

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 15th August 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](mailto:lynette.cadwallader@wyreforestdc.gov.uk)

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

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

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

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

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

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

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

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

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy.

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

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

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

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

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

## **NOTES**

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

Wyre Forest District Council

Planning Committee

Tuesday, 15th August 2017

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 18th July 2017.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	<b>Planning and Related Appeals</b>  To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	70
7.	<b>Land at Hill Top Farm, Dark Lane, Rock, Kidderminster</b>  To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 414 (2017) relating to a tree on Land at Hill Top Farm should be confirmed or not	74

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

Part 2

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER

18TH JULY 2017 (6 PM)

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**Present:**

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

**Observers:**

Councillor V Higgs.

**PL.13 Apologies for Absence**

There were no apologies for absence.

**PL.14 Appointment of Substitutes**

No substitutes were appointed.

**PL.15 Declarations of Interests by Members**

In respect of application 17/0045/OUT Councillor Shaw stated that he had spoken at a public meeting and expressed his views and could not say that he came to the decision making with an open mind. He would not, therefore, be voting on the matter

**PL.16 Minutes**

**Decision: The minutes of the meeting held on 20th June 2017 be confirmed as a correct record and signed by the Chairman.**

**PL.17 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 556 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 556 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.18 Planning and Related Appeals**

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

**Decision: The details be noted.**

**PL.19 Section 106 Obligation Monitoring**

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

**Decision: The details be noted.**

The Chairman announced that John Baggott, Development Manager, would be leaving the authority and thanked him for his hard work over the last 9 years. He added that John had dealt with some difficult planning applications sensitively and professionally and wished him all the best in his future career.

Councillor Oborski, as a previous Chair and longstanding Member of the Planning Committee thanked John for his work, adding that he had been a superb example of a professional planning officer who had given advice without fear or favour in accordance with planning policy and in the best interests of the Council.

The Leader of the Council added that John would be very much missed and thanked him for his service to Wyre Forest District Council.

John's successor, Paul Round was congratulated on his appointment to the position of Development Manager.

John Baggott thanked all Members for their kind words and support and wished his successor and all Members the best wishes for the future.

There being no further business, the meeting ended at 7.06 PM



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

18<sup>th</sup> July 2017 Schedule 556 Development Control

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

**Application Reference:** 17/0045/OUTL

**Site Address:** LAND AT, ARELEY COMMON, ASTLEY CROSS, STOURPORT-ON-SEVERN, DY13 0LB

**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.

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.

Councillor J Shaw did not vote on this matter.

**Application Reference:** 17/0256/FULL

**Site Address:** ROCK FARM, ROCK, KIDDERMINSTER, DY14 9SA

**APPROVED** subject to the following conditions:

1. Use as horse walk only, except for maintenance and emergency purposes
2. Removal of Permitted Development rights to prevent the erection of any means of enclosure to the walkway
- 3 Hedge planting to boundary of northern track

Note:  
Identification of plans.

**Application Reference:** 16/0480/S106

**Site Address:** TESCO STORES LTD, CASTLE ROAD, KIDDERMINSTER, DY11 6SW

**Delegated authority** be given to the Solicitor of the Council 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

**Site Address:** MONKS, WOODROW LANE, HARVINGTON, KIDDERMINSTER, DY10 4NA

**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.

**Application Reference:** 17/0324/FULL

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

**APPROVED**, subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)

**Application Reference:** 17/0334/FULL

**Site Address:** 52 CONISTON WAY, BEWDLEY, DY122PP

**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)

## EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

15/08/2017

### PART A Reports

Ref.	Address of Site	Recommendation	Page No.
16/0003/OUTL	LAND SOUTH OF STOURBRIDGE ROAD KIDDERMINSTER	DELEGATED APPROVAL	13
17/0251/FULL	CAR PARK ADJACENT TO REDTHORNE HOUSE 11 HIGH STREET BEWDLEY	APPROVAL	39
17/0359/ADVE	REDTHORNE HOUSE REDTHORNE COURT 11 HIGH STREET BEWDLEY	APPROVAL	47

### PART B Reports

Ref.	Address of Site	Recommendation	Page No.
17/0269/FULL	KIDDERMINSTER MARKET AUCTION SITE COMBERTON PLACE KIDDERMINSTER	DELEGATED APPROVAL	52
17/0292/FULL	LAND ACCESS VIA B4194 RIBBESFORD BEWDLEY	APPROVAL	59
17/0402/FULL	CHADDESLEY CORBETT ENDOWED PRIMARY NETHERCROFT MEADOW KIDDERMINSTER ROAD LOWER CHADDESLEY KIDDERMINSTER	APPROVAL	63
17/0405/FULL	STOURPORT PISTOL AND RIFLE CLUB BONEMILL QUARRY MINSTER ROAD STOURPORT-ON-SEVERN	APPROVAL	67

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**15<sup>TH</sup> AUGUST 2017**

**PART A**

<b>Application Reference:</b>	16/0003/OUTL	<b>Date Received:</b>	05/01/2016
<b>Ord Sheet:</b>	384959 278372	<b>Expiry Date:</b>	05/04/2016
<b>Case Officer:</b>	John Baggott	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Outline planning application for a residential development of up to 100 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. Detailed approval is sought for access, with all other matters reserved

**Site Address:** LAND SOUTH OF STOURBRIDGE ROAD, KIDDERMINSTER,

**Applicant:** Miller Homes

<b>Summary of Policy</b>	DS01, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP2, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP7, SAL.UP9, SAL.UP14 (SAAPLP) WSC17 (Worcestershire County Waste Core Strategy) NPPF as a whole, but in particular Achieving sustainable development – paragraphs 6-17 inc, and Sections 1, 4, 6, 7, 8, 9, 10, 11, 12. NPPG
<b>Reason for Referral to Committee</b>	‘Major’ planning application. Statutory or non-statutory Consultee has objected and the application is recommended for approval. Third party has registered to speak at Committee
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to a Section 106 Agreement</b>

**1.0 Site Location and Description**

1.1 The application site consists of some 3.6 hectares (8.9 acres) of existing arable agricultural land located at the north-east edge of the existing urban area of Kidderminster, between existing residential development fronting Stourbridge Road and Hurcott Lane.

16/0003/OUTL

- 1.2 The site is bounded by the A451 Stourbridge Road to the north west and Hurcott Lane to the north east. The south west boundary abuts the 1930's residential properties in Stourbridge Road and 1960's/70's dwellings behind in Kendlewood Road. To the rear of the site, to the south east, is further agricultural (grazing) land.
- 1.3 The site topography is dominated by a central raised area which runs south west to north east. There are no internal landscape features. The site is bounded by native, predominantly hawthorn, hedgerows to the north, east and south, and there are a number of trees located around the boundary.
- 1.4 The site is not located within the Green Belt, and is allocated as part of a wider Area of Development Restraint within the Site Allocations and Policies Local Plan (SAAPLP).

## 2.0 Planning History

- 2.1 There is no relevant planning application history in respect of the application site.
- 2.2 Members are advised, however, that the current application was preceded by a request for a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment Regulations 2011 (as amended) in respect of a then proposed development of up to 150 dwellings (ref: 15/0334/EIASC). It was determined that the then proposed (and in turn current lesser) number of dwellings did not constitute Environmental Impact Assessment (EIA) development.

## 3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Object, and recommend Refusal. The site is located in the Green Belt and falls outside the land allocated for development.  
*(Officer Comment: To clarify - the site is not located within the Green Belt, but is allocated as an Area of Development Restraint within the Adopted Site Allocations and Policies Local Plan).*
- 3.2 Kidderminster Town Council – Object, and recommend Refusal, on the grounds that the application site is on Green Belt land that falls outside the land allocated for development.  
*(Officer Comment: Whilst it is the case that the application site lies within the Wolverley and Cookley Parish boundary, it is located directly adjacent to the boundary with Kidderminster Town Council and as such consultation with the Town Council also was considered appropriate in this case. As stated above, the site does not fall within the Green Belt).*

16/0003/OUTL

- 3.3 Highway Authority – No objection, subject to conditions. The site is considered in principle to be acceptable and details of the proposed access are suitable based on the submitted approach speeds and anticipated trip generation.

The internal road layout is not a matter for this application and would require some amendment from the proposed however this is a reserved matter and therefore can be addressed as part of a future planning application. The application however needs to provide an additional length of footway on the south side of Stourbridge Road connecting the proposed vehicle access to the existing footway, this can be provided in the existing highway verge and therefore is deliverable. Suitably worded conditions are proposed.

S106 Contributions are sought in the form of:

- £20,000 to improve existing bus stops near the site in the existing or located position to include but not be limited to shelter, timetable information, new kerbing, seating and any associated engineering works.
- £4,120 to promote the extension of the 30mph speed limit on the A451 Stourbridge Road.

- 3.4 Spatial Planning Manager – No objections.

The site forms the northern part of Area of Development Restraint (ADR) which is safeguarded under the current local plan. Under the Local Plan Review (currently out for consultation on its Preferred Options) the ADR is proposed for allocation for up to 200 dwellings. Although the Local Plan Review is only at Preferred Options stage and little weight can be given to the proposed allocations, this site can be afforded greater weight owing to its long-term safeguarded status. I feel it is now appropriate for this site to come forward.

A number of evidence based studies have been undertaken to inform the Preferred Option sites including a Green Belt Review and a Water Cycle Study. The Green Belt study describes the site as follows:

*'From a plateau adjacent to the A451 (Stourbridge Road), the land falls away to the south east and is prominent from the eastern approach to Kidderminster along the A451. The land forms part of the easterly setting of Kidderminster. Development of the site would not significantly damage Green Belt function at this location although the prominence of the site and the visual connection to the south, north and east means that openness would be compromised, requiring particular attention to the scale and massing of development. Development of the site would constitute sprawl along the A451, extending the built edge of Kidderminster into open countryside. However, this would be contained by Hurcott Lane.'*

16/0003/OUTL

Water Cycle Study states that there are known hydraulic sewer flooding issues downstream and modelling would be required to assess/determine capacity improvements. Much of the site is likely to require pumping. Surface water should be managed by SUDs on site. There are no issues with surface water flooding and the site is outside of the flood plain.

3.5 County Planning – No objections.

Policy WCS 17 (of the County Council's Waste Core Strategy) 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.

Our minerals planners have considered the applicant's additional information, and they consider that the Mineral Resource Assessment addresses the main concerns set out in our original response. Whilst we would have liked the report to look beyond the site boundaries and consider the potential impact the development might have on sterilising the wider resource, we recognise that this was not clearly stated in our original response, and as such we will not require further assessment in this case, and will not be objecting on minerals grounds.

3.6 Worcestershire Archive & Archaeology Service – No objections.

The applicant has provided a Desk-based Assessment and Geophysical Survey in support of the application which provides sufficient information for the determination of the application. The applicant's archaeological consultant has suggested that the archaeological potential of the development area is likely to be low. However, very little archaeological fieldwork has been undertaken in the vicinity of the site and only a geophysical survey within the site itself. This method of survey is not a 100% reliable technique, particularly on the geologies that underlie the site, and cannot be guaranteed to have detected heritage assets of archaeological interest of all types and periods. This is particularly true of early prehistoric remains, cut features (e.g. ditches and pits) with fills that are not significantly magnetically enhanced from the surrounding geology or features that are buried under colluvial/ alluvial deposits.

On this basis, we would recommend that a standard negative condition be attached to any grant of planning consent for the scheme, requiring a programme of archaeological works (field evaluation by trial trenching) to be undertaken both as a means of testing the accuracy of the geophysical survey results and as a means of prospection for archaeological remains of a type or period that may not respond well to geophysics.



16/0003/OUTL

- 3.7 Strategic Housing Manager – Whilst I welcome the applicants offer of 30% affordable housing with a 70% social rented/ 30% shared ownership mix, ideally I would like the affordable unit types to be more reflective of the need on our waiting list. The table sets out the need for the area below:

Bedroom Need	Rent	Shared Ownership	Total	Of which Older Persons
1	32	0	32	3
2	11	1	12	0
3	1	0	1	0
4	0	1	1	0
<b>TOTAL</b>	44	2	46	3

I note that the current proposed mix is for:

40, 2 bed houses  
 50, 3 bed houses  
 10, 4 bed houses

As the table above shows, the predominant requirement is for 1 and 2 bed properties, therefore when the applicant submits a reserved matters application I would appreciate it if they would consider including a percentage of 1 bed units. As we would be looking at meeting need for the whole district from this site (and not just the need specified for the immediate area in the table above), I would suggest that 10 units are 1 bed, 15 units are 2 bed and 5 are 3 bed units.

- 3.8 County Education – No objections.

Our average pupil yield suggests that a development of 100 dwellings would generate in the region of 3 additional pupils per year group. At the present time the local secondary schools have adequate spare capacity to manage this impact but there would be a requirement for the site to make a financial contribution towards local primary school infrastructure. The proposed site falls in the catchment area of Cookley Sebright Primary School. However the nearest primary school is St Oswald's CE and both have been recognised as being related to the development site. A contribution is requested based on the following costs per dwelling:

For each open market 2/3 bed house: £2,046  
 For each open market 4/5 bed house: £3,069  
 For each open market 2+ bed flat: £818

- 3.9 West Mercia Police Designing Out Crime Officer – No comments received.

16/0003/OUTL

- 3.10 Disability Action Wyre Forest (DAWF) – No comments received.
- 3.11 Campaign for the Protection of Rural England (CPRE) – We object to this application. This land may well be needed for development in 5-10 years' time but it is not needed now. Accordingly this application is premature by a number of years.

This is the one remaining Area of Development Restraint (ADR) from an old Local Plan that was carried forward to the present Core Strategy (WFCS). ADR is an older term for what is now called Safeguarded Land. WFCS retained the application site as an ADR. It defines ADRs as: Areas which have been protected from development in the current Local Plan. These areas are safeguarded to provide provision for longer term development and have been taken out of the Green Belt. Until they are identified for development, Green Belt Policies apply to these sites.

This is similar to the NPPF provisions (paragraph 85) as to Safeguarded Land, which can only be released after a Local Plan Review. As Green Belt polies apply, planning permission should only be granted if there are 'very special circumstances'. The Secretary of State has made clear that he does not regard a shortage of housing land as a very special circumstance for Green Belt. There is a route to legitimately developing Green Belt land, but it requires the Local Plan to be reviewed and the land (exceptionally) to be released. The advantage of land being designated as Safeguarded Land (and formerly as ADR land) was that a more limited review could be undertaken, without the need for exceptionality.

