

Open

Planning Committee

Agenda

6pm
Tuesday, 18th July 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 lynette.cadwallader@wyreforestdc.gov.uk

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

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

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

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

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

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

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

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

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

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, 18th July 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 20th June 2017.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
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.	73
7.	Section 106 Obligation Monitoring To consider a report from the Director of Economic Prosperity and Place that gives details of the most current Section 106 Obligations which require monitoring.	82

8.	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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9.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	
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Part 2

Not open to the Press and Public

10.	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

20TH JUNE 2017 (6PM)

Present:

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

Observers:

There were no members present as observers

PL.7 Apologies for Absence

Apologies for absence were received from Councillors C Rogers and J A Shaw.

PL.8 Appointment of Substitutes

Councillor I Hardiman was a substitute for Councillor C Rogers.
Councillor V Higgs was a substitute for Councillor J Shaw.

PL.9 Declarations of Interests by Members

Councillor R Wilson declared an ODI in respect of application number 16/0550/OUTL due to the proximity of his residence to the application site and would leave the meeting during consideration of this item.

Councillor M Hart advised in respect of 16/0550/OUTL, 16/0441/FULL and 17/0162/FULL, that he and all members of the Planning Committee, had received letters and email correspondence.

PL.10 Minutes

Decision: The minutes of the meeting held on 16th May 2017 be confirmed as a correct record and signed by the Chairman.

PL.11 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 555 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 555 attached, subject to incorporation of any further conditions or reasons (or variations)

thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.12 Planning and Related Appeals

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

Decision: The details be noted.

There being no further business, the meeting ended at 7.44pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20th June 2017 Schedule 555 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.

Councillor R Wilson left the meeting at 18.04 before consideration of the following item:

Application Reference: 16/0550/OUTL

Site Address: OFF THE LAKES ROAD, BEWDLEY, DY12 2PH

Members support for grounds for **Refusal** for the Appeal:

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.

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.

Councillor R Wilson returned to the meeting at 18.49

Application Reference: 16/0441/FULL

Site Address: LAND AT WHYTEHOUSE FARM, GREENWAY, ROCK, KIDDERMINSTER, DY14 9SJ

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.

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.

Application Reference: 17/0162/FULL

Site Address: LAND ADJ. OAKHOUSE, ST. JOHNS LANE, BEWDLEY, DY12 2QZ

REFUSED for the following reason:

1. In granting planning permission for the erection of a 2 bedroom cabin for holiday accommodation (under PINs ref: APP/R1845/W/16/3145883), the Appeal Inspector placed great emphasis upon the proposed use of timber cladding to ensure the external appearance truly was that of a cabin, or lodge, in line with the permission sought, and was thereby different in character and appearance to that of the permanent residential dwellings evident within St. John's Lane. The proposed development and the use of a brick construction, as an alternative to the previously approved timber design, is considered to be inappropriate and incompatible with the proposed use of the building as a cabin for holiday accommodation, and contrary to the reasons stated by the Appeal Inspector in granting the original planning permission. The proposal fails to accord with policy SAL.UP7 of the Adopted Wyre Forest District Council Site Allocations and Policies Local Plan.

Application Reference: 17/0225/FULL

Site Address: NORTHUMBERLAND HOUSE, 437 STOURPORT ROAD, KIDDERMINSTER

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

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

18/07/2017

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
17/0045/OUTL	LAND AT ARELEY COMMON ASTLEY CROSS STOURPORT-ON-SEVERN	REFUSAL	14
17/0256/FULL	ROCK FARM ROCK KIDDERMINSTER	APPROVAL	51

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
16/0480/S106	TESCO STORES LTD CASTLE ROAD KIDDERMINSTER	DELEGATED APPROVAL	58
17/0296/FULL	MONKS WOODROW LANE HARVINGTON KIDDERMINSTER	APPROVAL	63
17/0324/FULL	THE WHITE HOUSE ROSENHURST DRIVE BEWDLEY	APPROVAL	68
17/0334/FULL	52 CONISTON WAY BEWDLEY	APPROVAL	71

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
18TH JULY 2017

PART A

Application Reference:	17/0045/OUTL	Date Received:	26/01/2017
Ord Sheet:	380321 269573	Expiry Date:	27/04/2017
Case Officer:	John Baggott	Ward:	Areley Kings & Riverside

Proposal: Outline planning permission for up to 125 dwellings (including up to 40% affordable housing) and 0.6ha for apartments with care (C2), introduction of structural planting and landscaping, informal public open space and children's' play area, sustainable drainage system (SuDS), vehicular access off Areley Common and associated ancillary works. All matters to be reserved with the exception of site access.

Site Address: LAND AT, ARELEY COMMON, ASTLEY CROSS, STOURPORT-ON-SEVERN, DY130LB

Applicant: Severn Valley Sand and Gravel Co Ltd

Summary of Policy	DS01, DS01, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL11, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP7, SAL.UP14 (SAAPLP) SADP1, SWDP2, SWDP4, SWDP5, SWDP7, SWDP13, SWDP14, SWDP15, SWDP20, SWDP21, SWDP22, SWDP25, SWDP27, SWDP28, SWDP29, SWDP30, SWDP31, SWDP33, SWDP39, SWDP59 (South Worcestershire Development Plan) WCS1, WCS2, WCS3, WCS11, WSC17 (Worcestershire County Waste Core Strategy) NPPF as a whole, but in particular Achieving sustainable development – paragraphs 6-17 inc, and Sections 1, 3, 4, 6, 7, 8, 10, 11.
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 application site comprises of approximately 8.32 hectares of agricultural land on the eastern side of Areley Common (B4196) at Astley Cross. The site

is bounded by the B4196 to the west; residential properties addressed onto Areley Common, Summercroft, Astley Croft and Marlborough Drive to the north; and further agricultural land to the south and east.

- 1.2 The site straddles the administrative boundary with Malvern Hills District Council, with the majority of the site (approximately 7.42 hectares) falling within Malvern Hills and the balance (0.9 hectares) located within the Wyre Forest District boundary, which includes the direct boundary with the public highway. The proposed vehicular access to the site thereby falls within the Wyre Forest boundary.
- 1.3 The site rises initially from west to east to a high point approaching the centre of the site and comprises of arable fields and a wooded area (to the south east). A public bridleway crosses the site from Marlborough Drive and links to the wider network of footpaths and bridleways.

2.0 Planning History

- 2.1 16/0530/OUTL – Change of use of land to keeping of horses and erection of stable block and associated works – Refused (17/11/16)

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Deferred for further consideration. Full comments awaited.
- 3.2 Astley & Dunley Parish Council – strongly object to this application.

Part of the proposed development is on good agricultural land which extends to the south and east of Areley Common. The proposed development would be a visible intrusion on the landscape and detract from the views across to the Abberley Hills and surrounding landscape. Further development would therefore erode the rural character of the area. The gradient of part of the area would require landscaping but would also cause flooding issues from run-off (flooding onto the B4194 from Areley Common and the adjacent fields has caused a significant problem for some years. We understand the surface water and sewerage disposal system in Areley Kings itself is already overloaded.

The South Worcestershire Development Plan was approved and adopted in February 2016 and Malvern Hills District Council is able to demonstrate that it has in excess of a five year supply of housing land for the area, as is the case with Wyre Forest District Council.

This development is “unsustainable” in planning terms, because new development should relate to the physical, economic and social infrastructure of the local authority area in which it would be located. This development would fail to meet this criterion in numerous ways. The unsustainable size and location of the development will cause increased strain on village facilities, traffic and parking.

Currently primary schools in the area – Astley, St. Bartholomews at Areley Kings and Great Witley are already full to capacity with no available space for expansion. Stourport High School and The Chantry at Martley are also full to capacity.

Local surgeries are fully stretched, and there is a lack of facilities for assisted living or the elderly needing care – doctors and emergency services are over the other side of Stourport bridge and public transport is poor. Access to the proposed development by the emergency services appears inadequate. These include not being linked primarily to the main areas of employment or economic activity in the Local Plan area, e.g. Droitwich, Worcester or Malvern. The scheme will generate in excess of 200 extra vehicle movements of cars and delivery/service vehicles daily. The bridges at Stourport and Holt are congested enough without this extra traffic.

Traffic, particularly at peak times and holidays is an increasing problem in and around Stourport, with only one bridge into town from the West, the area from all directions is frequently gridlocked. Further development would ultimately lead to an increase in air pollution up Bridge Street and High Street, flanked by high Georgian buildings. (This is the route taken by pupils walking to and from Stourport High School).

The B4196 through Astley and Shrawley is already taking more and more traffic, this road in several places with sandstone cuttings is very narrow and almost only wide enough for one vehicle. Pearl Lane crossroads junction with the A451 and B4194 is an accident spot – there have been many serious accidents and several fatalities.

Employment – we understand that jobs in the Wyre Forest area are decreasing – therefore putting further strain on access via the B4196 to Holt Heath and on towards the M5 using the A4133 (already heavily congested with very long queues at peak times). This development would be a commuter settlement.

The area in question is noted for its wildlife – in particular a number of breeding skylarks – schedule 1 species and Red Listed by the RSPB, this being one of only three known locations in North Worcestershire, and also home to little owls, herons, sparrow hawks and a colony of brown hares. The precedent set by granting permission on this site would lead to further applications for neighbouring parcels of land, potentially leading to the creation of a new “unsustainable” township consisting of thousands of houses.

The plans show access routes into neighbouring fields and therefore, potential for a larger development in the future once a precedent has been set.

3.3 Highway Authority – No objection, subject to conditions.

Vehicle access can be provided onto Areley Common and it has been confirmed that the required level of visibility can be achieved proportionate to vehicle approach speeds. The access has been tracked for the refuse collection vehicle and demonstrated to be acceptable. Therefore it is

Agenda Item No. 5

considered to be appropriate to propose conditions to ensure that the access design and visibility is provided.

Due to the scale of the development an emergency access is required. There are several opportunities to provide this, but the applicant has indicated Areley Common is a suitable location, again this can be provided by the use of a suitably worded condition.

The Highway Authority has expressed concern on the additional vehicle trips that will be generated into Stourport on Severn and the impact on congestion on Bridge Street. The applicant has reviewed this situation and concluded that the local network can accept this level of development. The Highway Authority has undertaken additional surveys of the area to compare to the applicants position. It is concluded that whilst a long queue can be experienced at times it is short lived and static traffic conditions have not been observed. It is therefore concluded that this level of development can be catered for on Bridge Street.

There are required improvements to footways to address the increased level of pedestrian demand along Areley Common, and alterations are required onto Marlborough Drive to improve permeability for pedestrians and cyclists. Again these improvements can be secured with a suitably worded condition. Planning obligations are required to ensure that there is sufficient local infrastructure to support the development.

The Highway Authority therefore concludes that the additional demands that this development brings can be mitigated for and subject to conditions and planning obligations being fulfilled that there will not be a severe impact on the highway network.

3.4 Stourport-on-Severn Civic Society – Objection.

It will be of no benefit to the local community and will destroy the semi-rural character of this part of the town. In addition, it will put increasing pressure on local schools and highways. There are already regular traffic hold-ups on Stourport Bridge at peak times and increased traffic will make this situation worse.

Malvern Hills Council will derive significant Council Tax revenue from this development but will only have to provide refuse removal – a service it is already cutting. It will be enabled to achieve its housing target with no effect on Malvern itself.

There are several significant brown field sites in Stourport which are suitable for housing. Why destroy the green belt and the character of our town?
(OFFICER COMMENT – To clarify, the application site is not located within the Green Belt).

3.5 Environment Agency – No comments received. Published Standing Advice applies.

3.6 Planning Policy Manager – Full comments to be reported.

3.7 Worcestershire County Council (Planning) –

WASTE

The Waste Core Strategy 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.

Waste Core Strategy 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 residential 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 would expect detailed plans showing the provision of waste both throughout the construction phase and also once occupied. The plans do not appear to incorporate areas to store and aid the collection of waste, and arrangements have not been made for the separate storage and collection of recyclable material. We understand this is due to the application being for outline permission with many matters to be confirmed at reserved matters stage.

Policy WCS 17 should be taken into account when developing the detailed layout of the site and we would expect this to be one of the design principles which inform the reserved matters proposals. As such, we would request that in making their decision on this application and further applications for reserved matters, the case officer should be satisfied that sufficient detail is included regarding the facilities for storage and collection of waste, both during construction and occupation phases, to ensure the development conforms to Policy WCS 17 and that proposals are in line with the ADEPT report "Making Space for Waste" (June 2010).

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, however, begun work on a new Minerals Local Plan and has undertaken an Analysis of Mineral Resources in Worcestershire. The minerals resource maps accompanying this analysis¹ show that the site overlies a known 'solid sand' resource (resource area 1/32). This resource is identified as being a "Key" resource, and is therefore proposed as a Minerals Safeguarding Area in the Third Stage Consultation of the plan.

We welcome the fact that the applicant has submitted a Minerals Resource Assessment. However, we cannot fully support its conclusions. Whilst we do not disagree with the conclusion that the resource which has been assessed is unlikely to be commercially viable as a standalone mineral site, we are disappointed that no serious consideration appears to have been given to opportunities to optimise the use of the mineral resource. We consider that the Minerals Resource Assessment has been prepared in a manner which downplays the potential of the resource, rather than seriously considering opportunities to make use of it. If extracting all of the resource would prevent a suitable landform for subsequent development, then could a proportion of the resource be extracted - for example when landscaping the site and creating SuDS, or through incidental recovery when creating building foundations? This may offer an opportunity rather than a constraint, as it could potentially provide raw building materials sourced on site.

PUBLIC HEALTH

The Directorate of Public Health recommends that the applicant considers the health implications of this new mixed use development and associated infrastructure and the likely positive and negative impacts on human health and wellbeing. We suggest undertaking a Health Impact Assessment (HIA) to assist in this analysis.

The National Planning Policy Framework (NPPF) recognises the need to understand and "take account of the health status and needs of the local population including expected future changes, and any information about relevant barriers to improving health and well-being." Furthermore, the national Planning Policy Guidance (PPG) recognises that in relation to planning applications, HIA may be a useful tool to identify where significant impacts on the health of local people are expected.

The emerging South Worcestershire Development Plan aims for "residents to enjoy a high standard of living, featuring good health and education in an attractive, safe and secure, low crime environment" and to receive "better access to healthy opportunities and lifestyles". This is reflected in the Plan's objectives (Objective D – Improving Health and Well Being and Objective E – Communities that are safe and feel) and policies including:

- SWDP4 Moving around South Worcestershire – Walk and cycle enhancements
- SWDP14 Housing Mix
- SWDP21 Design
- SWDP31 Pollution and land instability
- SWDP37 Indoor leisure and community facilities
- SWDP38 Local Green Network
- SWDP39 Provision for outdoor community uses in new development

The applicant should provide an assessment of impacts on different affected subgroups of the population across all ages that might result from this development. Specific consideration should be given to groups which may

Agenda Item No. 5

potentially be more vulnerable to negative impacts from the development, such as those on low incomes, minority ethnic groups, young people, those with physical and learning disabilities, and the elderly.

The applicant should use any findings of this assessment to inform the masterplanning and design process on the site and adjust any development operations accordingly.

We note that the proposal includes apartments with care. As such, particular attention should be paid to the needs of the elderly in designing this development. Considerations include ensuring age/dementia-friendly access to green spaces on the site, public transport, nearby health facilities and wider facilities. Age-friendly access constitutes:

- segregated and quiet footpaths;
- provision of benches in strategic locations and shaded areas;
- avoiding sudden changes in footpath levels or, where this is not possible, provision of railings;
- clear signage; and
- avoiding reflective surfaces which may confuse people living with dementia.

LANDSCAPE

This development will impose a significant change to the landscape, particularly when viewed from the south and western approaches. The topography of the site is such that any development of this land will present a substantial visual impact to receptors along the B4196, Longmore Hill, and existing residential development to the north. Therefore, the density of development and effective screening are vital. I welcome the intention to retain existing boundary trees and hedgerows and develop these further with new planting to soften the new development and provide a transition between the suburban and rural landscape. Views of the existing suburban edge benefit from a filtered aspect through mature trees. At this stage I understand that detailed design is a Reserved Matter, however, I would stress that development density will also play a key part in the transition to the rural landscape and mitigation for existing receptors. Therefore, a lower density along the southern edges of the urban blocks and also along the western edge, with carefully integrated street trees and boundary planting should be explored.

