

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 21st November 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.

## **WEBCASTING NOTICE**

This meeting is being filmed\* for live or subsequent broadcast via the Council’s website site ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)).

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 Corporate Director: 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 Corporate Director: 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, 21st November 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>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<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.	
<b>3.</b>	<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.	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 19 <sup>th</sup> September 2017.	7
<b>5.</b>	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	11
<b>6.</b>	<b>Planning and Related Appeals</b>  To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	84
<b>7</b>	<b>Section 106 Obligation Monitoring</b>  To consider a report from the Corporate Director: Economic Prosperity and Place that gives details of the most current Section 106 Obligations which require monitoring.	96
<b>8.</b>	<b>Land along Honeybrook Valley, Off Bridgnorth Road, Kidderminster</b>  To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 415 (2017) relating to two woodland groups along Honeybrook Valley, should be confirmed or not.	111

9.	<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>	
10.	<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

11.	<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>	
-----	--	--

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER

19TH SEPTEMBER 2017 (6 PM)

---

**Present:**

Councillors: S J Williams (Chairman), H E Dyke, I Hardiman, J A Hart, M J Hart, D Little, N Martin, S Miah, C Rogers, J A Shaw and H S Williams.

**Observers:**

Councillor P Dyke.

**PL.27 Apologies for Absence**

Apologies for absence were received from Councillors:  
J R Desmond (Vice-Chairman), J Aston, F M Oborski MBE and J D Smith.

**PL.28 Appointment of Substitutes**

Councillor H E Dyke was appointed as a substitute for Councillor F M Oborski MBE.  
Councillor I Hardiman was appointed as a substitute for Councillor J R Desmond.  
Councillor S Miah was appointed as a substitute for Councillor J Aston.  
Councillor H S Williams was appointed as a substitute for Councillor J D Smith.

**PL.29 Declarations of Interests by Members**

There were no declarations of interests

**PL.30 Minutes**

**Decision: The minutes of the meeting held on 15th August 2017 be confirmed as a correct record and signed by the Chairman.**

**PL.31 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 558 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 558 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.32 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.33 Exclusion of the Press and Public**

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

**PL.34 New Enforcement Case**

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

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

**PL.35 Enforcement Matters**

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

**Decision: The information be noted.**

There being no further business, the meeting ended at 6.40 pm



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**19<sup>th</sup> September 2017 Schedule 558 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 No:** 17/0375/FULL

**Site Address:** 96-104 CANTERBURY ROAD, KIDDERMINSTER, DY11 6DH

**APPROVAL** subject to a the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. Opening hours restriction
5. Highways conditions
6. Full details of the proposed commercial kitchen extract systems to be submitted and approved
7. Full details of the proposed external plant/equipment together with noise assessment to be submitted and approved
8. A service yard management plan to be submitted and approved

Note  
Highways

**Application Reference:** 17/0318/FULL

**Site Address:** UNIT 27A, EDWIN AVENUE, HOO FARM INDUSTRIAL ESTATE, KIDDERMINSTER, DY11 7RA

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. C6 (Landscaping – small scheme)
5. C8 (Landscape implementation)
6. E2 (Sustainable drainage)
7. Highways – Access, parking and turning
8. Highways – Secure parking for 6 cycles
9. Gas Protection
10. Control of Lighting
11. Noise Assessment
12. No development shall take place until an investigation of the site has been undertaken to ascertain whether the site is affected by slope instability etc.

**Application Reference:** 17/0397/FULL

**Site Address:** ORCHARD HOUSE, BAXTER AVENUE, KIDDERMINSTER, DY10 2HB

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Render to be completed prior to occupation of the extension

**Application Reference:** 17/0489/LIST

**Site Address:** BEWDLEY MUSEUM & TOURIST INFORMATION, LOAD STREET, BEWDLEY, DY122AE

**APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved Plans)
3. Approval of the new door and door frame.

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**21/11/2017**

<b>PART A</b>			<b>Reports</b>
<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
17/0205/OUTL	FORMER LEA CASTLE HOSPITAL PARK GATE ROAD KIDDERMINSTER	DELEGATED APPROVAL	12
17/0534/FULL	BROCKENCOTE HALL COUNTRY HOUSE HOTEL BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	59
<b>PART B</b>			<b>Reports</b>
<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
17/0001/OUTL	ALTON WORKS LONG BANK BEWDLEY	DELEGATED APPROVAL	71
17/0200/FULL	LAND AT MILL STREET KIDDERMINSTER	APPROVAL	79
17/0325/S106	DEASLAND FARM DEASLAND LANE HEIGHTINGTON BEWDLEY	DELEGATED APPROVAL	82

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**21<sup>ST</sup> NOVEMBER 2017**

**PART A**

<b>Application Reference:</b>	17/0205/OUTL	<b>Date Received:</b>	31/03/2017
<b>Ord Sheet:</b>	385244 278997	<b>Expiry Date:</b>	30/11/2017
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Outline planning application to include up to 600 dwellings (C3), up to 3,350sqm of Class B1 employment uses, 150sqm of Class A1/A3/D1 uses (local shop/café/community space), public open space, ecological mitigation, drainage works, infrastructure and ancillary works. Detailed approval is sought for access arrangements, to include the main access from Park Gate Road, secondary access from The Crescent and limited access to a small number of properties from Axborough Lane, with all other matters reserved.

**Site Address:** FORMER LEA CASTLE HOSPITAL, PARK GATE ROAD, KIDDERMINSTER, DY103PT

**Applicant:** Homes and Communities Agency

<b>Summary of Policy</b>	DS01, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP09, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL3, SAL.DPL11, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP7, SAL.UP9, SAL.PDS1 (SAAPLP) WCS 5, WCS 16, WCS 17 (Worcestershire Waste Core Strategy) Hereford and Worcester Minerals Local Plan 1997 National Planning Policy Framework (NPPF) as a whole, but in particular Achieving sustainable development – paragraphs 6-17 inc, and Sections 1, 4, 6, 7, 8, 9, 10, 11, 13
<b>Reason for Referral to Committee</b>	'Major' planning application. Statutory or non-statutory Consultee has objected and the application is recommended for approval. Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to a Section 106 Agreement</b>

17/0205/OUTL

**1.0 Site Location and Description**

- 1.1 The application site consists of the buildings and land associated with the former Lea Castle Hospital site which lies beyond the north eastern fringe of Kidderminster, between the A449 Wolverhampton Road and the A451 Stourbridge Road. The site is located within the Green Belt.
- 1.2 The site has an area of some 48.7 hectares, and contains a variety of now vacant former hospital related buildings and associated access and circulation roads, set within an attractive and mature, albeit now overgrown in places, landscape. The site is well screened from the surrounding area by the significant areas of tree coverage and wooded areas located both within and around the periphery of the site.
- 1.3 Notwithstanding the Green Belt location, this is a previously developed site (as recognised by Policy SAL.PDS1 “Previously Developed Sites in the Green Belt” of the Adopted Site Allocations and Policies Local Plan) and features a range of buildings, and associated fixed surface infrastructure, including a number of smaller single storey buildings; some 1950s pre-fabricated buildings; and some larger two and three storey buildings. In many cases, the buildings are both unsightly and inaccessible due to their poor condition. It is known that in some cases asbestos is present within the buildings. The existing buildings footprint is in the region of 25,160sq.m. The site also features a network of underground service tunnels.
- 1.4 The site is also home to long established, and well maintained, playing pitches along with a small clubhouse used by local football club(s), located towards the southern extreme of the site.
- 1.5 The site is bounded by agricultural fields to both the west (towards the A449) and east (towards the A451), which are also in the ownership of the Applicant (the Homes and Community Agency – HCA). To the south lie two good sized detached residential properties addressed onto Park Gate Road along with the car park and land associated with the Park Gate PH; to north east is a sizeable detached dwelling sat within a large curtilage, which is accessed via Axborough Lane; and, to the north west lies a greater number (approximately 40) of generally smaller residential properties addressed onto The Crescent, which in turn is accessed via the A449 Wolverhampton Road.
- 1.6 The existing main vehicular access to the site is via a gated driveway from Park Gate Road, with a secondary (again, gated) vehicular access located at the end of The Crescent. There is an existing public right of way (PRoW) which passes through the northern part of the site linking (the A449) Wolverhampton Road, via The Crescent, with Axborough Lane.

17/0205/OUTL

## 2.0 Planning History

- 2.1 Whilst it is the case that there is a lengthy planning history to the site in terms of the buildings associated with the previous hospital use, the most recent applications date back to 2003/4 and relate to relatively minor extensions and alterations to existing buildings on the site. As with those preceding, these most recent applications are of no direct relevance to the current proposal.
- 2.2 16/0504/EIASC – Request for a Screening Opinion as to whether the current proposal would constitute EIA (Environmental Impact Assessment) development, necessitating the submission of an EIA to accompany any future planning application. It was concluded that an EIA was not required and a decision notice issued to this effect on 14/09/16.
- 2.3 17/0596/FULL - Installation of a bat house and two bat barns and change of use of an existing sub-station to a bat house as part of the ecological mitigation for outline application 17/0205/OUTL : Decision Pending

## 3.0 Consultations and Representations

### 3.1 Wolverley and Cookley Parish Council – Recommend Refusal

Wolverley & Cookley Parish Council are not opposed to development on the Lea Castle Site however the current Outline Planning Application for up to 600 dwellings does not come with any detail or information on the infrastructure that will need to be provided to support this level of development. The Parish Council have concerns that the existing local Primary Schools and Doctors Surgeries do not have the capacity to expand to support this development. In addition the Parish Council have concerns over access to the development, the proposed secondary access through The Crescent will be very dangerous and access to the main village via crossing the very busy A449 will put pedestrians at risk.

### 3.2 Churchill and Blakedown Parish Council – Recommend Refusal.

The Parish Council is aware that the present application is only an Outline Application so therefore a detailed travel plan is not required. The Parish Council however is concerned that the travel assessment appears to concentrate on access to the A451 and A449. It is the view of the Council that the Technical note produced by Mayer Brown (submitted on behalf of the Parish Council) highlights the probability that many residents will be travelling to Birmingham and will wish to have access to the A456 and possibly Blakedown Railway Station. The Mayer Brown report has made that clear to the WFDC's planners, however the applicant has pointed to Hurcott Lane, Waggon Lane and Stakenbridge Lane as suitable access to the A456 and Blakedown Station, their justification for this is the 'Wyre Forest Traffic Model'.