At the Examination of the Wyre Forest Site Allocations and Policies Plan (SALP), a landowner suggested that the application site should be included as an allocation. The Inspector agreed with the argument that the Council and I put forward that SALP was a subsidiary document to implement the Core Strategy, not a Local Plan Review, and he declined the request to allocate the land as available for development.

Furthermore, your Council's local plan, though adopted to implement West Midlands Regional Spatial Strategy and pre-NPPF policy should not be regarded as out of date. Planning policy was nationally in flux at the time of its Examination, but all parties to the Examination unanimously considered that the Examination should proceed.

It follows that at this stage there is no obligation on your Council to go against its adopted policy that Green Belt policies apply to the application site. Except where housing land is in short supply, policy is supposed to be Plan-led, not developer-led.

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Your council has begun work on the revision of its Local Plan, because it is uncertain whether the Plan complies with NPPF, but that revision is at a very early stage; too early for anything to be regarded as emerging policy. In the circumstances, as indicated before, this application is grossly premature. If made some years hence, it might be that approval would be appropriate, but at present it is not.

3.12 Arboricultural Officer – No objection. I am happy with the findings and recommendations in the submitted Tree Survey and Arboricultural Impact Assessment (AIA). If the outline permission is granted, the reserved matters application should supply a Tree Protection Plan and follow the recommendations in the aforementioned AIA to ensure the trees and hedges on the site aren't affected during the development of the of the site. There will also need to be a landscaping plan that reflects the rural nature of the site.

3.13 Worcestershire Regulatory Services (WRS) –

NOISE AND NUISANCE

Daytime Outdoor Noise Levels: The noise assessment indicates that with suitable mitigation, (close boarded fence) and gardens located as currently shown on the preliminary layout, external noise levels in gardens should be below 55dB which is the upper limit detailed in BS8233:2014. However this is also classified as a *Significant Observed Adverse Effect Level*, 'This is the level above which significant adverse effects on health and quality of life occur'. Therefore when the final layout has been determined the applicant should provide full details of the proposed noise mitigation measures and accurate calculations of expected noise levels in all gardens for approval.

Daytime Internal Noise: The noise assessment indicates that the BS8233:2014 internal noise levels can be achieved with suitable glazing and acoustic trickle vents.

Night Time Internal Noise Levels: The noise assessment indicates that the BS8233:2014 internal noise levels can be achieved with suitable glazing and acoustic trickle vents but due to the noise from the road if windows were opened then occupants would experience sleep disturbance.

For internal noise levels the applicant should provide full details of the proposed glazing and acoustic vents for approval.

AIR QUALITY

The cumulative impacts on air quality from individual sites in local areas should be determined (NPPF para. 124). As an alternative to undertaking an AQA the applicant can adopt mitigation measures which are aligned with County LTP Policies and may be incorporated as part of the development.

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This will assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations with consideration of the NPPF Paragraphs 29, 35, 109, 120, 124. These measures could include:

- Electric Vehicle Charging - Domestic Development;
- Secure Cycle Parking;
- Low Emission Boilers.

CONTAMINATED LAND

We have reviewed the report provided in support of the above application in respect of potential contaminated land issues. WRS concur with the reports conclusions for further investigation. A suitable condition is recommended to be applied to any permission granted to the development to ensure outstanding contaminated land issues are addressed.

3.14 Natural England – No objection.

This application is in close proximity to Hurcott Pasture Site of Special Scientific Interest (SSSI) and Hurcott and Podmore Pools SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

3.15 Countryside Conservation Officer –

(Original Comments) - The applicant has not shown adequate mitigation for what was known to be on the site before they carried out site clearance works. The site clearance works have also obscured some of the detail of the sites ecological value. The applicant has failed to identify the sites proximity to an SSSI and we need more information and technical discussion on how this application will not negatively impact on the natural asset.

It is always disappointing when a application comes in where legitimate activities (i.e. the ploughing and treating of the site) have impacted on a site just prior to a site being put forward for development making the determination of what ecological value a site had difficult.

The Council looks to preserve and where appropriate enhance the biodiversity of the district. One of the tools it uses to do this is the planning process and the guidance set out in the NPPF. The site is known to the Council to potentially support acidic habitats. This was determined through a county wide habitats directory which was produced by Worcestershire County Council.

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Acidic grassland habitat is a UK priority for conservation hence the Council will be seeking that any development in proximity to known high quality habitat should look at incorporating the retention or the creation of this habitat into its design. This development needs to incorporate a meaningful area of acidic habitat creation and associated scrub. This can be achieved through the enlargement /reshaping of the area shown and or through the repurposing of areas of formal landscaping with the design to provide biodiversity value. The application needs to show how the habitat will be created and maintained. It also needs to incorporate features that are suitable for use by the specific interesting bird species that were seen to be active at the time of your first survey.

Land that is ecologically connected to the wider countryside that has either wild or man made elements that could have some potential to provide habitat for reptiles should be surveyed. The site is connected to the countryside and has some features that has some potential for reptiles hence the concern.

(Subsequent comments: 23/05/17) - The land has been heavily put in to arable production (since the previous comments). Previously there was an ecologically significant strip that can be seen on aerial photographs and is described in the initial ecological report. This has now been heavily altered. Arable production is across most of this area but at the margins where the land begins to slope heavily down towards the hedge line boundary crop has not been sown but the land looks to have either been ploughed or rotovated. The vegetation type here is now best described as rank grassland. However there is still some evidence of the sandy underlying soil and hints a past acid habitat such as Sheep's Sorrel an acidic grassland indicator species is occasionally present. Given the sandy underlying soil and this sites proximity and ecological connectivity with a SSSI acidic grassland the recreation of this habitat on this site would seem to offer the best ecological gain.

Acid grassland habitat has been successfully recreated in similar circumstances elsewhere in the district but this will require some level of physical intervention. Works will involve the stripping of the top soil to reveal the soil mineral layer. Seeding with an appropriate acidic grassland herb rich mix (no more than 30 % grass seed) the compaction of the soil by roller, 3 years spot treatment for the removal in inappropriate weed species and the introduction of seasonal autumnal sheep grazing from year 1. The cost for this is relatively low but given the need to move material we would need to specify that this landscaping work is completed and the associated management in place prior to the house construction process begins.

Acid grassland is a reasonably fragile habitat but it can be used as open space, but neutral ph pathways will need to be used to reduce erosion. We have some evidence base that just prior to application this site had some reasonable biological interest and given this sites location, the recreation of one of our districts most characteristic wildlife habitats would seem to be the most appropriate use of the lands open space offer .

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- 3.16 Severn Trent Water – No objection, subject to suitable conditions.
- 3.17 Worcestershire Wildlife Trust – No comments received.
- 3.18 North Worcestershire Water Management (NWWM) – I believe that the site itself is not at risk from flooding from any source. To ensure that the proposed development will not increase flood risk elsewhere, it is important that the discharge from the site will not increase compared to the pre-development situation. I understand that the intention is to have the private areas draining to private SuDS (such as private soakaways). The submitted information states that the discharge from the road will either be to an infiltration basin with an underground infiltration tank or to an infiltration tank only, depending on further discussions (with Highways in particular) regarding adoption. I understand that Highways at the moment would not consider adoption of the infiltration basin element and that adoption by management companies would not be acceptable to them either.

I note that all other documents submitted with this application appear to be suggesting that an infiltration basin will be present in the open space area. For instance the landscape and visual appraisal states that new wetland features being created as part of the SuDS strategy. This will obviously not be the case should only an infiltration tank get installed. It is essential that we are confident that the ground conditions are suitable for the proposed infiltration systems (both private areas and road drainage).

As this is a major application, the national standards for SuDS will apply.

- 3.19 NHS Redditch and Bromsgrove CCG – The site of the proposed development lies within the practice areas of five Worcestershire GP surgeries located in Kidderminster. All are fully utilising all of their clinical rooms and 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. Some of these practices applied to NHS England for funding for extensions last year, but were unsuccessful in their bids, due to insufficient funds to meet demand.

I am therefore submitting a request for a financial contribution under Section 106 of the Town & Country Planning Act from planning application 17/0045 for the extension of premises.

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The contribution is calculated as:

<b><u>Capacity &amp; Cost Analysis</u></b>	
Planned Number of dwellings	100
Forecast increase in population	240
Wte GPs required	0.14
Total Floor Area Required	3.66
Forecast outturn costs	£21,702

As can be seen from the capacity and cost analysis above, this request is directly related to the development and is fairly and reasonably related in scale and kind to the development.

3.20 Neighbour/Site Notice – The application has generated a total of 30 individual letters of objection from nearby residents, with their various grounds for objection summarised as follows:

- Better alternative sites should be developed in preference to the application site;
- Pedestrian safety (especially children) when crossing Stourbridge Road;
- Increased volumes of traffic and impact upon safe access/egress to existing properties;
- Insufficient capacity within local schools;
- Increased volumes of traffic rat-running via Hurcott Lane;
- Existing traffic speeds are excessive on this stretch of Stourbridge Road. Additional properties will have impact on highway safety;
- Loss of local beauty spot and adverse impact upon the countryside; (*Officer Comment: The site enjoys no specific special landscape designation*).
- Inappropriate development in the Green Belt; (*Officer Comment: the site is not located within the Green Belt*).
- Lack of local need for housing;
- Adverse impact upon wildlife and habitats;
- Loss of views:
- Disagreement with submitted plans and documents;
- Adverse impact upon TV signal;
- Not a brownfield site and as such should not be developed;
- Destruction of rural nature of Hurcott Lane;
- Encroachment towards SSSI;
- Will result in a removal of the buffer between the urban area and the Green Belt;

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- Existing poor visibility when exiting Hurcott Lane by car. Development will exacerbate this;
- Noise and fumes from additional vehicles;
- Contrary to the Local Plan designation;
- Adverse impact upon Hurcott Village;
- Adverse impact upon birds, including Larks, Starlings and Yellowhammers;
- Area of outstanding natural beauty;
- (*Officer Comment: The site enjoys no specific special landscape designation and is not a designated AONB*).
- Access via Astley Road and Kendlewood Road would not be acceptable: (*Officer Comment: Access is only proposed via Stourbridge Road*).
- Loss of privacy to first floor side facing windows.

OTHER THIRD PARTY COMMENTS

Further representations have been received from Hurcott Village (Management) Limited who, in addition to the grounds listed above raise concerns regarding:

- Prematurity of the application in advance of the adoption of a new Local Plan;
- Loss of rural approach to the town;
- Impact of vehicle emissions and noise upon wildlife;
- Inadequate infrastructure (schools and GP surgeries);
- Use of Hurcott Lane by heavy vehicles (assumed during construction);

In addition, a further representation has been submitted by Stansgate Planning on behalf of adjacent land owners (i.e. the balance of the ADR site), who whilst having no objection to the principle of the development raise concerns on the following grounds:

- The proposed main access would prejudice the development of the balance of the ADR;
- Proposal would restrict the potential for future improvements to the Hurcott Lane junction, which again would have an adverse impact upon potential development of the remainder of the ADR site;

Members are advised that a single letter of support has also been received, raising the need for new affordable housing to meet demand of first time buyers. A further letter has also been received which appears to relate to the future naming and addressing of the development but contains no specific planning matters.



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#### 4.0 Officer Comments

- 4.1 The application as submitted has been made in Outline form with all matters of detail reserved for approval, with the exception of access, with the proposed vehicular access indicated off Stourbridge Road (A451). The application proposes the erection of up to 100 dwellings (of which 30% are proposed as Affordable Housing), with an indicative mixture of 2, 3 and 4 bedroom dwellings, with associated open space, children's play area, landscaping, etc ...
- 4.2 Vehicular access to the site is proposed via a new T-junction from the site onto Stourbridge Road, and the site will be linked to the existing pedestrian network via a dropped kerb crossing with tactile paving to the opposite side of Stourbridge Road which features an existing highway side pavement.
- 4.3 The, albeit indicative, masterplan and illustrative layout includes the extent of the proposed residential area, an underground foul sewage pumping station, (surface water) infiltration basin, public open space and play area and an ecological corridor. A secondary (emergency) access is also indicated, as too is the protection/provision of a vehicular access point from the application site into the balance of the Area of Development Restraint (ADR) beyond to support and enable the potential future development of that land. Members are advised that the balance of the ADR site is not controlled by the current Applicants.
- 4.4 The application, whilst submitted in Outline form, has been accompanied by a suite of supporting documents to supplement the proposed plans which are listed as follows:
- Planning Statement;
  - Design and Access Statement;
  - Illustrative Masterplan;
  - Illustrative Layout;
  - Topographical Survey;
  - Transport Assessment;
  - Travel Plan;
  - Various Ecological Appraisals and Surveys, including Protected Species;;
  - Landscape and Visual Assessment;
  - Tree Survey;
  - Flood Risk Assessment;
  - Water Management Statement;
  - Noise Assessment;
  - Energy and Sustainability Statement;
  - Archaeological Assessment;
  - Agricultural Land Quality Assessment;
  - Statement of Community Involvement;
  - Objectively Assessed (Housing) Needs Report.

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4.5 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;
- Highways Matters;
- Flooding and Drainage
- Ecology and Biodiversity
- Other Issues including Affordable Housing; Open Space; Education .....
- Impact upon existing neighbouring/nearby properties

#### PLANNING POLICY AND THE PRINCIPLE OF THE DEVELOPMENT

4.6 At the heart of the National Planning Policy Framework (NPPF) lies the presumption in favour of sustainable development, which should be seen as the so-called “*golden thread*” running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

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

4.7 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 ...”*  
(Officer’s emphasis)

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- 4.8 Contrary to some claims made by third parties, the application site lies outside of the Green Belt. The site is, however, allocated as part of a wider ADR site within the adopted SAAPLP, with Policy SAL.UP2 (Areas of Development Restraint) stating that:

*“Land within those Areas of Development Restraint (ADRs) as shown on the Policies Map and listed (within the Policy) will not be released unless or until identified in a future review of the Development Plan.”*

*In the interim period, proposals for development will be assessed against the Green Belt policies of the Development Plan”.* (Officer’s emphasis)

- 4.9 Paragraph 85 of the NPPF states that when defining boundaries within the Development Plan, local planning authorities should, amongst other requirements:

*“where necessary, identify in their plans areas of “safeguarded land” between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”.*

Such provision was first made in the 1996 Adopted Local Plan through the adoption of a number of ADR sites, such as the current application site. The supporting text to Policy SAL.UP2 makes it clear that:

*“The ADRs provide the first option to consider for development if sites are not available to meet the desired requirement in other, sequentially preferable locations.”* (Officer’s emphasis).