As details are developed I would expect to see the following areas addressed:

- Engagement with the LCA Sandstone Estatelands evidence base and guidance, particularly the Planning Guidance to inform design decisions and selection of appropriate native species for introduction, which will also need to deliver biodiversity benefits.
- Effective inclusion of street trees and trees associated with the proposed 'greens' to soften views into the urban blocks.
- Careful design of lighting in areas set aside for amenity and conservation to limit light pollution spilling into the more rural and remote parts of the

site and its setting. I recognise and fully support the need for providing safe access at night, however, limiting the use of tall lighting towers, particularly in the central GI corridor and settlement edges, should be addressed as the design progresses. The southern aspect of this site is very rural and will be at the greatest risk from light pollution.

3.8 Worcestershire County Council (Education) – No objection.

Section 106 contributions are sought to fund appropriate projects at Astley CE Primary School or St. Bartholomew's CE Primary School, or both, and The Chantry High School (located within Malvern Hills) or Stourport High School and Sixth Form College, or both, to support an increase in pupil numbers in the area, at a rate of:

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 / apartment

for Primary School contributions, and:

£3,230 per open market 2 or 3 bed dwelling

£4,845 per open market 4 or more bed dwelling

£1,292 per open market 2 or more bed flat / apartment

for Secondary School contributions.

3.9 Worcestershire County Council (Footpaths) – No objection.

Some of the proposed vehicular access seems to cross existing public rights of way. It should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

3.10 Worcestershire County Council (Archaeology) – No objection, subject to conditions requiring further investigations.

3.11 Crime Risk Advisor (West Mercia Police) – No objection. Further comments to be provided at the detailed application stage.

3.12 Arboricultural Officer – I have no overall objection to the outline application. The layout has been well designed and takes the tree and hedgerow features into account, incorporating them into the design. My only concern is the removal of a section of hedgerow to facilitate the new access into the site. There does appear to be sufficient space between the hedge and front of pavement to prevent the need for a significant amount of the hedgerow

needing to be removed for visibility splays. However, I will await Highways comments on that.

3.13 Housing Services Manager – No objection, subject to future agreement to housing mix and tenure.

3.14 Worcestershire Regulatory Services – No objections, subject to conditions.

NOISE

The submitted Noise Screening Report suggests that noise from Road Traffic along Areley Common would be the dominant noise source in the area potentially impacting on future residents but is unlikely to require any mitigation. I would agree with this assessment and would be happy for the applicant to submit a detailed noise assessment in line with BS8233:2014 as a reserved matter.

The impact of any proposed external plant / equipment should be assessed in line with BS4142:2014 and should seek to achieve an impact level, after any appropriate corrections, of 0dB(A) at the nearest residential receptor(s).

DEMOLITION AND CONSTRUCTION

In order to minimise any nuisance to existing local residents during the construction phase the applicant should refer their contractor to the WRS Demolition & Construction Guidance and ensure that the recommendations therein are complied with.

AIR QUALITY

The letter submitted as part of the application prepared by Wardell Armstrong, appears to be an air quality impact assessment and states that no air quality assessment (AQA) is required for the site. Our standard requirements for an AQA to be required are if:

- The site is adjacent to an AQMA or will link into/route through AQMA.
- There will be a significant increase in HGV or Buses in area
- The specific type of development and size e.g. residential >100 properties

The application site is of a size to warrant an AQA, details on current traffic numbers/trip rates and projected trip rates are required as part of the AQA. There is no declared AQMA in the area however Stourport-on-Severn has exceeded the air quality guidelines for NO₂ for several years and the only reason that an AQMA has not been declared is that current receptors are at first floor level, this could change at any time. It is of concern that many more trips and general increase in traffic could aggravate the already high levels recorded in Stourport, potential traffic from this site may well link into Stourport. We have no confirmation regarding other committed developments in the area and whether they have been accounted for in this report, the cumulative impact of all locally committed developments (small scale and large scale major sites i.e. >10 properties) on existing local air quality must be considered.

We recommend a full AQA condition. It may be that monitoring will be required for the AQA, potentially for six months if no or limited data is available.

CONTAMINATED LAND

We reviewed the report entitled “Land at Arley Common Stourport on Severn, Phase 1 preliminary risk assessment, prepared for Gladman developments Ltd. The report states:

- The study area has historically been used for agricultural purposes (since 1883) and has remained largely unchanged.
- The study area currently comprises agricultural land (no buildings). Made Ground was not identified in any of the trial holes undertaken during the study area reconnaissance however, may be present within paths, tracks and field boundaries.
- The Worcester County Council Emerging Minerals Local Plan identified a restored mineral site is present adjacent east of the study area. However, there is no clear historical map evidence of extraction adjacent to the study area or evidence on the list of recorded mineral sites held by the BGS.
- Potential contamination sources affecting the study area were identified as heavy metals, PAHs, pesticides and fertilisers, sulphate and organic contaminants. These contaminants may pose a risk to human health (via ingestion, dermal contact and inhalation pathways), controlled waters (via migration through permeable strata and preferential pathways), buildings

The report recommends that if conditional planning approval is granted, a Phase 2 intrusive survey should be carried out across the study area to investigate the identified potential pollutant linkages further. The scope of this Phase 2 survey should be agreed with the Local Authority and should include the following:

- Phase 2 Investigation - In order to address the potential pollutant linkages, an intrusive investigation is recommended. The investigation should be carried out in accordance with relevant guidance documents (including BS101759 and BS593010).
- A low density investigation is recommended to address Pollutant Linkage 1 for the presence of pesticides and fertilisers. In addition, targeted sampling locations should be undertaken in areas of concern (e.g. in the vicinity of paths, tracks and field boundaries). This will also help to address Pollutant Linkages 5, 6 and 7.
- Soil samples should be collected from the trial pits or boreholes and tested for contaminants of concern based on the preliminary conceptual model and field observations (PID tests and visual or olfactory evidence).
- In addition, gas monitoring is currently recommended as a precaution to further assess the potential for gas generation in the eastern part of the study area and any gas migrating from the potentially restored mineral workings which are indicated to be present adjacent east of the study area.

Notwithstanding the above, a watching brief should be maintained by the study area manager during the clearance of the study area and development works, for any likely contaminated Made Ground, such as ash and clinker; any

unusual ground conditions and any visual and / or olfactory evidence of contamination. If such evidence of Made Ground and / or visual and olfactory evidence of contaminants are identified, then sampling will likely be required to characterise the material and recommendations for appropriate remediation undertaken, if required. Samples should be collected in sufficient quantity and analysed for a suitable suite of determinands to demonstrably characterise the study area. Should any significant thickness of Made Ground be encountered during works within the study area, LKC would recommend that this information is reported to the Local Authority and to LKC for further assessment.

We concur with these recommendations and as such consider that an acceptable phase 1 study has been submitted and recommend the following condition based on information received to date:

Knowledge 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 in accordance with the National Planning Policy Framework, suitable conditions are recommended.

3.15 North Worcestershire Water Management – Objection.

Original comments (dated 07/03/17)

FOUL DRAINAGE

The foul drainage analysis report sets out that the proposal is that a foul water drainage system will be constructed and connected to the existing public sewerage network. STW has carried out an assessment of its local sewerage network in order to understand the likely impact of introducing new foul water flows from this development. The assessment considered a connection to the west of the proposed development on a network with known flooding (Redhouse Road) and concluded that the addition of new foul water flows may exacerbate this. I understand that results are still being awaited from a new assessment using a different connection, to the north of the site (Marlborough Drive). A pumping station will be required. I believe that STW will be consulted upon this application anyway and they will be best placed to provide comments upon the proposed foul drainage solution.

FLOOD RISK

There is a modelled Low Risk of surface water flooding within the wooded area at the eastern extent of the site, and within the adjacent woodland. It is my understanding that these areas are excluded from the development. I am aware that there are current capacity issues with the (culverted) watercourse to the south-west of the site, affecting Wyre Forest District residents on a regular basis. It has to my knowledge not been demonstrated that a positive drainage system is currently in operation that discharges surface water runoff from the site towards this watercourse. As this section of the watercourse is in Malvern Hills District it would perhaps be more appropriate for them to comment, however given the flooding issues experienced upstream in our district I believe that we should insist that no additional discharge should be made towards this (culverted) watercourse. It is important to realise that, in line with the non statutory technical standards for SuDS (Defra 2015), the peak runoff should be restricted for the 1 in 1 year rainfall event, as well as

the 1 in 100 year rainfall event. We would expect a climate change allowance to be taken into account, using the latest guidance (currently EA, 2016).

SURFACE WATER DRAINAGE

The proposal will increase the amount of impermeable area, and therefore the amount of runoff. To ensure that this will not increase flood risk elsewhere discharge rates and volumes should be limited to pre-development levels, as set out in the non statutory technical standards for SuDS (Defra, 2015). Discharge via infiltration is the preferred option, where possible.

The FRA includes some information that suggest that the site is (potentially) not suitable for infiltration for two reasons:

- ground conditions are not suitable: The permeability test information included in appendix F shows that two tests were undertaken and both failed. The FRA concludes that low permeability, evidenced by infiltration testing, suggests that the potential for soakaway use for rainwater disposal is low; but that this could be investigated further at the detailed design phase if required. So I conclude that no real conclusion has been drawn regarding the ground conditions across the entire site.

- the site is within a groundwater Source Protection Zone (SPZ3) for a nearby borehole: The EA's response included in appendix C of the FRA sets out however that surface water discharges could be made to ground providing these discharges are clean and free of any polluting substances (so roof water). So I conclude that the EA believes that infiltration of at least part of the runoff generated on the site (roof water) could be discharged via infiltration, despite the location within a groundwater Source Protection Zone.

The design and access statement sets out that two detention basins will be included in the development (one in the eastern and one in the western catchment) in order to catch and detain the predicted surface water run-off from the proposed development. These features will store water during periods of persistent or heavy rainfall in order to maintain run-off from the Site to present day conditions up to 1 in 100 year event + climate change. It states that the proposed scheme will require two separate pumping stations to pump to the existing drainage infrastructure at Marlborough Drive. In line with S12 of the non statutory technical standards for SuDS (Defra 2015) pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity. Also, discharge to a watercourse should be considered before discharge to a sewer can be considered. The outline drainage strategy does consider the use of attenuation based SuDS within the western catchment to be feasible with a discharge to an existing watercourse to the south of the site...As the information provided is not consistent, I am not sure what to base my comments upon.

For the Eastern detention basin: I note that this is located adjacent to a woodland that, according to the ecological assessment includes "areas which, while dry at the time of survey are considered likely to be seasonally waterlogged and function as an ephemeral water body." I would welcome

clarification that the levels are such that the proposed basin will not act as a drain for this woodland.

MAINTENANCE

The design and access statement states that the future maintenance and management will be secured for the long-term via a planning obligation using an appropriate public body or private management company.

CONCLUSION

I believe that the information currently submitted is inconsistent and currently insufficient to ensure that this development will not increase flood risk off the site. Additional information is required regarding the proposed drainage strategy, proposed points of discharge, and compliance with the non statutory technical standards for SuDS (Defra, 2015). I believe that as a minimum as part of the outline application the design criteria that will be used to ensure that runoff from the site will be managed to pre-development (Greenfield) levels will need to be agreed; detailed design can then be conditioned. Details regarding the maintenance strategy don't need to form part of an outline application, in my opinion, so I would be happy to see these conditioned.

Further Comments (following receipt of additional information) (dated 17/05/17)

This information sets out a gravitated drainage solution for this site. Pumping of surface water as originally proposed is not a sustainable means of disposal, so a gravitated drainage solution is welcomed from that aspect. I note that this option would require a deep drain following the southern boundary of the site. I have been unable to locate any level information so don't know how deep 'deep' is. I believe that this option should only be deemed appropriate if it will indeed form part of a system that will get adopted by Severn Trent Water (STW). If STW would not want to adopt this system then this would worry me as we know from experience how difficult and costly it can be to enforce the upkeep of privately owned deep drains.

I note that it is stated '*This would potentially reduce the capacity issues in the existing watercourse as the existing overland flow from the site to the watercourse would be diverted downstream.*' This appears to imply that the site is currently already discharging to this watercourse via overland flow. I am not aware that an overland flow route is present. To my knowledge the site does not currently discharge to the watercourse other than the western part that probably has some hydraulic connectivity with the watercourse, but only indirectly via much slower infiltration routes. I am therefore concerned that the proposed surface water drainage solution will increase flood risk as the solution would result in an increase in direct discharge to the watercourse, even after SuDS attenuation. This is a particular to Malvern Hills, as there is an existing flooding problem downstream which affects properties at Longmore Hill, so it is imperative that this risk is not exacerbated. This might also be an issue for the originally proposed pumped surface water drainage solution, depending on where this water would actually be pumped to.

The developer will have some practical difficulties to overcome with the proposed route in Malvern Hills along the public highway down to the watercourse culvert: it will cross the line of a foul water rising main and the

line of a strategic water main. The culvert is a highway structure which the highway authority (Worcestershire County Council) is generally unlikely to accept a connection to.

In summary, I conclude that crucially more work will be required to address the perceived increase in flood risk that could result from the discharge from the site, even following attenuation. In addition I believe that to demonstrate the practical deliverability of the proposed scheme further work will be required regarding the technical feasibility of the scheme and the willingness in principle of STW to adopt the deep drains and WCC to allow a connection to their culvert.

3.16 Countryside Conservation Officer –

The (application submission) does not state who the report and the various ecological surveys were carried out by. We need this information to validate this report. We also need to know the level of qualification, professional memberships and experience of the ecologist(s) whose expertise were used to produce the report. Without this information we cannot make a determination if the submitted report is fit for purpose.

An incomplete assessment of the sites flora has been made. This was done out of season, October. The Worcester records centre has shown the site in the past was home to some notable flora. Given this I feel we need a better timed floral assessment, particularly in the area of the semi improved grassland and this flora survey also needs to include the woodland understory as it would appear that in the not to distance past this was a much more diverse open habitat.

It would appear that the woodland was once a much more open habitat which more than likely included open water. Looking at the Great Crested Newt Habitat Suitability Survey if the pond was not so over grown, with willow affecting both shade and potentially the turbidity, the HSI would be much higher. Given that willow can rapidly over take a pool, if newt were present prior to this willow encroachment there is a good chance that a population could be continuing to survive even in these sub optimal conditions. The ecology report has recommended an additional survey to prove presence or absence and I feel it would be prudent to wait for this information prior to granting approval as the presence of Great crested newt could impact on the proposed development.

The application site meets the criteria where a reptile survey will be needed. The report has acknowledged this. We need to wait to obtain the results from this to feel comfortable that the mitigation for any reptile populations found can be contained within the application site. Allot of the site is being put forward as green infrastructure but this is being targeted towards recreation. Recreation and reptile mitigation is not something that commonly co exists. Bats have been surveyed to some extent but how the site is being used forage and commuting is missing. This is has been acknowledged in the report and additional surveying has been put forward. These results need to inform a bat mitigation strategy which should including the creation of dark

corridors, bat friendly landscaping and the creation of new roosting opportunities. This could be a condition.

Hedgerows are being mostly retained. We need to know what is being lost as this is a little vague at the moment. The planned landscaping shows the retention of the woodland. In the recent past this was a much more ecologically diverse area of wetland. It would be very much more beneficial that this was restored and not allowed to further degrade into willow scrub. At present we only have the vaguest description of this habitat. This needs to be rectified prior to approval and a habitat restoration plan developed to retain and enhance the habitat in this area. Similarly the semi natural grassland needs more detail and areas of interest retained and enhanced, particularly along the "woodland" boundary. The current plan is showing this area to be planted. This is a potential source of ecological harm.

The abundance of green shown in this application has got good potential for enhancement. However a much more detailed landscaping plan will be needed to demonstrate how the suggested enhancements can be realised.

- 3.17 Natural England – No objection, subject to compliance with issued Standing Advice.
- 3.18 Worcestershire Wildlife Trust – No comments received.
- 3.19 CPRE (Campaign to Protect Rural England) – We object to these applications. It is a speculative application for housing for which there is no need and would encroach upon open countryside. As they straddle the boundary, I am writing this as a single letter of objection to both councils, because the whole proposal needs to be considered as a whole. This letter addresses planning issues under the policies of both councils.

