – 2016-2034 (following the undertaking of an updated Objective Assessment Housing Need (OAHN), and in order to do so has identified preferred option sites, which are now subject to public consultation, and the matter of future housing delivery is therefore being addressed in the correct fashion in the context of the plan-led system which operates within England.
- 4.16 Whilst it is the case that the application site has been promoted by the Applicant as, in their opinion, a suitable, and sustainable site, for housing delivery, the site does not feature within the preferred sites currently being consulted upon. Whilst it is acknowledged that the adoption of a new Local Plan, based upon these preferred options, lies some time ahead, plan-led housing delivery as is being undertaken by the Council is certainly more appropriate and lies at the very heart of the NPPF and Town and Country Planning in England.
- 4.17 Notwithstanding the above, Paragraph 49 of the NPPF states:
- “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*
(Officer’s emphasis)

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- 4.18 The Applicant's position with regard to the five year land supply argument is that in their view the Council is unable to demonstrate a five year housing land supply, to the extent that they state that, in their opinion: "*... the supply would be substantially below five years*", based upon the Objectively Assessed Housing Need (OAHN) undertaken on behalf of the Council in May 2016.
- 4.19 The Council maintains that it can demonstrate a five year land supply (the most recently published figure being 5.57 years – not including C2 uses (October 2016), based upon the OAHN and this includes an additional buffer of 5%. This supply figure consists of sites with the benefit of planning permission together with some allocated sites where proposals are well advanced. All are "deliverable" in line with the definition of "deliverable" as it appears at footnote 11 of the NPPF.
- 4.20 This being the case, it is Officers opinion that, notwithstanding the Applicants' assertions to the contrary, Paragraph 49 (of the NPPF) is not material in this case as the Council can demonstrate a five year supply of deliverable housing sites.
- 4.21 As stated above, the OAHN was commissioned to inform housing need for the review of the local plan which is at the first stage of public engagement and consultation, as outlined above. This being the case, it is acknowledged that, in accordance with Paragraph 216 of the NPPF, the weight that can be attributed to this "emerging" Local Plan, and the preferred options for housing delivery and sites identified therein is currently limited. However, as the Local Plan review advances through the due process towards formal adoption, the weight increases.
- 4.22 It will be of little surprise to Members to learn that the arguments being presented by the Applicants, especially those in term of Paragraphs 14 and 49 of the NPPF, as briefly discussed above, have sat at the heart of a number of appeals over recent months/years, as well as exercising the Courts. The "Yoxall (Staffordshire)" Appeal (determined in December 2016) (PINs ref: APP/B3410/W/16/3150471) provides helpful guidance to the Council in terms of the arguments regarding Paragraphs 49 (as quoted above) and 47 (which requires local planning authorities to identify and update annually a five year supply of deliverable housing sites) of the NPPF. It is accepted that in such matters, as in this case, there are always likely to be differing views regarding what sites are truly deliverable and in that appeal case, the Inspector accepted that the position on the deliverability of sites: "*... can be a moveable feast and can change frequently*".

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- 4.23 More recently, and noteworthy in terms of the status of the Development Plan in particular is the Supreme Court judgement in the “*Suffolk Coastal DC v Hopkins Homes Ltd (and another), Richborough Estates Partnership LLP (and another) v Cheshire East Borough Council*” case given on 10 May 2017. This judgement looked in detail at, in particular, the operation of the presumption in favour of sustainable development in decision taking as stated in Paragraph 14 of the NPPF, and the breadth of policies covered by the phrase “*relevant policies for the supply of housing*” (paragraph 49 of the NPPF). The final judgement handed down from the Supreme Court adopted a so-called “narrow” view in terms of relevant housing policies (i.e. it did not consider other policies, such as those intended to protect the landscape, etc, as being policies that were directly related to the delivery of housing).
- 4.24 An assessment must be made as to whether specific policies in the the Development Plan and the NPPF indicate development ought to be restricted, and if they do not, whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

LANDSCAPE AND VISUAL IMPACT

- 4.25 As identified earlier, the application site is located on steeply rising ground and currently consists of 4 agricultural fields complete with established field boundaries in the form of established and mature hedgerows, which the Applicants propose to retain and incorporate into their development. Such an approach is welcomed, as evidenced by the overall support evident within the responses from, in particular, Natural England; the Countryside Conservation Officer; and, the Arboricultural Officer, above.
- 4.26 However, it is the case that the application site is visible from a wide area and various public vantage points, especially when viewed from the opposite (east) side of the River Severn, and it appears as a natural and green feature in the landscape and frames the existing housing to the south east of the site (Bark Hill). The residential development beyond (to the south side of Dry Mill Lane) sits beyond the highest point of the rising ground and is not visible from the existing public vantage points. That being the case, the proposed development would introduce a significant level of new and alien built form within this otherwise rural looking area of the landscape.
- 4.27 Policy CP12 “Landscape Character” of the Core Strategy states that:
- “New development must protect and where possible enhance the unique character of the landscape including the individual settlement or hamlet within which it is located”.*

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Whilst the accompanying text, and reasoned justification for the Policy, state that, at paragraph 9.14:

“The landscape character of the District is an important asset. The particular qualities of the landscape play a major role in defining sense of place Local residents and visitors value the beautiful and peaceful environment and countryside within the District and the difference which this makes to quality of life”.

4.28 The application site sits in an elevated position above the River Severn and affords distinctive and valued views across the River valley. The Core Strategy (paragraph 9.21) recognises the value and distinctive nature of the Severn Valley landscape, which is to be celebrated. It is clear from the representations received on this subject, as summarised above, that the application site, and the public access across the land as facilitated by the existing Public Right of Way is highly valued by residents and visitors to the area. The views offered are, in Officers opinion, unique to this section of the Severn Valley. Similarly, the views back towards the site from public vantage points on the opposite of the River Severn are of value, and the introduction of, albeit a landscaped housing development in this location would significantly alter such views.

4.29 A number of objectors within their formal submissions against the application cite the CPRE’s designation of this land as being “protected landscape”. However, Members will have noted that no such specific reference is made within the CPRE’s own consultation response, above.

4.30 Paragraph 17 of the NPPF sets out what are referred to as “*core land-use planning principles*” which should underpin both plan-making and decision-taking, with the fifth of these stating that planning should:

“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” (Officer’s emphasis).

4.31 Paragraph 109 of the NPPF sets out a series of considerations and requirements which state in what ways the planning system should contribute to and enhance the natural and local environment, including:

“protecting and enhancing valued landscapes”

In this case, it must be acknowledged that the land enjoys no formal landscape-related designations (e.g. AONB or some local designation). It does, however, sit in close proximity to the Wyre Forest SSSI and helps to frame the historic town of Bewdley. It also affords unique views across the Severn Valley. The landscape is clearly “valued” by users (local residents and tourists alike).

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- 4.32 The Applicants have undertaken a Landscape and Visual Appraisal in support of their application, and comment within their conclusions that:

“... the development will ultimately result in the loss of open arable and pastoral fields although the field pattern will be retained The landform will still be evident, although the open nature of the southern part of the site will be changed as a result of the new buildings.”

Whilst it is claimed that:

“Views from (other) public footpaths and bridleways in the area would have views of the new development but receptors generally view the site at a distance and the development would be viewed as an extension of the existing residential area. These receptors are therefore unlikely to perceive any changes in the long term”

- 4.33 Officers disagree with the conclusions drawn by the Applicant. The development would be highly visible from a number of public, and in some cases more distant, vantage points and would significantly change the appearance of the landscape and the way in which Bewdley is framed. In this regard, the comments received from Worcestershire County Council Planning in respect of Landscape issues are worthy of note, and in particular the observations that:

- *“retention and enhancement of the existing landscape assets is not considered sufficient mitigation to offset the impact of development, which even if it is integrated into the existing land parcels, will impose a significant effect on the rural setting adjacent to Bewdley”;*
- *“Paragraph 7.15 (of the submitted Landscape and Visual Appraisal) states that long-term there will not be any "unacceptable landscape and visual harm" imposed. I question this statement, which underplays the fact that residential development will affect significant change to the site regardless of screening, which cannot be absolute in its intended result”.*
- *“Any encroachment and expansion of the existing suburban area of Bewdley will impact on the setting of Wyre Forest and its distinctive field systems”.*
- *“The existing settlement boundaries, marked by Dry Mill Lane and The Lakes Road, follow a topographical line that restricts views of current development from receptors to the north and east. However, by contrast, the valley slope location of the proposed development site will encroach into the visual envelope that, again, is part of the setting of Wyre Forest and the rural fringe of Bewdley”.*

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- 4.34 It is the case that the development as proposed would intrude into existing open and attractive countryside which frames the urban settlement. It would harm the rural character of this landscape contrary to paragraphs 17 and 109 of the NPPF which recognises the importance and intrinsic character, beauty and value of the countryside. Despite the illustrative proposals presented by the Applicant in terms of utilising the existing field boundaries; landscaping; formal and informal open space provision; etc ... the scheme will result in the permanent urbanisation of a locally valued landscape, which would undergo irrevocable change. Such matters weigh against the development in the planning balance.