17/0205/OUTL

The Council is concerned that the applicant is clearly not aware of the reality of these routes. Both Hurcott Lane and Waggon Lane are single track roads clearly not suitable for heavy vehicular traffic. The Council would also point to the fact that Hurcott Lane intersects a SSSI site of particular environmental importance and in our view this would be damaging. Our fear is also that should traffic use either Waggon Lane or Stakenbridge Lane as their route of choice to the (Blakedown) Station they will inevitably try to use Churchill Lane and the weak bridge into Mill Lane, the most direct routes to the Station. Stakenbridge Lane is already overused and subject to numerous accidents at Churchill Cross. We noticed that the applicant hasn't mentioned Perriford Lane as yet, but that is also nothing more than a one track path.

The Council feels that the obviously incomplete report is wholly inadequate and there is a need for a full investigation of the infrastructure improvements needed before there is any further consideration of this application.

3.3 Highway Authority – No objection, subject to conditions.

This site is a strategic site which is identified within the adopted Site Allocations and Policies Local Plan which was adopted in July 2013. The principle of developing this site for mixed use purposes is therefore established, however detail is needed on how the site is to be accessed and how it will provide the framework for a modern residential estate.

The applicant has engaged extensively with Worcestershire County Council as the Highway Authority to scope the assessment, undertake a review of area wide impact as well as at specific junctions. As a result the applicant has proposed a comprehensive package of mitigation works at key junctions and sustainable infrastructure including the diversion of the 9/9A bus service.

Transport improvements works are proposed as follows:

- A449 Wolverhampton Road / Park Gate Road
- A449 Wolverhampton Road / The Crescent
- A451 Stourbridge Road / Park Gate Road A449
- Wolverhampton Road / A451 Stourbridge Road

Cycle improvements are proposed on Stourbridge Road to improve connections to Kidderminster town Centre and onwards to Kidderminster railway Station and the Stourport Road employment corridor.

A new footway is proposed to be constructed on Park Gate Road and the Wolverhampton Road to provide pedestrian linkage towards Broadwaters.

17/0205/OUTL

The 9/9A bus service will be diverted onto the development site, this will provide an hourly service for future residents and provide increased levels of patronage which will support this service and it is hoped will allow a commercial bus operator to run this service in the future. The bus will need to travel on The Crescent, which is circa 4.9m wide, and below the normally accepted carriageway width, however it is considered that due to the frequency of the bus service that 2 buses will not pass side by side on The Crescent and there is low likelihood of conflict with larger vehicles given the relative short length of the road. Within the site the road will open out to 6.1m. To ensure that The Crescent is suitable for a bus route, remedial works are required in the form of tree cutting and the provision of waiting restrictions to maintain the effective carriageway width.

A framework travel plan has been provided to cover all the proposed uses; this plan has been reviewed and found to be acceptable. A suitably worded condition is proposed to ensure that the agreed actions are implemented.

Whilst the scale of the development is significant the applicant has undertaken the necessary assessments to consider local infrastructure and, where it has been identified as lacking, proposed mitigation. It is also worthy of note that the applicants assessment has made no allowance for the traffic that could be generated if the Hospital campus was to be brought back into use. This approach is robust and ensures that the development will provide suitable levels on infrastructure to mitigate the developments impact which will also have benefits to the existing road and bus users.

In conclusion the Highway Authority is satisfied that the application does not result in a severe impact with the proposed mitigation works. A future reserved matters application will detail internal road layout, car parking and the arrangements for the retail and employment uses which are all key to ensuring a long term sustainable development.

*(Officer Comment: As an addendum and with reference to matters of Air Quality (in the Horsefair area of the town) the Highway Authority has made the following observations also, which should be considered in conjunction with the comments made by WRS)*

With regards to the AQMA at Horsefair, it is accepted that there is some movement in to this part of the network (as a result of the proposed development), however there is a proposal to resolve/improve Air Quality and additionally there are several alternative routes which could be utilised. There is not a strong enough case in this instance to say that this development impacts on the AQMA.



17/0205/OUTL

- 3.4 Environment Agency – No comments received. Application assessed in line with the standing advice issue by the Environment Agency.
- 3.5 North Worcestershire Water Management (NWWM) – No objection subject to conditions.

*(Original comments)*

I note that a Flood Risk Assessment has been submitted. I support the conclusions. I don't believe that the site is at risk of any form of flooding, with the exception of some localised surface water flood risk. Surface water flooding is the flooding that occurs after heavy rainfall, when the volume of rainwater falling does not drain away quick enough through the existing drainage systems or soaks into the ground, but lies on or flows over the ground instead. Given the relatively large site area a small amount of surface water flooding is almost inevitable. As the detailed design of the site can mitigate against this type of flooding the small amount of modelled surface water flood risk would not be a reason to withhold planning approval.

The proposed redevelopment might result in an increase in impermeable area, which unmitigated could increase runoff leaving the site and therefore (surface water) flood risk elsewhere. I note that a Drainage Strategy has been submitted, which contains a SuDS Selection Assessment as Appendix F. The Drainage Strategy report sets out how it will be ensured that the proposed development will not increase (surface water) flood risk elsewhere. The proposal is to use the existing discharge routes to Podmore Pool (part of SSSI) and the ditch alongside Park Gate Road, but to attenuate the volumes on the site to limit discharge leaving the site. In various documents submitted with the application it is mentioned that discharge will be limited to Greenfield levels, but I doubt if this is indeed the intention. I believe the submitted documentation should be amended accordingly.

On site infiltration testing has demonstrated that the ground conditions are such that infiltration systems cannot be relied upon as a standalone solution. As remarked within the submitted documentation, infiltration systems could however still form part of an entire suite of SuDS measures, where ground conditions allow.

**SUMMARY**

In summary, I have the following comments to make:

- There are no reasons to withhold approval of this application on flood risk grounds;
- I believe that in line with Defra's national SuDS standards the aim should be to limit discharge from the site to Greenfield runoff levels, not Brownfield as currently appears to be the aim;
- The calculations for required storage volumes/surfaces would need to be redone based upon Greenfield runoff rates;
- The existing drainage routes through the site for The Crescent (surface water and foul) will need to be maintained, which might impact upon site layout;

17/0205/OUTL

- The location of SuDS features might need some careful assessment to ensure it does not compromise high value biodiversity areas (incl acid grassland) or interferes with potential surface drainage routes;
- There needs to be a strong emphasis on water quality benefits of the proposed drainage strategy as the site is located above an aquifer (potential impact via infiltration) and has a positive discharge to Podmore Pool (SSSI). Decision re lining/not lining of SuDS features would require a further discussion;
- In line with the submitted reports I believe that infiltration measures could still be as part of the SuDS solution for this site;
- Given the existing outfall to Podmore SSSI it will be important that measures will be taken to prevent pollution (incl from silt) during the construction phase. As Podmore Pool is part of a main river I assume that the Environment Agency will comment further upon this, as will Natural England due to its SSSI status.

I would hope that we can get the aim for limitation to Greenfield runoff levels imbedded now, with further details conditioned.

*(Updated Comments following receipt of additional information in response to the above observations)*

Based upon the original drainage strategy and the addendum I am happy that the points that needed addressing now have been addressed. The other points can I believe be sufficiently addressed at a subsequent stage.

I therefore conclude that there is no reason to withhold approval of this outline application upon flood risk grounds. I would recommend attaching the suitable conditions.

### 3.6 Campaign to Protect Rural England (CPRE) –

We have formally to object to this application. However, our objection is more to the scale of the proposals than to the principle of development. However this needs to be strictly in accordance with the detailed provisions relating to this site in Site Allocations and Policies Plan (SALPP) 2013; the present proposal does not conform to SALPP.

The SALPP recognises the former hospital as a brownfield site in the Green Belt. Policy SAL.PDS1 lays down detailed criteria for applications concerning it. It expressly says that B1 (business), C2 (residential institutions) and health and sport facilities will be permitted. Nowhere does it mention C3 residential.

*(Officer Comment – The above observation is factually incorrect. Policy SAL.PDS1 clearly lists C3 (Dwelling Houses) as being an acceptable form of development, in principle, for the Lea Castle site).*

17/0205/OUTL

Nevertheless, we accept that there is probably a need for more housing land in the district and are prepared to concede that some residential development can be allowed, but not on the scale proposed by the applicant. It is our contention that the extensive areas of park land between buildings, particularly at the northern end of the site have never been “developed” any more than domestic gardens are: they have certainly not been built on and should not be.

This development does not conform to the criteria in SAL.PDS1, but a rather more modest development could do so. Only the existing building footprints are strictly brownfield; the remainder being private open space, which is at worst the equivalent of garden land.

We would be prepared to see:

- Comprehensive redevelopment of the core of the site (section 8 above), though not at the density proposed by the applicants.
- More limited redevelopment of other areas, but strictly limited to the footprint of existing building, or of an area informed by the extent of their footprints.
- No development of those parts of the site that have never had anything but a Green Field or park land use.

### 3.7 Natural England –

Insufficient information has been provided on the potential impacts the proposal will have on the Hurcott and Podmore Pools SSSI. We advise you to obtain the following information in order to assess potential impacts of the proposal on this designated site:

- Further details and assurances of how the Applicant will ensure that surface water reaching the SSSI will be of high quality and mimic natural discharge from the proposal site.

The Drainage Strategy dated March 2017 confirms that there is a direct link between the drainage of the proposal site and Hurcott and Podmore Pools SSSI. The SSSI has suffered in the past from poor water quality and reduced water levels which have led to a loss of aquatic plants in favour of algae and impacted on invertebrate species, both of which are important food sources for a range of wetland birds. Natural England has been working with partners to improve water quality and levels within the SSSI. This proposal should ensure that not only are current levels of water quality and volume entering the SSSI maintained from the proposal site but should seek to ensure improvements and net gains, especially in terms of water quality, in line with section 109 of the National Planning Policy Framework.