HOUSING SUPPLY

A fundamental principle of planning is that it is plan led. This is not trumped by another fundamental principle that applications for sustainable development should be granted. For MHDC, the Plan means the recently adopted SWDP. This is a recent plan that went through a long period of examination, before its adoption a little over a year ago. For WFDC, this means WFCS, which is now no longer particularly recent. SALP Plan, which is slightly more recent, was supplementary to WFCS, mainly concerned with identifying sites for development. WFCS was prepared to meet the requirements of the former WMRSS, rather than the present NPPF. However, it is delivering housing at a rate slightly in excess of its own targets. WFDC has commissioned research as to what its future housing requirement should be from leading experts in the field, who have done such research for several Worcestershire councils. Their conclusion was that the OAHN target should be 254 (Amion Consulting [with others], *Wyre Forest District Local Plan Review Objective Assessment of Housing Need*, para 6.7). In the first 10 years of the WFCS Plan Period, 2540 houses have been built. This is an annual average of 254 per year (*Monitoring report for 2015*), which is exactly in accordance with the emerging target. There is therefore no ground for saying that WFCS is out of date because it is failing to deliver the required housing.

Furthermore, both councils, according to their respective latest SHLAA research and latest Monitoring Reports, have at least a 5-year housing land supply. Without such, the plans would be deemed to be out of date, but they are not.

Being west of the Severn, the site does not enjoy Green Belt protection, but MHDC designates it as part of Teme Valley and Wyre Forest Environmental Character Area, where the policy is to protect and enhance the landscape. WFCS designates it as a Landscape Protection Area. NPPF para 17 includes in its core principles 'recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. This site lies on the edge of the town of Stourport. If there is a housing need for the development of this site, it would be a need arising in Stourport. However MHDC is not expected to meet the housing needs of WFDC unless there has been a request for cooperation from WFDC (NPPF para 157), but no such request has been made by WFDC. It may be that there is an outstanding request from Birmingham City Council, which has made requests to all council's in the region, due to its own inability to meet its own OAHN, and has led to caveats being included in all plans that they would be reviewed to meet Birmingham's needs. However, the research commissioned by GBS LEP identified a Birmingham and Black Country Housing Market Area, which excludes Wyre Forest District (though WFDC is a client of the GBS LEP). Moreover, this is a requirement to review the Plan, not a requirement to grant any speculative planning application, which may be put forward towards Birmingham's supposed need. Arguably, certain areas of west Kidderminster may be within the Birmingham and Black Country catchment, but a site on the west of Stourport is far too remote to make a meaningful contribution. Accordingly, there is nothing in the Duty to Co-operate that helps the applicant's case in any way.

At this stage, it is not clear what the long-term land supply situation in Wyre Forest will look like, as I do not think the requisite research has been published. WFDC has announced that it is reviewing its Green Belt, but it is not clear yet whether the object of this review is to find justification for the present boundaries or to identify land to be released in due course for development. If anything, the recent Housing White Paper strengthens (or rather, proposes to strengthen) the protection of Green Belt, by defining better the 'exceptional circumstances' in which its boundaries can be reviewed. Basically the requirement is that the LPA has no means whatever of meeting its housing need without amending Green Belt boundaries. Since substantially all undeveloped land adjoining Stourport, east of the Severn, is Green Belt, there are implications for this site. The White Paper might thus (apparently) require WFDC to find land for its housing needs in the undesignated zone, west of the Severn. If further land (currently not identified in SHLAA or the Plans) does need to be identified for housing, a site such as this adjoining Stourport might be a candidate, but it would only be one candidate among several. To grant it planning consent now would be to jump the starting gun. If the site were to come forward, it would need to be through a review of the Local Plan, including a request from WFDC for MHDC to co-operate in providing land. Nevertheless, this is not a matter that needs even

to be considered at this stage, as it relates to a Local Plan Review, not to whether this (or any other) planning application should be granted.

In summary:

- This application is not for a site allocated by either district's Local Plan.
- The Local Plan is to be followed unless out of date.
- Neither Local Plan is out of date.
- The question of whether the site may be one to be identified for development one day is a matter for a Local Plan Review, not one to be considered *ad hoc* on a planning application. Speculation (such as this application and the supporting Planning Statement) as to what the outcome of the *Review* may be provides no help for resolving an *application*.

A GREENFIELD SITE

Both WMRSS and the present government's policy favour "Brownfield First". As part of the preparation for WFCS, WFDC identified a number of redundant industrial sites, which were a classic case of brownfield. It was therefore for sound planning reasons that the settlement boundaries were tightly drawn. This has had the intended effect that a very large proportion of new development in Wyre Forest District has been on brownfield land. In this respect the district has performed well, probably beyond government targets; something for which it is to be commended not penalised.

A proper sequential approach to site selection places greenfield sites on the edge of towns in a low-priority category. They come above sites in open country, Green Belt, and other protected sites, but that is all. The applicant seeks to identify Astley Cross as a sustainable settlement, but it is not even identified as a separate settlement in either Plan. SWDP footnote 165 specifically says that Astley Cross is not a category 3 village, though Astley is one. Nor does the applicant provide any strong evidence as what makes Astley Cross sustainable. Even then Category 3 villages (of which Astley itself is one) are the least sustainable villages and have a low priority on the site selection hierarchy.

The applicant calls in aid the SWDP allocation of land at Pearl Lane, Astley Cross. This is site MHAC01 of the SHLAA. However this site is part of MHAC02, whose allocation was rejected by SHLAA, giving the reason as 'Location/Size/Flood'. The flood issue refers to another part of a much larger site. Accordingly, this site was considered for inclusion in the SWDP allocations, but was rejected.

Except where the current plan is out of date, no Planning Committee should be going behind the back of an Adopted Plan to second guess it as to what it might have included. That is the antithesis of plan-led planning.

OTHER CONSIDERATIONS

The approval of the application would have a severe adverse effect on the setting of certain public footpaths.

The portion of the site suggested as the location for 'apartments with care' is marked on the OS 1:25000 map with a symbol indicating marshy ground. The applicant needs to explain how such land might be suitable for development. The triangular shape of it eastern suggested SUDS site leaves a very awkward-shaped piece of land on the other side of the public footpath. The applicant needs to provide evidence that that piece of land can be effectively cultivated. Alternatively, that parcel should be excluded from the application and an alternative SUDS site sought.

There may well be a need for more accommodation for elderly people in both districts, but the best sites for them are close to shops and other local facilities, which patently this site is not. Furthermore the indicative site for 'housing with care' is on the part of the site most distant by road from local facilities. It is not a suitable site for such.

SUMMARY

This application is not in accordance with the Development Plan of either council and should be refused by both councils.

- 3.20 Ramblers Association – No objection, subject to condition.
- 3.21 Severn Trent Water – No objection, subject to conditions.
- 3.22 NHS Redditch and Bromsgrove – No objection.

The site of the proposed development lies within the practice areas of two Worcestershire GP surgeries located in Stourport. Both are fully utilising all of their clinical rooms and indeed are currently housed in a building the Council has asked them to vacate as it is not fit for purpose. They would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area.

Therefore we request a financial contribution under Section 106 of the Town & Country Planning Act for the extension of the premises which would amount to £27,128.

- 3.23 Neighbour/Site Notice – 65 individual letters of objection have been received against the proposed development (Malvern Hills District Council Officers have reported receiving 270 objections in respect of their respective planning application). The matters raised can be summarised as follows:
 - The site is outside the settlement boundary and is unallocated for residential development within the respective Development plans;
 - Both Councils have a five year land supply and as such the site is not needed for housing;
 - Increased volumes of traffic and the adverse impact upon the local highway network;
 - Stourport has only one bridge and the existing heavy traffic is already causing long traffic jams from Areley Common and the Walshes going into Stourport.

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- Stourport is a holiday town with a large volume of traffic, especially at weekends, bank holidays and in the summer. It is often quicker to go all the way through Holt Fleet or Bewdley to reach the other side of the bridge.
- Loss of countryside. The snipes is used by dog walkers, runners, model aeroplane enthusiasts etc. and development would deprive locals of this resource. This area should be made into a country park like Burlish top or Hartlebury common, incorporating the river and weir, as we have no such leisure facility on this side of the Severn bridge. There is a lot of local history on this site and hundreds of people enjoy this space;
- The site is a haven for wildlife – newts, badgers, birds. This land should have SSSI status due to the wildlife such as Areley Woods. There are plenty of brown field areas to develop for housing. The skylarks, ancient oaks and great crested newts need this habitat;
- The surrounding area is subject to flooding and this development will make the situation worse;
- The development is out of proportion with the residential needs of the parish in which it is located and there is no reason why the population should be raised so disproportionately;
- Recent appeal decision at Larford works (located within Malvern Hills District) was dismissed due to the open countryside and erosion of rural character;
- Development would lead to coalescence between Stourport and Astley;
- The proposal would be an unsympathetic intrusion into the rural landscape;
- Malvern Hills DC will collect the council tax but Wyre Forest DC will have the expense of providing all the extra services.
- The site is elevated which would cause an eyesore in a rural area;
- Adverse impact upon existing infrastructure, with inadequate number of school places to serve children and insufficient GP capacity.

OTHER THIRD PARTY COMMENTS

- West Midland Bird Club- We strongly object to the application due to the presence of several species of red-listed birds (i.e. species on the RSPB's "at risk" list).

4.0 Officer Comments

- 4.1 The application has been submitted in Outline form with all matters reserved for approval, with the exception of access, with the proposed vehicular access indicated directly from the B4196 - Areley Common, approximately 100 metres to the south of the Astley Cross crossroads (Arley Common/Redstone Lane/Red House Road). The application proposes the erection of up to 125 dwellings (including 40% Affordable Housing) and an area of 0.6 hectares for residential accommodation for people in need of care (Class C2), with associated open space, children's play area, landscaping, etc.

- 4.2 An illustrative layout plan has been submitted in order to give some context to the proposal, but this is for indicative purposes only. The plan illustrates how the housing would be set within a framework of open spaces. These areas of open space contain new landscaping, a children's play area and recreational footways. The open space as shown on the illustrative plan would be located as the site's highest point. The plan shows that the existing vegetation, particularly along the southern boundary, will be strengthened to provide a soft edge to the development. Sustainable drainage systems (SuDS) would be located to the south of the proposed homes, and according to the application documents would be landscaped to increase biodiversity and create landscape features.
- 4.3 The Illustrative Masterplan places the proposed (C2) care home at the north of the site. The application proposes one vehicular access point and the retention of the Public Right of Way (PRoW) from Marlborough Drive which would link to the new spine road and beyond to the wider countryside. The development proposals show an average density of 35 dwellings per hectare.
- 4.4 Whilst submitted in Outline form, the application has been accompanied by a suite of supporting documents, which in turn have been the subject of subsequent amendments and supplementary submissions, which are listed as follows:
- Planning Statement;
 - Design and Access Statement;
 - Transport Assessment;
 - Travel Plan;
 - Ecological Appraisals;
 - Landscape and Visual Assessment;
 - Arboricultural Impact Assessment;
 - Phase 1 Site Investigation Report;
 - Flood Risk Assessment;
 - Air Quality Assessment;
 - Noise Assessment;
 - Archaeological/Heritage Report;
 - Statement of Community Involvement;
 - Socio-Economic Report;
 - Minerals Assessment;
 - Utilities and Broadband Appraisal;
 - Energy and Water Statement.
- 4.5 This is a complex, and locally controversial, planning application with numerous strands of technical considerations, some of which 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.
- 4.6 Furthermore, as the application straddles the boundary with an adjoining District Council (Malvern Hills) it is also necessary to give due consideration to

the relevant policies of the Adopted Development Plan in place for Malvern Hills District, namely the South Worcestershire Development Plan (SWDP) (Adopted February 2016). Members are advised that a duplicate planning application has been submitted to, and is under consideration by, Malvern Hills District Council (their ref: 17/00142/OUT).

4.7 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; minerals; archaeology; loss of agricultural land; and, public rights of way.
- Impact upon existing neighbouring/nearby properties

PLANNING POLICY AND THE PRINCIPLE OF THE DEVELOPMENT

4.8 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”.*

4.9 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 ...”

4.10 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). Whist 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).

- 4.11 Furthermore the application site enjoys no land allocation within the SWDP. Policy SWDP 2C allows for small-scale exception sites for, principally, agricultural workers dwellings within the open countryside and clearly the current application does not constitute such an exception. The scale of the development, with reference to the size of the settlement, would also fall foul of Policy SWDP 2F of the SWDP.

- 4.12 Members are reminded of the content of Paragraph 12 of the NPPF, as set out at paragraph 4.9 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)

- 4.13 The Applicants acknowledge at paragraph 3.3.2 of their submitted Planning Statement that, with regard to the SWDP:

“The application proposal, which is for a large scale residential development that would form an extension to the built-up area beyond the defined settlement boundaries is therefore, in principle, contrary to policy SWDP2”.

But go on to state (p.3.3.4 of their Planning Statement) that, in their opinion:

“The site’s location in the open countryside immediately adjacent to existing residential development should not be a reason in principle for resisting development”.

and that in their opinion, (at p.3.3.5) the development would:

“... enable the delivery of up to 125 new family homes in a highly sustainable location”.

- 4.14 In terms of the Wyre Forest Development Plan, the Applicant acknowledges that the application would also be, in principle, contrary to Policy DS01 of the Adopted Core Strategy, but go on to state (at p.3.3.9):

“The housing requirement set out at policy DS01 is not based on a Full Objective Assessment of Housing Needs (FOAN) as required by Paragraph 47 of the Framework (NPPF) and it provides for housing needs from a previous era”;

and that:

“ whilst the general thrust of policy DS01 and the Plan of controlling development in the open countryside is consistent with the general approach of the Framework (NPPF), it is out of date when considered against the requirements of the Framework (paragraphs 14, 47, 157 and 158).

- 4.15 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.
- 4.16 The Applicants appear to make no specific commentary regarding the policies of the SAAPLP within their Planning Statement, but instead rely upon a somewhat sweeping statement that, in their opinion:
- “.... relevant policies for the supply of housingdo not provide for the key (NPPF) objectives of ensuring choice and competition in the market for land and boosting significantly the supply of housing” (P.3.3.13)*
- 4.17 The site is not an allocated one, within the SAAPLP (adopted in July 2013 – i.e. post NPPF) and 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 and as such there are clear grounds for an in-principle refusal of the application.
- 4.18 The current Wyre Forest Development Plan housing policies (within the Core Strategy and SAAPLP) 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 Stourport-on-Severn. The application as submitted is not in accordance with the current Development Plan, being an unallocated, non-previously developed, site beyond the existing settlement boundary and of a scale of development that runs contrary, in particular, to Policy SAL.DPL1 of the SAAPLP. The current Development Plan, therefore, clearly indicates that the application should be refused.
- 4.19 Members will be aware that the review of the Development Plan has commenced 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 is 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.

4.20 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.

4.21 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)

4.22 The Applicants appear to accept that both Malvern Hills and Wyre Forest District Councils can demonstrate a five year land supply of deliverable housing sites (p.3.6.3 and p.3.6.4 of the Planning Statement), and no commentary to the contrary has been submitted. Rather, the Applicant simply states that:

“... the inclusion of the land to the south (of) the settlement boundary of Astley Cross (i.e. the application site) would enable the delivery of up to 125 new family homes which would make a significant contribution to boosting the supply of housing in both Malvern Hills District and Wyre Forest District”.

4.23 The applicant also states that the (NPPF’s):

“... presumption in favour of sustainable development applies to the application proposal. This is irrespective of the housing land supply situation (NPPF 49), which is a separate consideration”. (p.3.3.14)

4.24 However, notwithstanding the Applicant’s comments, Members may wish to note that the NPPF states, at Paragraph 8, that the economic, social and environmental roles (i.e. the three dimensions to sustainable development):

“ should not be undertaken in isolation, because they are mutually dependant to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”.

It is clear, therefore, that the proposal cannot be regarded as sustainable development and is substantially in conflict with the Development Plan.

4.25 Both Councils can demonstrate a five year land supply of deliverable sites and in accordance with Paragraph 49 of the NPPF the respective Development Plan policies in relation to the supply of housing are up to date and can be given full weight.