IMPACT UPON HERITAGE ASSETS

- 4.35 Members will have noted the full and extremely detailed comments of the Council's own Conservation Officer which are set out at paragraph 3.10 of this report, which are also referred to within the Planning Policy Manager's response. It is clear from these comments that the Conservation Officer has significant concerns regarding the impact of the proposed development in this prominent location above the historic town of Bewdley and in turn the impact upon its setting and the Heritage Assets therein. At this point it is worthy of restating the three concluding comments expressed by the Conservation Officer, these being:

- a. *Development on the application site will adversely affect the relationship of the Bewdley Conservation Area to its wider context, as perceived from vantage points from the surrounding area, and thus will diminish its significance. This will cause less than substantial harm to the Conservation Area, which should be assessed against the public benefits of the scheme (if any) as required by the NPPF paragraph 134.*
- b. *Development on the application site will detract from those existing views from within the Conservation Area towards the site and beyond and that will have a negative effect on the significance of the Area. This will cause less than substantial harm to the Conservation Area, which should be assessed against the public benefits of the scheme (if any) as required by the NPPF paragraph 134.*
- c. *Development on the application site will adversely affect the environmental conditions within the Bewdley Conservation Area and thereby have a negative impact on the significance of the area by causing less than substantial harm to it. As this cannot be considered to be in the public benefit the proposal fails to meet the requirements of the NPPF paragraph 134.*

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- 4.36 The recurring theme throughout these three listed concerns is that the development, for the reasons expressed, would have *“less than substantial harm to the Conservation Area”* (i.e. a designated heritage asset). In such circumstances, Paragraph 134 of the NPPF requires that:

“...this harm should be weighed against the public benefits of the proposal, including its optimum viable use”.

In addition, as stated by the Conservation Officer, due consideration is to be had to the relationship with, and setting of, the remote listed building known as Severn Heights.

- 4.37 By contrast, Members are advised that in terms of impact upon Bewdley Conservation Area, the Applicants consultants, within the submitted Built Heritage Assessment, have drawn the conclusion that there would be a *“negligible degree of impact, if any, to the significance of the Conservation Area”*, which is clearly at odds with the comments of the Council’s Conservation Officer.
- 4.38 At the local level, Policy SAL.UP6 of the SAAPLP “Safeguarding the Historic Environment” provides clear guidance as to considering adverse impact on heritage assets, and states that applicants should have regard to:

“ ensure that proposals would not have a detrimental impact on the significance of a Heritage Asset or its setting”;

and that:

“When development is proposed in, or adjacent to, a Conservation Area, proposals should seek to enhance or better reveal the significance of the area. Development should not adversely affect views into, within or out of the Conservation Area”.

- 4.39 It is accepted that the Bewdley Conservation Area does not lie directly adjacent to the application site, however, the fact remains that given the topography of the area views into and from the Conservation Area, from and to the application site, do exist, and the nature of the site in its undeveloped form is critical to the overall setting of the historic town of Bewdley.
- 4.40 Officers will be guided by the Council’s own Conservation Officer in terms of the true impact upon the Conservation Area and as such consideration as to any public benefits of the scheme must be balanced against the impact upon the Conservation Area. Public benefits in this case might include, but not be restricted to:
- Notwithstanding the above outlined position with regarding to the principle of the development in this location, the provision of both market and, in particular, Affordable Housing to meet local need;

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- Notwithstanding any concerns regarding the topography of the site and its surroundings, the enhancement of footpaths and cycle ways and access to and from the town;
- Job creation during the construction of the development;
- Open Space and Biodiversity enhancements;
- Varying degrees of S106 Contributions, including Education contributions, etc.
- Increased Council Tax income to the Council;
- New Homes Bonus payments to the Council

4.41 Whilst the public benefits listed above, to varying degrees, are valid considerations in the overall balance, Officers remain unconvinced that they tilt the balance in favour of the current application, particularly given the strong presumption against the granting of permission set up by the “*less than substantial harm*” identified by the Conservation Officer. The impact of the development upon the Bewdley Conservation Area and the setting of the historic town of Bewdley, and the significant number of Listed Buildings therein, would have a lasting and detrimental impact and as such, in this regard Officers are unable to support the application.

4.42 The Courts have considered the issue of the weight to be attributed to such matters, and particularly noteworthy is the case of (*R (aoa) Forge Field Society*) v *Sevenoaks DC* (2014) *EWHC 1895 (Admin)*, in which it was concluded that the effect of the statutory duty to have special regard to the desirability of preserving listed buildings and their settings (as per s.66 of the Listed Buildings and Conservation Areas Act 1990) is that the decision maker is required to accord considerable weight to any harm to listed buildings or their settings, upsetting the usual rule that the issue of weight is a matter entirely for the decision maker. That is to say, the weight to be attributed should be skewed or tilted, which supports Officers view that the application cannot be supported.

HIGHWAYS MATTERS

4.43 Access to the application site, as previously identified, is proposed via the existing highway network, and in particular via a single vehicular access point at the junction of The Lakes Road and Baldwin Road. The local objections to the access position, are summarised under paragraph 3.24 above. Notwithstanding these objections, Members will have noted that in respect of the proposed vehicular access to the site and the proposed alterations to the nearby junction there are no objections from the Highway Authority.

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- 4.44 The approach to the application site is via the junction of The Lakes Road with the B4190 Cleobury Road, passing by long established residential development appearing for the most part to date back to the 1960s/'70s. The final approach to the site requires the negotiating of the non-standard, unfamiliar, and rather confusing junction of The Lakes Road with Dry Mill Lane, Richmond Road and Baldwin Road. The priorities at this junction aren't immediately clear, and the Highway Authority does acknowledge the current short-comings of the existing junction arrangements. The application proposes alterations to this junction such that, following the submission of amended junction proposals, the Highways Authority have withdrawn their previous objections to this particular aspect of the development.
- 4.45 Despite the acceptance of the more localised highway access and junction proposals to serve the site, the Highway Authority do maintain an objection to the proposed development, as set out at paragraph 3.2 above. Those objections relate specifically to the junction of Welch Gate with Load Street located within Bewdley Town Centre. Members will be well aware that Bewdley Town Centre is designated as an Air Quality Management Area (AQMA).
- 4.46 The AQMA in Bewdley is long established. The adopted Core Strategy recognised the declining air quality within the urban areas of the District and acknowledged that:
- “Further growth will exacerbate these problems unless it is delivered in conjunction with investment in (amongst other things) highways infrastructure.”*
- 4.47 Subsequent to the submission of the planning application, the Applicant's Highways Consultants have presented a revised junction design (for the junction of Welch Gate with Load Street) that proposes alterations to junction priorities in that location. The acceptability of the alternative junction alignment and priorities has not been satisfactorily tested and assessed against the backdrop of the AQMA, as referred to within the Highway Authority's consultation response(s). This being the case, and subject to the formal comments of Worcestershire Regulatory Services (WRS), as the relevant Environmental Health Authority, the Highway Authority currently maintains an objection to the proposed development and recommends Refusal.

AIR QUALITY MATTERS

- 4.48 As referred to above, as part of the application it has been proposed to make alterations to the junction of Welch Gate and Load Street with the sole purpose being to seek to improve traffic flow and reduce queuing traffic within the Town Centre, and especially within Welch Gate, in order to improve Air Quality within Bewdley and the associated AQMA.