*(Officer Comment: The requested additional information has been provided, and comments have been received from NWWM above. No additional comments have been received from Natural England).*

17/0205/OUTL

3.8 Worcestershire Wildlife Trust – No comments received.

3.9 Countryside Conservation Officer –

(Original Comments – May 2017)

There are the following natural habitats:

- Woodland. (broad leaved semi natural woodland, broadleaf plantation, mixed plantation, coniferous plantation, hedgerow)
- Grassland (amenity grassland, arable grassland and semi improved grassland.)
- Buildings and hard standing
- Scrub

WOODLAND

To the North east of the site there is an area of semi natural ancient woodland. Dormice have also been detected in this area. South west of this there is an area of broad leaved semi natural woodland which the developer proposes to retain. Between these areas there are areas of broad leaf and mixed plantation. It would be good to also retain and enhance these areas to connect these two higher quality habitats together and give opportunity to connect the areas of woodland to the wider landscape. We could do with significantly more detail to how this is to be achieved

Hedgerows are important ecological features. The Hedgerow is due to be impacted upon by the development and may have an importance for dispersal, forager and commuting roots for other aspects of the sites wildlife. We need to have some assessment of this value and a better grasp on how this is intended to be mitigated for prior to approving the application

GRASSLAND

The proposed development site is in 0.6km away from Hurcott Pasture SSSI, notified for semi natural acid grassland. Hence, potential exists for this ecologically significant habitat to be present on the site. Acid grassland is nationally scarce and is an important part of Wyre Forest's ecological community. Hence any grassland found in the proximity of the site need to be assessed for the presence of this habitat.

If areas of acid grassland are found it would be a prerogative to retain and enhance this habitat as part of any development. The Worcestershire Local Nature Partnership and Natural England have all identified this habitat as a priority for conservation in and around the Kidderminster area. It is difficult to recreate acidic grassland and given both its national importance and its distinctiveness to the Ecology of the Wyre Forest District any areas of land where it is felt acidic grassland was once present but due to lack of appropriate management has allowed the habitat to fall into sub optimal conditions then restoration of this habitat in these areas should be a priority.

17/0205/OUTL

The site was surveyed three times and it has been concluded that acid grassland is not present on the site. However, if the management of the land is sub optimal then acidic grasslands can degenerate and indicator species can become hard to detect . I feel we need some additional survey work to rectify this.

#### BUILDINGS AND HARDSTANDING

These in themselves have limited biological value but they do contain protected species and hence have a value associated with these.

#### SCRUB

The scrub habitat at the Lea Castel site is not ecologically that important but it does have some value that can be mitigated for through the inclusion of native species of scrub as part of the landscaping planting.

#### ON SITE PROTECTED SPECIES

The development has the potential to cause harm to the following protected species:

##### *Bats*

13 of the sites 47 buildings contain bats. There are disused tunnels that are showing evidence of bat use. Evidence of bat maternity and hibernation roosts as well as day roosts have also been detected. Different species of bat have been detected using the site including the nationally rare Lesser Horseshoe bat. More work is needed to determine exactly how the site is being used by all the different species of bat. This needs to include all aspects of roosting activity but also foraging and commuting. A mitigation strategy needs to be produced preferably retaining some of the higher value roosting areas. This mitigating strategy has a reasonable potential to impact on the design and viability of any scheme and without this we do not have sufficient information to feel assured that the required mitigation can be incorporated into the development.

##### *Dormice*

The presence of dormice on the site has been confirmed. It is believed that the habitat occupied by dormice is likely to remain unaffected by the development. More work is needed to identify the extent and how the site is being used, what features are important and what are the lines of communication used by this population. We need further information on how these requirements are to be protected from any development and what measures can be put in place to insure this population remains connected to the wider countryside and other know dormouse populations.

17/0205/OUTL

*Reptiles*

The site was surveyed in 2014. The site has suitable habitat for reptiles and good conductivity to the wider countryside. I feel that we should request additional reptile surveying to ensure the status of the site has not changed regarding reptiles.

*(Officer Comment: A new reptile survey has since been undertaken and no evidence of reptiles has been found on the site).*

*Badger*

There is likely to be an impact on badger as part of this development . We will require more detail on how this will be mitigated for prior to approval and these measures shown on and ecological management plan.

IN GENERAL

The site as a whole has a reasonable Biodiversity value. DEFRA have produced a Biodiversity metric that allows this value to be better assessed. The loss of this biodiversity needs to be mitigated for and this needs to be shown on an indicative site plan that is accompanied by a site ecological management plan.

OFF SITE HARM

The site is in close proximity to numerous SSSI's and local wildlife sites the nearest less than 1 km away are the SSSI's of Hurcott pastures and Hurcott and Podmore pools. Potential exists for the treatment of the sites drainage to negatively impact on these sites and for the increase in people this development will bring to create increase in disturbance to biodiversity. Both sites are in range for potential airborne contaminants to be blown on to them.

The nearest site to the proposed development is Hurcott Woods Local Nature reserve. This site is 300m from the development and has public access that is restricted though the provision of only a small car park. A lot of the wildlife found on this site is sensitive to increases in visitor numbers. The proximity of this site to Hurcott LNR is a potential source of ecological harm and some discussion on mitigation measures needs to be had prior to approval.

*(Further Comments following receipt of additional submissions made by the Applicant in response to comments raised by relevant parties in respect of Biodiversity – August 2017)*

Potential still exists for harm to current ecology, however the proposed (surface water drainage) as proposed would seem to have potential to provide necessary assurances once properly worked-up.

The potential impact and disturbance both of the ancient woodland and other areas of woodland will need to be addressed as part of the proposed further survey works, and the mitigation strategy will need to prove that the development will not cause harm to dormice. The strategy will need to enhance habitat for dormice following additional surveys to identify particular areas of importance for this protected species.

17/0205/OUTL

A detailed mitigation plan will be needed to show how these areas will be protected and enhanced, and how connectivity will be ensured.

We need to have more detail of botanical surveys (especially with regard to the presence of, or potential for, acid grassland, which requires meaningful areas of such habitat within the development. A mitigation and management strategy will need to be produced.

The LPA needs to be satisfied that the needs of protected (bat) species are catered for before any permission is granted.

The non-drainage based threats to the SSSI's still need consideration.

A Construction Environmental Management Plan (CEMP) will need to be prepared, by planning condition.

(Additional Comments – October 2017)

My minimum criteria is that the needs of the protected species are looked after (both the bats and the dormice are significant in Worcestershire) and the acidic grassland enhanced .

The acidic grassland is contentious as it appears to me that a few years of non- management have had an impact on its quality. Acid grassland is species poor in nature and some of the more characteristic species can be much reduced by the over growth caused by lack of management. However as we have seen elsewhere in the district the reintroduction of management has resulted in good levels of recovery. Acidic grassland is a section 41 (of the Natural Environment and Rural Communities (NERC) Act 2006) habitat and identified as being characteristic of our district. It is difficult to recreate so areas where this habitat still holds on, even in a degenerated state need to be conserved and should be the focus for enhancement.

Once the needs of the protected species are catered for there is still a considerable loss of green infrastructure and this loss should be mitigated for through the restoration of the acid grassland blocks and the required enhancements in the sites biodiversity focussed here.

Regarding the (stand-alone) Bat House application (LPA ref: 17/0596) - In isolation this application is not going to cause biodiversity concern. Just building potential bat roosts is unlikely to get a negative response from biodiversity. However their functionality as mitigation for the loss of roosts as part of a wider site development is a different issue. I do not feel I have sufficient information to determine if the proposed structures will provide, or be part of, the necessary mitigation. I am still unclear on what the final finding were of the bat surveying efforts. Until I'm in receipt of this I will not be able to determine the potential for the Bat Houses to provide mitigation. It is worth noting that the initial response was to consider the possibility of leaving the main roosts in place.

17/0205/OUTL

I feel that some rationale for the departure of this approach would be needed. If the relocation approach is being sought then it is likely to have to come with conditions to monitor the effectiveness of the mitigation and require additional measures to ensure the success of the mitigation. In addition, given what I understand is the significance of the bat roost, a phased approach to the mitigation may be needed to ensure the success of that part of the migration has been achieved before all the current roost potential is lost. Natural England will need us to grant consent prior to the applicant being issued with a licence

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

3.11 Worcestershire County Council (Education) – No objection.

The development site sits in the catchment area of Cookley Sebright CE Primary School and Wolverley CE Secondary School. Cookley Sebright CE Primary School is currently full in 5 year groups. It is expected that most families resident on the proposed development will seek places at Cookley or another school within two miles of the site.

Wolverley Secondary School has seen an upsurge in admission applications in the past two years following an Ofsted Good rating in 2016. It is expected that most families resident on the proposed development will seek places at Wolverley Secondary School.

S106 financial contributions are sought for additional primary and secondary levels of education infrastructure on the basis of:

*Primary Level*

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

*Secondary Level*

£3,230 per open market 2 or 3 bed dwelling;  
£4,845 per open market 4 or more bed dwelling;  
£1,292 per open market 2 or more bed flat.

3.12 Worcestershire County Council (Footpaths) – No objection, subject to conditions.

3.13 Worcestershire County Council (Planning) – No objection, subject to suitable waste management throughout construction and occupation; details of disposal of excavated materials; and consideration of potential for on-site use of existing mineral resources. Suitable conditions are requested.



17/0205/OUTL

- 3.14 Worcestershire County Council (Landscape) – No objection, subject to a condition requiring the submission of a Landscape Restoration and Management Plan
- 3.15 Worcestershire Green Infrastructure Partnership –  
The site is one of a number of strategically important large-scale allocations to emerge within the county which is considered to have significant Green Infrastructure opportunities and challenges to development. Due to this, the Partnership wishes to extend an invitation to work collaboratively with the applicant in order to secure the best outcomes for all stakeholders.

We advocate for auditable net-gain for biodiversity within the scheme, clarification of timing of botanical survey work and need for further biodiversity mitigation specifications.

We note that the mitigation strategies for European protected species appear to be at a 'high-level' at this stage, and do not appear to be reflected within the submitted masterplan. This means that the Planning Authority is unable to verify that the mitigation proposed will indeed be like-for-like, or could realise net gain for protected species on this site. Crucially, it means that the LPA will be unable to confirm that the mitigation will be effective and achievable and we therefore recommend additional detail is submitted pre-determination to address this. This should consist of clarifying the relationship between the mitigation proposals and the mitigation hierarchy (for example, testing alternative solutions for retention and modification of bat roosts wherever possible, rather than loss and compensation), ensuring that mitigation specifications are appropriately mapped (even if indicative in nature), and that mitigation is not inappropriately double-counted; for instance there is an inherent incompatibility in planting schemes designed for enhancing opportunities for public access & recreation and which will also provide additional connective/foraging/nesting opportunities for dormice.