- 4.10 Notwithstanding the ADR designation, it is the case that the current proposal is not in accordance with the Development Plan and in particular Policy DS01 (Development Locations) of the Adopted Core Strategy and Policies SAL.PFSD1 (Presumption in favour of sustainable development) and SAL.DPL1 (Sites for residential development) of the Site Allocations and Policies Local Plan (SAAPLP). Members are reminded of the content of Paragraph 12 of the NPPF, as set out at paragraph 4.7 above, and in particular the comment that:

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

- 4.11 The Applicants acknowledge at paragraph 4.2.6 of their submitted Panning Statement that:

*“.. it is recognised that the application site is not within one of the locations specified within Policy SAL.DPL1 within which residential development will be permitted and that the proposed development would not accord with the explicit provisions of Policy SAL.UP2”.*

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However, they also comment (at paragraph 4.2.5 of their Planning Statement) that:

*“Whilst policies DS01 and DS02 (of the Adopted Core Strategy) seek to focus development proposals in Kidderminster towards previously developed sites, they do not expressly prohibit development taking place on sites that are not previously developed”.*

- 4.12 Whilst the site is clearly not previously developed land, in line with the definition given with the Glossary to the NPPF, it is the case that the site is not located within the Green Belt and is therefore not subject to the requirements of paragraphs 87 to 89 of the NPPF. However, as already identified, Policy SAL.UP2 does state that:

*“In the interim period, proposals for development (within ADRs) will be assessed against the Green Belt policies of the Development Plan”.*

That is to say assessed against the Development Plan Policies only, in this regard. However, despite this it is the case that the Local Plan policy is consistent, and in many regards, duplicates the NPPF Green Belt policy.

- 4.13 Notwithstanding the above, the principle of development taking place within designated ADR locations has previously been recognised by the Council in choosing to allocate these sites, including the current planning application site. The release of such safeguarded land for residential development, in parallel with the production of a new Development Plan is not uncommon, to help meet the emerging housing need, and in this regard the comments of the Spatial Planning Manager, at Paragraph 3.4 above, are noteworthy.
- 4.14 The Applicants consider that the Council is unable to demonstrate a five year supply of deliverable housing land, as is required by Paragraph 49 of the NPPF, and as such housing policies of the Development Plan are considerably out of date. Officers disagree.
- 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) 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.

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- 4.16 The application as submitted is not in accordance with the current development plan. However, it is an allocated ADR site, which as previously stated is safeguarded land to meet longer term development needs. In this particular regard, Members will be aware that the ADR land between the A451 (Stourbridge Road) and Hurcott Village (which includes the application site) has been identified as a so-called “Core Site” within the current Local Plan Review Preferred Options document, which is currently the subject of public consultation. 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.
- 4.17 This review of the Local Plan is addressing, by definition the “*longer term development needs*” of the Council, not least of which in respect of the provision of new housing and whilst it is acknowledged that the weight that can be attributed to this consultation document is somewhat limited, there is a clear direction of travel in terms of the future allocation of the application site from the current ADR allocation to a future housing site. This, in Officers’ opinion, constitutes a material consideration in the assessment of this current application.

#### LANDSCAPE AND VISUAL IMPACT

- 4.18 The application site is visible from the public highway, and in particular the A451 Stourbridge Road when leaving or approaching Kidderminster, but only when in the immediate vicinity of the site. Distant views are somewhat limited and restricted by the surrounding topography and features as well as the levels across the site. As previously identified, the site consists of an arable agricultural field.
- 4.19 In terms of the value of this land for agricultural use, an Agricultural Land Quality Assessment has been submitted which identifies the majority of the site as constituting best and most versatile (BMV) agricultural land. Policy SAL.UP14 of the SAAPLP states that the development of BMV agricultural land:

*“..... will not be permitted unless it can be demonstrated that the development can not be located on previously developed land, within the boundaries of existing settlements or on poorer quality agricultural land”.*

Whilst Paragraph 112 of the NPPF states:

*“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”.*

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4.20 As previously described, the application site consists of 3.6 hectares of agricultural land, set against backdrop of the wider open countryside and the associated wider areas of agricultural land. In this context, and also given the fact that the land has previously been allocated as an ADR (i.e. safeguarded land to meet longer term development needs, as described in the accompanying text to Policy SAL.UP2 “Areas of Development Restraint), the loss of this land is not considered to be significant in terms of the requirements of Paragraph 112 of the NPPF.

4.21 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”.*

4.22 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).

4.23 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 ....”*

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

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

*“ .. the site is well contained from the majority of Kidderminster and the wider landscape. Views from Kidderminster are restricted to a small number of properties immediately adjacent to the south western site boundary and more distant properties located on the more distant high ground to the north west...”*

- 4.25 The Site Analysis Plan appended to the submitted Landscape and Visual Appraisal identifies key features within and around the site boundary and opportunities for enhancement, including formal and informal open space, to include an enhanced wildlife corridor and the re-establishment of native acid grasslands, which will enhance Biodiversity.
- 4.26 The previous designation of the site as an ADR is a clear indication that the site was likely to come forward for development at some point, and in allocating the site as an ADR, full consideration as to the landscape value of the site would have been undertaken as part of the plan making process. Whilst understanding the concerns of immediate neighbours in terms of loss of what is currently an agricultural field and the associated amenity value and views, the wider landscape value of the site is not considered to be significant.

#### HIGHWAYS MATTERS

- 4.27 As previously stated, despite the Outline nature of the planning application, approval for the detailed matters of access to the site is being sought at this stage. The access is proposed from the A451 Stourbridge Road in the form of a T-junction, with a secondary (emergency only) access also located along the Stourbridge Road frontage. There are no proposals for either vehicular or pedestrian access to the site from Hurcott Lane.
- 4.28 The internal highway layout, as indicated on the submitted illustrative layout and masterplan, is purely for indicative purposes and whilst for the most part acceptable as indicated, is likely to be subject to some change at the time of the subsequent Reserved Matters submissions, in the event that the current application is supported. The layout makes provision for access through the site to the balance of the ADR site beyond, thereby enabling access to that future potential development site also and thereby the current proposal would not prejudice any future development proposals for the adjoin land.
- 4.29 The necessary visibility splays (160m in each direction) can be secured and protected, within the extent of the current adopted and associated verge, and the relationship between the proposed site access and, in particular, emerging traffic from Hurcott Lane has been found to be acceptable by the Highway Authority.

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- 4.30 Members will have noted the concerns expressed by third parties (at Paragraph 3.20 of the report) regarding, amongst other things, highway and pedestrian safety, and the potential impact upon Hurcott village in terms of increased volumes of traffic. The Highway Authority, as stated above, is satisfied with the proposed access arrangements and no additional measures or deterrents to users of Hurcott Lane are considered necessary or appropriate.
- 4.31 The Applicants have indicated their support for suggestions emanating from their pre-application public consultation event (as referred to within their submitted Statement of Community Involvement) to extend the current 30mph limit on Stourbridge Road from the current location to the west of the application site to a new location to the east (in the vicinity of the Hurcott Lane junction. This too is supported by the Highway Authority and funding can be secured via a suggested S106 Obligation.
- 4.32 Bus stop enhancements and the extension of the footpath on the south side of the A451 are suggested by the Highway Authority and accepted by the Applicants. In terms of existing bus services, the site is served by the 9A, 125 and 252 services (linking Kidderminster with Cookley and Stourbridge).
- 4.33 On the basis of the above, and the clear support from the Highway Authority, the application is found to be in accordance with the requirements set out within Policy CP03 of the Core Strategy and Policies SAL.CC1 and SAL.CC2 of the SAAPLP, as well as the requirements of paragraph 32 of the NPPF.

#### FLOODING AND DRAINAGE

- 4.34 The application site lies within Flood Zone 1 and as such is therefore, by definition, at low risk from fluvial or surface water flooding.
- 4.35 It is proposed that the development will be drained by way of a SUDs scheme complemented by infiltration methods. A Water Management Statement has been submitted along with the application which identifies that highway runoff is proposed to be collected in conventional pipe drainage to an infiltration basin with an underground infiltration tank. A balancing pond is also indicated upon the illustrative plans, which in turn would have positive benefits in terms of Biodiversity, as discussed further elsewhere in this report.
- 4.36 Members will have noted the comments made by NWWM, as set out at Paragraph 3.18. Clearly, there are no in-principle objections to the proposed surface water drainage strategy for the development, however there do appear to be matters which have yet to be satisfied in terms of the drainage proposals. This being the case suitable planning conditions are considered appropriate as suggested at the end of the report.



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- 4.37 As confirmed under Paragraph 3.16, Severn Trent Water raise no objection to the proposals for surface and foul water drainage, subject to conditions.
- 4.38 In light of the above, the application is found to satisfy the requirements of both Policy CP02 of the Adopted Core Strategy and Policy SAL.CC7 of the SAAPLP (both entitled "Water Management") , as well as being in accordance with the guidance set out within the NPPF.

**ECOLOGY AND BIODIVERSITY**

- 4.39 The application has been accompanied by various Ecological Surveys and associated submissions, in recognition of the potential for species habitats. The site lies beyond the extent of the Hurcott Pasture and Hurcott Pools and Wood Sites of Special Scientific Interest (SSSIs) and enjoys no national or local designation.
- 4.40 A tree survey has been undertaken, despite the absence of any Tree Preservation Order (TPO).
- 4.41 The site has been, and continues to be, used for arable farming and as such the majority of the site is subject to annual and seasonal treatment (including ploughing). The development proposal indicates the retention of the most ecologically significant features of the site, namely the field margins and boundary hedgerows and trees, save for the creation of the proposed vehicular access along Stourbridge Road.
- 4.42 Members will have noted the third party representations made which include concerns regarding loss of habitats and impact upon wildlife, including specific bird species. However, no objections have been raised on such grounds by the relevant consultees, with the Council's own Countryside Conservation Officer identifying the potential for enhancements, including the re-introduction and future maintenance of acidic grasslands as part of the informal open space to be created along the south-east corridor of the site, adjacent to the site boundary, which would in turn link to the more formal open space and children's play area.
- 4.43 The development has been assessed against the relevant policies of the Development Plan (Policy CP14 of the Core Strategy and Policy SAL.UP5 of the SAAPLP), which relate to biodiversity, as well as the relevant paragraphs of the NPPF.

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OTHER ISSUES INCLUDING AFFORDABLE HOUSING; OPEN SPACE;  
EDUCATION

- 4.44 The application proposes the provision of 30% Affordable Housing on the site, which is in full accordance with the requirements of the Wyre Forest Development Plan. 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, albeit the preferred mix of houses is set out at paragraph 3.7 and will be subject to further agreement.
- 4.45 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. Whilst this is welcomed, this will not be formally adopted by the Council, rather it would be the subject of a management plan for its future maintenance and upkeep, which would be dealt with via planning condition or via a clause within the S106 Agreement.
- 4.46 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 and capacities. 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 via the S106 Agreement. In the absence of a known housing mix, a tariff or schedule of contributions per house-type can be relied upon at this stage.
- 4.47 Members will have noted the consultation response received from NHS Redditch and Bromsgrove CCG, as set out at Paragraph 3.19 above. The S106 contribution sought is a calculation based upon the assumption that 100 houses will be developed on the site, and appears to be a “flat-rate figure”. Whilst the basis of the request is understood, and is supported by the Council’s Adopted Planning Obligations SPD, Officers are seeking clarification as to whether a tariff based approach is available, based upon the actual number of dwellings to be built (Members are reminded that the application description is for “*up to 100 dwellings*”, and as such the final number may be less) and the types of properties (i.e. number of bedrooms).

IMPACT UPON EXISTING NEIGHBOURING/NEARBY PROPERTIES

- 4.48 Not surprisingly with a development of this nature, 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, in particular those properties which sit side-on to the site and in turn currently enjoy views across the existing arable field.

16/0003/OUTL

- 4.49 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.
- 4.50 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.
- 4.51 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

- 4.52 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. As already referred to within the report, the range and nature of contributions is varied and the suggested Heads of Terms for the necessary S106 Agreement can be summarised as follows:

- 30% Affordable Housing 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 improvements to existing bus stops and extension of the existing 30mph speed limit along Stourbridge Road.
- Healthcare, including improvements to existing GP surgery capacity and provision.

#### POTENTIAL PUBLIC BENEFITS OF THE DEVELOPMENT

- 4.53 Public benefits in this case could include, but not be restricted to:
- The provision of both market and, in particular, Affordable Housing;
  - The enhancement of the public highway and the footway;
  - 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.