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- 4.49 The issue of Air Quality is particularly newsworthy given the very recent decision of the Courts requiring the Government to issuing policy proposals to tackle Air Quality in the UK in advance of the General Election on 8 June 2017. Locally, the issue of Air Quality in Bewdley has been a longstanding problem and attributable to the volumes of traffic passing through this historic town, with its associated narrow highway network and the intimate and close proximity of buildings, a significant proportion of which feature residential accommodation, to the public highway.
- 4.50 As previously stated, the Applicants have proposed alterations to the public highway which, in technical terms, would satisfy the Highway Authority in terms of junction design and priorities. In addition the Applicants had proposed a S106 contribution towards Air Quality monitoring and improvements, as referred to within the formal consultation responses from WRS (above).
- 4.51 Furthermore, the Applicants have initiated their own Air Quality monitoring within the town centre, and especially within the Welch Gate area, but as described within the response of WRS under paragraph 3.4 above, this will require an extended period of monitoring which the Applicants have not undertaken to date and on that basis, there is currently no reliable evidence submitted to support the Applicant's view that the proposed alterations to the Welch Gate junction and the change in vehicle priorities at the junction will improve Air Quality within the Town sufficient for both WRS and the Highway Authority to be able to withdraw their current objections and associated recommendations to Refuse the application as it currently stands.
- 4.52 Officers judge that Paragraph 109 of the NPPF, which amongst other matters seeks to prevent: *"both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution"* (Officers emphasis), indicates that, in Officers opinion, the development should be Refused.
- 4.53 Members may wish to note that the Applicant's Air Quality Consultants acknowledge the current shortfall in evidence, which has necessitated the ongoing Air Quality monitoring, and are well aware that more needs to be done. Even so, and in full knowledge of these facts, the Applicants have chosen to effectively twin-track the gathering of evidence with the submission of the Appeal against non-determination, presumably in the hope or expectation that by the time the Appeal is heard by a Planning Inspector the collated data in respect of Air Quality will support their case. That is clearly a decision, and associated risk, they are prepared to take.

FLOODING AND DRAINAGE

- 4.54 As identified earlier, following the initial observations of North Worcestershire Water Management (NWWM) in particular the application has been supported by additional submissions with respect to any potential for flooding.

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- 4.55 The site falls from south to north quite significantly. As part of the landscaping of the proposed development, the Applicants have suggested the introduction of a balancing pond located in the north-west corner of the site, beyond the area of land being suggested for residential dwellings within the proposed informal amenity area. This feature is proposed to assist in controlling groundwater especially during heavier spells of rainfall before it flows into the existing watercourse beyond, which in turn sits at a much lower level and feeds into the River Severn below Dowles Road.
- 4.56 Policies CP02 (of the Core Strategy) and SAL.CC7 (of the SAAPLP) set out the Council's requirements in terms of water management and related drainage, and call for the use of SUDS drainage schemes within all new development and the protection of water quality. With reference to the comments received from NWWM, as reported under paragraph 3.21 above, the application is found to be in accordance with these policy requirements.
- 4.57 There are no objections to the proposal in respect of foul drainage proposals, as confirmed by the consultation response from Severn Trent Water, despite the objections received from third parties on matters of drainage and associated capacity.

ECOLOGY AND BIODIVERSITY

- 4.58 Matters of potential impact upon flora and fauna have featured heavily in a number of the third party objections to the proposed development, ranging to concerns relating to the impact upon species habitats; nesting and feeding birds; protected species, and so on. In a number of representations received, and in one case in particular, a detailed objection has been submitted in respect of the impact upon Skylarks as a result of the development of this site.
- 4.59 Officers must defer to the relevant statutory and non-statutory consultees to assist in the appraisal of such matters and any adverse impact and/or mitigation measures proposed. It is the case that concerns have been expressed by the CPRE, amongst others, on such matters. However, following the submission of additional requested details, Natural England; Worcestershire Wildlife Trust; and, the Council's own Countryside Conservation Officer have all concluded that, subject to suitable levels of mitigation and a number of planning conditions, any previous objections have now been withdrawn and they are able to support the application. Full commentary on these matters, and the respective consultation responses from the aforementioned consultees is set out fully at paragraphs 3.12, 3.13 and 3.14 of this report. A Construction Environmental Management Plan (CEMP) would be essential, and this could be secured by condition.

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OTHER ISSUES INCLUDING AFFORDABLE HOUSING; OPEN SPACE; EDUCATION

- 4.60 The application proposes the provision of 30% Affordable Housing on the site, which, notwithstanding the unallocated nature of the site, is in full accordance with the requirements of the Development Plan in this regard and the percentage of Affordable Housing to be sought. The overall mix and tenure has yet to be agreed, and this would depend very much upon any details provided at the Reserved Matters stage, should the current Outline application be successful. The Strategic Housing Manager is understandably supportive of the level of Affordable Housing provision.
- 4.61 There is an existing Children's Play Area, including a Multi-Use Games Area (MUGA) already evident in the immediate proximity of the site located as it is to the rear of properties in Baldwin Road. The application proposes to supplement this existing facility via the introduction of a Local Area for Play (LAP) within the site, along with the provision of a significant area of Informal Amenity Space within the lower field of the site, which includes the previously mentioned balancing pond. In the event of the current application being considered favourably, Members may wish to note that these are not facilities that the Council would wish to formally adopt and maintain going forward, and as such these facilities would need to be the subject of a suitable management arrangement, which would take the form of a planning obligation within any S106 Agreement.
- 4.62 The comments of the relevant Education Authority (i.e. Worcestershire County Council) are reported at paragraph 3.7 above and support, at least in part, the objections raised from third parties regarding the impact upon existing school infrastructure. The comments provided by the County Council in this regard require no further detailed commentary at this juncture, other than to say that the suggested levels of financial contribution would need to be recognised and controlled by any S106 Agreement, in the event that the application were to be successful. In the absence of a known housing mix, a tariff or schedule of contributions per house-type can be relied upon at this stage.

IMPACT UPON EXISTING NEIGHBOURING/NEARBY PROPERTIES

- 4.63 Not surprisingly with a development of this scale, and as summarised above, objections and concerns have been raised by the occupiers of existing nearby dwellings with regard to the immediate impact of such a development.
- 4.64 Members will be well aware that matters such as loss of views and perceived impacts upon the value of existing properties and land are not material planning considerations, and whilst representations on such grounds have been submitted by near neighbours, no further commentary on such matters is warranted.

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- 4.65 Concerns have been expressed regarding the proposed vehicular access, and in turn the proposal to alter the existing design and alignment of the junction at The Lakes Road/Baldwin Lane/Richmond Road/Dry Mill Lane. However, as reported above, there are no objections to such matters, subject to conditions, from the Highway Authority.
- 4.66 Detailed relationships between the proposed dwellings and existing properties is a consideration, but given that the current application is made in Outline form, such matters including, for instance, separation distances and associated window to window relationships, etc, are matters which are not which require no detailed consideration at this point. Rather they are matters to be addressed via the Reserved Matters, in the event that the current Outline permission is supported and approved.

SECTION 106 TABLE AND DRAFT HEADS OF TERMS

- 4.67 As one might reasonably expect, a development of the scale and nature proposed could be reasonably expected to deliver necessary and related infrastructure enhancements and contributions, not least of which being the delivery of Affordable Housing.
- 4.68 In submitting the application, the Applicants have suggested the following potential S106 Obligations:
- Onsite informal Open Space to include equipped Children's Play Area and future maintenance and management.
 - Education contribution.
 - Highways contribution for improvement works on the junction of The Lakes Road.
 - Air Quality contribution towards offsetting potential development-generated emissions.

The Applicants have also suggested that Affordable Housing (at 30%) could be secured by way of planning condition.

- 4.69 In addition, as a result of the consultation exercise undertaken in respect of the application submission, the following additional areas have been identified as potentially warranting S106 Obligations, were the planning application to be successful. In light of the Appeal against non-determination, all of the Draft Planning Obligations (above and below) would form the Council's Draft Heads of Terms, subject to further details, to be presented to the Planning Inspector in due course:
- High Quality Open Space provision.
 - Travel Plan.
 - Information Packs for new home owners/occupiers.
 - Information/Interpretation Boards at agreed entrances to Wyre Forest SSSI

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The final schedule and associated contributions will need to be agreed with the Applicant's, insofar as is possible, in advance of the Appeal being heard by the Inspector, in due course.