*(Officer Comment: An illustrated Concept Statement was submitted to accompany the above summarised comments, which has been shared with the Applicants. The Statement makes a number of illustrated suggestions and recommendations including future management mechanisms which Officers consider can be embedded within suitable planning conditions at this Outline stage).*

- 3.16 Arboricultural Officer – No objection.

I am happy with the current design for the site with respect to the trees and woodlands on the site. There are some individual trees that I would prefer to see retained, however, my main aim is that all the woodlands are retained and managed correctly for screening and for the enhancement of the new development.

17/0205/OUTL

My only concern is that although the outline looks sympathetic to my aims, once permission is given there could (will) be a commercial housing developer who will be looking at a much higher density, which could affect the woodlands on the site.

*(Officer Comment: These concerns are understood, however the application must be considered on the basis of the current submission. Any increase in the number of dwellings beyond the maximum level currently proposed would require the benefit of planning permission, at which time there would be a further opportunity to comment on the merits, or otherwise, of that particular scheme).*

3.17 West Mercia Police (Crime Risk Advisor) – No objections to this application.

3.18 Disability Action Wyre Forest (DAWF) – No comments received.

3.19 North Worcestershire Economic Development and Regeneration (NWEDR) –

Whilst the main focus of the development is related to the delivery of new homes, our comments specifically focus on the proposals for new employment uses on the site.

The area proposed for new commercial development is located to the south of the site, near to the main entrance on Park Gate Road. The proposals envisage a development of up to 3,500sqm of employment space, which also incorporates a small local shop, cafe and community use. We are wholly supportive of this element of the proposal as it is a policy compliant use and would help to deliver new employment space for both the existing population of the area but also for prospective new residents who might locate to the new homes that are proposed as part of this application and want access to employment.

The recently adopted “Enabling Enterprise and Business Growth in Wyre Forest: A Strategic Approach” identifies that the Wyre Forest is “predominantly a ‘small business economy’ and the ambitions within the strategy include ‘fostering an entrepreneurial culture’ and ‘to create sustainable business start ups’”. It is clear from the proposals that the commercial element of the scheme would help to achieve these stated ambitions by providing new employment space at a size that would help to create business start-ups and help foster an entrepreneurial culture.

The Growth Strategy goes on to state that:

*“The Council intends to continue to ensure that enterprise and business growth is at the heart of everything that it does so that Wyre Forest can attract further investment and support further entrepreneurial activity.”*

17/0205/OUTL

Clearly, the commercial element of the scheme is a corporate priority for the District Council and it is something that is actively encouraged, not only through the Business Growth Strategy, but also to ensure that a sustainable pattern of development can be achieved.

*Site Specific Comments*

The proposed location of the commercial element is to the south of the development site on the primary entrance. This is considered to be a suitable location as it offers good prominence and easy access into the new employment space. If the commercial element was 'hidden' within the site boundaries then it is considered it would not be as attractive to the market.

The proposed amount of new employment floorspace is considered to be realistic and would offer small to medium size business opportunities within the area, which is something advocated by the Council's Business Growth Strategy. The size and type of units that could be accommodated here is in relatively short supply and it is considered this would be attractive to Small Medium Enterprises (SME's). In addition, by including this commercial element, it should also help to improve the sustainability of the site as it will provide additional facilities, which will help to reduce vehicular trips away from the area.

Overall, we are supportive of the proposals to deliver both residential and commercial development at this location and we look forward to working closely with the landowners to help to deliver the employment element at this site.

3.20 Worcestershire Regulatory Services (WRS) –

NOISE & NUISANCE

The applicant should refer their contractor to the WRS Demolition and Construction Guide. Any deviation from recommendations in this guide (such as working outside of normal hours) should be submitted for approval. The applicant should submit a noise assessment and any recommended mitigation measures. External Plant / Equipment associated with commercial use: Full details to be submitted along with a noise assessment.

CONTAMINATED LAND

WRS have looked at the application in relation to contaminated land. This has included a review of the submitted report entitled '*Homes and Communities Agency – Former Lea Castle Site, Kidderminster Phase 1B Geoenvironmental Report*'.

This report provides an overview of previous investigation undertaken on site so far, an assessment of site conditions and potential contamination, and an appropriate conceptual site model. The report identifies a number of potential contaminants on site linked to historic activity that represent complete pollutant linkages (source, pathway and receptor of contamination).

17/0205/OUTL

These relate to chemicals used at the former laundry on site, asbestos containing materials in buildings and service tunnels, substances in the made ground and other areas of the site where contamination may be located and have not yet been investigated; including heating system, garage workshop, electricity substation, waste areas, laundry and some other areas.

The report makes recommendations for further site investigation to be undertaken, including additional gas monitoring, to identify and further define any required mitigation measures or remediation works to make the site suitable for the proposed residential use. In order to ensure that these works are undertaken WRS recommend a tiered condition be attached to any planning permission granted.

#### AIR QUALITY

WRS have reviewed 2 earlier versions of the air quality assessment for this development and provided comments in respect of those submitted reports. The current report (dated September 2017) is welcomed for the inclusion of the modelling of a wider area of potential impacts the development may have however although extra receptor points have been added in to account for trips that may be impacting on areas other than the (Horsefair/Radford Avenue) AQMA as the model widens to cover a larger area the margins of error can be greater due to the distances involved. Verifying a model of such a scale on one small area can lead to errors and a check should be included to see if the baseline data predicted at receptor points are consistent with the actual recorded tube data regressed to receptor points for the modelled area. Confidence in the model would be higher if more tubes are used to validate the model as the area modelled has increased. Whilst we appreciate models and tube data all have error margins, verifying the model against a wider tube set would cut down these errors and the 2015 baseline data used in the model at receptor points would give greater confidence in the overall model and conclusions drawn.

The report states for traffic data that committed development in the area has been considered but does not state where or what. Any traffic data used in the model must be agreed by highways prior to any acceptance of the model, it is not known if the traffic data has been agreed with highways and whether all committed development as it is not listed is included within the model, clarity is required on this.

In conclusion we require further work on the report submitted and integral ADMS model with clarification of points raised before we can accept the air quality assessment for this development.

*(Officer Comment: The above comments on Air Quality should be read in conjunction with the comments received from the Highway Authority at paragraph 3.3, above).*

17/0205/OUTL

3.21 Strategic Housing Manager –

This information has been compiled from the last Housing Needs Survey for Wolverley and Cookley, Housing Waiting List data and the Objectively Assessed Housing Needs (OAHN) information. I have based the figures on 30% of 580 units e.g. 174 units in total. If the % offered was less than 30% when we would seek to amend the split to ensure the units in the most demand were delivered.

The OAHN proposed the tenure split of 65% rented to 35% shared. The proposed split is therefore working on this proportion rather than the current SPD which is 70/30 split.

Around 30% of people on the housing register for these areas are interested in shared ownership and in discussions with the local main Registered Provider there would be demand for shared ownership especially for 2 beds, a smaller number of 3 beds and perhaps some 1 bed flats and bungalows. We are no longer looking for starter homes to be delivered.

**RENTED UNITS – NUMBER, TYPE AND SIZE**

Size of unit	Housing type	Number
1	Flats	25
1	Bungalows	10
2	Houses	47
2	Bungalows	10
3	Houses	16
4 / 5	Houses	5
		113

**INTERMEDIATE UNITS – NUMBER, TYPE AND SIZE**

Size of unit	Housing type	Number
1	Flats	4
1 and/or 2	Bungalows	7
2	Houses	40
3 and/or 4	Houses	10
		61

We don't believe this is a sustainable location for extra care social housing due to distance from town / facilities so would only support this as part of a wider mixed tenure development in addition to the 30% affordable housing contribution. The County Council have now withdrawn their requirement for a supported housing scheme on this site.

17/0205/OUTL

3.22 Planning Policy Manager – No objection.

I consider this application to be entirely in accordance with current Local Plan Policy SAL.PDS1. No requirement for additional land take from the Green Belt is intended since the application refers solely to the previously developed land element of the site. The application is supported.

3.23 Ramblers Association –

Ramblers notes that the site of this former hospital is included in the Sites Allocation and Policies Local Plan for redevelopment for residential and other forms of development. We therefore accept the general principle that the site will be redeveloped. We have noted the principles set out in the local plan to guide development and look to the District Council to ensure that they are fully complied with.

Ramblers is encouraged by the number of off road footpaths and cycle routes shown in the master plan. We would urge that any permission granted will be conditioned to ensure that these are provided and that the development will take place in accordance with the Master Plan as approved.

The retention of woodland will be crucial for the protection of the Green Belt and whilst conditions and tree preservation orders can be useful in this objective they can only do so much. The woodland will need to be actively managed if it is to retain its aesthetic and nature conservation value and you must ensure that a management plan is prepared, acted upon and reviewed regularly and that the organisation and finance is available for the purpose.

Regarding Public Footpath WC-628 we are generally encouraged that its protection and value have been respected. There are however two locations of concern at the eastern section of the site where the footpath will be closest to the proposed dwellings. We are not opposed to these sections taking on a more urban outlook but the scale of the Master plan leaves us in doubt about what exactly the relationship will be and how it will be handled in detail. This would perhaps be better dealt with at the reserved matters stages but the parameters should be laid down now.

What we are adamantly opposed to is the section of the footpath which appears to follow the footway to the main estate road. However if the developers would be willing to consider a minor diversion of the path it would be relatively easy to overcome our concerns.

3.24 Sport England – Objection.

The proposal does not cause any direct or indirect loss of the playing field which is welcomed. However, provision to meet additional demand arising from new housing growth has not been clearly considered or set out, taking into account the most up to date assessment and strategies for indoor and outdoor sport.

17/0205/OUTL

Sport England therefore objects to the application but will reconsider its view in the light of reasoned indoor and outdoor sports provision in order to meet the sports infrastructure needs of the development.

The Council has been developing two strategies to inform the local plan review – the Playing Pitch Strategy and the Built Facility Strategy. Both of these should be used to agree the level, type and location of provision needed to ensure adequate sports infrastructure is provided.

The response from Sport England goes on to itemise a range of outdoor and indoor sport provision for which contributions are requested, totalling somewhere in the region of £455,000.