- 4.26 The Council has not approached, nor does it need to rely upon, Malvern Hills District Council to assist with housing provision. The application site is unallocated and is not required. Future housing sites are being considered and consulted upon, in the correct manner, as part of the Local Plan Review.
- 4.27 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.
- 4.28 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 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 (10 May 2017) is noteworthy. 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).
- 4.29 An assessment must be made as to whether specific policies in 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

- 4.30 As identified earlier, the application site rises from the west to its highest point and currently consists of agricultural fields complete with established field boundaries in the form of established and mature hedgerows along with mature trees, which the Applicants propose to retain and incorporate into their development.
- 4.31 It is the case that the site is highly visible from public vantage points and features a bridleway/PRoW which crosses the site. Views are available from the rear of established residential properties, as well as from the public highway, with more distant views also available from the surrounding area, thanks in part to the rising ground. The proposed development would introduce a significant level of new and alien built form within this otherwise rural landscape.
- 4.32 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”.

Whilst the accompanying text, and reasoned justification for the Policy, states 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”.

4.33 Furthermore, Policy SWDP25 (Landscape Character) of the SWDP states that:

‘A. Development proposals and their associated landscaping schemes must demonstrate the following:

i. That they take into account the latest Landscape Character Assessment and its guidelines; and

ii. That they are appropriate to, and integrate with, the character of the landscape setting; and

iii. That they conserve, and where appropriate, enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel, and have taken any available opportunity to enhance the landscape.

B. A Landscape and Visual Impact Assessment (LVIA) will be required for all major development proposals and for other proposals where they are likely to have a detrimental impact upon:

i. A significant landscape attribute;

ii. An irreplaceable landscape feature; or

iii. The landscape as a resource.

The Landscape and Visual Impact Assessment should include proposals to protect and conserve key landscape features and attributes and, where appropriate, enhance landscape quality’.

4.34 Nationally, 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” (Officers emphasis).

4.35 Whilst 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”

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In this case, it must be acknowledged that the land enjoys no formal landscape-related designations (e.g. AONB or some local designation).

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

“The site is well contained by the adjoining streets and existing residential development. The Site is assessed as being of medium landscape quality and value, and medium to low sensitivity.

The visual assessment found that the site is well contained in wider views by the adjoining built development and the woodland and local ridge to the south. Views of the proposed development will be available from the adjoining streets and properties, as well as from the higher land to the east and north east. There are also limited opportunities for views from the south west. However, where the new homes are visible, they will be seen within the context of the existing housing which bounds the site to the north and west, and will thus not appear discordant.

The retention and enhancement of the existing landscape framework, and the provision of public open space on the higher parts of the Site will enable the development to be integrated into the fabric of the settlement and into the wider landscape in due course.”

- 4.37 Officers do not concur with the conclusions drawn by the Applicant. The development would be highly visible and visually intrusive in this location and would be in conflict with the largely open pastoral character of the area. In this regard, the comments received from Worcestershire County Council Planning in respect of Landscape impact are worthy of note, and in particular the observations that:

“This development will impose a significant change to the landscape, particularly when viewed from the south and western approaches. The topography of the site is such that any development of this land will present a substantial visual impact to receptors along the B4196, Longmore Hill, and existing residential development to the north.”

(Officers emphasis)

- 4.38 Furthermore on this issue, Members are advised that Malvern Hills District Council commissioned its own review of the Applicant’s submitted Landscape and Visual Appraisal. This review is highly critical of the submitted Appraisal, with Malvern Hills Officer’s reporting that:

“The proposal to create an area of public open space at the highest point on the site to filter and soften the development is welcomed. However, this is not sufficient mitigation to offset the impact of such a large block of development in this particular landscape. In addition the public rights of way across the site and the sites local name of ‘The Snipes’ indicates just how well used the site is by local residents. Users of PROWS are much more susceptible to visual change than others.

In addition the topography of the site rising up from the road would make development much more intrusive than a flat landscape. Drawing together the above and whilst acknowledging that Worcestershire County Council have raised no objection it is considered that the proposal would fail to integrate or to safeguard and enhance the local landscape. The development would have a significant and harmful effect of the amenity value of the Areley Common, which is obviously used by a significant amount of local people for recreational activities. The proposed scheme would have a significant and detrimental impact on the role of this important piece of open land. Whilst it may not be designated, it is performing an important role as a transition or buffer to the edge of the town. Users of such recreation facilities are in the highest bracket of sensitivity.”

- 4.39 Officers are in agreement with the above comments. 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, contrary to adopted planning policy. Such matters weigh against the development in the planning balance.

HIGHWAYS MATTERS

- 4.40 Access to the site is proposed via the existing highway network, with a single point of access to be created along the existing highway frontage at Areley Common (B4196), which will involve associated highways works which are summarised as follows:
- Forming a ‘T’ junction with Areley Common with the junction to operate under priority (give-way) control.
 - Provide 2.0m wide footway on both sides of new Site access road.
 - Provide 2.4m x 44m visibility splay to the left for vehicles emerging from Site.
 - Provide 2.4m x 54m visibility splay to the right for vehicles emerging from Site.
 - Proposed Pedestrian Infrastructure Improvements.
- 4.41 There is a continuous sealed surface footway, and lighting, along the east side of Areley Common between the site and the local amenities. However, the footway between the proposed site access and Redstone Lane, representing a distance of about 100m, is only around 1.0m wide and benefits from only 2no. lighting columns. It is proposed that this section of footway is widened to provide a minimum footway width of 1.5m and an additional lighting column is to be added.
- 4.42 Members will have noted the objections raised locally regarding highway related issues, such as increased traffic movements; highway safety; and, the impact upon traffic flows (and queuing traffic) over Stourport Bridge.

- 4.43 The Highway Authority had initially expressed concern with regard to additional vehicle trips that will be generated into Stourport-on-Severn and the impact on congestion on Bridge Street. The applicant has reviewed the situation and concluded that the local network can accept this level of development. The Highway Authority has undertaken additional surveys of the area to enable it to make like-for-like comparisons with the submissions made by the Applicants and have concluded that whilst a long queue can be experienced at times it is short lived and static traffic conditions have not been observed. It is therefore concluded that this level of development can be catered for over the River crossing and on into Bridge Street.
- 4.44 The Highway Authority therefore concludes that the additional demands that this development brings can be mitigated for and subject to conditions and planning obligations being fulfilled that there will not be a severe impact on the existing highway network.

AIR QUALITY MATTERS

- 4.45 There are no direct air quality issues emanating from the development in the immediate vicinity of the application site, as confirmed by WRS within their consultation response, set out at Paragraph 3.14 above.
- 4.46 However, hand-in-hand with the local objections to the development, and in particular those concerns regarding queuing traffic and the impact upon the highway over the River Severn Bridge and into Bridge Street within the Town Centre, are concerns regarding the potential knock-on impact of additional vehicles upon air quality in the Town.
- 4.47 WRS have acknowledged this concern within their formal response and the nature of the air quality in Stourport, however they have refrained from raising an outright objection to the proposal and, as reported, are contented that such matters can be addressed via conditions, including air quality monitoring.

FLOODING AND DRAINAGE

- 4.48 The application site lies within Flood Zone 1 and as such is therefore, by definition, at low risk from fluvial or surface water flooding.
- 4.49 Concerns have been expressed by the relevant Lead Local Flood Authority (LLFA), particularly in terms of proposals for surface water discharge from the site, with the initial proposals to use pumps not supported. In response, the Applicants have since proposed a gravitated solution, which in turn require a deep drain solution.
- 4.50 There are also concerns that the proposed surface water drainage solution will increase flood risk as there is an existing flooding problem downstream which affects properties at Longmore Hill. It is stated as being imperative that this risk is not exacerbated.
- 4.51 Furthermore, the developer would also have some practical difficulties to overcome with the proposed drainage route along the public highway down to the watercourse culvert as it will cross the line of a foul water rising main and the line of a strategic water main. The culvert is a highway structure.

- 4.52 The full comments, and concerns, expressed by NWWM (in their delegated role as the LLFA) are set out at Paragraph 3.15 of this report, and they conclude that:

“..... more work will be required to address the perceived increase in flood risk that could result from the discharge from the site, even following attenuation. In addition I believe that to demonstrate the practical deliverability of the proposed scheme further work will be required regarding the technical feasibility of the scheme and the willingness in principle of STW to adopt the deep drains and WCC to allow a connection to their culvert.”

- 4.53 In light of the above, it is considered that insufficient information has been submitted to show that an appropriate Sustainable Drainage System could be implemented on the site without having a significant adverse impact from surface water drainage. The proposal is therefore considered to be in conflict with Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the SAAPLP and Policies SWDP28 & SWDP29 of the Adopted SWDP, as well as national guidance contained in the NPPF and NPPG.

ECOLOGY AND BIODIVERSITY

- 4.54 A habitat survey was carried out in October 2016 to ascertain the general ecological value of the land contained within the boundaries of the application site and to identify the main habitats and associated plant species, with notes on fauna utilising the application site.
- 4.55 The survey concludes that the majority of the habitats within the application site generally hold very limited ecological value, with the application site primarily comprising arable and poor semi-improved grassland. With the habitats of relatively greater ecological value (hedgerows and woodland) retained, and the provision of areas of more species-rich habitats such as new tree, woodland, scrub and grassland planting as part of the landscape planting scheme, it is considered that losses will be full mitigated and an overall enhancement in the quality of the habitats present within the application site will be delivered post-development.
- 4.56 A number of further specific protected species surveys and assessments have been undertaken as the hedgerows and woodland offer nesting and foraging opportunities for birds, and also offer limited suitable foraging and navigational resources for bats and a seasonal water-body (i.e. balancing pond) may provide limited potential opportunities for Great Crested Newts. An area of the application site also supports habitat marginally suitable for reptiles and specific surveys for these species were scheduled for 2017 to confirm their presence or absence. Badgers are also known to be present on site in the form of two outlier Badger setts.
- 4.57 Members will have noted local objections to the development on the grounds of impact upon protected species and habitats, as well as impact upon a variety of species of birds which have been witnessed on the site.
- 4.58 As reported above, no objections have been received from Natural England, however the Council's own Countryside Conservation Officer has raised a

number of issues, principally around the need for additional survey and assessment.

- 4.59 As things currently stand Officers are concerned that the level of information provided regarding the potential impact upon protected species is inadequate and until such time as Officers are satisfied, grounds exist for resisting the development which would be contrary to Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the SAAPLP, and Policy SWDP22 of the Adopted SWDP. The proposal would also be at odds with Circular 06/2005 “Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System” as well as the guidance set out within the NPPF (in particular Section 11).
- 4.60 Notwithstanding the above, Members are advised that additional submissions have now been made, albeit rather late in the day, and these have been referred to the Countryside Conservation Officer for further commentary, which it is hoped will be available in time to allow for comments to be summarised via the Addenda and Corrections Sheet.

OTHER ISSUES INCLUDING AFFORDABLE HOUSING; OPEN SPACE; EDUCATION; MINERALS; ARCHAEOLOGY; LOSS OF AGRICULTURAL LAND; AND, PUBLIC RIGHTS OF WAY

- 4.61 The application proposes the provision of 40% Affordable Housing on the site, which, notwithstanding the unallocated nature of the site, is in full accordance with the requirements of the adopted SWDP and actually exceeds the requirements of the Wyre Forest Development Plan (30%) in this regard. 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.
- 4.62 The application proposes the introduction of formal and informal open space within the site, along with the provision of a Locally Equipped Area of Play (LEAP) for children. These areas would almost exclusively be located within the area of the site falling within the Malvern Hills administrative boundary.
- 4.63 The comments of the relevant Education Authority (i.e. Worcestershire County Council) are reported at paragraph 3.8 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.
- 4.64 Members will have noted the concerns expressed by Worcestershire County Council (Planning) in terms of the known mineral (solid sand) resource at Paragraph 3.7 above. Paragraph 144 of the NPPF states that when determining applications local planning authority should, amongst other things, give great weight to the benefits of the mineral extraction including the economy.

- 4.65 Under Paragraph 144 of the NPPF serious consideration must be given to the possible constraints the proposed development may cause to any future working of the known minerals resource both within the site boundary, and in the wider area, which has not been assessed in the current Minerals Resource Assessment which has been provided. The Minerals Resource Assessment has also been prepared in a manner which downplays the potential of the resource. The County Council consider that these issues need to be examined more thoroughly in a revised Minerals Resource Assessment. Officers therefore consider that insufficient information has been submitted with the application to comply with the requirements of Paragraph 144 of the NPPF and this represents a reason for refusal.
- 4.66 The Archaeology and Built Heritage Statement and the Geophysical Survey report as submitted with the application provide sufficient information to help inform the determination of the application, as confirmed by the County Archaeologist.
- 4.67 The application would, clearly, result in the loss of a significant area of existing agricultural land. Paragraph 112 of the NPPF states that:
- “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.*
- 4.68 The western area of the site appears to be Grade 2 agricultural land, with the remainder Grade 3. However, as the amount of Grade 2 land is less than 2 hectares, in line with Policy SAL.UP14 “Agricultural Land Quality” of the SAAPLP and Policy SWDP 13 “Effective Use of Land” of the Adopted SWDP, such a loss would not be considered significant and as such the proposed development would not be at odds with the NPPF in this particular regard.
- 4.69 The application does not propose to amend or divert the PRoWs that traverse the site. Users of the PRoWs will undoubtedly be adversely affected as a result of the development of the land, which is currently free from built form. However, Worcestershire County Council and the Ramblers Association have raised no objections to the proposal, with issues raised by the Worcestershire County Council PRoW Officer capable of being addressed mitigated via planning condition.
- IMPACT UPON EXISTING NEIGHBOURING/NEARBY PROPERTIES
- 4.70 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.
- 4.71 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.

- 4.72 Concerns have been expressed regarding the proposed vehicular access, and in turn the increased volumes of traffic and the perceived implications for highway and pedestrian safety. However, as reported above, there are no objections to such matters, subject to conditions, from the Highway Authority.
- 4.73 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 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 DRAFT HEADS OF TERMS

- 4.74 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.
- 4.75 The full range of contributions is impacted upon by the fact that Malvern Hills District Council has adopted a Community Infrastructure Levy (CIL). However, in addition to this, the full list of potential Heads of Terms would be as follows. However, Members are advised that no agreement has been reached on such matters with the Applicants at this stage.
- Affordable Housing (40% - based upon Malvern Hills District Council's requirements) with mix and tenure to be determined.
 - Onsite formal and informal Open Space to include equipped Children's Play Area and future maintenance and management.
 - Education contribution based upon type and mix of dwellings.
 - Highways contribution for improvement works on the junction of The Lakes Road.
 - Transport Infrastructure including bus stop improvements.
 - Personal Travel Planning.
 - Healthcare, including improvements to existing GP surgery capacity and provision.

POTENTIAL PUBLIC BENEFITS OF THE DEVELOPMENT

- 4.76 Notwithstanding the above commentary on the merits, or otherwise, of the application when considered against national and local planning policy, it is a requirement for the public benefits that the application might deliver to be identified, and thereby considered, in the overall planning balance.
- 4.77 Public benefits in this case could 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;

- Notwithstanding any concerns regarding the loss of this rural site and the adverse impact upon the surroundings, the enhancement of footpaths;
- Job creation during the construction of the development;
- Open Space and Biodiversity enhancements;
- Varying degrees of S106 Contributions, including Education contributions, Health care, etc.
- Increased Council Tax income to both Councils;
- New Homes Bonus payments to both Councils.

4.78 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.