5.0 Conclusions and Recommendations

- 5.1 As stated previously within this report, this is a complex, and locally controversial, planning application with numerous strands of technical considerations, some of which have been found to be acceptable, subject to suitable conditions. Such matters include drainage; biodiversity and associated mitigation measures; local highway improvements at The Lakes Road.
- 5.2 Notwithstanding the above, and the potential benefits that the development could deliver, as listed at paragraph 4.40 of the report, along with the S106 Obligations and associated infrastructure contributions, the policies of the Development Plan (i.e. the Adopted Core Strategy and SAAPLP), as referred to above, indicate that the development of this unallocated site, which is in non-conformity with the Council's adopted policies for the delivery of housing within the District, should be refused.
- 5.3 The Council is able to demonstrate a five year supply of deliverable housing sites, and while that is acknowledged as not being a "ceiling", the benefits of significantly boosting the supply of land for housing are not as great as if there was no five year land supply. The Council's commissioned OAHN has been undertaken relatively recently and the Council is addressing the implications and identified need in the correct manner, through a review of the Development Plan, as the plan-led system requires.
- 5.4 For the reasons set out above, the adverse impact of the development in terms of impact upon the landscape and setting of Bewdley; the impact upon the Conservation Area and other heritage assets; and, the impact of the development in terms of Air Quality within Bewdley indicate that permission should be refused. The adverse impacts of the development, when taken in the planning balance, do significantly and demonstrably outweigh the benefits of granting permission.
- 5.5 For these reasons, it is Officers opinion that were the Council still able to formally determine the planning applications it should be refused. However, in light of the Applicant's Appeal against non-determination, as previously advised, Members are unable to determine the planning application in the normal way.
- 5.6 This being the case, Planning Committee is requested to endorse the contents of this report and to support the draft grounds for refusal listed below, which will in turn form the basis of the Council's Statement of Case at the Appeal, and will inform the subsequent evidence and case to be presented and argued in front of the duly appointed Planning Inspector.

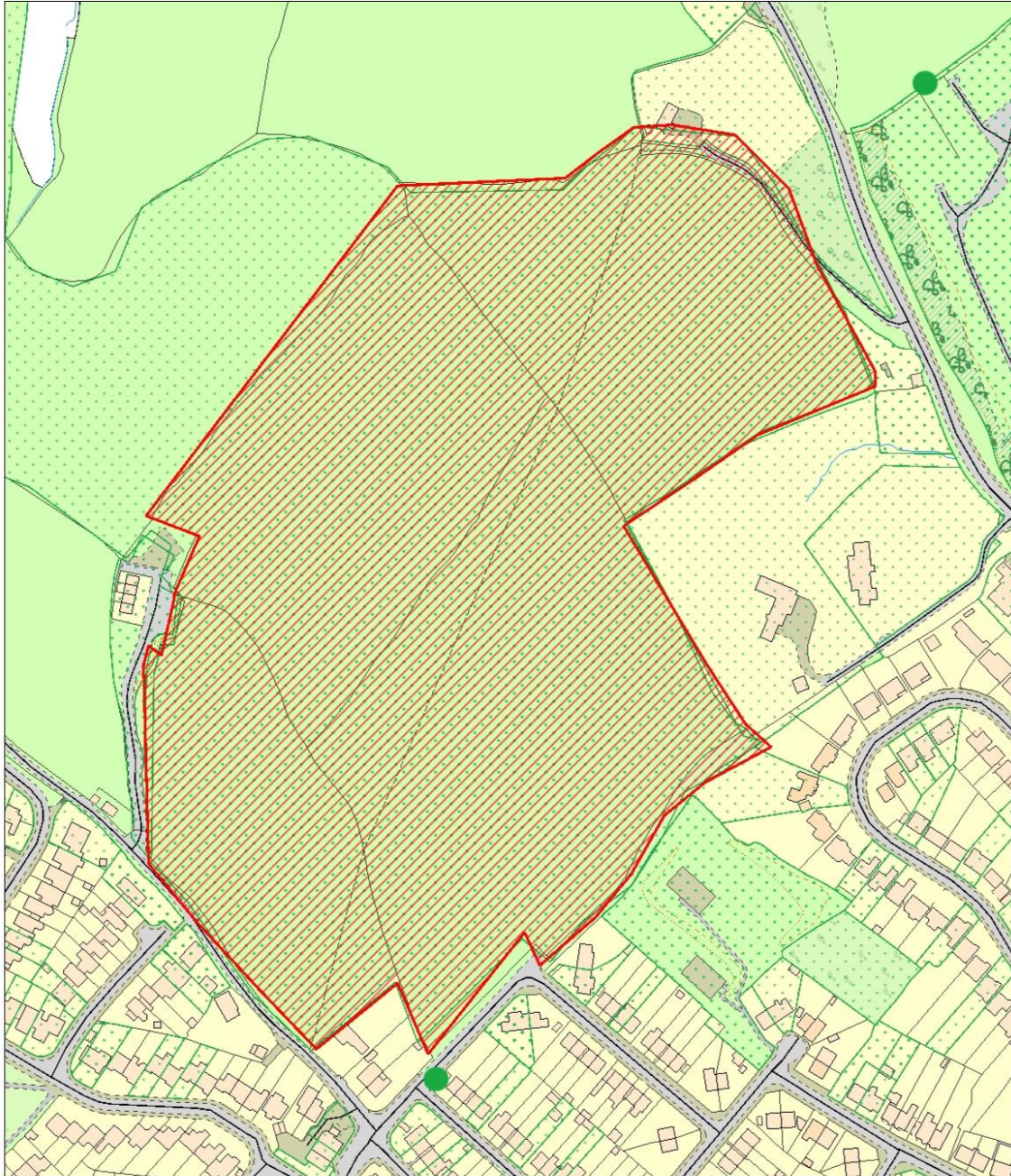
16/0550/OUTL

GROUNDINGS FOR REFUSAL

1. The application site is unallocated and proposed development in this location therefore fails to accord with the relevant Housing Policies as contained within the Adopted Development Plan, and specifically Policies DS01 and DS03 of the Adopted Wyre Forest Core Strategy and Policy SAL.DPL1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. These policies seek to guide residential development to appropriate locations. To approve the development at the location proposed would create development which lies outside a settlement boundary and would also be contrary to planning policy which seeks to protect the open countryside.
2. The development of the application site, which is an unallocated site, for residential purposes is unnecessary and undesirable. Wyre Forest District Council is able to demonstrate in excess of five years housing land supply, as required by the National Planning Policy Framework and to approve the current application would therefore be contrary to Policies DS01 and DS03 of the Adopted Wyre Forest Core Strategy and Policy SAL.DPL1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, and the National Planning Policy Framework.
3. Insufficient evidence has been submitted to clearly demonstrate, without any doubt, that the proposed development, and the associated increase in vehicular movements, would not have a further detrimental impact upon Air Quality within the existing Air Quality Management Area (AQMA) located within Bewdley and the town as a whole. On the basis of the evidence and information submitted, it is clearly predicted that air quality would significantly deteriorate within existing sensitive areas and the AQMA. The development would therefore be contrary to the National Planning Policy Framework, and specifically Paragraphs 109 and 124 of The Framework.
4. Whilst the proposed highway alterations at Welch Gate, within Bewdley Town centre, are viewed as being beneficial to highway capacity the insufficient evidence has been submitted to clearly demonstrate, without any doubt, that the proposed development, and the associated increase in vehicular movements, would not have a further detrimental impact upon Air Quality within the existing Air Quality Management Area (AQMA) located within Bewdley and the town as a whole. The development would therefore be contrary to the National Planning Policy Framework, and specifically Paragraphs 109 and 124 of The Framework.

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5. The proposed development would have a detrimental impact upon the setting of the historic town of Bewdley and the associated designated heritage assets (Conservation Area and statutorily Listed Buildings), contrary to Policy SAL.UP6 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the National Planning Policy Framework, and specifically Paragraphs 131, 132 and 134 of The Framework.
6. The proposed development would result in adverse harm to the quality and character of the surrounding landscape and in particular the setting of the historic town of Bewdley and views to and from the site across the River Severn Valley. This impact will be exacerbated due to the site's landform and topography. The proposed development would result in the permanent urbanisation of this important landscape which would undergo irrevocable change. To approve the application in these circumstances would be contrary to Policy CP12 of the Adopted Wyre Forest Core strategy and the National planning Policy Framework, specifically paragraphs 17 and 109 of The Framework.



Economic Prosperity and Place Directorate

Off The Lakes Road

Bewdley, DY12 2PH



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Agenda Item No. 5

Application Reference: 17/0162/FULL **Date Received:** 13/03/2017
Ord Sheet: 375495 274669 **Expiry Date:** 08/05/2017
Case Officer: Kate Whitfield **Ward:** Bewdley & Rock

Proposal: The proposed construction of 2 bedroom cabin for holiday accommodation (For 11 months of the year) (resubmission of allowed appeal)

Site Address: LAND ADJ. OAKHOUSE, ST. JOHNS LANE, BEWDLEY, DY122QZ

Applicant: Mr Chada

Summary of Policy	DS01, CP11, CP10, CP12 (CS) SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Part 6, 7 (NPPF)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site is a parcel of land, approximately 0.12 hectares in size, located between existing residential properties. It is accessed from St. John's Lane, an un-adopted highway which itself is accessed from the A456.
- 1.2 The site is located within 50 metres of the Wyre Forest Local Wildlife Site and 100 metres of the Wyre Forest SSSI.
- 1.3 Planning permission was granted on appeal in August 2016 for the development of a 2 bedroom cabin for holiday accommodation on the site.