*(Officer Comment: Sport England's statutory remit relates only to development where playing fields are involved, and they have recognised that the proposed development results in no loss or adverse impact upon existing playing fields. Requests itemised in the response, in terms of outdoor facilities elsewhere within the District, are not directly associated with the development and do not appear to be CIL (Community Infrastructure Levy Regulations) compliant. Furthermore, at this time, the Strategies referred to in their response have not been adopted and despite Sport England's reliance upon them for justifying their request for contributions, the weight that can be attributed to them is, in Officers' opinion, limited).*

3.25 Severn Trent Water – No objection, subject to conditions.

3.26 Woodland Trust –

*(Original comments)*

Considering the proximity of the development to the adjacent ancient woodland, Axborough Wood, we object to this application as we have significant concerns regarding the potential impacts of the development.

National Planning Policy Framework, paragraph 118, states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

We are concerned about the following:

- Intensification of the recreational activity of humans and their pets cause disturbance to the habitats of breeding birds, vegetation damage, litter, and fire damage.
- Noise and light pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs public areas, branches and even whole trees can be indiscriminately lopped/felled, causing reduction of the woodland canopy, which will be threatening to the longer-term retention of such trees.

17/0205/OUTL

- There can be changes to the hydrology altering ground water and surface water quantities. Also the introduction of water run offs from urban development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination etc.

Creation of new areas of woodland or buffer zones around semi-natural habitats, and more particularly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, serving to improve their sustainability. The size of the buffer is dependent on the intensity of land use adjacent to ancient woodland. In this case, it doesn't appear as though the applicant has provided a suitable buffer to the ancient woodland. We believe that a buffer of at least 100m should be implemented between any areas of development and ancient woodland. This should be made up of at least 50% tree cover, planting this area if necessary.

In summary, the Trust objects to this planning application on the basis of damage to ancient woodland. We believe that the proposed development requires a suitable buffer of at least 100m to prevent any detrimental effect on the ancient woodland.

*(Further comments following receipt of additional information)*

We appreciate the opportunity to comment further. The applicant in their response (to previous objections) indicates that it is willing to leave a 50m buffer between the development and ancient woodland to be made up of existing mature trees and planting. While the Trust is concerned that this may not be substantial enough to protect the ancient woodland, if the council is minded to approve, we would urge that a condition is added that the 50m buffer is protected from any form of development encroachment in perpetuity.

3.27 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.

The surgery that would be most affected would be that situated in Cookley. The practice have already expressed their concern that their existing premises will not be able to accommodate such a large influx of new patients, and have been considering options, including an extension to their current premises or opening a branch surgery. This is where any funding would be directed if the application were successful.

I am therefore submitting a request for a financial contribution under Section 106 of the Town & Country Planning Act from planning application 17/0205 for the extension of premises.



17/0205/OUTL

The contribution is calculated as:

<u>Capacity &amp; Cost Analysis</u>	
Planned Number of dwellings	600
Forecast increase in population	1440
Average no. of consultations per annum	1750
Forecast no. of consultations per annum	8640
Consulting room capacity	6300
No. of consulting rooms required	1.37
Forecast floor area required	21.94sq.m
Clinical/non clinical support	14.63sq.m
Total Floor Area Required	36.57sq.m
Forecast outturn costs	£130,214 (£217.03 per dwelling)

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.

3.28 Neighbour/Site and Press Notice –

The application has generated 17 representations from third parties, of which 16 take the form of objections and 1 is supportive of the development as proposed.

The grounds for objection are summarised as follows:

- Increased traffic in The Crescent during construction;
- Increased traffic in The Crescent upon completion. The Crescent is poorly maintained and narrow, with on street parking and inappropriate as a secondary access to the site. Originally only used as an emergency access/exit to and from the hospital.
- Inadequate space for a right turn feeder lane on the A449 to access The Crescent.
- Call for the introduction of a traffic island at the junction of the A449 and The Crescent.  
*(Officer Comment: There is no basis for such a provision in highways terms, and in any event there is insufficient space within the adopted highway to accommodate such a feature).*
- Disruption to residents during the laying of new services.
- Need for surface improvements to the public highway (The Crescent).
- Excessive density of development/too many properties proposed on the site which would be detrimental to the character and appearance of the area.
- Adverse impact upon the openness of the Green Belt.

17/0205/OUTL

- Need to ensure that the current prohibited right-turn from the A449 into Park Gate Road is removed, to reduce potential demand on The Crescent. *(Officer Comment: Such provision forms part of the proposed, and supported, off site highways works).*
- Increased congestion on the highway network.
- Concerns regarding highway safety in general due to increased traffic movements, and in particular the adverse impact upon the Park Gate Road/A451 junction.
- Inadequate pedestrian crossing facilities on the A449.
- Reduction in separation between Cookley and Kidderminster resulting in merging of the built-up areas.
- Increased demand on inadequate sewage system.
- Increased demand upon already limited services within Cookley.
- Increased pollution due to increased volumes of vehicles, especially in The Crescent.
- Insufficient provision made for necessary infrastructure to support the development (e.g. school spaces and GP surgery demand).
- Adverse impact upon wildlife, including protected species such as badger; bats; and, dormice.
- Existing on site woodland areas require management and maintenance. Who will be responsible for this going forward in order to protect and preserve these wooded areas?
- Poor sustainability credentials of the proposed development in this location.
- Concerns regarding intensity of future street lighting. *(Officer Comment: This is a detailed matter which is not for consideration at this outline stage. In any event, adopted highway lighting levels would be matters for the Highway Authority in due course).*

#### 4.0 Officer Comments

##### OVERVIEW

- 4.1 The application as submitted has been made in Outline form, with all matters of detail reserved for subsequent approval, with the exception of access. The application proposes up to 600 dwellings along with employment and retail/café/community use floorspace. The proposed primary point of access is from Park Gate Road to the south of the site (which was previously the case for the hospital) albeit in a slightly repositioned access position slightly to the west of the existing gated access drive, for reasons of improved visibility. The secondary access is proposed via The Crescent, to the north west of the site. A third access point is also proposed off Axborough Lane, to the north, however this access would serve only a limited number of the proposed new dwellings (up to 10 in total) by way of a cul-de-sac, with no vehicular penetration beyond into the wider site. The existing Public Right of Way would be unaffected.

17/0205/OUTL

- 4.2 The application is accompanied by an illustrative masterplan, which provides a purely indicative scheme which indicates suggested development blocks and internal routes, as well as potential development frontages. The net development area proposed is in the region of 15 hectares (of this overall 48.7 hectare site), leaving significant green areas consisting of the existing open and wooded areas, which would help to deliver a “parkland” setting for the proposed new development.
- 4.3 In terms of the proposed residential element, development is indicated primarily upon the site of existing buildings which are all scheduled for demolition, although some “swapping-out” of previously developed areas of the site with currently landscaped areas is proposed. The masterplan indicates the retention of the existing playing pitches and associated facilities, located towards the south of the site. The proposed commercial/employment elements are suggested as being located close to the Park gate Road access, to the south of the site, below the aforementioned playing pitches, to the rear of the 2 no. existing residential dwellings fronting Park Gate Lane. This area of the site is not “previously developed”, and is currently an agricultural field.
- 4.4 The application, whilst submitted in Outline form, has been accompanied by a suite of supporting documents, which are listed below:
- Supporting Planning Statement
  - Design and Access Statement
  - Sustainability Statement
  - Statement of Community Involvement
  - Transport Assessment and Framework Travel Plan
  - Flood Risk Assessment
  - Outline Drainage Strategy
  - Ecological Appraisal (including baseline Ecology Report, Updated Extended Phase 1 Habitat Survey)
  - Landscape and Visual Impact Assessment
  - Historic Environment Desk Based Assessment
  - Phase 1B Geo-environmental Report
  - Air Quality Assessment
  - Utilities Summary
  - Tree Survey
  - Topographical Survey
  - Protected Species Reports (confidential)
  - Financial Viability Assessment
- 4.5 This suite of documents has been further supplemented by additional submissions in direct response to matters raised through the consultation process, and these include:
- Addendum to Drainage Strategy
  - Air Quality Assessment – Updated

17/0205/OUTL

- Final Addendum – Updated Extended Phase 1 Habitat Survey, Findings of further Bat Survey and Hedgerow Assessment
- Response to Ecology Comments
- Revision(s) to originally submitted Financial Viability Assessment

4.6 To assist in the identification and consideration of the various matters which are considered to be particularly relevant to this application, the following Officer commentary is subdivided into a series of topic headings. However, Members are reminded that these matters are not stand alone issues, rather they all form part of the overall planning balance as to the merits, or otherwise, of the application as submitted. To assist, therefore, the key considerations are broken down under the following headings:

- Planning Policy and the Principle of the Development;
- Highways Matters;
- Air Quality;
- Landscape and Visual Impact;
- Ecology and Biodiversity;
- Flooding and Drainage;
- Demands upon Infrastructure;
- Impact upon existing neighbouring/nearby properties.
- Other Issues;
- Financial Viability and S106 Obligations;
- Public Benefits of the Development.

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

4.7 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”. (Officer’s emphasis)*

4.8 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).

17/0205/OUTL

- 4.9 As already identified, the application site, despite being located within the Green Belt, is a recognised and designated as a “Previously Developed Site in the Green Belt” within the Adopted Site Allocations and Policies Local Plan (SAAPLP) and is therefore Policy SAL.PDS1 is of direct relevance, which in terms of the Lea Castle site states that:

*“Within the Previously Developed Land (PDL) boundary of the former Lea Castle Hospital, the following development is acceptable in principle:*

- *C3 (Dwelling Houses)*
- *C2 (Residential Institutions)*
- *B1 (Business)*
- *Health and Sport Facilities.”*

- 4.10 The Policy goes on to make it clear that incremental or piecemeal development of the site would not be favoured, unless accompanied by a Masterplan for the overall site. Policy SAL.PDS1 also goes on to set out minimum development principles for the site which require development proposals to:

- *demonstrate no greater visual impact on the openness of the Green belt than existing development;*
- *be focused on the previously developed parts of the site;*
- *supplement and enhance existing strong landscape framework surrounding the site to improve ecological and landscape value;*
- *retain Talbotshill Coppice;*
- *retain existing sport pitches for community use;*
- *investigate opportunities for providing safe, attractive and convenient pedestrian and cycle links between the site, Cookley and Kidderminster to ensure that local facilities are accessible by alternatives to the car;*
- *make a financial contribution to the provision of affordable housing off-site in accordance with the adopted Core Strategy Policy CP04”*

The policy also stresses that any proposals for C3 (dwelling houses) should be accompanied by a viability assessment which identifies and supports the case made for proposed mix, tenure and quantum/density of housing on the site.