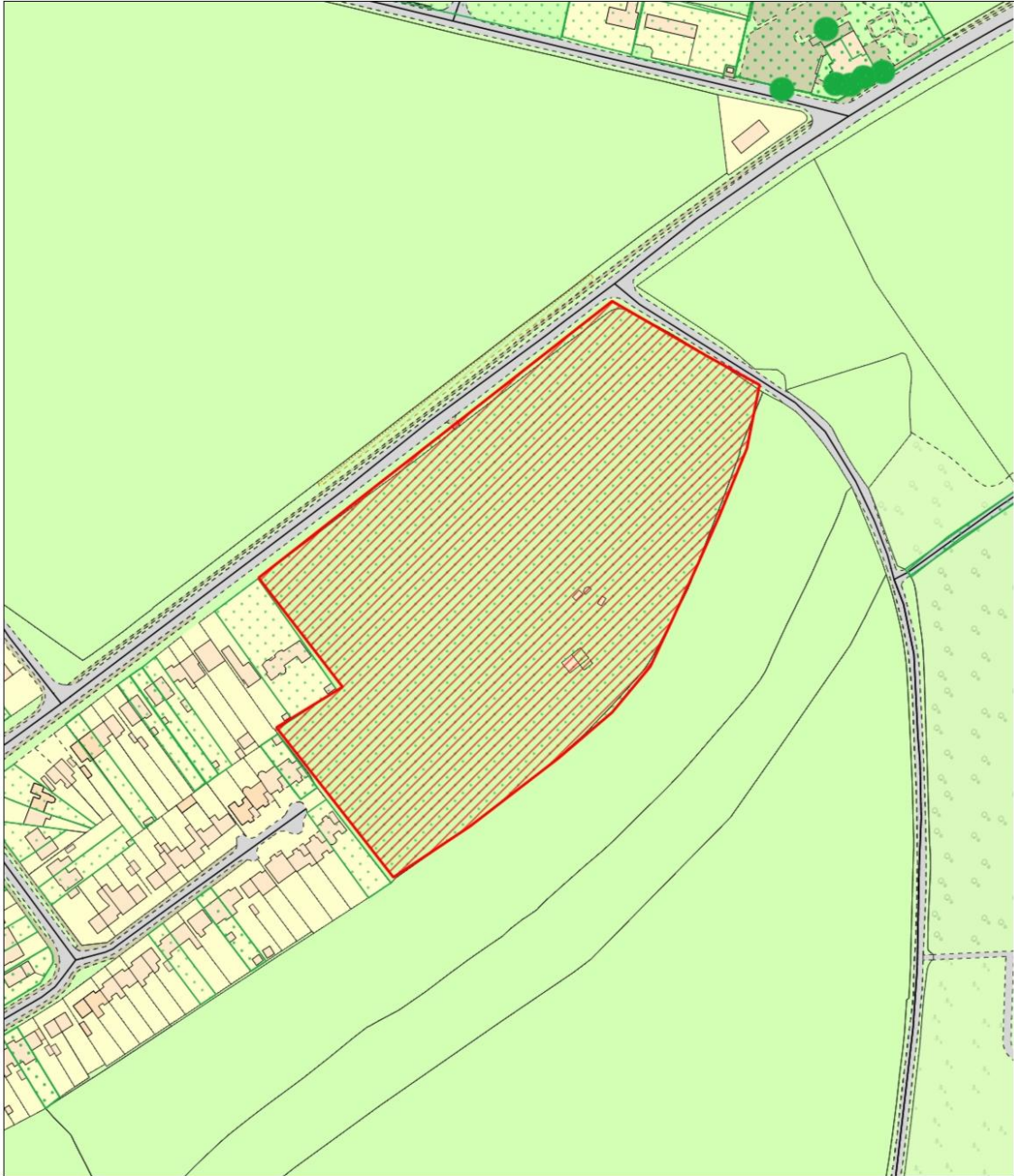
16/0003/OUTL

## 5.0 Conclusions and Recommendations

- 5.1 The application proposes a residential development of a site currently safeguarded as an ADR within the Adopted SAAPLP. It is not currently an allocated housing site. The application is not, therefore, in accordance with the Adopted Development Plan.
- 5.2 However, the express purpose of ADR allocations was to safeguard land to meet the longer-term development needs of the District, as confirmed within the accompanying text to Policy SAL.UP2. In this regard, the current Local Plan Review Preferred Options document identifies the application site and the balance of this ADR as now being appropriate for housing, to meet the needs going forward. Whilst the Preferred Options document has only recently been the subject of a District-wide consultation, the direction of travel for this site in terms of its allocation and development potential indicates that it is suitable for housing development.
- 5.3 In technical terms, all matters have been found to be acceptable, albeit subject to planning conditions, particularly in respect of the proposal for surface water drainage and on site open space provision. There are no objections to the proposal in highways terms, and the proposals to improve the footway in the vicinity of the site and the extension of the 30mph zone beyond its current position to Hurcott Lane are to be welcomed.
- 5.4 The objections raised, and summarised in this report, have been fully considered and whilst those of the immediate neighbours are understood, in terms of the loss of the field and the associated views and amenity, there is no basis to resist the application on such grounds.
- 5.5 It is therefore recommended that the application be given **delegated APPROVAL**, subject to:
- a) the signing of a **Section 106 Agreement** to secure:
- 30% Affordable Housing on site;
  - On-site formal and informal open space and children's play equipment and its future management and maintenance;
  - Commuted sum payment towards Education;
  - Commuted sum payment towards improvement of GP facilities (current request is £21,702, but exact figure to be confirmed following clarification of basis of calculation);
  - Highways contributions towards new bus shelters (£20,000) and the extension of the existing 30mph zone (£4,120)

16/0003/OUTL

- b) the following conditions:
1. A1 (Standard outline)
  2. A2 (Standard outline – reserved matters)
  3. A3 (Submission of reserved matters)
  4. A11 (Approved plans)
  5. B1 (Samples/details of materials)
  6. Details of all walls, fences and other means of enclosure to be submitted and approved
  7. Details of existing and proposed levels to be submitted and approved
  8. Details of both hard and soft landscaping to be submitted and Approved
  9. Details of landscape management plan to be submitted and Approved
  10. Details of an environmental study to be submitted and approved
  11. Visibility splays to be provided
  12. Details of engineering details to be submitted and approved
  13. Details of footway on Stourbridge Road to be submitted and approved
  14. Details of a Travel Plan to be submitted and approved
  15. Details of a foul and surface water drainage system to be submitted and approved
  16. Details of a SuDS management plan to be submitted and approved
  17. Details of a drainage plan for the disposal of foul and surface water flows to be submitted and approved
  18. A programme of archaeological work to be submitted and approved
  19. A site investigation and post investigation assessment to be completed
  20. Construction Method Statement to be submitted and approved
  21. Secure cycle parking
  22. Tree protection during construction



Economic Prosperity and Place Directorate

**Land South of  
Stourbridge Road  
Kidderminster**



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Scale 1:2500

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

## Agenda Item No. 5

**Application Reference:** 17/0251/FULL      **Date Received:** 11/04/2017  
**Ord Sheet:** 378669 275213      **Expiry Date:** 06/06/2017  
**Case Officer:** Julia McKenzie-      **Ward:** Bewdley & Rock  
Watts

**Proposal:** Erection of barrier system at entrance to car park and installation of pay on foot machine within existing car park (retrospective)

**Site Address:** CAR PARK ADJACENT TO REDTHORNE HOUSE, 11 HIGH STREET, BEWDLEY, DY122FB

**Applicant:** Mr P Crane

<b>Summary of Policy</b>	CP11 (CS) SAL.UP6, SAL.UP7 (SAAPLP)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 Redthorne House is a Grade II Listed Building located within a residential area of Bewdley; it is also part of the Conservation Area. The house is set over three floors and a basement and was recently converted from an unused nursing home into residential units.
- 1.2 The current proposal seeks to retain a barrier system to the car park and the installation of a pay on foot machine within the existing car park area.

### 2.0 Planning History

- 2.1 09/0145/FULL - Conversion of existing dwelling to create 8 no 1 bed flats and 1 no 4 bed dwelling : Approved 23/9/09
- 2.2 09/0146/LIST – Conversion of existing dwelling to create 8 no 1 bed flats and 1 no 4 bed dwelling ; Approved 23/9/09
- 2.3 15/0043/LIST - Conversion of lower ground floor to 4 No. Units and a central granny annexe : Withdrawn
- 2.4 16/0168/LIST - New stone plinth to terrace and refixing of existing railings. Removal of rear lamp and formation of new steps. Removal of front railings and erection of new wall and gates. Alterations to existing studio, forming new parapet wall, roof lights and replacement windows. New brick skin to side elevation. New doors to cellar arches : Approved 20/05/16

17/0251/FULL

- 2.5 17/0359/ADVE – Various non-illuminated adverts in association with car park : Awaiting determination

### 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and recommend refusal. The Chair wishes to speak at the Planning Committee in connection with the application. In its current form, the appearance of the barrier, its housing and parking notices have an adverse and unacceptable impact on the setting of a significant listed building within the Conservation Area. It is understood that there are ongoing discussions on this matter. Another option for a less obtrusive method of car park entry has been suggested. Had the Town Council been consulted prior to the works, then a compromise may have been reached.
- 3.2 Highway Authority – No objection
- 3.3 Conservation Officer – The applicant states in the planning statement:

*The car park is located adjacent to a Grade II listed building (Redthorne House) and is located within the conservation area of Bewdley. The applicant has liaised with WFDC planning officers regarding this application (as per the appropriate section on the form) and the proposal has support, at pre-application stage, from the conservation officer subject to the central barrier housing system/terminals being painted black.*

This statement is not entirely correct. For the record I have not provided any written advice on the suitability or otherwise of these proposals to the applicants.

I spoke to the owner of Redthorne House on 30<sup>th</sup> January 2017 and explained that the NPPF at paragraph 134 does allow the Local Planning Authority to consider the public benefits of any development causing less than substantial harm to designated heritage assets (in this case the Bewdley Conservation Area).

To mitigate the impact of the works I suggested that painting the four cabinets a darker shade might reduce their immediate visibility but said there is little that can be done about the red and white lifting barriers and that was my informal opinion.

My advice was as follows:

*“The barriers, signs and paraphernalia cause less than substantial harm to the Conservation Area. They certainly do not preserve or enhance it as required by the P (LBCA) A 1990.*



17/0251/FULL

*To mitigate the impact of the barrier boxes these could be painted black or dark green so they are not so visible. However the barriers will clearly need to be red and white otherwise people will crash into them. They will thus remain a prominent and unattractive feature.*

*There are other means of controlling access and egress to this car park which would not require unsightly lifting barriers. For example vehicle number plate recognition systems as used at Tesco's and other supermarkets. Electronic gates could also be provided as per a private driveway.*

*If the applicant can produce a clear and convincing case for public benefits to outweigh the less than substantial harm to the Conservation Area then you may wish to consider these in mitigation”.*

I believe that the existing cabinets can be painted black and this will considerably reduce their impact. However the red and white lifting barriers are a prominent feature visible from the public open space to the rear of the car park and interfering with views of 63 High Street, a listed building, beyond.

It is the lifting barriers that contribute to a degree of harm to the Conservation Area.

The proposals cause less than substantial harm to the significance of the Conservation Area. This harm should be weighed against any public benefits, as per NPPF paragraph 134. If the benefits of the provision of additional barrier controlled public off-street parking are deemed to outweigh the visual impact of the proposals then the application should be approved.

3.4 Neighbour/Site Notice – 3 letters of objection received raising the following issues:

- This is an unsightly development totally out of character with a conservation area, the barrier looks horrible and there are many intrusive, brightly coloured signs. There are also high power night lights. The previous black metal gates looked much better and blended in with the park barrier. The development has the potential to increase traffic and noise to the high street. There seems to be a change of use now the site charges for short term parking.
- Car park barrier system, ticketing machine and car park signage are an inappropriate and incongruous development within the setting of historic Bewdley town centre. The development spoils the visual and aesthetic experience of the High Street, Bewdley for both residents and the large number of visitors.

17/0251/FULL

- The development was installed without any regard towards the planning regulations and controls which apply to this historic town centre area. I have been a resident of the High Street Bewdley for the previous 27 years and I am fully aware of the responsibilities, restrictions and consequent costs associated with owning a listed property and I would expect the other High Street property and land owners to be likewise aware.
- If such an insensitive and incongruous development is granted retrospective planning permission, this would send out the message to other developers that they can carry out inappropriate developments within the historic, Bewdley Town centre with a total disregard to the local planning regulations and controls. These planning controls exist to conserve and protect our local heritage from such unregulated development.

#### **4.0 Officer Comments**

- 4.1 Redthorne House was built as a residence for Adam Prattington of Bewdley and the house remained in the family until 1869. Since that time it has been used as a single private family residence, a nursing home and more recently converted into apartments. Originally the property included rear gardens as well as part of the Queen Elizabeth II Silver Jubilee Gardens beyond the current car park boundary but now the whole rear section is used for parking.
- 4.2 The car park itself is located adjacent to the Grade II Listed Building within the Bewdley Conservation Area. The current planning application solely relates to the retention of the installed barrier system and pay on foot machine within the existing car park and not the car park itself or the yellow bollards.
- 4.3 Until recently, modern railings and pillars were located at the entrance to the car park at the far right of the site immediately adjacent to the public footpath. These were considered dominant within the street scene and out of keeping with the area, and did not allow sufficient space for cars entering / exiting the site and cars were left queuing in High Street on the road. In 2016 an application was submitted and approved for the erection of a brick wall and two pillars to replace the modern pillars and railings. The wall would continue the existing length of wall along the entire front elevation of the property and screen the bin store from public view. It was considered to be acceptable in terms of its impact on the adjacent listed Redthorne House and Conservation Area and as such in compliance with the policies as listed.

17/0251/FULL

#### HERITAGE ASSETS

- 4.4 The site lies within the Bewdley Conservation Area adjacent to a Grade II Listed Building and as such particular regard should be had to the National Planning Policy Framework (NPPF). Paragraph 134 states that less than substantial harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Section 66 (1) of the 1990 Act requires a local authority to have special regard for impact on listing buildings but does not mean that harm would necessarily require planning permission to be refused.
- 4.5 The Conservation Officer has commented that *“The barriers, signs and paraphernalia cause less than substantial harm to the Conservation Area. They certainly do not preserve or enhance it as required by the P (LBCA) A 1990 and to mitigate the impact of the barrier boxes these could be painted black or dark green so they are not so visible, however the barriers will clearly need to be red and white otherwise people will crash into them and as such will remain a prominent and unattractive feature”*. The Applicant’s Agent has confirmed that in order to minimise the impact of the development, the barrier boxes are to be painted black and the kerb stoned surrounding the central island housing are to be white, however the applicant agrees with the Conservation Officer that there is no other option in terms of colour for the barriers due to safety. It is fair to concur with the Conservation Officer that harm will be caused, however this is less than substantial.

#### PUBLIC BENEFITS

- 4.6 Planning Practice Guidance advice states that public benefits may be shown in many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - reducing or removing risks to a heritage asset
  - securing the optimum viable use of a heritage asset in support of its long term conservation

17/0251/FULL

- 4.7 The Agent has suggested that the financial benefits of being able to manage and run the car park commercially results in the Applicant sustaining the significance of the site, removing the risk of unauthorised users and securing optimum viable use of the whole site. A barrier system allowing a car park to be used by the public, is acknowledged can often lead to investment in their necessary maintenance for long-term conservation. There is only one viable use for this car park which is it being open to the public – this is the use is the optimum viable use. “Harmful” development can sometimes be justified in the interests of realising the optimum viable use of an asset provided the harm is minimised. In this case this harm has been minimised as far as possible by implementing the colour changes suggested.
- 4.8 The funds raised from the car park will assist the applicant with the on-going and extensive restoration works to a Grade II Listed property (Redthorne House) as well as several other listed properties within his ownership within Bewdley Town which are let for local businesses or provide residential accommodation – thus providing extensive public benefits aside from the public being able to use the car park itself. Renovation works on these properties, to date, has cost several hundred thousand pounds with works still on going. The above is consistent with the Planning Practice Guidance on such matters.
- 4.9 The Agent has commented that in her view ‘Conservation’ is an active process of maintenance and managing change as acknowledged in planning policy guidance – the latter infers that some change and evolution, to an extent, must be allowed within conservation and heritage assets. The guidance also notes a requirement for a flexible and thoughtful approach to get the best out of assets in everyday use. National guidance notes that the majority of heritage assets are in private hands and there is often a requirement for incentives for their active conservation as is the case with the current application.