2.0 Planning History

- 2.1 WF.191/78 – Erection of bungalow : Refused
- 2.2 WF.312/86 – Temporary portable chalet-type home : Refused
- 2.3 WF.1160/88 – Bungalow : Refused
- 2.4 WF.441/02 – Erection of one dwelling (outline) : Refused
- 2.5 15/0051/FULL – Proposed construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year) : Refused

17/0162/FULL

- 2.6 15/0526/FULL – Proposed construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year) : Refused; Allowed on Appeal.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council - Based on the previously allowed Appeal (ref 15/0526/FULL), no objection to the proposal and recommend approval, subject to clarification regarding the need/use for the larger store which will overlook and impact on the existing property.
- 3.2 Highway Authority - No objection. The application site is on a private road and impact of 1 dwelling for holiday accommodation on the junction with the highway is acceptable.
- 3.3 Natural England - No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites (Wyre Forest SSSI) and has no objection.
- 3.4 Countryside Conservation Officer - The original planning application had a biodiversity assessment and it should be checked that the recommendations within this have been adhered to.

The site clearance work already carried out makes some conditions void, however, it is suggested that conditions are still put in place to ensure the following :

- A pre development light survey is undertaken. To light a bat roost is potentially a criminal offence.
- The hedging needs checking and replanting requested if harmed, the vehicle parking needs checking, and no further clearance works should be undertaken at this time of year.
- A woodcrete bat box suitable for crevice dwelling bats be erected on the southern gable end of the cabin, for example a Schwegler 1FF.
- Landscaping to include orchard trees, for example cherry, apple, pear or damson seeding of the site after construction with a native grass and flower seed mix suitable for neutral grassland of the area, i.e. crested dog's tail with knapweed (NVC MG5).
- Creating one or two brash piles of brash and logs of varying sizes in sunny areas as refugia and basking sites for grass snakes and slow worms (details in Edgar, Foster and Baker, 2010).
- Creating a grass heap in a wooden open slatted structure, in full or partial sun, suitable for grass snakes to lay eggs. The ongoing grass mowings from the site can be used to replenish the heap (details in Edgar, Foster and Baker, 2010).

17/0162/FULL

- 3.5 Neighbour/Site Notice - 13 representations have been received objecting to the development. In summary the following points are raised:
- The building will not be used as a holiday let. The site has been cleared of all vegetation and covered in hardcore, an inspection pit constructed and site enclosed with high fencing / leylandii planting. There are concerns that the site is to be used for commercial / industrial purposes.
 - The works which have been carried out on site are not sympathetic to the locality and do not preserve the natural beauty of the Wyre Forest.
 - The boundary treatment and inspection pit are not shown on the submitted plans.
 - The use of brick is not appropriate and the timber cladding should remain. The dwelling is a holiday let and it is fitting that it is constructed in a more lightweight material, distinguishing it from the permanent residential units along the road and specifically avoiding urban references.
 - It is requested that a condition is placed on the permission to prevent any commercial use of the site and that the vacant month of occupation be clearly specified in a condition made more precise and enforceable. It is also requested that permitted development rights are removed.
 - The conditions on the previous permission have not been discharged.

4.0 Officer Comments

- 4.1 Planning permission for a 2 bedroom residential dwelling to be used as a holiday let was granted on appeal in 2016. This new application in respect of the site has been submitted due to the following proposed alterations to the previously approved scheme:
- The siting of the dwelling has been amended, with the building being relocated approximately 2 metres back in the site (east) and 3 metres south.
 - An alteration to the previously approved external materials is proposed. It is now proposed that the dwelling will be constructed from brick and tile rather than timber clad as previously approved by the Planning Inspector.

The application also proposed the erection of a store building at the rear of the site. However, this element was subsequently removed from the scheme following Officer advice that it would not be supported.

- 4.2 The principle of residential development on the site has been established by the appeal decision and it is not appropriate to re-visit this under this new application. It is therefore purely an assessment of the above alterations which is under consideration in this proposal.

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RE-SITING OF THE PROPOSED DWELLING

4.3 It is considered that the proposed amendment to the siting of the main dwelling is relatively minor and will not have any material impact on the final appearance of the development or on the amenity of any neighbouring properties. The dwelling will still be fairly centrally located within the plot and will be predominantly over the footprint of the previously approved building (therefore negating the situation where 2 dwellings could potentially be built under separate permissions).

4.4 It is therefore considered that this amended siting for the dwelling is acceptable.

MATERIALS

4.5 Under the previous permission the dwelling was to be timber clad. It is now proposed to construct the building from brick. Whilst the use of timber is arguably more in keeping with the use of the building as a holiday let it could also be argued that a brick building in this location is more in keeping with neighbouring properties. On balance therefore it is not deemed that a sustainable objection could be raised to the construction of the building in brick.

4.6 The proposed materials have already been submitted. For the brick Ibstock Olde Whittington Blend is chosen to complement the brick on neighbouring properties. The roof tiles will be Marley Eternit double roman smooth gray tiles. The proposed new materials for the building are considered to be acceptable.

OTHER MATTERS – ENFORCEMENT ISSUES

4.7 The majority of the representations received on the application refer to works which have been carried out on the site which have cast doubt on the intended use of the site as a holiday let. These include a comprehensive clearance of the site and covering with hardcore, erection of gates and boundary fencing and the construction of a below ground inspection pit. Whilst the concerns raised in relation to these matters are appreciated they do not form part of the scope of this application and are the subject of separate ongoing enforcement enquiries.

17/0162/FULL

CONDITIONS

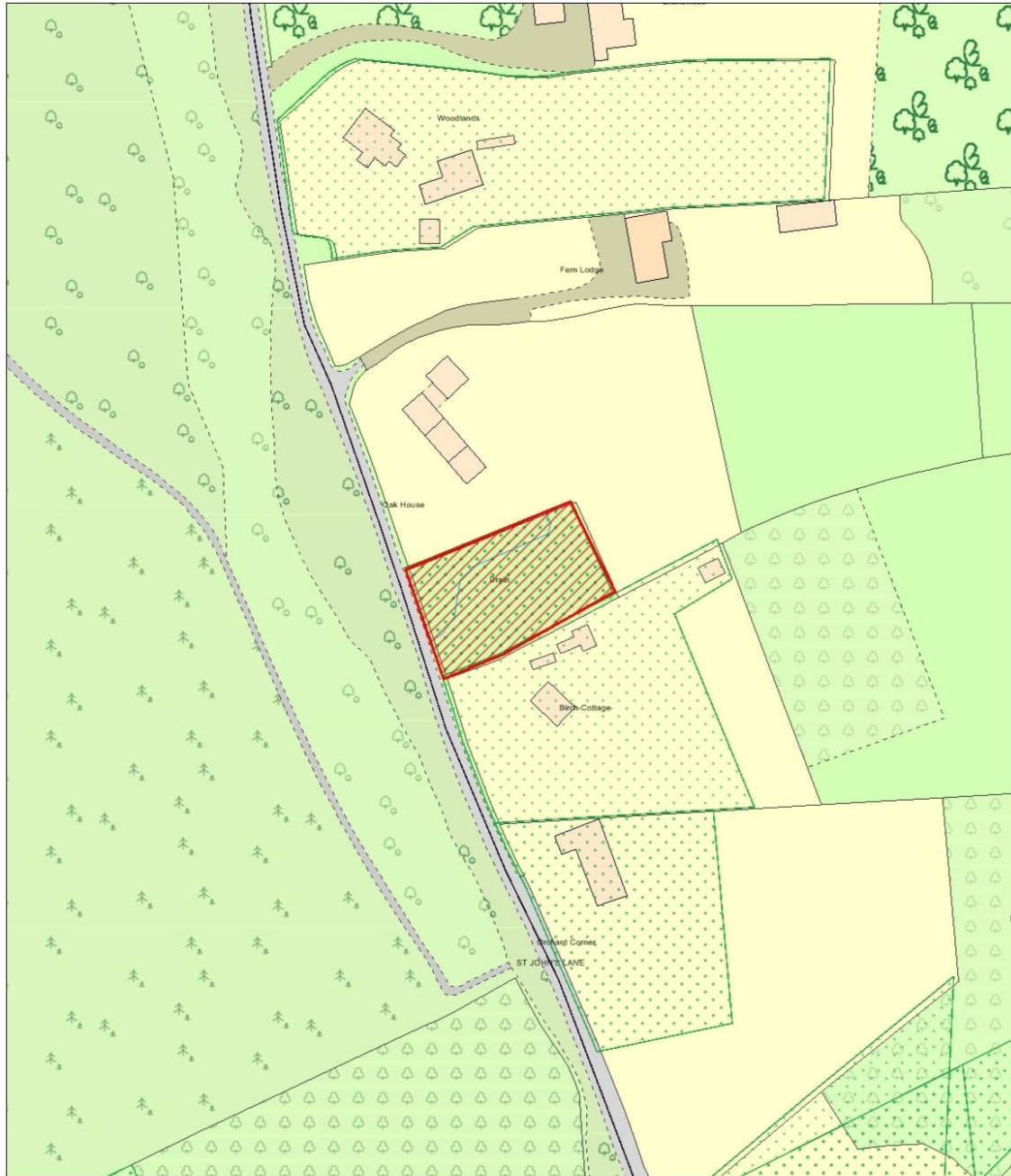
- 4.8 It is also requested in a number of representations that additional conditions are placed on any forthcoming permission in relation to the provision of additional lighting, ecology measures, landscaping and the removal of certain permitted development rights. These conditions were not included by the Planning Inspector on the appeal decision for the previous application however, it is considered that there has been a significant change of circumstances since that time. Works have taken place on the site, notably the construction of large below ground inspection pits, the clearing of all landscaping and erection of gates and boundary fencing which on the face of it do not appear necessary or consistent with the use of the site as a rural holiday let and indicate that other future uses may be intended.
- 4.9 Taking these circumstances and the current state of the site into account it is therefore deemed reasonable to impose additional conditions on the permission, to ensure that the site is restored to an appropriate condition which reflects the appearance and character of the surrounding area and to restrict any further development on the site.
- 4.10 Conditions are therefore suggested on any forthcoming permission in respect of the approval and implementation of a landscaping scheme, including boundary treatment, and the removal of permitted development rights in relation to further extensions to the dwelling; the erection of outbuildings in the site; the provision of hardstanding; and, the erection of gates, walls and fences. A condition is also added to provide precise details of the bike store as, unlike the plans approved on appeal, the elevations of this building have not been included on the site plan.