17/0205/OUTL

- 4.11 Members may wish to note that the Lea Castle site boundary identified under, and therefore subject to the requirements of, Policy SAL.PDS1 is almost identical to the current planning application site boundary. The only differences relate to an area of land adjacent to The Crescent (to the north west of the site), however no built development is proposed in this area; and, the area of land to the north of the application site which links the main body of the site to Axborough Lane, within which a small number of, most likely, larger properties are envisaged by the Applicant. Lying beyond the allocated site boundary as it appears in the current iteration of the Adopted Local Plan, this part of the planning application site therefore falls within the Green Belt and development in this area should be considered against the relevant national and local Green Belt policies, albeit against the backdrop of the wider Lea Castle site.
- 4.12 Members are advised that the agricultural field between the existing sports pitches and the properties facing Park Gate Road, despite itself showing no obvious signs of having been previously developed, is included within the Local Plan defined boundary for the Lea Castle site.
- 4.13 The application site lies within, and as such is surrounded by, land within the Green Belt, with the guidance set out within the NPPF and Policy SAL.UP1 therefore of relevance, with Paragraph 89 (bullet point 6) of the NPPF making it clear that:
- “... The partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use .... which would have no greater impact on the openness of the Green Belt .....”*
- would be an appropriate form of development in the Green Belt.
- 4.14 Members will be acutely aware that the review of the Local Plan is well under way, with the public consultation on the draft Preferred Options having taken place over the summer months, which in turn generated significant levels of public interest and engagement. Those responses are currently being collated and considered by Officers. The Lea Castle site, as it is indicated upon the current planning application site boundary, was included as a Core Site within the Preferred Options, and included the above mentioned land off Axborough Lane, unlike the boundary included within the current Adopted Local Plan.

17/0205/OUTL

- 4.15 As such, and as referred to above, whilst that particular section of the application site boundary lies beyond the current Local Plan site allocation, it is included as a Core Site within the Preferred Options site boundary. The likely direction of travel in terms of the Lea Castle site and the delivery of a significant level of new homes, even at this emerging stage of the Local Plan Review, appears clear, especially against the backdrop of the allocation of the site in previous (and current) iterations of the Development Plan. Paragraph 216 of the NPPF allows weight to be given to emerging policy. Given the early stage of the review and the unknown objections to the allocation, it is Officers' opinion, therefore, that additional weight can be attributed in favour of this application.
- 4.16 The proposal, at up to 600 dwellings, represents a significant form of development within the Wyre Forest District, of a scale of housing not seen for some years. Whilst the delivery of these proposed properties would, it is envisaged, take place over a 10 year period, the significance of the site in terms of housing delivery during the Development Plan period cannot be underplayed. Members will understand the Council's obligation to identify suitable sites and deliver new housing development and the need to be able to demonstrate a 5 year housing land supply and significantly boost the supply of housing, as required under Paragraphs 47 and 49 of the NPPF. The Council can demonstrate a 5 year housing supply and has consistently delivered new homes over the current Development Plan period. However, such supply is based on the delivery of such development as the application site. The Lea Castle site and the current development proposal can provide a significant proportion of the future need, on an allocated site which has been identified in the correct plan-making manner.
- 4.17 As is discussed elsewhere in this report, the Financial Viability of the development is a very real issue given existing site conditions and associated abnormalities, and the overall development proposal has been the subject of so-called "soft market testing", including the level of and potential demand for B1 employment floorspace, which is in line with Policy SAL.PDS1. The level of floor space proposed is, it is claimed by the Applicant, reflective of the level of demand for such floor space in this part of the District, and is not therefore an over provision of such a use in this location. This position is supported by NWEDR within the comments provided at Paragraph 3.19, above.
- 4.18 At a proposed floor space 150sq.m., the proposed (A1) retail/(A3) café/(D1) community use (which could include day nursery, clinic, etc), would also be compatible on this site and would not fall foul of, in particular, the retail policies of the SAAPLP, which would require a sequential site appraisal for retail development in excess of 280sq.m. Clearly, in this case such a potential requirement is not triggered. As to what the actual end user would be for this floorspace has yet to be determined, but the provision for such facilities, albeit at a modest scale, is to be welcomed and gives a degree of flexibility in terms of the end use to serve the wider development, with the market likely to dictate the occupancy use.

17/0205/OUTL

4.19 As previously outlined, the so-called “golden thread” running through the NPPF is the presumption in favour of sustainable development, with three dimensions identified to sustainable development, these being:

- an economic role (helping to build a strong and competitive economy by ensuring that the right type of land in the right places is available to support growth);
- a social role (supporting communities by providing the necessary supply of housing, with access to local services to support the health, social and cultural well-being of residents)
- an environmental role (protecting and enhancing the natural, built and historic environment and assist with biodiversity improvements, amongst other things)

It is against these dimensions that it is necessary to consider the merits of planning applications, albeit that if development proposals are in accordance with and up-to-date Local Plan, which has been subject to Examination in Public, then to a greater or lesser extent the high level sustainable credentials of the site will have already been tested and accepted, as should be the case with the Lea Castle site.

4.20 The site’s location, beyond the limits of Kidderminster and outside of the Cookley Village boundary, make this something of a stand-alone remote site and as such, notwithstanding the above, the sustainable credentials of the site and the development now proposed do warrant further examination and consideration. In this regard, the 12 core planning principles as listed under Paragraph 17 of the NPPF are of direct relevance. It is not deemed necessary to list all of these at this juncture, but it is felt worthwhile to highlight and summarise those which appear to be of particular relevance to the current proposal, these being the requirement to:

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *contribute to conserving and enhancing the natural environment .....*;
- *encourage the effective use of land by reusing land that has been previously developed .....*;
- *Promote mixed use developments, and encourage multiple benefits from the use of land .... Recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation .....*);
- *Actively manage patterns of growth to make the fullest use of public transport, walking and cycling ....*
- *.... deliver sufficient community and cultural facilities and services to meet local needs.*



17/0205/OUTL

- 4.21 Overall, and in light of the specific policy relevant to the application site, the proposed development, in principle, is considered to be in general conformity with the NPPF and the Adopted Development Plan, but given the outline nature of the application it is inevitable that some detail will still lie in the detail. As to its sustainable credentials, the sections of the report that follow make specific commentary on those matters listed above to enable a conclusion on this question to be drawn and a recommendation to be made.

#### HIGHWAYS MATTERS

- 4.22 As has already been identified, the application has been accompanied by a Transport Assessment, which has been prepared following extensive pre-application engagement with the Highways Authority. The submitted assessment includes not only the assessment and suggested improvements and alterations to the site access(es), as previously referred to, but also considers any impact upon the wider highway network, to include the nearby junctions, and identifies necessary mitigation works consisting of:
- A449 Wolverhampton Road / A451 Stourbridge Road – some relatively minor alterations to the existing kerb line at the mini-island adjacent to Broadwaters Park.
  - A449 Wolverhampton Road / Park Gate Road - the introduction of a right turn lane at the traffic lights for vehicles heading in a northerly direction out of Kidderminster, and the associated changes to the traffic light sequencing.
  - A449 Wolverhampton Road / The Crescent – provision of a right turn lane for traffic turning into The Crescent which will also allow for the provision of a pedestrian refuge within the centre of the A449 carrieway. Improved junction visibility splays.
  - A451 Stourbridge Road / Park Gate Road – improved visibility at the junction along with the widening of the existing right turn land on the A451.
- 4.23 The “with mitigation” junction alterations, as summarised above, have been modelled in terms of their future capacity and functioning, and no detrimental impact or adverse effect upon the wider highway network and highway safety has been identified by the Highways Authority, despite the concerns expressed within the third party responses summarised above.

17/0205/OUTL

- 4.24 Members will have noted the objections raised by Churchill and Blakedown Parish Council as reported in full under Paragraph 3.2 above, and their concerns regarding the impact upon the wider highway network, and associated concerns regarding increased traffic movements along Waggon Lane, through Churchill and onto Stackenbridge Lane, as well as Churchill Lane and the approaches to Blakedown Railway Station and onwards onto the A456. Other routes, and their suitability are also mentioned. To this end, the Parish Council has commissioned its own consultants to prepare a technical note on these matters, which in turn has been shared with both the Applicant and the Highways Authority.
- 4.25 The Applicant has responded, in turn to the matters raised and have concluded that in all regards the originally submitted Transport Assessment demonstrates that the impact of the development proposals are not severe in the context of the NPPF. The Highways Authority has not raised any issues or expressed further concern on these matters and maintain their formal “no objection” response.
- 4.26 In terms of public transport, the highways adjacent to and in close proximity to the Lea Castle site do currently feature bus services, primarily linking Kidderminster with Cookley and Stourbridge). It is proposed that the existing 9/9A bus services (which connects Kidderminster and Cookley) be diverted through the site once developed, with the existing bus frequencies unlikely to change. Bus shelters will be provided as appropriate within the application site. Such matters can be addressed via planning condition. In terms of the commercial viability of the diverted bus service(s), the Applicants make the case that the likely uplift in passenger numbers would sufficient to make the service(s) viable, without the need for additional Worcestershire County Council subsidies, and that no S106 financial contribution would therefore be necessary. This position is supported by the Highway Authority, who has also confirmed that the bus service in question is currently operated by the County Council and it is therefore within their gift to divert the service regardless.
- 4.27 Cycle and pedestrian enhancements are proposed on the surrounding highway, to include shared use footway/cycleway improvements along the length of Park Gate Road; and, along the A449 between the junction with The Crescent, beyond the A449/Park Gate Road traffic signals, to Wolverhampton Road, with all works capable of being accommodated within the extent of the adopted highway and associated verges. As such, delivery of these enhancements would be via a Section 278 (of the Highways Act) Agreement, and not via S106 planning obligations.
- 4.28 Cycle and pedestrian routes will also be enhanced throughout the development site itself, allowing for penetration through the development and to link up to the existing PRow and the proposed footpaths and woodland walks envisaged by the development and illustrated on the submitted illustrative masterplan..

17/0205/OUTL

- 4.29 A Framework Travel Plan has been submitted and has been found to be acceptable, which sets out measures to encourage non-reliance upon private cars for future residents of the development, some of which have been identified above in terms of bus service and pedestrian/cycle way enhancements, as well as other suggested measures to influence travel behaviour.