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 highways; environmental health; and, archaeological matters.
- 5.2 Notwithstanding the above, and the potential benefits that the development could deliver, as listed at paragraph 4.77 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) and those of the SWDP, 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 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Both Councils have adopted Development Plans and a deliverable 5 year supply of housing land, therefore Development Plan policies relating to the supply of housing are up to date and are afforded full weight.
- 5.4 The proposal would result in a significant incursion into the open countryside outside of defined development boundaries contrary to Policy CP12 of the Adopted Core Strategy and Policy SWDP2 of the Adopted SWDP. The proposal by reason of its scale and location would result in a substantial adverse change to the character and appearance of the area and would fail to enhance this valued landscape contrary to policies SWDP21 and 25. In addition the applicant's have failed to provide sufficient information to allow the local planning authority to properly assess the implications for surface water drainage, ecology and protected species and mineral resources.
- 5.5 The adverse impacts of the development, when taken in the planning balance, significantly and demonstrably outweigh the benefits of granting permission.
- 5.6 The NPPF states that the economic, social and environmental roles should not be undertaken in isolation, because they are mutually dependant and to achieve sustainable development, economic, social and environmental gains

Agenda Item No. 5

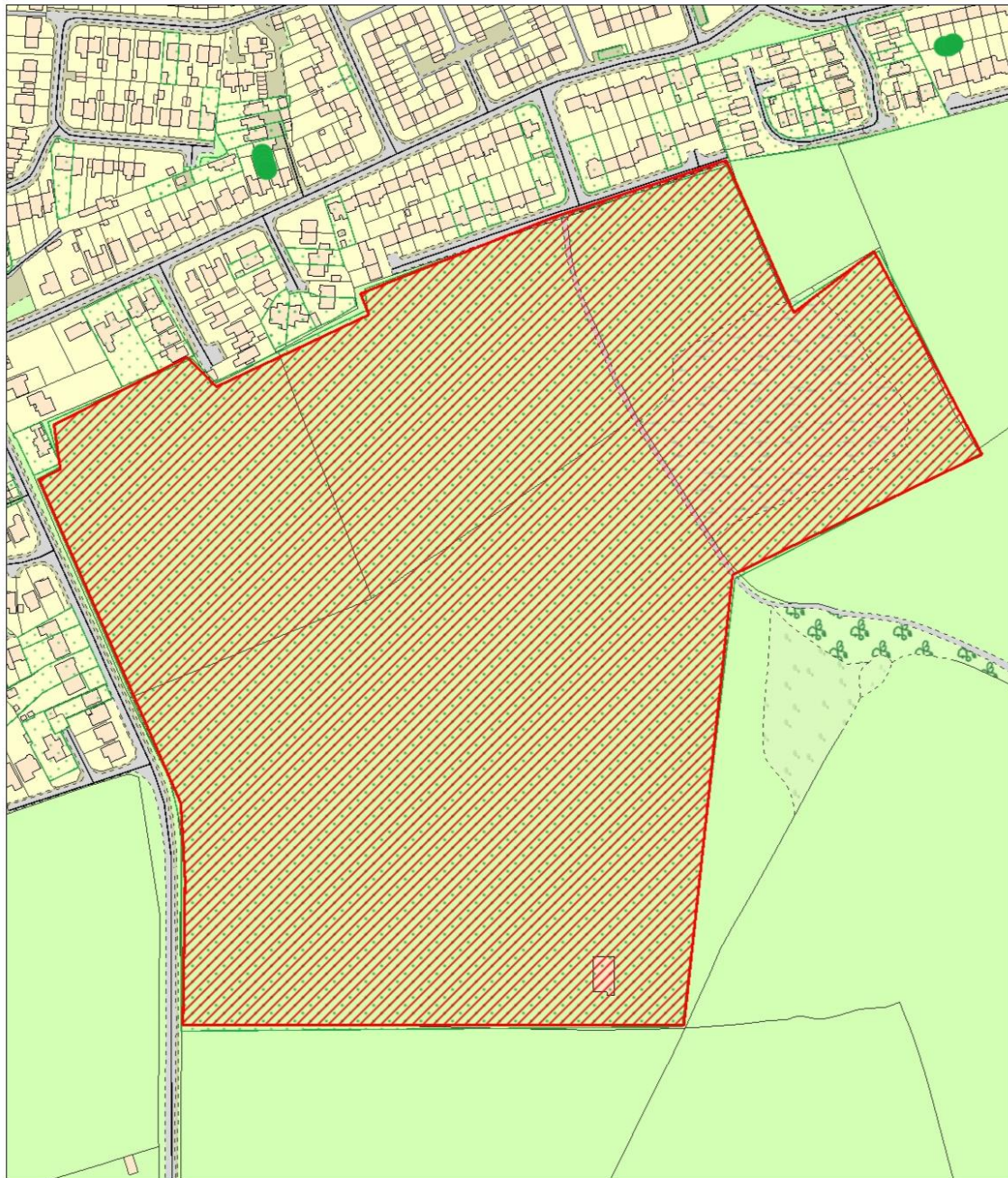
should be sought jointly and simultaneously through the planning system. Drawing together the above, it is clear that the proposal cannot be regarded as sustainable development and is substantially in conflict with the respective Development Plans.

5.7 It is, therefore, recommended that the application be **REFUSED** for the following reasons:

1. The application site is an unallocated site located beyond the existing settlement boundary within open countryside and the proposed development in this location therefore fails to accord with the relevant Housing Policies as contained within the Adopted Development Plans of both Wyre Forest District Council and Malvern Hills District Council which seek to guide residential development to appropriate locations. Both Councils are able to demonstrate in excess of five years housing land supply, as required by the National Planning Policy Framework. To approve the current application would therefore be contrary to Policies DS01 and DS03 of the Adopted Wyre Forest Core Strategy, Policy SAL.DPL1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, Policy SWPD2 of the South Worcestershire Development Plan and guidance contained in the National Planning Policy Framework.
2. The development would result in a substantial adverse change to the character and appearance of the area and would fail to enhance this valuable landscape. The proposal would represent a significant visual intrusion to users of the PRow which crosses the site therefore diminishing the amenity value to local residents and would appear visually dominant from the B4196 due to the rising land. 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, Policy SWDP25 of the South Worcestershire Development Plan and guidance contained in the Worcestershire County Council Landscape Character Assessments and the National planning Policy Framework, specifically paragraphs 17 and 109 of The Framework.
3. The application fails to adequately provide sufficient information to demonstrate that the surface water from the proposed development can be adequately drained. The applicants have failed to illustrate how the surface water flow path affects the flood risk to properties downstream at Longmore Hill. Furthermore there are serious concerns regarding the practical deliverability of certain elements of the drainage strategy including the deep drain solution and its potential route along the public highway. The proposal therefore fails to accord with Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the Adopted SAAPLP and Policies SWDP28 & SWDP29 of the Adopted SWDP, as well as guidance contained in the National Planning Policy Framework.

Agenda Item No. 5

4. Insufficient information has been submitted with the application to ascertain the likelihood of impacts on protected species, including bats, Great Crested Newts, reptiles and breeding birds. Further survey work is required and in the absence of this information the Local Planning Authority is unable to discharge its duty to have regard to conserving biodiversity under the Natural Environment and Rural Communities Act 2006. On this basis, the proposal fails to comply with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted SAAPLP and Policy SWDP 22 of the SWDP and paragraph 118 of the National Planning Policy Framework.
5. Insufficient information has been submitted with the application to allow assessment of the possible constraints the proposed development may cause to any future working of the minerals resource both within the site boundary, and in the wider area, contrary to paragraph 144 of the National Planning Policy Framework.



Economic Prosperity and Place Directorate

Land at Areley Common

Astley Cross

Stourport on Severn, DY13 0LB



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Scale 1:3001

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

Application Reference: 17/0256/FULL	Date Received: 13/04/2017
Ord Sheet: 373166 270926	Expiry Date: 08/06/2017
Case Officer: Paul Round	Ward: Bewdley & Rock

Proposal: Provision of horse walkway

Site Address: ROCK FARM, ROCK, KIDDERMINSTER, DY149SA

Applicant: Mr Steve Mares

Summary of Policy	DS04, CP11. CP12 (CS) SAL.GPB1, SAL.UP6, SAL.UP7 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
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 located within the settlement of Rock, situated off the Porchbrook Road. Access to the farm is via a track that runs adjacent to the Grade I Church of St. Peter and St. Paul.
- 1.2 The site is located within the open countryside and has a number of public rights of way crossing the area. Residential properties are located close to the site in the form of converted former farm buildings.
- 1.3 Rock Farm was granted permission last year to be converted to racing stables along with the associated gallops. The permission has been partly implemented, with the work that has taken place providing a quality environment to the betterment of the area. This application seeks for the retention of a walkway that was not included within the previous application but which has been installed as part of the development.

2.0 Planning History

- 2.1 16/0512/FULL - Proposed Racehorse Training Facility, gallops and associated building for tack/feed storage and groom accommodation : Approved 20.12.16

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection and recommend approval
- 3.2 Arboricultural Officer – No objections

17/0256/FULL

- 3.3 Conservation Officer – No objections. Part of the application site is located adjacent to the designated Scheduled Monument and Grade I listed church. The northern walkway runs on a north-south axis parallel to the existing access road.

The walkway sits within the field boundary behind a timber post and rail fence. This fence has the effect of partially screening the walkway from view to those walking or driving along the public right of way ref: 109.

Although the walkway is visible in the context of the listed church the impact on its significance is negligible. In more distant views of the church from the west the walkway is concealed by the ground sloping down eastwards from the plateau in the middle of the field.

Given that there are already a number of agricultural trackways on the farm the new walkway does not appear incongruous in its setting.

Those using public right of way ref: 108 to walk west away from the church cross a stile and then cross the walkway to continue across the centre of the field. Although the local visual impact from the stile is high the overall impact in the context of views towards the rolling countryside to the west is low. In the opposite direction the walkway is visible as walkers reach the crest of the hill.

I consider that the impact of the walkway on the setting of the designated heritage assets is minimal, and thus is in compliance with Policy SAL.UP6.

- 3.4 Neighbour/Site Notice – Two letters received stating the following:

Letter 1

With reference to the above Planning Application I see there is no mention of the White Railing that has been erected along the length of the southern walkway. I have no objection to the walkway itself but have discussed the visual impact of the railing directly with the Applicant. In relation to this it is stated that he will either paint green the rail that we can see from our house (the portion in the field adjoining our property) or hedge the southern side of it to blend with the environment. As long as this commitment is adhered to I have no objection to this application

Letter 2

My objections can be set out as follows:

NOISE

1. The proposal is for the installation of a Horse Walkway and not for vehicular access. This route is currently being used by the stables for horses and vehicles. I have so far observed a pick-up truck, a mini, a quad bike, brown horse transporter and various four-wheel drive vehicles using the route. Tractors are also using the track. According to various points made in the planning application, this route will not be used by vehicles. This has so far not been the case.

17/0256/FULL

2. In fact, it appears that vehicles are being used on this route so that as the horses gallop they can be intercepted. This means that the vehicles at times have to drive at some speed to keep up with the horses. As they reappear at the top part of the gallops.
3. The planning application states that the walkway will be utilised from 6.30am. I can hear horses and people talking inside my home along with the horses' hooves on gravel. The first horses are usually off the gallops around 7.05 to 7.10 am. The walkway is one metre from my fence and 5.7 metres away from my bedroom, bathroom, and kitchen (see Figures below). I can hear the noise from the walkway in most of the rooms inside my property. This noise is affecting my sleep as it is loud enough to wake me whilst in bed. Given that they are jockeys that are leaving the gallops and are therefore high on adrenaline, this makes their conversations loud and enthusiastic.
4. It states in the planning application that the walkway will not generally be used on a Sunday however I have witnessed vehicles still using the route on a Sunday e.g. quad bikes and tractors.
5. The planning application states that there is likely to be 40 to 45 horses in training at any one time, however my understanding is that there is stabling for 60 horses which I also understand is likely to increase. Therefore, the noise issue is only going to get worse.

PRIVACY

6. Anyone on a horse can see over the fence and into my garden, kitchen, and bathroom.
7. I no longer have any privacy in my garden as people can see in as they pass. I use my garden a lot, all year round and have enjoyed the benefit of no-one overlooking me since purchasing the property. I no longer feel comfortable spending time in my garden when horse-riders can see in.
8. It is possible for the horse riders to see that someone is in my bathroom from the walkway. I have to bring the blinds down each time I use the bathroom. There is opaque glass in the bathroom but you can still tell when someone is sat on the toilet.

IMPACT ON MY USE OF MY GARDEN

9. The current use of the walkway is churning up dust (in dry weather) and settling on my washing on the line. This impacts on my ability to use my garden for drying clothes. It also means that my garden is likely to gather dust also.
10. The walkway is very close to my property. I am concerned that noise from garden power tools may scare the horses. In fact, this happened on 13th May when my partner was moving the wheelbarrow prior to mowing the lawn.

IMPACT ON MY BUSINESS

11. I have a bed & breakfast facility in my property. I can hear the horses and horse-riders chatting whilst inside my property. This will impact on the experience my B&B guests have during their stay.

17/0256/FULL

OTHER CONCERNS

12. Before any permanent access was created I discussed this issue with the horse trainer twice when we chatted over the garden fence. I explained that the walls of my property were very thin and that all noise can be heard inside including walking on the gravel in my garden. I made it clear that I didn't want a horse track, or in fact any track, adjacent to my property. This has obviously not been taken in account
13. The planning application states that the walkway is situated partially on an existing track. However, this is not correct as trees and hedges have been cut down to access the walkway. At the very end of the track, as it adjoins the field at the end of the orchard, the tractors did go down to the field to the south east but this did not pass close to my property as the track now does. The vast majority of the track passing by my property is new. No direct traffic passed by my home before.

In principle, I have no issue with the actual walkway, I just request that it is moved to further away from my property.

4.0 Officer Comments

- 4.1 Two portions of track have been installed. The first section starts from the end of the main gallops at Porchbrook Road, running north to south following the edge of the field adjacent to the access track, passing by the existing residential conversions, and joining an existing access track. The second section links the existing stable complex to the gallops running directly east to west.
- 4.2 The tracks are finished in grey small gravel and are approximately 3m in width. The second section of track, which runs east to west, is bounded by white rails which are permitted development. The report will consider the two track elements separately and then reach a recommendation based on the conclusions reached.

FIRST SECTION – NORTH TO SOUTH

- 4.3 The track itself has little visual impact on the surrounding landscape and is visible only in close proximity. In a similar vein the impact on the Church has been assessed by the Conservation Officer, who has concluded that there is little or no impact on heritage assets. Towards the end of the track it runs adjacent to residential properties. The visual impact from these properties is minimal and does not impact on the appreciation of the countryside beyond.
- 4.4 The main concern comes from the neighbour, in terms of privacy and loss of residential amenity. The concerns have been set out in full under paragraph 3.4 above.

17/0256/FULL

4.5 The Applicant's Agent has confirmed the following points:

- An unmarked track previously existed, a fact evidenced by aerial photographs.
- The track is to be used by horses and will only be driven on for maintenance purposes or for medical emergencies. General use by vehicles would degrade the track, making it unsuitable for the intended use.
- The surface treatment has been chosen to minimise noise from horses hooves.
- Training normally commences at 8am, unless when high temperatures are envisaged.
- A public footpath runs close to the residential properties.
- Signs could be placed to warn of location of residential properties.
- There is a good relationship between the owner/trainer and the residents/businesses.

4.6 Whilst it accepted the track will run in close proximity to the garden and the property, when coupled with the existence of the existing track, the public right of way and the other matters raised by Applicant it is considered the location is acceptable and no undue harm will be caused. The hours of training are considered acceptable, and adequate explanation has been given for early starts due to hot weather. Having taken account of all the aspects of the objections raised it is concluded that the relationship between residential properties and the track is acceptable.

SECOND SECTION – EAST TO WEST

4.7 The second part of the proposal runs from the main stable complex directly west until it meets with the existing gallops. The walkway runs adjacent to the existing field edge and is screened from the north by hedgerows. The pathway is visible from the south, particularly from the public rights of way and properties at Porchbrook, however the nature and position of the track result in limited harm being caused in its own right.

4.8 It is noted that this section of track is bounded by white rails, the same as those used for the gallops. The comments of the neighbour are noted in this context but Members are advised that these rails are permitted development not require planning permission, and as such do not form part of this proposal.