5.0 Conclusions and Recommendations

- 5.1 The proposed amendments to the previously approved scheme for a holiday let are considered to be acceptable. The concerns expressed by third parties are noted, especially in light of clearance works that have been undertaken and the creation of an inspection pit. Such matters are being investigated separately.
- 5.2 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. C6 (Landscaping – small scheme)
 4. Landscape implementation
 5. Visibility splays
 6. Access, turning and parking
 7. Bike and outdoor store building
 8. External lighting to be submitted and approved

17/0162/FULL

9. Holiday accommodation only
10. No development as specified in Part 1 Classes A, B, E and F and Part 2 Class A, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority



Economic Prosperity and Place Directorate

Land Adjacent Oakhouse

St. Johns Lane

Bewdley, DY12 2QZ



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH JUNE 2017

PART B

Application Reference:	17/0225/FULL	Date Received:	07/04/2017
Ord Sheet:	382453 275367	Expiry Date:	07/07/2017
Case Officer:	Paul Round	Ward:	Foley Park & Hoobrook

Proposal: Change of use of existing building to 14No. 1 bed apartments

Site Address: NORTHUMBERLAND HOUSE, 437 STOURPORT ROAD,
KIDDERMINSTER, DY117BL

Applicant: Abodeco Limited

Summary of Policy	DS02, CP02, CP03, CP11 (CS) SAL.DPL1, SAL.DPL4, SAL.CC1, SAL.CC2, SAL.UP7, SAL.UP7, SAL.KSS1 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site forms Northumberland House located on the corner of Northumberland Avenue and Stourport Road. The property was used for a number of years as a doctor's surgery although having most recently used as a children's day nursery. It is currently vacant.
- 1.2 The site consists of the main three storey building with its extensive single storey extension with a large car park area accessed off Northumberland Avenue. The property is surrounded by residential properties, and is located in a residentially allocated area within the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 1.3 The proposal seeks for the conversion of the property to 14 one bed apartments.

17/0225/FULL

2.0 Recent Planning History (of relevance)

- 2.1 WF.0345/97 – Conversion of 2nd Floor into two offices with dormer windows : Approved
- 2.2 WF.1023/02 – Alterations to provide new reception area and two additional consulting rooms : Approved
- 2.3 WF.1306/03 – Single storey extension to form records store : Approved.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objection; recommend approval
- 3.2 Highway Authority – No objections subject to conditions
- 3.3 Worcestershire Regulatory Services – No objections from contaminated land or noise
- 3.4 North Worcestershire Water Management – No objections subject to conditions. The Council's policy states that all new developments should explore the use of SuDS. Again, as you are not actually demolishing and rebuilding anything, expecting the developer to alter the surface water drainage would, in my opinion, not be appropriate. Looking at the surfacing of the existing site it appears to me that this is largely impermeable. The development therefore has the potential to reduce the amount of impermeable area and therefore runoff, for instance by introducing soft landscaped amenity area(s) or by resurfacing car parking areas using permeable paving.
- 3.5 Severn Trent Water – No objections subject to conditions
- 3.6 Neighbour/Site Notice - Three comments received:
 - Overall I am in favour of the proposal. My only concern is the ratio of units to parking spaces. I am sure that some of the residents will be couples with the possibility of a vehicle each. I think that two parking spaces per unit should be considered as a minimum due to the already congested area of Northumberland Avenue and the school situated opposite.
 - I would like to mention that there is a school very close to this proposed development and also in Neville Avenue warden controlled flats for the elderly. I am assuming these flats will be rented and am concerned as to the likely residents.
 - As an immediate neighbour the proposal will seriously impact on my standard of living with regard to loss of privacy, overlooking and security. Consideration should be given to obscured glass and security features.

17/0225/FULL

4.0 Officer Comments

- 4.1 The proposal seeks to convert the whole building to residential, subdividing the property into 14 one bed apartments with associated landscaping. The existing car park will be utilised for bin storage and car parking.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The site is located with the urban area of Kidderminster and is allocated for residential purposes. Policies SAL.DPL1 and SAL.DPL4 allow for residential development in this context and there is in principle support for conversion of existing properties.

- 4.3 In addition Policy SAL.KSS1 identifies the application site specifically for residential development, indicating that the site is redundant as a community facility. This provides the necessary confidence required under Policy SAL.DPL11 which aims at safeguarding community facilities where they are still required. Given the intervening usage it is considered that there are no policy constraints.

- 4.4 The principle of the development is regarded as being in conformity with the Adopted Local Plan and the National Planning Policy Framework (NPPF).

HIGHWAY ACCESS AND PARKING

- 4.5 Parking facilities for the existing building exist to the side of the building and within the car park at the rear, both being accessed from Northumberland Avenue. It is proposed to utilise both areas of parking to serve the residential units, providing 1 space and cycle provision for each unit in accordance with the County Council's Interim Parking Standards. In addition a Welcome Pack has been submitted that will be provided for each resident setting out alternative means of transport and local services. I have taken account of the comments made in respect of the need of additional parking, however given its location, the nature of the units and the current provision, I am satisfied that adequate provision has been made. The Highway Authority has confirmed that they have no objections to the proposal.

- 4.6 It is concluded that the level of vehicular movements associated with the development can be accommodated on the surrounding highway network and the level of parking provision is acceptable.

17/0225/FULL

NEIGHBOUR AMENITY

- 4.7 The application site is surrounded by residential properties. The car parking area lies adjacent to the flank wall and garden of No.48 Northumberland Avenue and the garden of 435 Stourport Road. It is accepted that the car park is an existing feature and the associated noise and disturbance associated with a car park in this location will not alter significantly under the current proposals. However, there is an opportunity to remove the parking adjacent to the frontage of No.48 and ensure that parking is allocated to the east of the car park adjacent to the existing building and the garaging to the rear of 436/436A Stourport Road. This will result in limited impact in respect of noise and disturbance as a result of car parking.
- 4.8 The existing building has a number of windows that directly look over and into the properties at 436 and 436A Stourport Road. Revised plans have been submitted which show a reduction in the height and size of ground floor windows; the adjacent southern boundary to be treated with a green wall (an integral panel with vegetation); and, relevant side windows treated with obscure glazing. This mitigation will protect the privacy of existing and future residents whilst providing an attractive outlook. It is a challenge to meet the necessary privacy requirements in an appropriate way in situations such as this, but on this occasion a solution has been adopted that fully meets the requirements. Based on these revisions and proposed conditions requiring retention of such measures, I am satisfied that the amenity of neighbours will not be seriously harmed.