#### ALTERNATIVE OPTIONS

- 4.10 Alternative options have been considered by the Applicant’s Agent, including ‘Pay on Foot’, Vehicle Number Plate Recognition and automatic bollards or gate systems.

17/0251/FULL

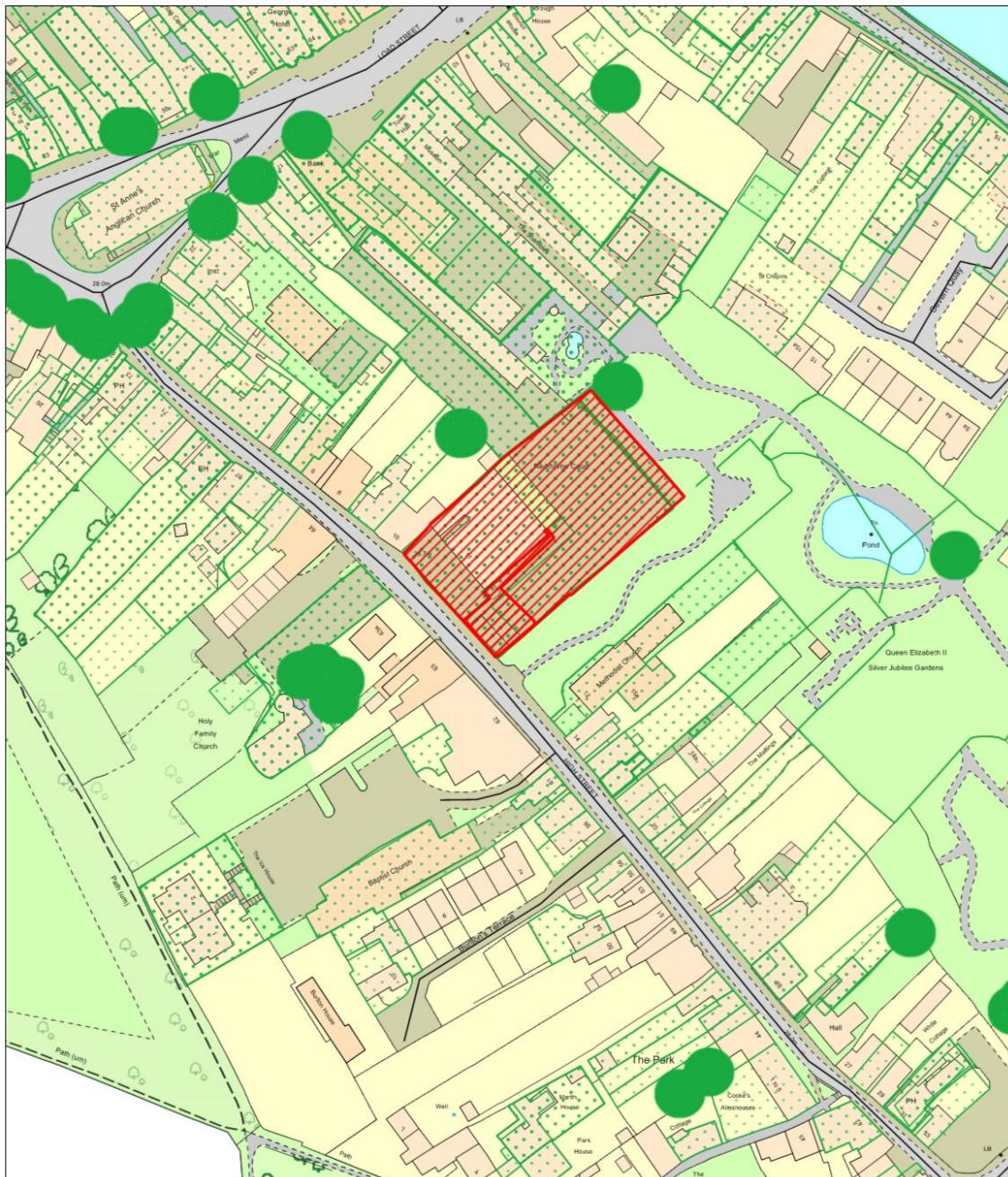
- 4.11 The Agent has stated that a Vehicle Registration Entry System was considered but the applicants were advised against this as ultimately the public can still bypass this system as they do not pick up all forms of vehicle registration. This type of system would only supply the Redthorne (the car park operator) with the details of the car which has parked without paying. Private companies/landowners cannot issue parking fines, they have to invoice for a breach of contract and if the car park operator seeks payment for not paying to park in the car park and the individual refuses to pay, they will need to take the person to the civil court, which is costly and time-consuming. This may work and be cost effective for large supermarket chains who have several hundred spaces on each of their sites, however it would not work for a small site of fifty spaces. Clamping and towing on private land is illegal in England and Wales under the Protection of Freedoms Act 2012 and there are very limited instances where towing and clamping is allowed.
- 4.12 Other options have been discounted due to lack of effectiveness of the systems and the additional financial burden to the Applicant. In addition it is maintained by the Applicant's Agent that the proposal is an acceptable proposal in the context of the Heritage Assets.

## 5.0 Conclusions and Recommendations

- 5.1 It is felt that in this instance the applicant has set out clear and convincing case for public benefits which would outweigh the less than substantial harm to the Conservation Area. The removal of the bollards from site when the approved wall is erected, painting the cabinet housing black and painting the kerb stones white instead of the current bright yellow (conditioned to be carried out within a month of approval) would further reduce the impact on the Conservation Area and as such are considered to be mitigate its impact.
- 5.2 It is recommended that the application be **APPROVED** subject to the following condition:

1. Painting of cabinet housing etc within 1 month

Note  
Identification of plans.



Economic Prosperity and Place Directorate  
**Car Park Adjacent to Redthorne House**  
**11 High Street**  
**Bewdley, DY12 2FB**



Crown Copyright 100018317 01 August 2017

Scale 1:1250

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

## Agenda Item No. 5

**Application Reference:** 17/0359/ADVE      **Date Received:** 06/06/2017  
**Ord Sheet:** 378662 275209      **Expiry Date:** 01/08/2017  
**Case Officer:** Julia McKenzie-      **Ward:** Bewdley & Rock  
Watts

**Proposal:** Various non illuminated adverts in association with car park

**Site Address:** REDTHORNE HOUSE, REDTHORNE COURT, 11 HIGH STREET, BEWDLEY, DY122DJ

**Applicant:** MR PAUL CRANE

<b>Summary of Policy</b>	SAL.UP6, SAL.UP10 (SAAPLP) Paragraph 67 (NPPF) Advertisements (PPG)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 Redthorne House is a Grade II Listed Building located within a residential area of Bewdley and it is also part of the Conservation Area. The house is set over three floors and a basement and was recently converted from an unused nursing home into residential units.
- 1.2 The current proposal seeks to erect various non illuminated adverts in association with the car park.

### 2.0 Planning History

- 2.1 09/0145/FULL - Conversion of existing dwelling to create 8 no 1 bed flats and 1 no 4 bed dwelling : Approved 23/9/09
- 2.2 09/0146/LIST – Conversion of existing dwelling to create 8 no 1 bed flats and 1 no 4 bed dwelling : Approved 23/9/09
- 2.3 15/0043/LIST - Conversion of lower ground floor to 4 No. Units and a central granny annexe : Withdrawn
- 2.4 16/0167/FULL – New stone plinth to terrace and refixing of existing railings. Removal of rear lamp and formation of new steps. Removal of front railings and erection of new wall and gates. Alterations to existing studio, forming new parapet wall, roof lights and replacement windows. New brick skin to side elevation. New doors to cellar arches : Approved 20/5/16



17/0359/ADVE

- 2.5 16/0168/LIST - New stone plinth to terrace and refixing of existing railings. Removal of rear lamp and formation of new steps. Removal of front railings and erection of new wall and gates. Alterations to existing studio, forming new parapet wall, roof lights and replacement windows. New brick skin to side elevation. New doors to cellar arches : Approved 20/5/16
- 2.6 16/0749/FULL – Replacement of railings with brick wall : Approved 19/4/17
- 2.7 17/0251/FULL - Erection of barrier system at entrance to car park and installation of pay on foot machine within existing car park (retrospective) : Awaiting determination

### 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection and recommend approval
- 3.2 Conservation Officer -This application pertains to the provision of signage in relation to a car park which is the subject of another planning application ref: 17/0251/FULL, yet to be determined.

I shall thus restrict my comments hereafter to the design, size and location of the proposed signage to avoid prejudicing the determination of 17/0251/FULL.

The application refers to existing signage which is considered visually intrusive to the Conservation Area in its location, size and design.

The proposed replacement signs one and two are simpler, clearer signs of appropriate colour palettes and these will have a much lesser impact on the appearance of the Conservation Area, particularly in views up and down High Street and towards and past the various listed buildings adjacent to the site. I have no objections to these signs as I consider the overall harmful visual impact on the Conservation Area to be negligible.

The third sign is of a bolder colour and contains much more specific information. It is functional and of an appropriate size, but clearly has more of an impact on the Conservation Area than signs one and two.

The applicant proposes to mitigate the impact of sign three by mounting it on a newly refurbished red brick retaining wall which encloses the former mahogany stores under Redthorne House. I consider this to be a sensible proposal as the visual impact of the sign will be much reduced, yet it will serve its purpose which is to advise those parking of the various restrictions etc.

Overall, I consider the impact of sign three on the Conservation Area on its own to be slightly harmful but mitigated sufficiently by its proposed location to reduce this harm to neutral impact.



17/0359/ADVE

The proposals thus comply with Policy SAL.UP6 and Policy SAL.UP10 and I have no objections.

- 3.3 Neighbour/Site Notice – 2 letters received, one supporting the application and one letter objecting to the application.

LETTER OF SUPPORT

The opening of the Redthorne Car Park to the public is a valuable contribution to the residents of the High Street. It gives visitors to houses where there is no car access, a convenient place to park. When completed, the arrangement of barriers and signs will not detract from the nature of the conservation area and the new entry and exit system improves the impact on traffic flow in the street.

LETTER OF OBJECTION

My objections will refer to the Conservation Area Character Appraisal for Bewdley revised January 2015 and specific recommendations made in Appendix 1 Adopted Wyre Forest Plan Policies Policy SAL.UP6 under the heading Safeguarding the Historic Environment. Given that this application is another retrospective one, it is clear that the developer who installed both the car park barriers, ticketing machine and car park signage has totally disregarded the responsibilities and requirements of carrying out development within the Bewdley Conservation Area. Moreover it is of serious concern that this incongruous and inappropriate development is situated in a particularly, sensitive and historically important part of the Conservation Area, namely between the noted Landmark building, Redthorne House, and the noted Focal Point, the Queen Elizabeth II Silver Jubilee Gardens.

**4.0 Officer Comments**

- 4.1 The application seeks for four non-illuminated signs within the car park area adjacent to the Redthorne. Two of the signs would be 'P' signs to advertise parking at the site and the other two would advertise further specific information on the car park in terms of parking charges and times.
- 4.2 There are currently two white and yellow CCTV signs and a large burgundy Redthorne House Car park sign in place at the car park entrance. It is proposed to remove the CCTV signs and replace with two timber framed fascia signs which would have a white 'P' on a blue background. These are to be wall mounted at the front of the application site on opposite sides of the car park entrance each measuring 0.35m in width and 0.26m in height. The free standing burgundy sign to the front of the site is to be replaced with a free standing sign in black. The sign itself would measure 0.61m in width and 1.25 in height sitting on black metal posts 0.63m from ground level, (total height from floor level 1.88m).

17/0359/ADVE

- 4.3 The application also proposes a wall mounted timber framed orange /red sign on the side of the actual building midway down the car park area. The sign would measure 1.27m in width and 0.96m in height 1.25m from ground level setting out specific car park information.
- 4.4 Policy SAL.UP10 of the Site Allocations and Policies Local Plan relates specifically to advertisements and states that proposals should not detract from the appearance and character of the area or the building on which they are displayed. Where such adverts are proposed adjacent to a heritage asset (the Bewdley Conservation Area in this instance) proposals must conserve the setting of that area and avoid the use of internally illuminated signage or individually illuminated letters.
- 4.5 In assessing the proposal against policy I have placed significant weight on the comments of the Conservation Officer as detailed above and concur that the signage, all being of an appropriate scale, design and colour would sit comfortably on the building and within the application site and would not detract from the visual amenity and setting of the Bewdley Conservation Area.
- 4.6 The comments of the objector have been noted, however the views of the Conservation Officer are detailed and as such on balance it is considered that the signage as proposed is acceptable in this location.