17/0256/FULL

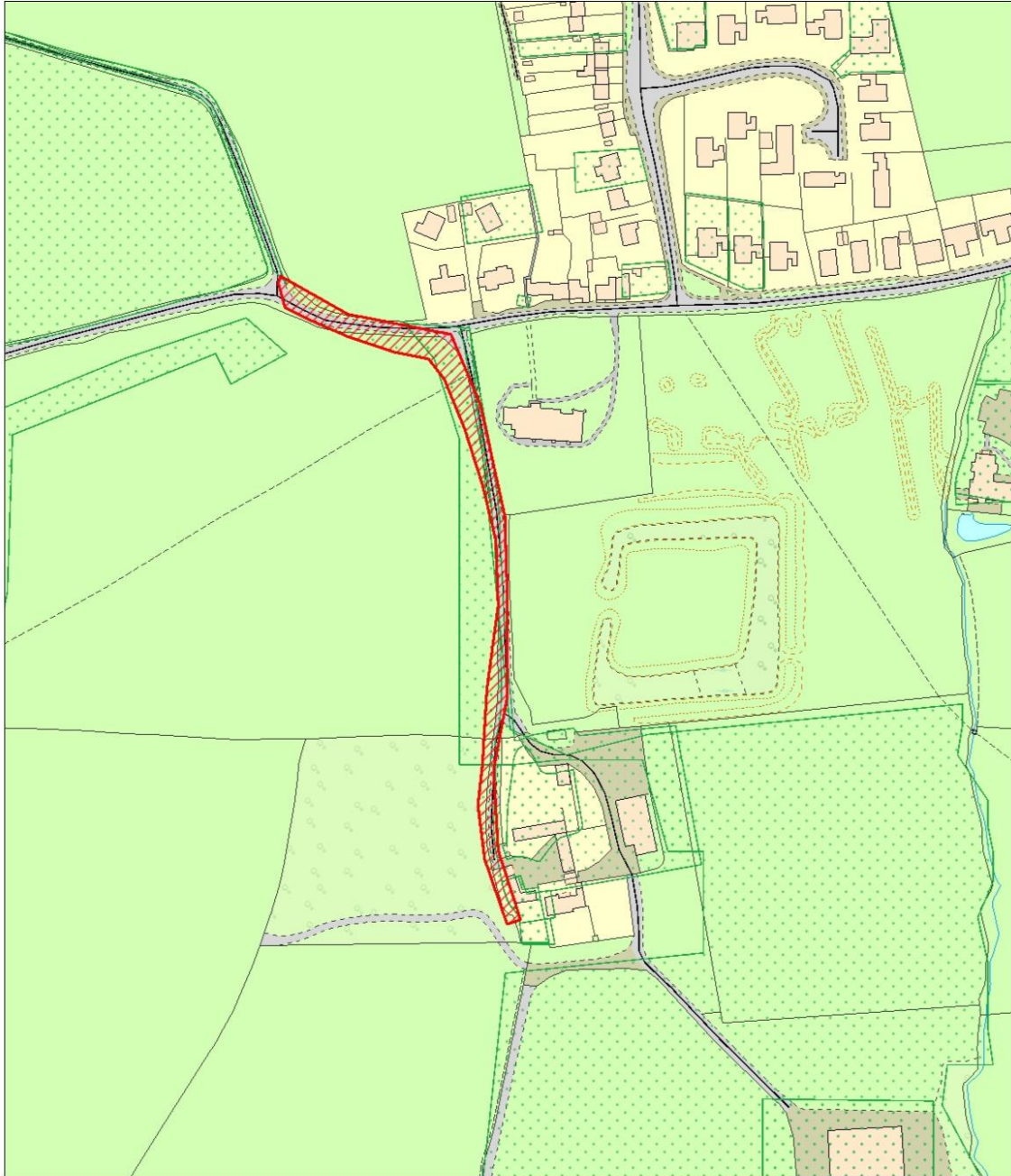
OVERALL EVALUATION

- 4.9 When viewed as one, this application for tracks across the existing enterprise of Rock Farm does not result in visual harm to the landscape or residential properties and does not cause loss of amenity to neighbouring dwellings. . The white railings can be seen, however as explained above this cannot be controlled. It is considered that any additional railings have the potential of causing harm, particularly in the vicinity of the church and as such this application provides an opportunity to remove permitted development rights to prevent this occurring in the future. Subject to this condition, the overall effect of the development is acceptable and provides a means to allow the effective operation of the establishment, without causing harm.

5.0 Conclusions and Recommendations

- 5.1 The tracks as submitted both singularly and collectively are acceptable in the context of the landscape and residential properties. The alignment, appearance and impact on heritage assets has been carefully considered and found to be appropriate. The proposal accords with the Development Plan and should succeed.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. Use as horse walk only, except in emergencies
 2. Removal of Permitted Development rights to prevent the erection of any means of enclosure to the walkway

Note
Identification of plans.



Economic Prosperity and Place Directorate

Rock Farm

Rock

Kidderminster, DY14 9SA



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Scale 1:2500

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
18TH JULY 2017

PART B

Application Reference:	16/0480/S106	Date Received:	11/08/2016
Ord Sheet:	383073 276303	Expiry Date:	06/10/2016
Case Officer:	Paul Round	Ward:	Blakebrook & Habberley South

Proposal: Modification of the S106 agreement attached to planning permission WF450/96 in order to allow Tesco Stores Ltd flexibility to introducing alternative car park control measures, to ensure that the car park is used only by customers

Site Address: TESCO STORES LTD, CASTLE ROAD, KIDDERMINSTER, DY116SW

Applicant: Tesco Stores Ltd

Summary of Policy	CP03 (CS) SAL.CC2 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 The application site relates to the Tesco retail store in Kidderminster. The site is located off Corporation Street and lies adjacent to the Weavers Wharf retail area and close to Kidderminster Town Centre.

1.2 The store was granted approval in 2000

2.0 Planning History (of relevance)

2.1 WF.0450/96 - Outline: Part Dem. & Redevelop. of Existing Buildings & Erection of New Buildings for: Class A1, A2, A3, B1, C3, D2 a Petrol Filling Station, Bus Interchange, Ass. Car Parking, Landscaping & Engineering Works inc. Realignment & Opening Up of River Stour : Approved

16/0480/S106

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objection and recommend approval
- 3.2 Highway Authority – No objection
- 3.3 Neighbour/Site Notice – 1 letter of objection received. The nature and extent of the content of the objection is such that Officers consider that to summarise the content, as is usual practice, may serve as to dilute the full range of issues raised. The objection is therefore, on this occasion, reproduced in full.

I wish to object to this application.

I feel the changes need to be seen in a wider context than pure changes to planning permission ref WF450/06. The full consequences of the changes need to be considered along with the proposed car park management system outlined in application ref 16/0482/ADVE

Reason for objection:

1. I feel that the measure has nothing to do with managing car parking for customers and is purely to give Tesco Stores Ltd and their contractor Highview Parking carte blanche to introduce any system they like to the detriment of the shopper and raise revenue for Highview Parking and Tesco through such schemes that, with this amendment, may be changed at any time without notice.
2. The application speaks of the removal of barriers at the car park as they are no longer necessary. The barriers have not existed for a number of years and indeed could provide a better solution to the supposed problem, if customers were to obtain a token to exit the car park at the till.
3. The modification of paragraph 1 schedule 4 to read "To take all reasonable steps to ensure that the car park is used only by customers of the retail store and for a maximum period as specified by Tesco Store Ltd" seems to fly in the face of the implication that linked trips to the town centre are available. Although the planning portal does not allow viewing of the original application for the building of the store which may include this, it is alluded to in the consideration of application ref 09/0602/S106 concerning Morrison's store on Green St, paragraph 4.8 " ..It was acknowledged that only the Tesco Store offered such an opportunity for linked trips.."
4. The reasonable steps to be taken are not defined so how can any test of reasonableness be carried out

16/0480/S106

5. The use of ANPR to monitor car parks in lieu of barriers. ANPR is notoriously unreliable and it is perfectly possible for a vehicle not to be registered either leaving or entering the car park due to something, another vehicle perhaps, blocking the line of sight. The internet has many examples where two trips have been made on separate occasions and the motorist is accused of staying over the permitted time. i.e the camera system has recorded first entry and last exit but not the intervening exit and entrance. If this application is allowed then there must be a condition added that any ANPR system is subject to a publically available system of audit to ensure such errors do not occur. Is the use of fallible technology a reasonable step?

6. The system proposed by Tesco Store Ltd to manage the ANPR system (as outlined in application 16/0482/ADVE that complements this application) suggests that the motorist must input their registration number when validating their ticket. This is fraught with problems as motorists may accidentally input the incorrect number (especially if driving a hire or courtesy car). In the event this application is accepted it should be considered that the ANPR system must show an error to the motorist if a car registration that has not been logged entering the car park is input. There must also be a system to allow on the spot resolution of such issues to avoid the motorist being penalised.

Further the notices outlined in application ref 16/0482/ADVE indicate a period of free parking. ANPR does not measure parking. It measures time between entrance and exit which is a different thing. For instance a motorist may enter the car park at 0900hrs, see a sign advertising two hours free parking. At a busy time (Christmas week) they may spend 5 minutes finding a parking space. Leave their car and check their watch. It is now 0905hrs. At 1103hrs they return to their car and spend some minutes queuing to leave. They pass the camera at 1110hrs. 1 hour 58 minutes parking has turned into 2 hours 10minutes and a £70 charge.

7. Modification of paragraph 2 schedule 4 so that it reads "Tesco will introduce an excess charge as they consider appropriate.." An Excess Charge Notice (ECN) is a criminal matter. Tesco Stores Ltd do not have such authority

To sum up: The changes outlined I feel will be to the detriment of the motorist using the Tesco store and I can foresee many motorist innocently falling foul of this proposed system, or any future change that Tesco Stores Ltd feel necessary, that the acceptance of this amendment will allow. To give such sweeping and none specific powers to Tesco Stores Ltd at this site as applied for without any system of checks for reasonableness or safeguards for fallible technology will be a mistake for the reasons I have outlined above.

16/0480/S106

4.0 Officer Comments

- 4.1 Members will recall that this application was reported in October, where it was resolved to modify the S.106 in accordance with the proposal put forward by Tesco. Following this resolution and during ongoing legal negotiations, Tesco undertook a trial run. Following a number of customer comments Tesco amended the parking arrangements and are currently operating on this basis. The report is therefore presented once more, to obtain confirmation of the acceptability of the current arrangement. The original report is repeated, albeit in an updated form to reflect the current circumstances.
- 4.2 The original application submitted in 1996, as referred to at Paragraph 2.1 of the report, was for the whole Weavers Wharf development including the Tesco store. As part of this approval a S.106 Agreement was signed this placed requirements on the car parking arrangements. The agreement specifically bound Tesco to providing 573 spaces that would be barrier controlled providing for a maximum stay of two and a half hours. In addition clause 2 of fourth schedule stated "Tesco will introduce an excess charge of up to a maximum of £5.00 for preventing use of the Car Park unless they are users of the Car Park who shop at the Retail Store who will be allowed to park for a maximum of up to two hours and forty minutes at no charge provided that they spend a minimum of £5.00 in the Retail Store during that stay." It also gave Tesco the ability to review the spend figure every five years and it could be increased if there was any significant rise in the Retail Price Index.
- 4.3 Members will be aware that Tesco operated their store at Kidderminster for a number of years without barrier control and without the implementation of the minimum spend policy. The application was submitted last year as Tesco stated that they were finding that their car park is coming under considerable pressure and is being used by non-Tesco customers.
- 4.4 Tesco proposes revised arrangements to control the car park, which are currently operational. These arrangements allow for 60 minutes free parking, Tesco customers however are permitted to stay for a further two hours if they spend a minimum of £5 in store. Customers are given a voucher at the till after their shop which can be scanned into one of the automated ticket validation terminals within the car park. Those who fail to validate their parking that day, or stay longer than the prescribed period will be issued a penalty charge notice of £70, reduced to £40 if paid in 14 days.
- 4.5 In order to manage this arrangement, Tesco have installed automatic number plate recognition (ANPR) cameras, payment terminals and associated enforcement signage within the store car park.
- 4.6 A separate application has been approved for the advertisement elements of the scheme. This application purely deals with the modification that is required to the S.106 Agreement.

16/0480/S106

- 4.7 The modifications required are minor as the general principle of the minimum spend policy has already been agreed by the original agreement. In summary changes now proposed are:
1. To:
 - (i) permit use of the Car Park by the public for the Initial Parking Period (1 hour);
 - (ii) take all reasonable steps to ensure that only persons that satisfy the Parking Condition may use the Car Park for the Additional Parking Period. (additional 2 hours)
 2. To implement the Excess Charge to prevent use of the Car Park by persons that do not satisfy the Parking Condition.
 3. To permit the Council to make all reasonable enquiries to establish that the Owner is complying with its obligations
- 4.8 It is the opinion of Officers that these changes are minor and do not alter the original intention of the agreement, and provide the store the ability to provide car parking for its customers and not for all members of the public as a general car park. The removal of the requirement for a barrier controlled car park is sensible given the highway arrangements and the potential for queuing traffic, which was the original reason for their removal following initial opening of the store.
- 4.9 The comments made by the member of the public were taken into account previously. The revised arrangements do not bring any new matters to bear over and above that have already considered.
- 4.10 Overall I consider the revised modifications to the S.106 to be acceptable and they will not prejudice the Agreement as originally intended.

5.0 Conclusions and Recommendations

- 5.1 The proposed revised amendments to the S.106 Agreement attached to planning permission WF.0450/96 are acceptable and will allow Tesco to maintain the car parking management requirements as originally intended when the application was approved.
- 5.2 I therefore recommend that the Solicitor of the Council be given delegated authority to prepare and issue a deed of variation to the Section 106 Agreement which accompanied Planning Permission WF.0450/96.

Application Reference:	17/0296/FULL	Date Received:	05/05/2017
Ord Sheet:	388367 275660	Expiry Date:	30/06/2017
Case Officer:	Kate Whitfield	Ward:	Wyre Forest Rural

Proposal: Extension to the rear of the existing monks house, to create enlarged entertainment room and additional indoor swimming pool with associated poolside facilities and including external landscaping works

Site Address: MONKS, WOODROW LANE, HARVINGTON, KIDDERMINSTER, DY104NA

Applicant: Mr & Mrs T Westley

Summary of Policy	CP02, CP11 (CS) SAL.PFSD1, SAL.CC7, SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) CC9, CC10, CC11 (Chaddesley Corbett Neighbourhood Plan) Design Guidance SPD
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application refers to a large country dwelling house lying within substantial grounds in countryside within the Chaddesley Corbett parish. The property lies within the West Midlands Green Belt.
- 1.2 The building itself dates from the mid to late 19th century and is a locally listed building on the Chaddesley Corbett Local Heritage List, by virtue of its age and architectural interest.
- 1.3 The main dwelling lies at the end of a long, gated entrance driveway. A separate 'Gatehouse' lies at the entrance to the site and close to the house there are a number of outbuildings, including a 'Coach House' (converted to a separate dwelling under a permission granted in 1997) and a large stables block.

2.0 Planning History

- 2.1 WF.0148/97 - Conversion with Alterations and Extension of Coach House into a Single Dwelling House : Approved 25.3.97

17/0296/FULL

- 2.2 WF.1088/01 - Erection of extensions, refurbishment of existing house and conversion of outbuildings with walls/landscaping, replacement outdoor swimming pool, erection of folly adjacent public footpath : Approved 15.1.02

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Object to the proposal and recommend refusal. Considered to be over development in the Green Belt.
- 3.2 Conservation Officer – No objection. There has been a settlement at Monks for at least 250 years. Monks is an undesignated heritage asset included on the local heritage list for Chaddesley Corbett parish.

The applicant has provided a very comprehensive heritage statement outlining the fortunes of Monks from 1884 to the present day. The 1884 mapping indicates the ha-ha separating the pleasure grounds from the former common land, and today the ha-ha still separates the domestic garden from the paddock to the north.

The article dating from 1957 referred to in the heritage statement suggests that the present house (aligned more or less north-west to south-east) is of Georgian origin and was rebuilt on the site of a much earlier residence, as the cellars cut from sandstone may testify.

Certainly both the 1745 and 1839 maps indicate a reasonably large house on the site aligned north-west to south-east, and whilst the present structure appears externally at least to be Victorian this may conceal remnants of an earlier Georgian brick structure.

It is proposed to site the swimming pool extension on the site of an earlier swimming pool dating from the 1980's. At some time prior to this the area was partially covered by a large glazed conservatory, which formed only part of an even larger and more complex series of conservatories.

The site in question has thus been previously developed at least twice since 1903. By 1938 the larger part of the conservatory had been demolished revealing a fairly plain brick garden wall 2.5m in height enclosing, one assumes, a service yard. Demolitions have revealed steps leading from this yard down to a brick arched cellar – these steps lie immediately below feature M as illustrated in Diagram 10 of the D&A Statement.

17/0296/FULL

The proposed pool building has evolved via several options as illustrated within the D&A Statement. The selected combination of a hipped pitched roof with a flat central section featuring an elongated roof-light is illustrated on drawing 3218-15 rev D. The proportions of this ancillary building appear to be compatible with those of the principal building, and whilst featuring some architectural features found on the principal building the design is decidedly modern, suitably understated and definitely not a pastiche of the earlier structure. I agree with the comments in section 8 of the D&A Statement and the perceived scale of the new building is that it is subordinate to the principal building.