LANDSCAPING, DRAINAGE AND WASTE PROVISION

- 4.9 A comprehensive landscaping plan has been submitted showing an area of landscaping and a new permeable surface. This provides an enhancement to the streetscene and reduction in surface water run off within the locality. Bin provision for the apartments is indicated in an appropriate location and screened from Northumberland Avenue by a green wall and landscaping. There will be an overall visual benefit to the area as a result of this carefully considered scheme.

PLANNING OBLIGATIONS

- 4.10 The number of units would normally trigger a 30% affordable housing contribution in line with Policy CP04 of the Adopted Wyre Forest Core Strategy. However such considerations are outweighed by the National Policy and guidance within the Planning Practice Guidance on Vacant Building Credit. This provides developers with a credit against affordable housing contributions where, like on this occasion, a vacant building is brought back into any lawful use. As there is no additional floorspace created it follows that the effective credit results in no requirement for the provision of affordable housing.

17/0225/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed conversion of the property is acceptable in principle. The revised plans have resulted in an acceptable scheme that provides an appropriate level of parking and landscaping without resulting in adverse harm to neighbouring properties. Having taken account of the National Policy on Vacant Building Credit there is no affordable housing requirement on this occasion.
- 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. B12 (Erection of fences/walls)
 4. C6 (Landscaping – small scheme)
 5. C8 (Landscape implementation)
 6. E2 (Foul and surface water)
 7. Permeable surface provision
 8. J1 (Removal of permitted development <fences>)
 9. J7 (Windows: obscure glazing)
 10. Highways – Access and Turning and Demarking Spaces
 11. Highways – Cycle provision
 12. Highways – Welcome Pack

WYRE FOREST DISTRICT COUNCIL

Planning Committee

20 June 2017

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
WFA1473 17/0052/ENF	APP/R1845/C/16 /3164662	Mr D Hensall	HOARSTONE STABLES HOARSTONE LANE BEWDLEY DY121LB Unauthorised Mobile Home (Enforcement Case 16/0023/ENF)	WR 31/01/2017	07/03/2017			Allowed 30/05/2017

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
WFA1474 17/0056/ENF	APP/R1845/C/16 /3165263	Mr G Smith	THE GRANARY HODGE HILL FARM BARNES BIRMINGHAM ROAD Unauthorised single storey orangery/garden room to side of main building (Enforcement Case 16/0166/ENF)	WR 01/02/2017	08/03/2017			
WFA1475 16/0520/OUTL7	APP/R1845/W/1 7/3167317	Mrs G Everton	31 CHURCH WALK STOURPORT-ON- SEVERN DY130AL Application for Outline Planning Approval for the erection of a detached dwelling	WR 24/02/2017	31/03/2017			Dismissed 18/05/2017

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
WFA1476 16/0569/FULL	APP/R1845/D/17 /3167747	Mr C Page Mr C Page	THE RETREAT LOWE LANE KIDDERMINSTER DY115QP Extension of existing bungalow to provide bathroom	WR 21/03/2017	25/04/2017			Dismissed 11/05/2017
WFA1477 16/0738/FULL	APP/R1845/W/1 7/3173912	Mr A Warren	232 HOO ROAD KIDDERMINSTER DY101LT Proposed new detached dwelling	WR 08/05/2017	12/06/2017			

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
WFA1478 16/0550/OUTL	APP/R1845/W/1 7/3173741	Gladman Developments Ltd	OFF THE LAKES ROAD BEWDLEY DY122PH Outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road (DY12 2BP).	LI 16/05/2017	20/06/2017	11/07/2017		

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
WFA1479 16/3044/PNRES	APP/R1845/W/1 7/3174098	Mr Nathan Nunn	BARN AT UPPER MOOR SMALL HOLDINGS TIMBER LANE STOURPORT- Change of use of Agricultural Building to Residential	WR 30/05/2017	04/07/2017			
WFA1480 17/0042/FULL	APP/R1845/W/1 7/3174380	Mr M Stanton	LAND OFF ELEANOR HARRISON DRIVE COOKLEY KIDDERMINSTER Change of use of land to equestrian use and the construction of stable block; manege and associated parking and turning area	WR 30/05/2017	04/07/2017			

Appeal Decision

Site visit made on 8 May 2017

by **Elizabeth Jones BSc (Hons) MCTP MRTPI**

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

Decision date: 30 May 2017

Appeal Ref: APP/R1845/C/16/3164662

Land at Hoarstone Stables, Hoarstone Lane, Bewdley, Worcestershire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Henshall against an enforcement notice issued by Wyre Forest District Council.
 - The enforcement notice was issued on 1 November 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of the land for the stationing of a mobile home.
 - The requirements of the notice are: (1) Cease the use of the land for the stationing of a mobile home. (2) Permanently remove the mobile home from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The enforcement notice is quashed.

Reasons

The allegation

2. The allegation in the enforcement notice refers to 'the change of use of the land for the stationing of a mobile home'. The stationing of a mobile home is not in itself development. The notice does not make it clear the purpose for which the mobile home is stationed on the land and thus requires correction. It is established that it is necessary to specify the purpose for which the mobile home was used in order to establish whether a material change of use has occurred from the existing lawful use of the land which in this case is the keeping of horses¹.
3. Having been invited by the Planning Inspectorate, the Council has subsequently drawn my attention to a previous appeal² and suggested that the wording of the allegation could be amended to "without planning permission, the change of use of the land for the stationing of a mobile home for purposes not reasonably required for the purposes of keeping of horses or agriculture".
4. Despite having been referred to another Inspector's decision, the Courts have held in *Miller-Mead v Minister of Housing and Local Government* [1963] 2 QB 196 that the enforcement notice must tell the recipient what they have done wrong and what they must do to remedy it.

¹ Planning Permission Ref: WF468/98 granted on 21 July 1998.

² APP/J3720/C/14/2213775.

5. The amended wording of the allegation as suggested is not sufficiently precise to tell the appellant what he has done wrong. Consequently, it does not meet the test in Miller-Mead. The appeal has been brought under ground (b) only – that the matters alleged have not occurred as a matter of fact. Had the allegation been correctly worded it might be that the case would have been argued differently by the appellant.

Conclusion

6. For the reasons given above I conclude that the enforcement notice does not accurately identify the alleged breach of planning control. It is not open for me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act since I cannot be satisfied that no injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeal under ground (b) as set out in section 174(2) of the 1990 Act as amended does not fall to be considered.

Elizabeth Jones

INSPECTOR

Appeal Decision

Site visit made on 2 May 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 18 May 2017

Appeal Ref: APP/R1845/W/17/3167317

Plot to North West of 31 Church Walk, Areley Kings, Stourport-on-Severn, Worcestershire DY13 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Gillian Everton against the decision of Wyre Forest District Council.
 - The application Ref 16/0520/OUTL, dated 1 September 2016, was refused by notice dated 18 October 2016.
 - The development proposed is application for outline planning approval for the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application submitted was for outline planning permission with all matters reserved. Access, appearance, layout, landscaping and scale are reserved for later consideration and the appeal has been determined on this basis.
3. The application date in the photocopied version of the submitted application form is illegible. Consequently, the application date used above is taken from the appeal form.

Main Issues

4. The main issues are the effect of the proposal on:
 - The Council's aim of directing development towards brownfield sites; and,
 - The character and appearance of the surrounding area.

Reasons

Local Plan Policies

5. The appeal site comprises a front garden area that serves No 31 Church Walk, a detached dwelling located in a residential area within the settlement boundary of Stourport-on-Severn. The National Planning Policy Framework (the Framework) specifically excludes residential gardens located in built up areas from the definition of previously developed land. Consequently, for planning purposes, the site is not previously developed land.
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6. To promote the regeneration of main towns such as Stourport-on-Severn, Core Strategy (CS) Policies DS01 and DS02 stress the need to concentrate new development on previously developed land. Whilst neither policy categorically rules out development elsewhere, Policy SAL.DPL1 of the Site Allocations and Policies Local Plan (SAP) provides further clarification and states that in order to meet the housing requirement outlined in CS Policy DS01, residential development will only be allowed on allocated sites. Policy SAL.DPL1 lists a number of exceptions to this principle. However, the proposal is not on an allocated site and would fail to meet any of the listed exceptions.
7. Two appeal decisions¹ are cited by the Council in support of its approach to the above local policies. As there has been no material change in circumstances since the two decisions, the conclusions reached in them further reinforce my reasoning above.
8. Therefore the proposal would be contrary to the Council's aim of directing development towards brownfield sites. Consequently the proposal would be contrary to SAP Policy SAL.DPL1 and CS Policies DS01 and DS02, the requirements of which are outlined above.