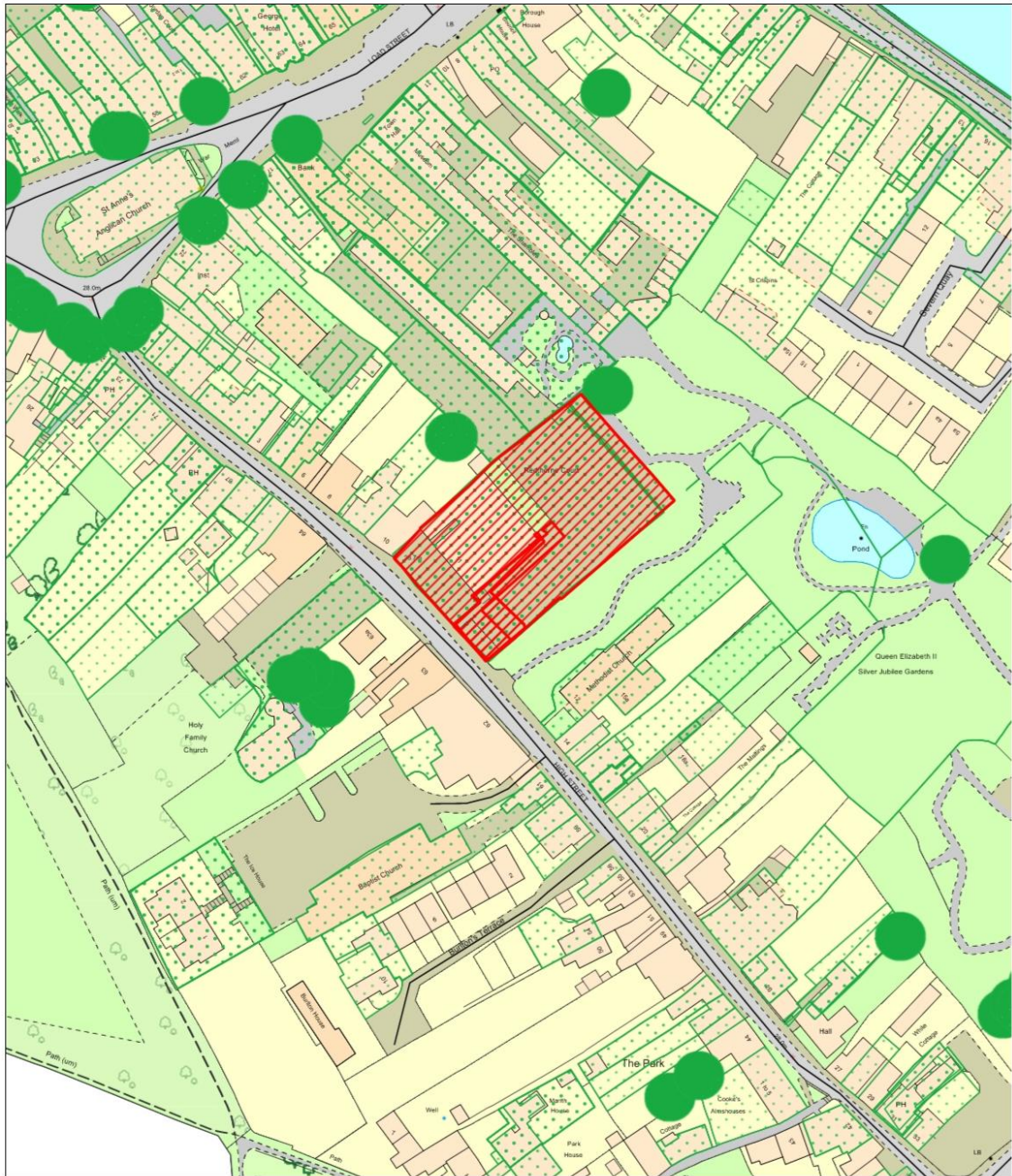
## 5.0 Conclusions and Recommendations

- 5.1 It is considered that the signs proposed would be considered acceptable and for the reasons outlined above it is recommended that the application be **APPROVED** subject to the following conditions:

1. L1 (Standard advertisement conditions)
2. L9 (Standard time)

Note

Materials as per approved plans



Economic Prosperity and Place Directorate

**Redthorne House, Redthorne Court**

**11 High Street**

**Bewdley, DY12 2FB**



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Scale 1:1250

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

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**15<sup>TH</sup> AUGUST 2017**

**PART B**

<b>Application Reference:</b>	17/0269/FULL	<b>Date Received:</b>	26/04/2017
<b>Ord Sheet:</b>	383603 276313	<b>Expiry Date:</b>	26/07/2017
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Aggborough & Spennells

**Proposal:** Demolition of existing building to provide 15 new dwelling houses with associated landscaping and parking for affordable housing

**Site Address:** KIDDERMINSTER MARKET AUCTION SITE, COMBERTON PLACE, KIDDERMINSTER, DY101QR

**Applicant:** WYRE FOREST COMMUNITY HOUSING

<b>Summary of Policy</b>	DS01 DS02 DS03 DS05 CP01 CP02 CP03 CP04 CP05 CP11 CP14 (CS) SAL.PFSD1 SAL.DPL1 SAL.CC1 SAL.CC2 SAL.CC6 SAL.CC7 SAL.UP5 SAL.UP7 SAL.UP9 (SAAPLP) KCA.EG1 KCA.EG3 (KCAAP) Sections 2, 6, 7, 10 (NPPF) Design Guidance (SPD) Planning Obligations SPD
<b>Reason for Referral to Committee</b>	'Major' planning application. The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to a Section 106 Agreement</b>

**1.0 Site Location and Description**

1.1 The application site is located to the East of Kidderminster Town Centre and is located off Comberton Hill with access off Comberton Place. The site is elevated, sitting on top of the retaining wall which runs along Hoo Road and above the escarpment adjacent to The Ringway which runs to the west. Residential properties sit to the north and south of the application site. To the north are properties fronting Comberton Terrace, such properties are set some 2.4m lower than the site along the shared boundary. On the shared boundary to the south are properties fronting Drovers Walk and Ray Mercer Way. To the east is the Council's car park and retail units which front Comberton Place.

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- 1.2 The site measures 0.4 hectares in total and comprises the full extent of the Kidderminster Market Auction site and includes a 0.08 hectare area of land owned by the District Council and forms part of the Council public car park.
- 1.3 The site is included in the Kidderminster Central Area Action Plan (KCAAP) as part of the Eastern Gateway redevelopment area.

## **2.0 Planning History**

- 2.1 15/0380/FULL - Demolition of existing market auction building and erection of 39 affordable new build dwellings : Withdrawn

## **3.0 Consultations and Representations**

- 3.1 Kidderminster Town Council – Awaiting comments
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Worcestershire Regulatory Services (WRS) [Noise] - The submitted noise assessment indicates noise levels in the rear garden areas of plots 9 & 10 may exceed 55dB during the daytime (BS8233:2014 upper limit) however this is without any mitigation. I note the proposal to install close boarded fencing to the sides of the rear gardens but there does not appear to be any information regarding the rear of the gardens adjacent to the properties in Comberton Terrace. Therefore can the applicant provide information regarding the proposed boundary treatment (wall / fencing) of the rear gardens adjacent to the properties in Comberton Terrace.
- 3.4 Worcestershire Regulatory Services (WRS) [Contamination/Air Quality] – No objections
- 3.5 West Mercia Designing Out Crime Officer – No objections
- 3.6 County Archive & Archaeology Service - The planning application will affect a structure of post-war architectural interest. The Market building, which is something of a local landmark visible in views across the Stour Valley, was constructed in 1961 as one of three similar structures built to serve the town's cattle market, of which only this example now remains. The roof is formed of cylindrical cast in-situ concrete barrel shells or vaults that are typical of the post-World War II regeneration and construction boom and the increased use of cast concrete construction methods due to a shortage of steel. The resulting wave-form roof takes design inspiration from other, earlier, post-war buildings including the Grade II\* Listed 1952 Stockwell Bus Garage, Lambeth, Greater London, built by Adie, Button and Partners with Thomas Bilbow for the London Transport Executive, which has a very similar style of roof construction, comprised of cantilevered barrel vaults, albeit on a much larger scale.

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Good 20th century and post-War architecture is increasingly being valued, as evidence by the inclusion of the *designation of post-war buildings* as a priority in the Historic England *Action Plan 2015-2018* and while this building is not recorded on the

Worcestershire Historic Environment Record it has been identified as being of historic environment interest through the planning and decision making process. The building is also illustrated in the book *Historic Concrete Background to Appraisal*, Edited by James Sutherland, Dawn Humm and Mike Chrimes; Thomas Telford Publishing; 2001. (p187).

Should the District Council be minded to grant consent for demolition then in order to mitigate the impact on the historic environment it is advised that the building should be recorded to Historic England Level 3 standard prior to the commencement of any demolition works.

3.7 North Worcestershire Water Management (NWWM) - I believe that further details regarding the proposed surface water drainage should be submitted, ideally as part of this application. If you are minded to approve this application without this information then I would suggest that a detailed condition gets attached to ensure that the surface water drainage solution used for this site will meet both local and national policies.

3.8 Conservation Officer - The application site adjoins the rear boundaries of no's 4-8 Comberton Terrace which are residential properties included on the Local Heritage List for Kidderminster.

These properties were built between 1838 and 1884 and are typical detached and semi-detached villas of the mid-Victorian era situated prominently overlooking the town.

Although the applicant has not submitted a heritage statement (as required by Policy SAL.UP6) to identify the impact on the significance of the locally listed buildings, I do not think that the local interest of 4-8 Comberton Terrace would be compromised by the construction of new dwellings on the application site. Previously the site had been allotment gardens and possibly excavated as a sand pit, prior to the construction of the cattle market in 1961.

The market building was constructed in 1961 as one of three similar buildings to serve the town's cattle market, of which only one now remains. The structure is not included on the Local Heritage List for Kidderminster, nor is it included within the Worcestershire HER.

It is, however, illustrated within the book: *Historic Concrete Background to Appraisal*, Edited by James Sutherland, Dawn Humm and Mike Chrimes; Thomas Telford Publishing; 2001. (p187).

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The market building represents an example of a reinforced concrete shell roof, typically employed on school halls, canteens, factories swimming pools and markets during the 1950s due to the relative shortage of steel following the Second World War.

I assume that the building was considered for inclusion on the Local Heritage List in 2004 and rejected. However the significance of mid-20<sup>th</sup> century building types, particularly where these use non-traditional materials in their construction, is not widely understood.

The building's roof presents an attractive sculptural form, however as the building does not technically qualify as a heritage asset under Policy SAL.UP6, no heritage statement has been submitted outlining the significance of the building.

As the national significance of the building is as yet unknown I am unable to recommend approval at this point in time, and suggest that a decision on the application is deferred pending further information being made available.

However, should the Committee be minded to approve this application on the basis of the information currently available, a condition should be applied requiring a scheme of building recording as specified by Worcestershire County Council to be undertaken prior to the demolition of the market building.

- 3.9 Arboricultural Officer - I have no objection to the proposed new development at Kidderminster Auction site as there are no trees directly affected by the development. However, I would like to ensure the pine trees on the verge between Hoo Road and the current boundary fence are protected during the development, so would suggest that protective fencing be installed.
- 3.10 Principal Strategic Housing Officer – I have reviewed the plans and have no comments to make. The scheme has been worked up in partnership between Head of Strategic Growth and Wyre Forest Community Housing and meets all our expectations.
- 3.11 Severn Trent – No objections subject to conditions
- 3.12 Neighbour/Site Notice – 1 letter of objection raising the following matters;
- No need for pedestrian link
  - Close proximity of properties blocking light;
  - Concern over position of any new trees
  - Position of bin collection point



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**4.0 Officer Comments**

- 4.1 Some Members may recall consideration of this site in 2015, where it was resolved to approved 39 units on the site subject to the signing of a S.106 Agreement. As noted above this application was withdrawn as the original developer did not wish to pursue the scheme.
- 4.2 This current application relates purely to the market auctions site and proposes 15 dwellings. An application for 8 units was approved under delegated powers earlier this year on the adjacent site.
- 4.3 The site is identified as part of the Eastern gateway redevelopment area. Policy KCA.EG3 which relates to development at Comberton Place, recognises the area as suitable for a mix of uses, however the policy specifically identifies the Kidderminster Market Auction site as more suitable for residential development. The same policy recognises that redevelopment of the site may also include the car park on Comberton Place. Given that there is 'in principle' policy support for the use of the site for residential purposes, I am satisfied that the principle of the proposal is sound and that the loss of part of a public car park requires no significant justification given that it is part of an adopted strategic policy.
- 4.4 The layout proposed replicates the form and rhythm of the adjacent dwellings in Ray Mercer Way, fronting onto a new road from Comberton Place. Adequate amenity and parking space are provided for all dwellings. The elevational treatment is traditional brick and tile design, with the introduction of render to certain plots. The use of modern style windows and canopies provide a contemporary feel and giving a quality of design to the development. The design and siting of the dwellings provide an enhancement of design quality to the area in accordance with local and national policies.
- 4.5 Ten of the properties back onto properties in Comberton Terrace. These have approximately 13 m rear gardens, which allow for the difference in levels and ensure that amenity of existing residents, are not affected. The remaining properties are positioned side on to properties in Ray Mercer Way. Plot 18 is approximately 13m from Nos. 23 and 24 Ray Mercer Way and is considered acceptable.
- 4.6 Plots 15 – 17 continue the streetscene from No. 22 Ray Mercer Way. Although these plots are set back by approximately 1.5m from the rear of No.22, they will not cause any significant loss of amenity to this property. Revised plans have been submitted which has resulted in the removal of bin stores behind No.22.



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- 4.7 Access provision is directly from Comberton Place, providing a new roadway to serve the development. Parking is provided for each dwelling in accordance with the Interim Parking Standards published by the County Council. The Highway Authority has issued a 'no objection' response. The proposal involves the loss of parking spaces on the Comberton Place car park owned by the District Council. Given that the loss of part of the car park at Comberton Place has been part of an adopted Policy in the Kidderminster Central Area Action Plan since its adoption in 2013, I am satisfied that the loss of public car parking provision in this instance is justified through the strategic approach to development.
- 4.8 The comments of the Conservation Officer and the County Archive & Archaeology Service are noted. However given the allocation of the site, the public benefits afforded and the imposition of a recording condition are sufficient to outweigh any adverse harm to potential heritage assets.
- 4.9 Matters of drainage, landscaping and noise can be considered through suitably worded conditions.
- 4.10 The scheme is presented as a 100% affordable proposal put forward by Wyre Forest Community Housing. The Council's Principal Strategic Housing Officer has been consulted on the application and is satisfied with this arrangement, as detailed above. The adopted Planning Obligations SPD requires the following contributions be sought based on the size and tenure of the development proposed:
- Public Open Space - £6,682
  - Biodiversity
- 4.11 An agreement under Section 106 of The Town and Country Planning Act 1990 is required to secure the ongoing provision of affordable housing on this site and to secure the financial contribution towards public open space. Details of how the public open space monies would be spent will be included in the Addenda and Corrections sheet.

## **5.0 Conclusions and Recommendations**

- 5.1 The scheme provides a high quality redevelopment of the site in line with adopted local and national policy. The proposal provides dwellings that are of a suitable design and layout, that do not cause significant harm to existing properties, and can be accommodated on the highway network. There are no outstanding matters that cannot be dealt with through the imposition of planning conditions and a S.106 Agreement.