As the site has been previously developed and indeed a previous application was approved for a swimming pool in 2001, I have no objections to the proposals which I consider compliant with Policy SAL.UP6.

- 3.3 Arboricultural Officer - No objection. There are no trees with a high amenity affected by the proposed extension.
- 3.4 North Worcestershire Water Management - This development is not located in an area of known flood risk. Both foul and surface water drainage implications will be adequately covered by a future building control application. Therefore no comments to make.
- 3.5 Worcestershire County Council Archive & Archaeology Service - Given that the footprint of the proposed extension has been in part quite heavily disturbed there are no further comments or recommendations to make.
- 3.6 Neighbour/Site Notice – No representations have been received.

4.0 Officer Comments

- 4.1 The application concerns an extension to the rear of the existing Monks House, to create an enlarged entertainment room and additional indoor swimming pool with associated poolside facilities and including external landscaping works. The main issues to consider in relation to this application are the principle of development within the Green Belt and the impact of the proposals on the character and appearance of the host building, a locally listed heritage asset.

PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT

- 4.2 The National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in the NPPF, one of which being an extension to an existing building, providing it does not result in a disproportionate addition over and above the size of the original building.

17/0296/FULL

- 4.3 This national policy advice is to be read together with the relevant development plan, which in this case includes Wyre Forest Site Allocations and Policies Plan Policy SAL.UP1. This policy states that residential extensions should not result in disproportionate additions over and above the size of the original dwelling.
- 4.4 The planning history for this property is somewhat complicated, as would be expected for a property of this age and nature. The precise origins and original plans of the property are also unknown. However, historical photos show that a significant part of the original house no longer exists. A comparison of early 20th century photos and plans dating from 1960 show that a large section of the house was demolished between 1938 and 1960. In terms of recent history permission was granted for an extension to provide a swimming pool in 2001, although this was not implemented.
- 4.5 Under this application a single storey rear extension is proposed to the main house. This is similar in footprint to the previously approved 2001 extension, albeit slightly larger. Calculations in relation to the increase in the size of the property have been provided with the application. It is estimated that the extension under this application will result in a 49% increase in the size of the current property but only an 18% increase in the size of the property as it was in 1938, before various sections were demolished. A increase of this amount is considered to be acceptable under Policy SAL.UP1.
- 4.6 Furthermore, the extension, although large, will be set against a backdrop of other large outbuildings associated with the house and original farmstead. In this location it is not considered to negatively impact on the openness and rural character of the site or conflict with the purposes of including land within the Green Belt. The proposal is therefore deemed to accord with national and local policies in relation to the protection of the Green Belt.

DESIGN ISSUES - IMPACT ON THE CHARACTER AND APPEARANCE OF THE BUILDING

- 4.7 The proposed extension is intended to provide a range of leisure facilities, including an indoor swimming pool and gym. The scale therefore is necessarily large, approximately 21 metres long and 12.65 metres wide. It will be sited off the rear, south western elevation and in part replace a conservatory which has been recently removed. The extension will have a mansard type roof with a large central roof lantern. The height of the roof will be approximately 4.8 metres.
- 4.8 A Design and Access Statement has been submitted with the application which comprehensively outlines the design rationale for the proposed extension and the different options that were considered. It is agreed that the final design chosen is the most appropriate. The roof design minimises the bulk of the extension as far as possible and ensures that, although a large addition, the extension should generally appear as a subservient addition to the main house.

17/0296/FULL

- 4.9 The siting of the extension off the rear elevation is also deemed to be appropriate and will have least impact on the overall setting of the main house. It will be built over an area surfaced in hard core with no landscaping and therefore the impact on the landscape character of the site should also be minimal.
- 4.10 The site is set within its own extensive grounds and views of the house from the public domain are very limited, however, a public footpath does run through these grounds, approximately 130 metres north west of the main house. Notwithstanding this it is not anticipated that the proposed extension will have any negative impact on the appearance of the property.
- 4.11 Policy SAL.UP6 of the Wyre Forest Site Allocations and Policies Local Plan states that development affecting a heritage asset should seek to preserve and if possible enhance the asset. Extensions should take into account the materials, styles, techniques used and the period when the asset was built. In this case the Conservation Officer is satisfied that the proposed extension complies with this policy and will complement the host building.
- 4.12 A schedule of materials is included on the proposed elevations plan. The walls are to be rendered in a white colour to match the host dwelling and the roof is to be tiled. These materials are considered acceptable.

5.0 Conclusions and Recommendations

- 5.1 It is concluded that the proposed extension is acceptable development within the Green Belt and appropriate in terms of siting, scale and design. There will be no adverse impact on the character and appearance of the Locally Listed Building or the visual amenity of the wider area. The proposal therefore accords with the relevant policies of the Development Plan.
- 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. Materials to be submitted for prior approval.

Agenda Item No. 5

Application Reference: 17/0324/FULL **Date Received:** 19/05/2017
Ord Sheet: 378300 275151 **Expiry Date:** 14/07/2017
Case Officer: Kate Whitfield **Ward:** Bewdley & Rock

Proposal: Single storey rear extension to form sun lounge

Site Address: THE WHITE HOUSE, ROSENHURST DRIVE, BEWDLEY,
DY122ES

Applicant: Mr C Fletcher

Summary of Policy	CP11 (CS) SAL.PFSD1, SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application refers to a detached residential dwelling, built within the last couple of years. The property lies in an elevated position over looking Bewdley town centre.

2.0 Planning History

2.1 16/0637/FULL – Proposed storage area with balcony patio over : Approved 20.12.16

2.2 14/0296/FULL - Proposed dwelling, variation to previously approved scheme : Approved 1.8.15

2.3 09/0530/FULL - Erection of four bedroom dwelling & construction of vehicle access (renewal of 05/1115/FULL) : Approved 18.9.09

2.4 05/1115/FULL - Erection of four bedroom dwelling and construction of vehicular access (Renewal of WF 844/00) : Approved 7.2.06

2.5 WF.0844/00 - Full: Erection of four bedroom dwelling and construction of vehicular access : Approved 13.2.01

2.6 WF.0203/00 - Full : Erection of two detached dwellings and construction of new driveway : Approved 11.4.00

17/0324/FULL

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Object to the proposal and recommend refusal. It is understood that a site visit by the Case Officer is yet to be arranged. For this reason, together with other issues raised relating to drainage problems during previous works adversely affected neighbouring properties, and also a complaint made to the Town Council that a neighbouring property owner (at ‘Dundas’, Rosenhurst Drive) has not received any consultee notification of the proposed works, despite the fact she owns the access road into which the contractors will require entry, the motion to refuse was made.
- 3.2 Neighbour/Site Notice – No representations have been received.

4.0 Officer Comments

- 4.1 Planning permission is sought for the erection of a single storey extension off the rear, north eastern elevation to provide a ‘sun lounge’. The extension will project back for 2.9 metres and will have a flat roof with a roof lantern.
- 4.2 The host dwelling has a very bespoke and contemporary design and limited space around it for any further extension. For this reason all ‘permitted development’ rights to extend the property were removed under the 2014 permission for the new dwelling. However, under this application the proposed addition is very modest in scale compared to the size of the house and has a flat roofed, contemporary design, which should integrate well with the property. The proposed siting, off the rear elevation, is very discreet and the extension will have a minimal impact on the appearance of the dwelling.
- 4.3 The property does have limited amenity space and there is just sufficient space between the house and the rear boundary of the site to accommodate the extension. However, due to its size, it is not considered that the extension will unduly compromise the overall amenity space for the dwelling. It is also noted that the more usable amenity area lies on the eastern side of the property, rather than to the rear which is very enclosed.
- 4.4 Overall the extension is considered to be an appropriate addition which accords with Policies SAL.UP7 and SAL.UP8 of the Site Allocations and Policies Local Plan.
- 4.5 The properties backing onto the rear boundary of the site all lie at a considerably lower ground level and have good sized rear gardens. The extension will be almost entirely screened by the boundary fencing on the application site and in practice will have no adverse impact on the amenity of the neighbouring properties. The proposal therefore accords with policy SAL.UP8 of the Site Allocations and Policies Local Plan in this respect.

17/0324/FULL

- 4.6 Bewdley Town Council has raised concerns in relation to drainage. The drainage arrangements for the dwelling were approved in 2015 under Discharge of Condition reference 14/2067/CR and the Agent has advised that all the services going to the White House were installed in early 2016 under the appropriate permissions and were new supplies which are not linked to existing drains. An extension of the scale proposed would be unlikely to have any additional impact on the surface water drainage of the site and it is not considered that any further details are required.
- 4.7 Eight neighbouring properties were notified, including all those sharing a boundary with the site. The Council therefore met its statutory requirements under the Town and Country Planning (Development Management Procedure) (England) Order 2015 regarding the notification of applications, notwithstanding the comments received from Bewdley Town Council in relation to such matters.

5.0 Conclusions and Recommendations

- 5.1 The siting, scale, design and materials of the proposed extension to the dwelling are considered acceptable and will not detract from the appearance of the property. In addition the proposal will not have any serious adverse effect on the residential amenity of neighbouring properties. The proposal therefore complies with Policy CP11 of the Core Strategy and Policies SAL.UP7 and SAL.UP8 of the Site Allocations and Policies Local Plan.
- 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)

Application Reference: 17/0334/FULL	Date Received: 24/05/2017
Ord Sheet: 377512 275401	Expiry Date: 19/07/2017
Case Officer: Kelly Davies	Ward: Bewdley & Rock

Proposal: Proposed side and rear extension to replace conservatory and garage

Site Address: 52 CONISTON WAY, BEWDLEY, DY122PP

Applicant: Mr J Elmer

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP)
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a detached, pitched roof; brick built dwelling set back from the road behind a driveway and gardens and benefits from a lean-to with garage to the side and a wooden conservatory to the rear. The property is located on the Lakes Estate to the west of Bewdley Town Centre, and is surrounded by residential properties.
- 1.2 The application is presented to Committee due to the Applicant being an Officer serving in a planning related role. The proposal seeks for single storey extensions to the property.

2.0 Planning History

- 2.1 No previous planning history

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The application seeks approval for a side and rear extension to replace the existing conservatory and garage. The extensions would provide a new family room to the rear with a utility and w.c and a new porch and store to the side.

17/0334/FULL

- 4.2 The proposed extension extends to the rear by approximately 3m, wrapping around the side of the property. It is considered to be appropriate in terms of scale, massing and design and is in keeping with the original character of the detached dwelling. The proposal will be set back 3.35 metres away from the principal elevation leading to an acceptable visual appearance in the street scene. The extension would appear proportionate to the original building and would not overwhelm or unbalance the original dwelling. The proposed extension would offer no detriment to the character and appearance of the property, to the street scene or to the character of the area.
- 4.3 The neighbouring property at No. 50 has already been extended to a similar extent to that proposed. To the north lie the rear gardens of properties in Bramley Way which are 11m from the proposal. Taking these aspects into account, the proposed extension is considered to offer no significant detriment to the amenity enjoyed by the occupants of neighbouring dwellings in terms of the levels of light, privacy or outlook currently enjoyed.

5.0 Conclusions and Recommendations

- 5.1 The proposed extension is considered acceptable in terms of both scale and design, and proportionate to the original dwelling. The impact on the amenity enjoyed by the occupants of neighbouring dwellings has been assessed and it is considered that there would be no significant detrimental impact.
- 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. B3 (Finishing materials to match)

Note

SN12 (Neighbours' rights)

WYRE FOREST DISTRICT COUNCIL

Planning Committee

18 July 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
WFA1474 17/0056/ENF	APP/R1845/C/16 /3165263	Mr G Smith	THE GRANARY HODGE HILL FARM BARN BIRMINGHAM ROAD KIDDERMINSTER Unauthorised single storey orangery/garden room to side of main building (Enforcement Case 16/0166/ENF)	WR	08/03/2017			Dismissed
				01/02/2017				19/06/2017

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
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/OUTL7	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	LI 16/05/2017	20/06/2017	11/07/2017		

site access off The
Lakes Road (DY12
2BP).

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/PNRE	APP/R1845/W/1 7/3174098	Mr Nathan Nunn	BARN AT UPPER MOOR SMALL HOLDINGS TIMBER LANE STOURPORT-ON- SEVERN 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 Decisions

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: 19 June 2017

Appeal Ref A: APP/R1845/C/16/3165263

Appeal Ref B: APP/R1845/C/16/3165264

Land at The Granary, Barn 3, Hodge Hill Farm Barns, Birmingham Road, Kidderminster, Worcestershire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Giles Smith (Appeal A) and Mrs Michelle Smith (Appeal B) against an enforcement notice issued by Wyre Forest District Council.
- The enforcement notice was issued on 15 November 2016.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey orangery/garden room and decking within the curtilage of the dwelling house.
- The requirements of the notice are to demolish the orangery/garden room and remove from the Land all materials resulting from the demolition and demolish and remove all decking from the Land.
- The period for compliance with the requirements is 3 months.
- The appeals are proceeding on the grounds set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeals are dismissed and the enforcement notice is upheld.

Appeals on ground (c)

1. The appeal on ground (c) is that the matter alleged in the notice does not constitute a breach of planning control. The onus is on the appellants to make out their case.

Is the alleged development a building?

2. The object, to use a neutral term, is single storey with a flat roof. It is clad in timber with glazed panels on three sides and is partly surrounded by timber decking which butts up to the object. There is a sunken fish pool at one end of the decking. At the time of my site visit the development was unfinished. The internal appearance includes a timber floor, painted walls, fixtures and fittings for electric plugs and lighting. I have been informed by the appellants that the electricity supply is to be provided via a "*proprietary waterproof socket connection which can be separated by merely pulling apart*".
3. The appellants state that the object has been "*constructed off a steel chassis in insulated timber and glazing*". Having regard to the appellants' photographs¹ it would appear that the object was constructed on site comprising steel chassis, timber floor and a number of separate elements used in the building of the

¹ Photographs 1 and 2, Page 5, Appellants' Statement of Appeal.

- walls and roof. In that context my starting point is whether there has been a building operation? Section 55 of the Act sets out the meaning of development as the carrying out of building, engineering, mining or other operations in, on, over or under land.
4. I note the appellants' reference to the case of *Byrne v Secretary of State for Environment and Arun* [1997] 74 P. & C.R. 420 – “that a caravan can be manufactured on site, it does not have to be fabricated at another location”. *Byrne* concerns twin-units comprising two sections which are designed to be assembled by being joined together on site whereas the evidence in this particular case indicates that the object was constructed on site from numerous parts and went far beyond two sections being assembled together using bolts, clamps or other devices. Moreover, the appellants in their statement accept that the object is not a twin-unit. The end result is a substantial single object of some size which could reasonably be regarded as a building.
 5. Having regard to the evidence, I am satisfied that the process of constructing the object on site from a number of separate components involved a building operation. Where there is a building operation it has to result in the creation of a building as defined. Section 336 of the Act defines “*Building*” to include “*any structure or erection*”.
 6. The Council has referred to judicial authority² which identifies the three primary tests relevant to the question of whether something is a building. The *Barvis* case is strong authority for the view that the key elements in deciding whether or not something is a building are size, permanence and physical attachment.
 7. As regard size, the appellants indicate that the object measures approximately 4.76m x 4.76m x 2.95m high. In this case the size of the object is not, by itself, a decisive factor as it is also of a size that could reasonably be regarded as a caravan.
 8. Turning to permanence, the appellants state that the object could be taken with them should they decide to move house and it would not have to be included in the deeds of the house because it is not a permanent object. Whilst this could be taken to mean that it is not envisaged that the object would be an everlasting feature on the land, it does indicate the appellants' intention to retain the object in its current position for as long as they live at the property. To my mind this points to a degree of permanence.
 9. With regard to the appellants' comments in relation to the caravans within the parking area of Hodge Hill Farm Barns, it is material that in *Skerritts*, a marquee sited in one particular location for 8 months of the year was held to be a sufficient length of time to be of consequence in the planning context. Permanence did not necessarily mean that the item must be on site for 365 days a year. However in this particular case there is no evidence that the object has moved since its construction or is likely to be moved. Moreover, in common with the finding of the Inspector, confirmed in *Skerritts*, the object does have a permanent rather than fleeting character.

² *Barvis V Secretary of State for the Environment* [1971] 22 P & CR 710, *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co. Ltd* [1949]1 QB 385; *Skerritts of Nottingham Ltd V Secretary of State* [2000] 2 P.L.R 84 & *Save Woolley Valley Action Group Ltd v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin).