Character and Appearance

9. The front section of the site and the shared boundary with No 39 is vegetated and includes a number of trees subject to a group Tree Preservation Order (TPO). Irrespective of the varied design of surrounding properties, the trees and vegetation at the front of the site make a positive contribution to the attractive and prevalent verdant character along Church Walk.
10. The submitted block plan annotates the positions of the frontage trees and it is asserted that careful siting of the dwelling would ensure no harm to the group TPO trees. However, no credible evidence is before me to demonstrate that the site could in principle fully accommodate the proposal without harm to the trees. Although layout is a reserved matter, a grant of outline planning permission would establish the principle of the proposed dwelling at the site. Consequently, taking into account the location of the trees and their important contribution to the surrounding verdant character, the need to ascertain the effect of the proposal on them is of particular importance.
11. Therefore, I agree with the Council that a Tree Survey is required to establish and ensure that the proposal, including the construction process, does not have a detrimental effect on the trees. I also note that in order to ensure adequate visibility splays, the Highway Authority indicate that planting along the site frontage might need to be cleared.
12. The parties disagree on whether the appellant had an opportunity to provide further information relating to the proposal's effect on the trees. In any event, this does not remove the fact that the evidence necessary to establish the effect of the appeal on the trees is not before me.
13. Accordingly, based on the evidence before me, I cannot conclude that the proposal would preserve the trees at the site and their important contribution to the verdant character of the surrounding area. The resultant harm to the surrounding verdant character would not be prevented or reduced by the proposed dwelling having a frontage uniform with properties at Church Walk.

¹ APP/R1845/A/13/2205679 and APP/R1845/A/14/2229001

14. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to CS Policy CP11 and SAP Policy SAL.UP7. Insofar as they relate to this matter, these policies seek to ensure proposals reflect a thorough understanding of the site context, integrate well into the existing street scene and incorporate existing trees.

Other Matters

15. A number of economic benefits are associated with the appeal which includes its support to; the construction industry; local services and increase of local spend. Social benefits would arise via the proposal's contribution to housing supply and support to local services and facilities. In addition, future occupants would have access to non-private vehicular modes of transport and thus some modest environmental benefit would arise. Combined, these benefits carry modest weight in favour of the appeal.
16. I also note that outline planning permission was granted for residential development at the site in 1989. However, as the permission has lapsed and as it pre-dates the policy requirements of the CS, the SAP and the Framework, the 1989 permission attracts limited weight only.
17. With reference to an appeal decision², it is also put to me that a 5 year housing land supply is a minimum figure and not a maximum. Therefore it is contended that the presence of a 5 year housing land supply should not be a reason for refusal in itself and that a presumption in favour of sustainable development exists. However, harm would arise as a result of the appeal proposal as identified in the two main issues above.
18. Furthermore, as the circumstances in paragraph 49 of the Framework have not been met, the presumption in favour of sustainable development in paragraph 14 is not engaged. Moreover, the environmental harm identified in relation to the second main issue would outweigh the combined benefits identified above.
19. Consequently, the proposal would not comprise sustainable development as defined by the Framework. Nor would the modest benefits identified above outweigh the proposal's conflict with CS Policies DS01 and DS02 and SAP Policy SAL.DPL1.

Conclusion

20. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

² APP/D0840/A/13/2209757

Appeal Decision

Site visit made on 19 April 2017

by **Ian McHugh Dip TP MRTPI**

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

Decision date: 11 May 2017

Appeal Ref: APP/R1845/D/17/3167747

The Retreat, Lowe Lane, Wolverley, Kidderminster, Worcestershire, DY11 5QP

- 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 Christopher Page against the decision of Wyre Forest District Council.
 - The application Ref 16/0569/FULL was refused by notice dated 28 November 2016.
 - The development proposed is the extension of existing building to provide bathroom.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy.
 - Its effect on the openness of the Green Belt and on the character and appearance of the area.
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

3. The appeal building is a small single storey brick and tile building, which is situated in a rural location within the Green Belt. It is accessed off a shared private drive from Lowe Lane. Planning permission for its use as holiday accommodation was granted by the Council in 2008. On 23 May 2016, permission was granted on appeal for a single storey extension to provide a bedroom (ref: APP/R1845/D/16/3148576). This permission has not been implemented. I also note that an appeal to convert and extend the building to a holiday let was refused by the Council and subsequently dismissed at appeal
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on 7 January 2008 (ref: APP/R1845/A/07/2056312). In that decision, the Inspector considered that the proposed extension would be inappropriate development within the Green Belt and harmful to the character and appearance of the original building.

4. The current appeal proposal is to provide a further single storey extension at the rear of the building, which would be added onto the bedroom extension that was recently allowed on appeal (but is not yet implemented). The current proposal would provide a bathroom.

Inappropriate Development

5. The Framework (paragraph 89) and Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (LP) set out categories of new buildings that are not inappropriate development within the Green Belt. These categories include the extension or alteration of existing buildings/dwellings, provided that the extension does not result in disproportionate additions over and above the size of the original building. Although the extension itself would be relatively small, the evidence before me shows that the proposal (when added to the recently approved extension) would cumulatively increase the floorspace of the original building by more than 100%. In my opinion, this would result in a disproportionate increase. Consequently, the proposal would be inappropriate development within the Green Belt.
6. The Framework advises (paragraph 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I therefore attach substantial weight to the harm arising due to the inappropriate nature of the appeal development (as required by paragraph 88 of the Framework).

Openness/Character and Appearance

7. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness is not defined in the Framework and I note that the Inspector at the previous appeal concluded that the proposed extension would not erode the openness of the Green Belt, either spatially or visually, because of its size and because it would be largely screened from the road and from neighbouring properties. I do not fully agree with that conclusion because the proposal would result in new built development where none exists at present. However, I find that the effect of the current appeal proposal on the openness of the Green Belt (both spatially and visually) would be slight, for the same reasons as stated by the previous Inspector. Nevertheless, this effect adds to the harm already caused by reason of its inappropriateness, albeit to a limited extent.
8. The current appeal proposal would reflect the character of the existing building in terms of its design and materials. However, the proposed extension would (when taken together with the previously approved extension) visually dominate and overwhelm the original building because of its size and scale. In my opinion, this would be detrimental to the character and appearance of the

property. Accordingly, the proposal would conflict with Policy SAL.UP8 of the LP because the extension(s) would not be visually subservient.

Other Considerations

9. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
10. I have concluded that the appeal development is inappropriate development. Therefore, by definition, it would be harmful to the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have also concluded that the harm to the openness of the Green Belt would be slight.
11. The appellant states that the extension is required in order to provide a bathroom within the building and that this was unintentionally omitted from the proposal that was allowed at appeal. Having inspected the inside of the building, I agree that existing facilities are somewhat limited. However, in my view, the recently approved extension presents an opportunity to reconsider the number, arrangement and size of rooms within the building. Therefore, I am not persuaded that suitable facilities cannot be provided without the need for further development in this Green Belt location. The appellant also refers to the relatively modest size of the extension and to its effect on character and appearance and openness. I have already dealt with these matters above.
12. Accordingly, these other considerations put forward by the appellant do not, either separately or cumulatively, clearly outweigh the harm by reason of inappropriateness and the other harm identified. As a result, the very special circumstances that are required to permit the development do not exist. The appeal development would, therefore, conflict with the provisions of the Development Plan and with the Framework, as referred to above.
13. I have come to this conclusion based on the individual merits of the current appeal scheme. I have, nonetheless, also been mindful of the need for consistency between Inspectors and, accordingly, I have taken into consideration other relevant appeal decisions for development at the appeal site referred to in the evidence. Having done so, I find that my conclusions, in the circumstances of this case, are not inconsistent with those other decisions.

Conclusion

14. In summary, the appeal proposal would be inappropriate development with regard to the terms set out in the Framework and it would lead to a small loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and given in the wider evidence so as to amount to very special circumstances. Therefore, for all of the reasons given above I conclude that the appeal should be dismissed.

Ian McHugh INSPECTOR