**AIR QUALITY**

- 4.30 There is no suggestion that the proposed development would result in a long term deterioration in the air quality within the immediate vicinity of the site, with the possible exception of some temporary issues during construction phases which in turn can be addressed by condition in the normal way via a Construction Management Plan, which would include, but not be restricted to, such issues as dust suppression measures (during demolition and site clearance, in particular).
- 4.31 Matters relating to air quality, which require consideration in this case, revolve around vehicle emissions in particular within the wider highway network due to the increased numbers of vehicles associated with the development. Of particular relevance is the existing Air Quality Management Area (AQMA) in the Horsefair/Radford Avenue area of the Kidderminster, and what impact the predicted levels of additional traffic attributable to the Lea Castle development might have. Such matters are highlighted within the respective responses received from the Highway Authority and WRS as summarised at Paragraphs 3.3 and 3.20 respectively.
- 4.32 Whilst it remains the case that WRS clearly maintain some concerns, or at the very least are seeking additional information, and in turn greater comfort, as to the impact of the development on the AQMA in particular, it is considered that such matters can be addressed satisfactorily via planning condition.
- 4.33 It is also the case, as stated by the Highway Authority, that other routes are available and as such not all traffic associated with the Lea Castle development would be directed through, or limited to, the Horsefair to access Kidderminster and routes beyond.
- 4.34 Furthermore, Members may wish to note that Officers have been working closely with colleagues at the County Council and relevant landowners to deliver a highways design solution to reduce traffic congestion in the Horsefair/Churchfields area of Kidderminster, in line with the aspirations set out within the Adopted Churchfields Masterplan SPD. To this end, it is anticipated that a planning application, which will encompass the proposed highway design solution, is likely to be submitted to the Council by the end of the current calendar year.

17/0205/OUTL

- 4.35 Whilst any application would stand to be considered on its merits, such a significant redesign of the highway in and around the Horsefair area would help to ease congestion and improve the flows of traffic. This in turn would assist greatly in improving the overall air quality in this area. Whilst it is acknowledged that actual numbers of vehicles passing through the Horsefair aren't likely to be reduced and may actually increase, with improved circulation and flows, the volume of waiting traffic is anticipated to be reduced. That said, the Lea Castle development cannot rely upon a development proposal elsewhere and must stand-up to scrutiny in its own right and in this regard Officers are satisfied that the current outline proposals can be supported in terms of air quality.

#### LANDSCAPE AND VISUAL IMPACT

- 4.36 As previously described, despite the overall size of the site and the large number of buildings thereon, the application site is actually very well screened from the surrounding area by the significant areas of mature tree coverage and wooded areas located within and around the periphery of the site. Whilst a few glimpses of buildings can be had, from the A451 Stourbridge Road, it is very much a case of knowing where to look. It would be fair to say that someone not familiar with the site's existence would have little or no reason to contemplate what might lie beyond the screen of trees.
- 4.37 Within the site, there are significant areas of woodland and open grassland, which the Applicant's propose to use to full effect in terms of providing parkland setting for the new dwellings. Amongst this, new formal and informal areas of publicly accessible open space are to be provided, along with a series of equipped areas for children's play as well as a network of footpaths and cycle ways. The precise location of these has yet to be established, although the submitted illustrative plans and associated submissions give comfort in terms of the level of proposed provision, which includes a combined Neighbourhood Equipped Area of Play (NEAP) and a Local Equipped Area of Play (LEAP) along with an additional LEAP and a series of Local Areas of Play (LAPs), all of which can be secured via planning condition/S106 obligation.
- 4.38 The application, as previously indicated, has been accompanied by a Landscape and Visual Appraisal (LVA) which includes a detailed analysis of the potential impact of the development on the landscape and its surroundings, and is accompanied by a series of photographs taken from a wide range of publicly accessible points over a wide radius, as previously agreed with Officers.

17/0205/OUTL

- 4.39 The LVA concludes that in terms of the landscape, the overall impact of the proposed built development will be small in scale. The development will deliver a landscape that is in better condition than at present, with a comprehensive landscape framework or green infrastructure network forming a “grid” across the site. Whilst in terms of the visual impact, the LVA concludes that there will be little change in the views and visual character of the surrounding area due to the confinement of the majority of built development within the existing peripheral woodland. That said, it acknowledges that a small number of residential properties (those addressed onto Park Gate Road) will be adversely impacted upon in terms of their current outlook, primarily due to the proposed location of the non-residential (B1 business use) elements of the development to the southern extreme of the site on the current agricultural field, as previously indicated.
- 4.40 Members will have noted the comments of the County Council’s Landscape Officer at paragraph 3.14 above, who supports the conclusions made and raises no objection to the proposals, subject to conditions relating to future restoration and management of the landscape. In light of this, Officers are satisfied that the development as proposed would be in accordance with the relevant policies of the Development Plan, and Section 11 of the NPPF.

#### ECOLOGY AND BIODIVERSITY

- 4.41 Members will have noted the responses of, in particular, the Countryside Conservation Officer at Paragraph 3.9 above. There is no doubting that the redevelopment of this previously developed site within the Green Belt is not without complications in terms of ecology and biodiversity, a fact recognised by the Applicant who has commissioned an extended Phase 1 Habitat Survey along with other supplementary surveys and assessments.
- 4.42 There is a known presence of various protected species on the site including Bat, Badger and Dormice. Given that these species are protected, it would not be appropriate to go into great detail within this public document as to their location(s) on the site, other than to say that the Bats, in significant numbers (and of a relatively rare species for Worcestershire) are known to be roosting within existing on-site infrastructure, which it is proposed to remove. Badger and Dormice are known to be located within the wooded areas. An additional survey has confirmed that no reptiles have been found on the site.
- 4.43 In terms of proposals for Bat relocation from their current roosts, Members will have noted that a separate, but related, application has recently been submitted to provide Bat Barns, etc (Application ref: 17/0596/FULL), which currently remains undetermined.

17/0205/OUTL

- 4.44 It is clear from the Countryside Conservation Officer's detailed and evolving comments regarding the application that whilst progress has been made, thanks to additional and supplementary submissions made by the Applicant, that he remains unconvinced that all that could be done has been thus far, and he is pressing for additional survey work and further consideration with regarding to the fauna, and in particular the protected species found on the site.
- 4.45 The same could be said of the flora on site, and in particularly the somewhat contentious issue of acid grassland – is it present or not? The Applicants position is that whilst it may have been present in the past, the surveys they have undertaken have found no evidence that it is still present. By contrast the Countryside Conservation Officer is of the opinion that it is present, albeit in a degenerated form but with suitable enhancement and management it could be reinstated to its former glory. Acid grassland has deteriorated over the years in the Wyre Forest District but nevertheless is of ecological significance such that where opportunities arise to reinstate or reinvigorate such grassland they should not be allowed to pass by. The Applicant maintains that the key species indicative of acid grassland that might result in it being classified as a key habitat are not present on the site, but acknowledges that through appropriate management the habitat could improve, which may in turn allow the acid grassland it be re-established.
- 4.46 Matters relating to potential impacts upon nearby water resources and in particular Hurcott and Podmore Pools do now appear to have been satisfactorily address, as too have a good number of the original concerns raised in terms of Ecology and Biodiversity on and in the vicinity of the site. That is to say that through dialogue significant strides have been made in ensuring that the proposed development satisfies the requirements of the NPPF and in particular provides “... *net gains in biodiversity where possible*” (Paragraph 109 – NPPF) and “... *incorporates biodiversity in and around (the development)*” (Paragraph 118 – NPPF).
- 4.47 It is clear to Officers that the Applicant has not approached the issue of Biodiversity and associated mitigation and enhancements lightly, and the application proposes a series of measures which include, but are not restricted to, such matters as:
- Consideration of reduced impact lighting for development in recognition of the Bat population;
  - Enhancements to existing natural tree and plant species;
  - Additional native planting to encourage invertebrate diversity providing additional foraging for other species;
  - Creation of swales and dry ditches as part of SuDS scheme;
  - Woodland management and creation of log piles to increase invertebrates and other species.

17/0205/OUTL

- 4.48 This is by no means an exhaustive list, and the requirements of the S106 Agreement detailed later in this report will also include management requirements for the formal and informal areas of the development recognising its key role in providing Green Infrastructure.
- 4.49 It is, therefore, disappointing that agreement on the full extent, and in particular the timing, of Biodiversity related surveys and mitigation measures cannot be agreed at this time, although discussions to this effect continue. Officers are, therefore, left to consider whether the matters that remain outstanding require all “i’s” and “t’s” dotted and crossed at this stage prior to determination. Were this planning application made in Full, there is little doubt that the answer to this would be – yes.
- 4.50 However, it is the case that the application before Members has been made in Outline form, with only matters of access to be agreed at this stage. The submitted masterplan is clearly indicated as being for illustrative purposes, although given the current arrangement of buildings on the site; the extent of the previously developed land; and the associated infrastructure, it is likely that the final detailed layout wouldn’t be too far removed from what is indicated thereon. This being the case, and whilst being entirely respectful of the outstanding concerns being expressed by the Countryside Conservation Officer in particular, it is Officers’ opinion that the Outline nature of the application does allow the opportunity to impose suitable, pre-commencement planning conditions requiring suitable additional levels of survey and mitigation measures before any development commences on the site, including the demolition of existing buildings on the site. To this end, Officers are content that the application meets the requirements of Policies CP13 and CP14 of the Adopted Core Strategy and Policy SAL.UP5 of the SAAPLP.

#### FLOODING AND DRAINAGE

- 4.51 The entire site falls within Flood Zone 1, as defined by the Environment Agency’s Flood Risk Map. That is to say, the site has a less than 0.1% probability of fluvial flooding. This is hardly surprising given the site’s location and the lack of water-bodies on the site. The entire site is located in the catchment of the River Stour, but is so located that there appears to be next to no risk of flooding, save for some possible localised surface water flood risk.
- 4.52 Members will have noted the positive comments received from NWWM on matters of surface water and drainage, at Paragraph 3.5 above. The proposed surface water drainage incorporates the use of a SuDS scheme, which features the use of swales or shallow ditches which in turn would allow for natural recharge into the ground and allow for discharge into wet/dry ponds, which would be a feature of the proposed areas of open space referred to previously, further enhancing the parkland style setting of the development.

17/0205/OUTL

4.53 However, given the nature of the development and the areas of existing, and proposed, hard standing associated, as acknowledged by NWWM in their response, there would still need to be some reliance upon the existing piped drainage.