10. As to its physical attachment, the object is constructed off a steel chassis with lifting holes which sits on concrete blocks set into the ground³. The timber frame of the object is fixed to the steel chassis via bolts and I am informed by the appellants that the object has no physical attachment to the ground. Although I was unable to see underneath the object at my site visit, I have no evidence to dispute the appellants' claims. However, I did see that the surrounding decking which butts up to the object and covers the edges of the steel chassis appeared to a degree to be holding the object in place. In any event, whether or not the decking has the effect of physically attaching the object to the ground, the Courts have held that an absence of physical attachment is not decisive, e.g. the crane subject of *Barvis* was not itself fixed to the ground.
11. For the above reasons, I conclude that the process of constructing the object on site involved a building operation, which is development for the purpose of the Act. By reason of its size, permanence and limited attachment, I conclude, as a matter of fact and degree, that the object is to be regarded as a building for planning purposes.
12. In reaching this view I have taken account of the appellants' argument that the object has been designed to be lifted⁴. I have noted the previous appeal decision in 2002 and the case of *Carter v SSE and Carrick DC [1995] JPL 311*, wherein it was held that the object had to be capable of being moved as a whole by a single motor vehicle. I reject any inference that because the object has been designed to be capable of being moved in one piece and falls within the maximum size limits for a caravan that it is therefore a caravan⁵. I agree with the Council that a shed or summerhouse does not become a caravan once it has been assembled just because it sits on a base or is freestanding. Nor does such an object become a caravan just because someone puts a portable toilet and cooking facilities in it, even if it falls within the size limits and might be capable of being moved in one piece on a single motor vehicle. In any event, on the evidence, the mobility test is superfluous because the object is a building that has been constructed on site as a result of a building operation.

Other matters

13. I note the appellants' argument that as a caravan the object is intended to be "*used solely as incidental to the use of the main house*", and "*dependent on the facilities provided from the main house*" and "*guests or family members who use the caravan will have meals and store belongings in the main residence and will use it for daytime activities and occasional sleeping purposes*"⁶. To my mind, it is reasonable to assume that the term designed or adapted for human habitation is a place which has been designed or adapted for someone to live in i.e. a place someone can make their home. I saw at my site visit little evidence that the object has been designed or adapted as a place someone could make their home. It has no essential facilities for separate day to day living nor is there any evidence to suggest if and to what extent these facilities are to be provided within the object. The use of a portable toilet and cooking facilities as suggested by the appellants is not in my view within the spirit of

³ Photograph 1, page 5, Appellants' Statement of Appeal.

⁴ Appellants' letters to the Council dated 28 September 2016 & 30 September 2016.

⁵ Definition of caravan within s29(1) of the Caravan Sites and Control of Development Act 1960 & S13(1) of the Caravans Sites Act 1968 & the case of *Wyre Forest District Council v Allen's Caravans and Secretary of State for the Environment [1990] 2 WLR 517*.

⁶ Appellants' letter to the Council dated 21 April 2016

what is meant by 'designed or adapted for human habitation'. Thus, I am not convinced that the object has been designed or adapted for human habitation which is an essential ingredient of the definition of a caravan⁷.

14. For the reasons given above, I conclude that as a matter of fact and degree the alleged breach of planning control is a building and hence development for which planning permission is required under s55(1) of the Act. The appeals on ground (c) therefore fail.

Elizabeth Jones

INSPECTOR

⁷ Definition of caravan within s29(1) of the Caravan Sites and Control of Development Act 1960 & S13(1) of the Caravans Sites Act 1968.

SECTION 106 OBLIGATION MONITORING

NOTE: THIS LIST IS NOT EXHAUSTIVE BUT DETAILS THE MOST ‘CURRENT’ OBLIGATIONS, WHICH REQUIRE MONITORING

This list only records applications dating back to 2010 and should Members wish to see records relating to applications before then, they are available on request. Members are advised that S106 Agreements will only appear as ‘completed’ once the relevant planning application has been determined.

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0168/FULL	Doveleys Worcester Road Clent	S.106 agreement required to prevent the previously approved Planning Permission being implemented		Agreement out for signature
17/0102/FULL	1 and 2 Barretts Farm Cottage Rectory Lane Rock	S.106 agreement required to prevent any further work under the previously approved and implemented Planning Permission 10/0434/FULL		Agreement completed 20.4.17
17/0090/FULL	Barrow Hill Farm Bournes Green Kidderminster	S.106 agreement required to ensure that existing property must be demolished within 3 months of the occupation of the new property		Agreement completed 22.5.17

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0006/S106	Land off Mill Lane Stourport on Severn	Variation of S.106 agreement attached to WF.472/98 to allow a financial contribution in lieu of on-site provision of play area		Awaiting production of ownership evidence. Draft agreed.
16/0740/S106	14-36 (evens) Gala Drive Stourport on Severn	Variation of S.106 attached to Planning Permission 10/0321/OUTL to define and amend disposal and mortgage exclusion clause		Draft agreed. Awaiting costs agreement.
16/0688/FULL	Rifle Range Community Centre Dowles Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £3,384 • Affordable Housing – to be secured by condition 		Agreement completed 22.6.17
16/0480/S106	Tesco Stores Ltd Castle Road Kidderminster	Variation of existing S106 regarding car parking management		Draft being finalised
16/0096/FULL	Eagles Nest Coningsby Drive Kidderminster	£10,000 to provide new bus shelter	First occupation	Agreement completed 2.3.17
16/0089/FULL	Corner of Castle Road and Park Lane Kidderminster	Public Open Space contribution of £6,878 towards St George's Park 'Bandstand' project	Prior to first occupation	Agreement completed 19.4.16

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
16/0003/OUTL	Land South of Stourbridge Road Kidderminster	<ul style="list-style-type: none"> • Education contribution (exact figure will depend upon number and mix of houses) • £20,000 contribution towards bus shelter provision • Open Space contribution (exact figure will depend upon number and mix of houses) • 30% Affordable Housing • Biodiversity enhancements 		Draft out for approval
15/0623/OUTL	Former Midland Industrial Plastics Site Steatite Way Stourport on Severn	<ul style="list-style-type: none"> • Affordable Housing – 14 units based on affordable rent tenure; 8 x two bed units and 6 x three bed units • Highway contribution – A contribution of £10,000 is required to improve the 2 nearest bus stops to provide Kassell kerbs 		Draft being prepared
15/0480/FULL	The Beeches Ribbesford Bewdley	To prevent the implementation of Planning Permission 11/0246/FULL and/or 14/0259/FULL as well as this permission	Commencement of development	Agreement completed

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
15/0429/FULL	Units 1-4 Baldwin Road Stourport on Severn	<ul style="list-style-type: none"> • 30% Affordable Housing provision. 3 units (1 x 2 bed and 2 x 3 bed) • Public Open Space provision - £7,614.84 	<ul style="list-style-type: none"> • Prior to occupation of general market dwellings 	Agreement completed
15/0305/OUTL	Site of Former Sion Hill Middle School Sion Hill Kidderminster	<ul style="list-style-type: none"> • Public Open Space : Will be based on the following calculation: <ul style="list-style-type: none"> - Number of childbed spaces – 24 x £20.47 There is 50% for affordable housing units. 	Prior to first occupation	Draft agreement with applicant's solicitors

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<ul style="list-style-type: none"> • Education Contributions : Will be based on the following <ul style="list-style-type: none"> - 1 bed dwelling of any type = £0 - 2 bed house = £2119 - 3 bed house = £2119 - 4+ bed house = £3179 - 2+ bed flats/apartments = £848 - Affordable Housing = £0 (To be payable to one of the following: <ul style="list-style-type: none"> - Wolverley Sebright Primary School - St Oswald's C of E Primary School - Wolverley High School) • Affordable Housing - Total 9 units (19.5%) - 79% / 21.5% in favour of Social Rented <ul style="list-style-type: none"> - 1 bed social rented = 28.5% - 2 bed social rented = 36% - 2 bed shared ownership = 21.5% - 3 bed social rented = 14% <p>Highway Contribution of £22,000 for bus shelters</p>	<ul style="list-style-type: none"> • Prior to first occupation • Prior to occupation of one third of GMD • Commencement of development 	

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Application Number	Site	Provisions	Triggers for Compliance	Performance
14/0591/FULL/OUT	West Midland Safari Park Spring Grove Bewdley	Highway Contribution of £87,000 to provide additional Sunday bus services on Sundays and Bank Holidays routing between Kidderminster Railway Station and Bewdley Town Centre.	Prior to the commencement of development	Agreement completed 19.4.16
14/0358/FULL	Land adjacent 29 Mitton Street Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £43,656.00 • Public Open Space provision of £6,877.92 (allocation of funds to be confirmed) 	<ul style="list-style-type: none"> • First residential occupation • First residential occupation 	Agreement signed and completed.
14/0105/FULL	Stone Manor Hotel Stone Chaddesley Corbett	<ul style="list-style-type: none"> • Education contribution of £9,810 • Open Space provision of £2,862.72 	<ul style="list-style-type: none"> • Commencement of development • First residential occupation 	Agreement signed and completed
14/0056/FULL	Land at Sebright Road Wolverley	Open Space provision of £6,679.68	First residential occupation	Agreement signed and completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
14/0027/OUTL	Chichester Caravans Vale Road Stourport on Severn	<ul style="list-style-type: none"> • Education Contribution of £48,069 – to be used at Stourport Primary School / Stourport High School • Public Open Space Contribution of £11,450.88 – to be used at Riverside, Stourport • 30% Affordable Housing Provision – 8 units (4 Social Rent / 4 Shared Ownership) 1 No. House and 7 No. Apartments. 	<ul style="list-style-type: none"> • First residential occupation • First residential occupation 	Agreement signed and completed.
13/0657/FULL	Former Garage Site Off Orchard Close Rock	Open Space provision of £1,908.48	First residential occupation	Agreement signed and completed
13/0645/FULL	Land adjacent to Upton Road Kidderminster	Open Space provision of £2,385.60	First residential occupation	Agreement signed and completed.

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Application Number	Site	Provisions	Triggers for Compliance	Performance
13/0573/FULL	Coopers Arms Canterbury Road Kidderminster	<ul style="list-style-type: none"> • Education contribution of £12,714 • Open space provision of £4,294.08 	<ul style="list-style-type: none"> • Commencement of development • First residential occupation 	Agreement signed and completed
13/0553/EIA	Land at Nelson Road Sandy Lane Stourport on Severn	Ecological mitigation scheme and future management of wetlands	Upon completion	Draft out for approval
13/0494/FULL	Reilloc Chain Stourport Road Kidderminster	Public Open Space contribution of £13,896 (The agreement should replicate the agreement previously agreed under reference 13/0049/FULL)	First residential occupation	Agreement signed and completed.
13/0465/FULL	Stadium Close Aggborough Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £6,202.56 • Transport contribution – To be confirmed 		Agreement signed and completed
13/0082/FULL	Riverside Building Former Carpets of Worth Site Severn Road Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £9,810 • Public Open Space contribution of £2,316 • Affordable Housing – 3 no. dwellings 		Draft with applicant's solicitors and remains unsigned

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Application Number	Site	Provisions	Triggers for Compliance	Performance
13/0208/FULL	Corner of Castle Road and Park Lane Kidderminster	<ul style="list-style-type: none"> • Education contribution of £16,952 • Highway contribution of £3,660 for Traffic Regulation Order • Public Open Space contribution of £3,816.96 	Phased occupation/sale of properties	Agreement signed and completed
13/0299/FULL	Former Garage Site Bredon Avenue Kidderminster	Public Open Space contribution of £1,192.80	First occupation	Agreement signed and completed
13/0282/FULL	Stone Manor Hotel Stone Chaddesley Corbett	<ul style="list-style-type: none"> • Education contribution of £24,525 • Public Open Space contribution of £4,771.20 	Completion	Agreement signed and completed
13/0186/FULL	Former Sutton Arms Sutton Park Road	Variation to education contributions	First occupation	Agreement signed and completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
13/0193/FULL	78 Mill Street Kidderminster	<ul style="list-style-type: none"> • Education contribution of £12,714 • Public Open Space contribution of £1,908.48 • Affordable Housing – at 30% resulting in 4 no. of the 13 no. Units being for affordable housing 	First occupation	Agreement signed and completed
13/0049/FULL	Reilloc Chain Stourport Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space Contribution of £13,896 • Affordable housing 	First occupation	Agreement signed and completed
12/0321/FULL	Unit 2 Greenacres Lane Bewdley	Provision of a dry access across third party land (two plots)	Prior to occupation	Agreement signed and completed
12/0507/FULL	Land off Clensmore Street Churchfields Kidderminster	Supplemental agreement to confirm the terms of the original apply to the new application		Agreement signed and completed
12/0690/FULL	5 and 6 Church Street Kidderminster	Education Contribution of £2,542.80	First occupation	Agreement signed and completed
12/0447/FULL	Six Acres Castle Hill Lane Wolverley	An obligation not to carry out any further work in respect of the planning permission issued under 11/0345/Full		Awaiting proof of title

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Application Number	Site	Provisions	Triggers for Compliance	Performance
12/0667/FULL	British Red Cross Society Redcross House Park Street Kidderminster	<ul style="list-style-type: none"> • Education contribution of £3,390.40 • Open Space contribution of £2,779.20 	First occupation	Agreement signed and completed
12/0644/S106	Primary Care Centre Hume Street Kidderminster	Variation to allow a Community Transport contribution to replace already agreed public transport contribution		Draft out for agreement
12/0623/FULL	Land adjacent 7 Hartlebury Road Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £15,696 • Open Space contribution of £2,316 	First occupation	Agreement signed and completed
12/0433/FULL	Caunsall Farm 100 Caunsall Road Caunsall	Revocation of Secretary of State's decision dated 19 March 1979 which allowed a retail shop	Development implemented	Agreement signed and completed

Application Number	Site	Provisions	Triggers for Compliance	Performance
12/0146/EIA	Former British Sugar Site Stourport Road Kidderminster	(i) a minimum of 12% affordable housing; (ii) £100k towards a MOVA to be installed to increase the capacity at the junction of Stourport Road/Walter Nash Road West; (iii) a minimum of £90k towards maintaining three areas of informal open space (i. the knoll, ii. the informal space to the south of the site, iii. the wooded embankment adjacent to the canal) (iv) up to £35k towards public realm	Phased triggers	Agreement signed and completed
11/0471/FULL	Clent Avenue, Kidderminster	Open space contribution of £2,023.92	First occupation	Agreement signed and completed

Application Number	Site	Provisions	Triggers for Compliance	Performance
11/0163/FULL	Churchfields Business Park, Clensmore Street Kidderminster	<ul style="list-style-type: none"> • Affordable housing 22% (49 units – 17 shared ownership / 32 social rented) • Education - £150 000 • AQMA - £29 000 (towards • Appropriate traffic management scheme to reduce emissions) • Sustainable Transport - £35 000 (towards refurbishing Limekiln bridge) • Highway Improvements - £284 000 (as indicated in Churchfields Masterplan including but not limited to improving bus services 9/9a) • Open Space £200 000 	<p>Prior to occupation of one third general market dwellings in phase 1 and 50% in phase 2</p> <p>1st dwelling in phase 1 & 106th in Phase 2</p> <p>Commencement of development</p> <p>Commencement of development</p> <p>1st dwelling in phase 1 & 106th in Phase 2</p> <p>On site: 5 years after landscaping completed & maintained</p> <p>Offsite: 1st dwelling in phase 1 & 106th in Phase 2</p>	<p>Agreement signed and completed.</p> <p>Phase 1 triggers met and payments received</p>

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Application Number	Site	Provisions	Triggers for Compliance	Performance
10/0550/FULL	Land adjacent to Sebright Road, Kidderminster	<ul style="list-style-type: none"> • Public open space contribution of £3055.92 • Sustainable transport contribution of £90.00 	Commencement of development	Agreement signed and completed
10/0347/FULL	Hume Street, Kidderminster	<ul style="list-style-type: none"> • Bus Service contribution £58,000 • Highways contribution £22,000 	<ul style="list-style-type: none"> • Commencement of Development • First occupation 	Agreement signed and completed
10/0165/FULL	Rear of 78 Mill Street Kidderminster	<ul style="list-style-type: none"> • Education contribution • Public Open Space contribution 	<ul style="list-style-type: none"> • First dwelling to be occupied 	Agreement signed and completed