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5.2 It is therefore recommended that the application be given **delegated APPROVAL** subject to:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
  - 1. A6 (Full with no reserved matters)
  - 2. A11 (Approved plans)
  - 3. Materials – to be agreed
  - 4. Details of bin stores
  - 5. Fencing/railings details to be provided (including proposed finish)
  - 6. Highways conditions (as suggested by the Highway Authority)
  - 7. Landscaping (type and management plan)
  - 8. Bat boxes to be provided
  - 9. Foul and surface water drainage details
  - 10. SuDS maintenance schedule to be agreed
  - 11. Noise mitigation as set out in the noise report to be adhered to in full
  - 12. Cycle parking
  - 13. Building Recording

## Agenda Item No. 5

**Application Reference:** 17/0292/FULL      **Date Received:** 04/05/2017  
**Ord Sheet:** 378986 274007      **Expiry Date:** 29/06/2017  
**Case Officer:** Julia McKenzie-      **Ward:** Bewdley & Rock  
Watts

**Proposal:** Change of use for the land from equestrian to leisure/recreational purposes along with construction of storage building

**Site Address:** LAND ACCESS, VIA B4194, RIBBESFORD, BEWDLEY, DY122TQ

**Applicant:** Mr Benjamin Channell

<b>Summary of Policy</b>	CP11, CP14 (CS) SAL.UP7, SAL.UP13 (SAAPLP)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

1.1 The application site is located approximately 2.5 miles south of Bewdley Town Centre and 1.5 miles to the south west of Stourport on Severn Town Centre. The site is bounded to the east by the River Severn and to the west by the B1494 (at a higher level to the rear of the application site). The bottom part of the site adjacent to the river is located within Flood Zone 3; however the rear of the site lies outside this area.

1.2 The proposal seeks to change the current use of the land from equestrian to leisure / recreational purposes and provide a wooden storage building to the rear of the site which will measure approximately 7.3m in width, 3.65m in depth to a height of 2.4 metres which will house the applicant's personal sports equipment including kayaks.

### 2.0 Planning History

2.1 WF/0309/94 – Stable building for horses on land at Ribbesford : Approved

### 3.0 Consultations and Representations

3.1 Bewdley Town Council – Recommend refusal.

Bewdley Town Councillors consider there are a number of significant material planning considerations which would result in detriment to this Green Open Space, adjacent to the River Severn in Ribbesford. The specific material planning considerations include:

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- NATURE CONSERVATION – the adverse long term effect on the natural habitat, wildlife and fauna, including the riverbank itself – caused by the regular transportation to and from the proposed storage building to the river of the sporting equipment to be used by the applicant and his family, advised as boats/kayaks/camping/fishing.
- NOISE AND DISTURBANCE RESULTING FROM USE – the land sits directly opposite a large, residential caravan park

Town Councillors discussed the proposed changes carefully and the opinion was expressed that, despite the applicant's statement that the storage unit is for his own family's use, there is potential that this may become expanded over future years (as has happened in the past regarding similar applications). Town Councillors also noted that the address provided on the application is out of area hence the long term security of equipment proposed to be stored permanently on site will present its own problems.

- 3.2 Worcestershire County Council Countryside Service - The Ribbesford parish footpath RB-531 crosses the application site and runs along the south-western edge of the River Severn.

The proposals should have no detrimental effect on the public right of way. A note regarding the applicant's obligations to be placed on any forthcoming consent.

- 3.3 Worcestershire Regulatory Services –No representations received

- 3.4 North Worcestershire Water Management - I understand that the site has approval for stables (in 1994), but these were never completed – the concrete slab is down though. The current application is for a change of use and for a boat shed to be built instead.

I located the application site with some difficulty and it appears to me that the location of the storage shed is just outside Floodzone 2 and 3. Floodzone 3 is some distance away.

Even if the application was in Floodzone 2 then it would probably not have been a reason to refuse this application as the proposed development would I believe be permitted in Floodzone 2, with flood mitigation measures being considered above flood level. Flood mitigation measures such as raising of electrics are normally requested to minimise the damage from flooding.

Given the fact that the proposal is for a boat shed I don't think mitigations would be necessary or appropriate. I therefore don't think there is any reason to withhold approval of this application on flood risk grounds.

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It is my understanding that there is a watercourse on the southern boundary of the site. Pollution of this watercourse and the wider water environment should be prevented. I understand that the concrete slab that the proposed storage building will sit on has already been constructed. This would have perhaps been the most risky phase of the construction. I therefore don't deem it necessary to recommend any specific conditions relating to protection of the water environment. Pollution prevention both during construction and during the operational phase form part of being a responsible landowner.

I note that access to/from the water does not form part of this application. I would welcome an informative to be attached to a future approval.

- 3.5 Neighbour/Site Notice – One letter of objection received. I feel the corridor along the river should be kept as free as possible from commercial buildings and obstructive structures. The site is close to a dangerous part of the road and to the river footway. The whole river corridor between Stourport and Bewdley has enormous potential for recreational development. Its true value, as a clean, green corridor, hopefully with access to the forest pathways across the road, will one day be fully appreciated. It may even be possible to take a pram or wheelchairs along the route (I live in hope). As it is, the caravans on site and the large van occupying the lay-bye portend the ugliness of the building. I'm sure the many walkers, joggers and cyclists who use the river path would like to keep the area as natural as possible for generations to come.

#### **4.0 Officer Comments**

- 4.1 Planning permission was granted in 1994 for the erection of a stable building containing two stables and a tack room on a concrete slab located at the rear of the site. It is however unclear whether or not the stable was actually ever erected or has fallen down over time as only the concrete slab base remains on site.
- 4.2 The current application proposes the erection of a wooden stable type construction at the far rear of the site adjacent to the main road albeit at a much lower level. The building will measure 7.3m in length, 3.65m in width and 2.4m in height. (A stable for two horses and a tack room would measure approximately 11m x 3.65m x 3.65m to adhere to the British Horse Society standards). It will be constructed in wood treated in dark stain with a green mineral felt roof. There would be six windows at the front of the building measuring 0.45m x 0.60m glazed with horticultural glass or Perspex and one large door in order to allow the easy manoeuvring of the applicant's kayaks which measure 5.5 metres in length.
- 4.3 The building itself is to be used for the storage of leisure equipment for camping/boating/kayaking/fishing for use by the applicant and his family who do not live within the locality but plan to visit at weekends. The inside of the building is to be boarded out with storage lockers and shelving fitted with battery powered 12 volt lighting and due to flooding concerns, all of the equipment is to be stored off the ground.

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- 4.4 The Town Council have raised an objection in terms of the adverse long term effect that the regular transportation of the sports equipment would have on the natural habitat, wildlife and fauna, including the riverbank itself. A fishing peg at the river edge owned by the Birmingham Anglers Association is already in situ and the applicant has permanent rights to use this. As such the kayaks would be carried down to the water via the existing steps resulting in minimal impact on the riverbank.
- 4.5 The Town Council have also objected to the proposal in terms of noise and disturbance resulting from use as the land sits directly opposite a large, residential caravan park. It is considered that this is not a material planning consideration as the use of the land in isolation would not generate a large amount of noise. Regarding expansion of the site, a condition would be put on any approval restricting the use to the named Applicant in order that it would be purely used for personal use only.

## 5.0 Conclusions and Recommendations

- 5.1 The change of use and the proposed storage building are both considered to be acceptable in terms of the use and impact on the surrounding area. The building would be positioned on the site of a previously approved stable block located to the rear of site constructed in materials appropriate for the location and proposed use. A condition attached to any approval given would ensure that the use is not expanded in the future.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B6 (External details – approved plans)
  4. No lighting
  5. The approved building shall be used for storing leisure equipment owned by the applicant and shall not be used for any commercial purpose(s) whatsoever.

### Notes

- A Applicant's obligations regarding the Public Right of Way  
B The applicant is advised that works (including temporary) in, or adjacent to the river Severn or its floodplain may need an Environmental Permit.

**Application Reference:** 17/0402/FULL      **Date Received:** 16/06/2017  
**Ord Sheet:** 389581 273026      **Expiry Date:** 11/08/2017  
**Case Officer:** John Baggott      **Ward:** Wyre Forest Rural

**Proposal:** Erection of 2 class nursery buildings including w.c. and external play area

**Site Address:** CHADDESLEY CORBETT ENDOWED PRIMARY,  
 NETHERCROFT MEADOW, KIDDERMINSTER ROAD,  
 LOWER CHADDESLEY, KIDDERMINSTER, DY104QN

**Applicant:** CHADDESLEY CORBETT ENDOWED PRIMARY

<b>Summary of Policy</b>	CP01, CP11, CP12 (CS) SAL.DPL12, SAL.CC2, SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Chaddesley Corbett Neighbourhood Plan Sections 7, 9 (NPPF)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application relates to the Chaddesley Corbett Endowed School site located on the outskirts of Chaddesley Corbett, off the A448 Bromsgrove Road. The school is located on former agricultural land and is located within the Green Belt.
- 1.2 This application relates specifically to an area of land located to the front of the main school building, to the side of the freestanding timber-clad energy centre and plant store on the site of the previously proposed swimming pool and changing rooms building which has not been, and due to matters relating to funding, is now unlikely to be constructed in the foreseeable future.

**2.0 Planning History**

- 2.1 07/0482/OUTL – Erection of new primary school and associated works : Approved 24/01/08.

17/0402/FULL

- 2.2 09/0073/FULL – Variation of conditions 6 & 29 of planning permission 07/0482/OUTL to enable provision of separate cycle way and footway : Approved 17/04/09.
- 2.3 10/0659/RESE – Erection of new primary school, together with caretakers accommodation, swimming pool, car parking, creation of new access off A448 and associated works (Reserved Matters following Outline consent 07/0482/OUTL) : Approved 14/10/11

### **3.0 Consultations and Representations**

3.1 Chaddesley Corbett Parish Council – Objection.

- Proposed portacabin would not complement the design of the existing school and there are concerns that further temporary structures may be erected in the future which would be a blot on the landscape.
- This appears to be a response to a change in Government policy over free childcare and it appears that the School is unsure whether it is sensible to build permanent premises. Maybe a temporary approval could be considered.

3.2 Highway Authority – No objections.

3.3 Neighbour/Site Notice – No third party representations received.

### **4.0 Officer Comments**

- 4.1 As stated above, the application site falls within the Green Belt. The National Planning Policy Framework (NPPF) makes it clear that inappropriate development in the Green Belt is harmful, by definition (Paragraph 87) with a list of appropriate forms of development listed at Paragraph 89. Members are advised that this list does not specifically include educational facilities, and as such the development must be considered as being inappropriate development within the Green Belt. It is therefore necessary to consider whether “Very Special Circumstances” are at play which might weigh in favour of the proposed development, in line with Paragraph 88 of the NPPF.
- 4.2 The proposed development is for the erection of a duplex modular building to provide a double classroom facility, with integral central WC facilities. With dimensions of 15m x 12m, the building is intended to be used for Nursery/After School Care facilities.



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- 4.3 Located to the front of the main school building, in the location of the previously approved swimming pool and associated facilities, the proposed building would be timber clad and stained to match the existing energy centre, as was the proposal for the swimming pool. The fenestration details are shown to be of a graphite finish, similar to the windows within the main school building. An external, enclosed, play area is also proposed located between the proposed building and the existing energy centre.
- 4.4 The location of the proposed building is directly opposite the existing Nursery facilities, to allow for a full integration of the overall increased facilities. The siting is such that the building will be located on lower ground below embankments to both the east and south of the proposed building and would therefore be largely screened from most public vantage points.
- 4.5 The main school building already accommodates 30 nursery children, and the proposed new building is stated as being required to accommodate the demand for 30 additional Nursery School places, due to the impending increase in free nursery school provision from 15 to 30 hours per week. In this particular regard, Worcestershire County Council (as the relevant Education Authority) has identified the School as being a suitable provider for additional Nursery places.
- 4.6 Whilst the need for and provision of Nursery places is considered to be a material consideration in this case, it is debatable as to whether this amounts to “Very Special Circumstances”. However a key, and indeed the critical, factor in the consideration of the merits of this application is the extent of what has been previously approved on the site – i.e. the “fall back” position.
- 4.7 As stated earlier, the siting of the proposed building is, in part, on the site of the previously approved swimming pool and associated facilities, which for the foreseeable future at least is unlikely to be constructed due to matters of funding. It is also noteworthy that the previously approved Caretakers accommodation has also not been built. In terms of a simplistic comparison, the swimming pool element would have measured some 29m x 16m, with a maximum height of 6.6m. The proposed Nursery, located in the same location, has dimensions of 15m x 12m, with a height of 3.3m. Clearly, the physical impact would be less than that previously approved.
- 4.8 It is regrettable that the swimming pool has not been able to be funded, and it is to be hoped that in the future the situation might change for the better and that the previously approved scheme can be completed in full. In the meantime, given the demand for additional Nursery places, it does seem entirely appropriate for this lesser development to be supported.

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- 4.9 Ideally it would be nice to see a more permanent design solution in terms of the new Nursery facility, but were this to occur then any lingering hopes regarding the provision of the swimming pool may well be extinguished. As such, a temporary solution does appear to be warranted. That said, what is proposed is an improvement on the usual mobile classroom solution, with the use of the timber cladding as previously described. Furthermore, the overall quality and longevity of the building is rather greater than the more conventional mobile classroom solution and as such whilst a temporary permission would still be warranted, it is suggested that a period of 10 years would seem appropriate in the first instance.

## 5.0 Conclusions and Recommendations

- 5.1 The application has been assessed, principally, against both national and local Green Belt policy. Whilst the development has been found to constitute inappropriate development in the Green Belt, and is therefore harmful by definition, Very Special Circumstances are considered to exist – these being the educational/nursery school needs and, in particular, the “fall back” position of what has already been granted on the site and the lesser impact of the current proposal.
- 5.2 The objections of the Parish Council have been considered fully, and under the circumstances the suggestion of a temporary permission only do appear to be appropriate, for the reasons set out above. The proposal is not at odds with the aspirations and policies of the Chaddesley Corbett Neighbourhood Plan.
- 5.3 It is recommended that the application be **APPROVED**, subject to the following conditions:
1. A8 (10 years temporary permission)
  2. A11 (Approved Plans)

<b>Application Reference:</b> 17/0405/FULL	<b>Date Received:</b> 21/06/2017
<b>Ord Sheet:</b> 381711 272882	<b>Expiry Date:</b> 16/08/2017
<b>Case Officer:</b> Kate Whitfield	<b>Ward:</b> Mitton

**Proposal:** Relocation of club cabin and provision of mobile toilet accommodation

**Site Address:** Stourport Pistol and Rifle Club, Bonemill Quarry, Minster Road, STOURPORT-ON-SEVERN, DY13 8AS

**Applicant:** Stourport Pistol and Rifle Club

<b>Summary of Policy</b>	CP01, CP11, CP12 (CS) SAL.UP1, SAL.UP7 (SAAPLP) Sections 7, 9 (NPPF)
<b>Reason for Referral to Committee</b>	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

1.1 The application refers to land owned by Wyre Forest District Council and leased to Stourport Pistol and Rifle Club. The land is at the former Bone Mill Quarry and is located off the A451 Minster Road between Stourport and Kidderminster. The Council's Household Waste Disposal Site lies immediately to the south.

1.2 The site is within the West Midlands Green Belt.

1.3 There is an existing club room building on the site which was granted permission in 2013. This is located at the entrance to the car park and shooting range. Under this application it is proposed to relocate this building further south, to the rear of the car park and next to existing secure lock-up cabins. It is also proposed to erect an additional building to provide two toilets

## 2.0 Planning History

2.1 WF.0525/01 - Stationing of one container (12m x 3m) for shooting range, club house and two containers (6m x 2m) for storage : Approved

2.2 07/0218/FULL - Retention of two containers (6m x 2m) for storage; proposed container (12m x 3m) for clubhouse (all containers proposed for temporary 5 years period) : Approved

2.3 13/0209/FULL - Provision of portable cabin to form club room : Approved.

17/0405/FULL

### **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council - No objection and recommend approval.
- 3.2 Worcestershire Regulatory Services - No objection to the application in terms of noise / nuisance.
- 3.3 Neighbour/Site Notice – One representation has been received stating that there is no ramped access to the toilet indicated.

### **4.0 Officer Comments**

- 4.1 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 the provision of appropriate facilities for outdoor sport and recreation.
- 4.2 This national policy advice is to be read together with the relevant Development Plan Policies, which in this case includes Wyre Forest Site Allocations and Policies Plan Policy SAL.UP1. This policy mirrors the guidance within the NPPF and also advises that buildings for sport and recreation can be acceptable development within the Green Belt. It is considered that the club room and toilet buildings are appropriate facilities required in association with the sport and recreational facilities provided on the site, and as such the proposal constitutes appropriate development in the Green Belt.
- 4.3 Both the NPPF and Policy SAL.UP1 state that the buildings are only acceptable if the openness of the Green Belt is preserved and the development does not conflict with the purposes of including land within the Green Belt.
- 4.4 In this case the main element of the proposal is to simply relocate an existing building. The club house building will be relocated to the south of the car park and next to some secure lock up cabins. Currently the building is in a fairly isolated position and by grouping all existing buildings together within the site it is considered that the overall visual impact should be reduced and correspondingly the openness of the Green Belt should be enhanced.
- 4.5 An additional toilet building measuring 3 by 2.4 metres is also proposed. This building will also lie next to the relocated clubhouse building and the lock up cabins. The simply designed building will be constructed from 'forest green' plastisol steel cladding, matching the club room building and lock-ups. It is considered that the additional visual impact on the landscape arising from this building will be minimal.

17/0405/FULL

- 4.6 Planning Permission in 2013 only granted permission for the club house building for a temporary five year period, on grounds that its temporary appearance was unsuitable to form part of the permanent development of the area. This is still considered to be the case, although a further 5 year temporary permission is deemed reasonable, taking into account the discreet location of the site and the lack of visibility of the buildings from any surrounding areas.
- 4.7 Being close to the household waste site any below ground services should be avoided due to potential landfill gases. As in 2013, a condition would also be added to this effect on any given permission.

## **5.0 Conclusions and Recommendations**

- 5.1 The proposal is deemed to represent appropriate development within the Green Belt. The new location of the club house should enhance the openness of the Green Belt and the retention of this building, along with the installation of the additional toilet building, is considered acceptable for a further temporary period of 5 years.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A8 (Temporary Permission – Buildings)
  2. A11 (Approved Plans)
  3. The building shall only be used by Stourport on Severn Pistol and Rifle Club.
  4. No below ground services shall be installed.

## WYRE FOREST DISTRICT COUNCIL

**Planning Committee**

**15 August 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
WFA1477 16/0738/FULL	APP/R1845/W/1 7/3173912	Mr A Warren	232 HOO ROAD KIDDERMINSTER DY101LT  Proposed new detached dwelling	WR  08/05/2017	12/06/2017			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1478 16/0550/OUTL	APP/R1845/W/1 7/3173741	Gladman Developments Ltd	OFF THE LAKES ROAD BEWDLEY DY122PH  Outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road (DY12 2BP).	LI  16/05/2017	20/06/2017	11/07/2017		

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1479 16/3044/PNRE	APP/R1845/W/1 7/3174098	Mr Nathan Nunn	BARN AT UPPER MOOR SMALL HOLDINGS TIMBER LANE STOURPORT-  Change of use of Agricultural Building to Residential	WR  30/05/2017	04/07/2017			
WFA1480 17/0042/FULL	APP/R1845/W/1 7/3174380	Mr M Stanton	LAND OFF ELEANOR HARRISON DRIVE COOKLEY KIDDERMINSTER  Change of use of land to equestrian use and the construction of stable block; manege and associated parking and turning area	WR  30/05/2017	04/07/2017			



Appeal 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
WFR1481 17/0008/S73	APP/R1845/W/1 7/3176382	Legal & General Property Partners	EASTER PARK HOO FARM WORCESTER ROAD SUMMERFIELD KIDDERMINSTER  Variation to condition 4 of 06/0065/RESE to allow two night time deliveries Tuesday - Saturday and one night time delivery on Sunday and Monday at Unit 3, Easter Park	WR  11/07/2017	15/08/2017			

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE****15<sup>th</sup> August 2017**

Land at Hill Top Farm, Dark Lane  
Rock, Kidderminster, DY14 9YL

<b>OPEN</b>	
<b>DIRECTOR:</b>	<b>Corporate Director: Economic Prosperity and Place</b>
<b>CONTACT OFFICER:</b>	<b>Alvan Kingston – Ext. 2548 Alvan.Kingston@wyreforestdc.gov.uk</b>
<b>APPENDICES:</b>	<b>Location Map</b>

**1. PURPOSE OF REPORT**

- 1.1 To determine whether the Tree Preservation Order No 414 (2017) relating to a tree on Land at Hill Top Farm should be confirmed or not.

**2. RECOMMENDATION**

- 2.1 **That the Tree Preservation Order be confirmed without modification.  
TPO to include:**

- 1 No. English Yew (*Taxus baccata*) [T1]

**as it is a veteran tree that contributes to the amenity of the locality and is considered worthy of protection.**

**3. BACKGROUND**

- 3.1 On the 16 May 2017 Officers visited Hill Top Farm. Following consultation in connection with planning application 17/0189/FULL, which sought for alterations and extensions to the existing dwelling, detached garage, agricultural storage unit with vehicular access, an assessment was made as to whether the proposals would have a detrimental effect on trees with a high amenity value within the site.
- 3.2 Most of the trees within the site have a low amenity value or would not be directly affected by the development. However, there are a number of roadside trees growing parallel with Dark Lane, the subject of this report, and were considered to be directly affected by the construction of a new access into the farm and it was therefore felt it was expedient to make a Tree Preservation Order.
- 3.3 As a result, a Provisional Tree Preservation Order was made and served on 24 May 2017 protecting the English Yew, ensuring the proposed development took account of the tree and influenced the final design and decision of the proposal.

**4. OFFICER COMMENTS**

- 4.1 The English Yew is estimated to being over 150 years old. It has a diameter, which measured at 1.5 metres up the stem, of 115cm, which is a significant sized stem, and, provides significant interest. It is clearly visible when walking or driving along Dark Lane and therefore is a very important tree within the landscape.
- 4.2 The proposed new access would have been within the Yew's Root Protection Area (RPA).
- 4.3 One objection to the TPO has been received from the owner of Hill Top Farm.
- 4.4 The objection states that the tree is not a "*significant part of the local environment and enjoyed by the general public given its situation and appearance. In addition, the recent plans submitted specifically state that no mature trees will be affected by the proposed works. In fact, the new entrance proposed would ensure that a supporting wall is built around the tree to prevent any further erosion of soil around the base. The tree does overhang the road and interfere with the overhead cables. One of the lower branches has been badly damaged by the high vehicles passing down the lane. Whilst I would not consider this to be an urgent safety risk it could cause problems in the event of stormy weather. There is also some dead wood which needs to be cut out*".
- 4.5 In response to the points made, I would make the following comments:
- The tree is clearly visible when passing the property and has a high amenity value. I accept that the amount of traffic along Dark Lane may not be high, but it is a public highway and can be accessed by the general public.
  - No Arboricultural Impact Assessment was submitted as part of the application, so although the plans stated that no trees would be affected by the proposed development, there is no professional evidence to support that statement.
  - The position of the proposed new access was 7.1 metres from the Yew tree, which would have been within the RPA and therefore would have required a significant amount of the tree's root system cut and removed to facilitate the new access. This is considered to result in harm being caused to the tree.
  - It may be argued that the appearance of the tree in general is not what one would expect for a protected tree. It has a one-sided crown and dead and damaged limbs on the side of the crown closest to the road. However, the tree could be over 150 years old and is considered to be a very important tree from a heritage and ecological point of view.
  - The tree does have branches overhanging Dark Lane. However they are not obstructing the passage of the highway and if they were, they would be able to be removed on an exemption on grounds of highway safety.
  - The cutting back of branches from overhead power cables would be undertaken by representatives of Western Power as a statutory undertaker.

- Deadwood and dangerous branches can be removed without consent and therefore the making of the TPO will not prevent their removal.

**5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising directly as a result of this report.

**6. LEGAL AND POLICY IMPLICATIONS**

6.1 There are no legal and policy implications arising directly as a result of this report.

**7. RISK MANAGEMENT**

7.1 There are no risk management issues.

**8. EQUALITY IMPACT ASSESSMENT**

8.1 There are no equality impact implications to be considered.

**9. CONCLUSION**

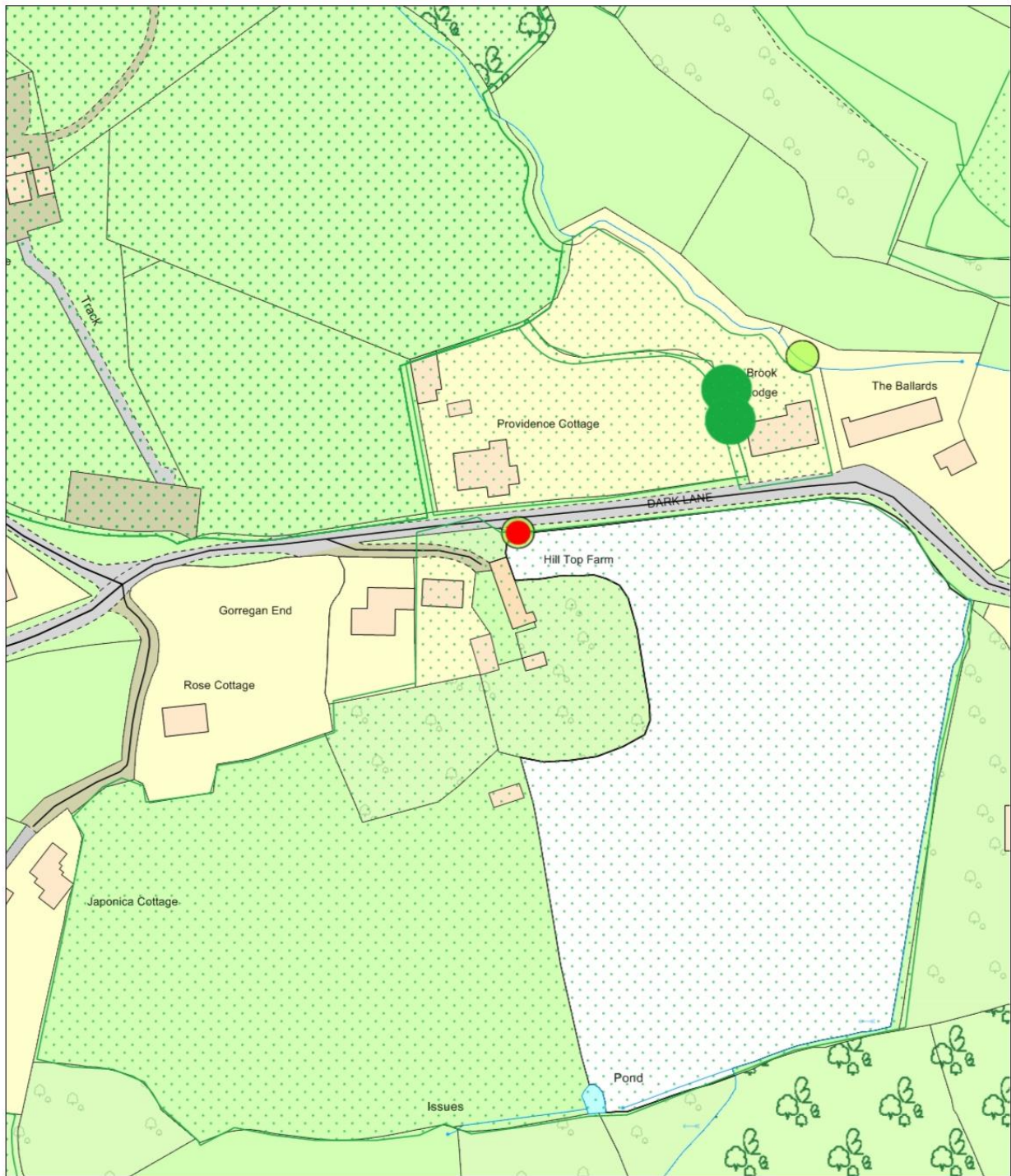
9.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be made without modification.

**10. CONSULTEES**

10.1 None

**11. BACKGROUND PAPERS**

11.1 Tree Preservation Order No. 414



Economic Prosperity and Place Directorate

**Land at Hill Top Farm**  
**Dark Lane, Rock**  
**Kidderminster, DY14 9YL**



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