4.54 There are no objections to the proposals for foul drainage disposal, which would be via the established foul system, which maintains sufficient capacity. The development would therefore satisfy the requirements of Policy CP02 of the Adopted Core Strategy and Policy SAL.CC7 of the SAAPLP.

#### DEMANDS UPON INFRASTRUCTURE

4.55 Not surprisingly, and as summarised within the list of third party representations, the issue of infrastructure, and in particular concerns regarding school and GP surgery capacities have been identified, including those concerns expressed by Wolverley and Cookley Parish Council.

4.56 Clearly, whatever the final mix of houses on the site may turn out to be (which is not confirmed or fixed at this Outline stage other than the upper limit of 600 dwellings) there will be a significant number of new residents drawn to and living on the development upon completion, who in turn will place their own demands upon services and infrastructure, to include schools (both Primary and Secondary level) and access to doctors (GPs) surgeries. On this issue, as expressed by Wolverley and Cookley Parish Council for one, it is known that, for instance, the existing GP surgery in Cookley is close to, if not already at, capacity. In a similar vein, Cookley Primary School is also close to being, or already, full.

4.57 Policy CP07 of the Adopted Core Strategy emphasises the need to make provision for the delivery of community infrastructure. To this end, both the Education Authority and the local NHS Clinical Commissioning Group (CCG), in responding to consultation on the application, have confirmed the existing position and likely increased demand upon existing primary and secondary education and GP surgeries, and have in turn requested not insignificant financial contributions towards improving and enhancing existing capacity within the surrounding catchment areas. These requests are itemised under paragraphs 3.11 and 3.27 above and also summarised below, along with other S106 Obligations, although until the final mix and tenure of dwellings is known a definitive monetary figure cannot be placed upon the education contribution.

4.58 However, to assist Members in appreciating the significance of the likely financial contribution, by way of a simple example - were a 20% level of on-site Affordable Housing (which incurs no education contribution requirement) to be provided on a 20/40/40% split of 2, 3 and 4 bedroom properties (based upon 600 dwellings in total), the final figures (based upon the tariff included in the table below) would be in the region of £1.4M for primary and £1.9M for secondary - A total figure of in the region of £3.3M for education contributions alone.



17/0205/OUTL

- 4.59 Members are advised, however, that the data relied upon, and justification given, for the current levels of the Secondary Education contributions, are subject to ongoing further analysis and in this regard, notwithstanding the above and the summary regarding S106 obligations which follows later in the report, it may be necessary to update Members further on such matters via the Addenda Sheet, which may require amendments to the figures listed under paragraph 3.11, above.

**IMPACT UPON EXISTING NEIGHBOURING/NEARBY PROPERTIES**

- 4.60 Having given due consideration to a variety of topic based planning matters above, it still remains necessary to consider the potential impact upon existing neighbours.
- 4.61 The relationship between the proposed B1 business use to the south of the site and those existing dwellings on Park Gate Road has previously been touched upon, and there is no doubt that the impact upon visual outlook from the rear of the existing properties will be detrimentally impacted upon. The exact layout and form of the development, as with the remainder of the site, remains unknown at this Outline stage. Even so, the proximity to relation to the existing dwellings is such that some impact is likely, not only in terms of the physical building(s) but also the associated vehicle movement and car parking. Even so, with suitable boundary treatment and landscaping, the development in this area can be delivered in an appropriate form.
- 4.62 Whilst it is the case that the Lea Castle site has sat vacant for some years now, and in turn nearby residents have become accustomed to little or no regular vehicle movements to and from the site, that hasn't always been the case. That said, it is only to be expected that the redevelopment of the site and the associated increased vehicle movements both at the construction stages and upon completion and full occupation will have resulted in concerns being expressed by local residents, most notably those living in or close to The Crescent. These objections have been summarised at Paragraph 3.28 of the report.
- 4.63 It is the case that The Crescent is an adopted highway, albeit narrow in parts, which had previously provided a vehicular route into and from the Lea Castle Hospital. The proposed development would seek to reintroduce access into the site via The Crescent. Furthermore, as outlined elsewhere in the report, the diversion of the 9/9A bus service via the site would result in buses bases along The Crescent, which was not previously the case. Enhancements to the access and improved visibility splays are proposed at the junction of The Crescent with the A449 Wolverhampton Road, and a right turn lane and pedestrian refuge are also proposed, all to the satisfaction of the Highway Authority.

17/0205/OUTL

- 4.64 In terms of actual new build residential development and any impact upon existing residential properties in The Crescent, the illustrative masterplan does suggest an area of new housing to be located beyond the existing last properties within The Crescent, and wrapping around the rear of properties on the north side of the road. Again, in the absence of a detailed layout, which is not required at this Outline stage, it is not possible to comment further on matters of any localised direct impact (e.g. window to window relationships, etc).
- 4.65 To the north east end of the site, adjacent to Axborough Lane, it is proposed to provide a small cul-de-sac to serve a small number of larger properties. There is a sizeable existing dwelling located within extensive woodland grounds to the east, however it is unlikely that this development would have any adverse impact upon the occupiers of that property.

#### OTHER ISSUES

- 4.66 As identified earlier in this report, but warranting further elaboration at this point, there are significant (not to mention associated costly) issues associated with the demolition and remediation works that would need to be undertaken in advance of the new properties being constructed. It is the case that asbestos is known to be present in a number of the buildings, and this brings with it a cost in terms of the methodology for removal and disposal. There is also the extensive network of underground service tunnels that need to be addressed and given the age of these (it is understood that they were constructed in the 1960's) whilst no survey detailed survey has been undertaken to date, it is anticipated that asbestos is also likely to be present within the tunnels.
- 4.67 Members will have noted the objection submitted by Sport England as summarised at Paragraph 3.24 of the report, along with the associated Officer Comments. The development as proposed would not result in any loss of playing pitches. On the contrary, the existing pitches, which it is worthy of note are well maintained would be enhanced through the replacement and improvement of the existing changing room facilities. This is to be welcomed, and is acknowledged by Sport England. However, their additional requests for funding of other sports facilities elsewhere within the District, both external and internal, cannot be supported and goes beyond their current remit with regard to planning application consultations.

#### FINANCIAL VIABILITY AND S106 OBLIGATIONS

- 4.68 The NPPF sets out the importance of ensuring the viability and deliverability of plans, with Paragraph 173 stating that

*“The sites and scale of development identified in the (Development) plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”.*

17/0205/OUTL

- 4.69 As previously identified, the Lea Castle site is an allocated development site within the current (and emerging) Local Plan, and as such the above quote is of direct relevance. Furthermore, Policy SAL.DPL3 of the SAAPLP makes provision for the submission of a full viability assessment in those cases where the policy threshold for Affordable Housing cannot be attained and where other S106 Obligations which might have been expected are undeliverable.
- 4.70 It is probably fair to say that to most people, the redevelopment of the Lea Castle site would seem to be relatively straight forward and that financial viability wouldn't be an issue. For instance, the site is owned by the Applicant so no inflated purchase price is at play, and the lion share of the site won't actually be developed on, rather it will remain effectively as-is albeit in an enhanced form in terms of its enhanced green infrastructure and undeveloped credentials.
- 4.71 However, as described above, many of the buildings on the site are of such an age that asbestos is present, which brings with it significant abnormal costs in terms of means of removal and disposal. Add to this the significant network of underground service tunnels which criss-cross the site, which need to be made safe, excavated and in-filled to enable any new development to take place above them, and again the associated abnormal costs begin to spiral. Add to this the significant S106 contributions that such a development attracts, and the influence of the local property market and the likely sale prices, and very quickly the financial viability of the development begins to come into sharp focus.
- 4.72 Furthermore, the Applicant (the HCA) is a public body, and has been charged with securing planning permission and disposing of the site and in doing so securing the best return it can in the interests of the "public purse".
- 4.73 The application has been accompanied by a detailed Financial Viability Appraisal, which in turn has been robustly scrutinised by the Council's own appointed viability consultant. There then followed a protracted period of negotiation, whereby a number of issues were analysed and discussed with the applicant's advisors, including sales values of the houses, borrowing costs, infrastructure costs and house construction costs. These all have a bearing on the level of Affordable Housing and other S106 contributions that could be provided by the development.
- 4.74 Furthermore, National planning policy provides an incentive for the redevelopment of brownfield sites containing vacant buildings, such as is the case with the application site, known as "Vacant Building Credit" whereby a credit for the reuse/replacement of vacant buildings for residential development can be offset against the normal local Affordable Housing threshold requirements.

17/0205/OUTL

4.75 Policy CP04 *“Providing Affordable Housing”* of the Adopted Core Strategy sets out the Council’s expectations in terms of Affordable Housing provision, and Members will be familiar with the 30% threshold set within this policy for on-site provision for major residential developments within Kidderminster and the surrounding area. In this case, the Applicant’s maintain that the site is only capable of delivering 15% Affordable Housing (albeit with a potential future up-lift, subject to suitable grant support, to 20% on-site Affordable Housing. Policy CP04 states that:

*“Where this level of affordable housing provision (i.e. the 30% specified in the Policy) is proven to undermine the viability of a development ..... this will be subject to further individual site viability assessment undertaken by the applicant”.*

4.76 The whole process of scrutinising the financial viability of the development in this case has involved an extended period of collaborative working between Cushman & Wakefield (on behalf of the Council), and AMEC and Gerald Eve, as the Applicant’s advisors. Much of this process was based around agreeing the cost assumptions for key elements of site infrastructure (such as spine roads, and utilities upgrades), required to be put in by a developer, and normal and abnormal costs associated with the site.

4.77 The resolution of these negotiations was finally reached recently. As part of this resolution, a phased delivery of Affordable Housing was identified, which would be set out within the subsequent S106 Agreement to assist with development costs and cash flow. A phased payment of Education contributions was also identified, in line with the County Council’s full consultation response. The final details of this phasing will need to be agreed through the drafting of the S106 Agreement.

4.78 As outlined above, Officers have worked closely with the Applicant, and the respective Financial Viability Consultants, to fully scrutinise what the application can deliver in terms of S106 Obligations. Even so, the question remains as to whether the Council should accept what is on offer in terms of the S106 contributions and in turn secure the permission of up to 600 new dwellings and all that means in terms of housing delivery and the robustness of the Council’s 5 Year Housing Land Supply going forward? Or, does the Council reject the Applicant’s position and in turn consider the refusal of the application as it currently stands, due to the above outlined shortfall in Affordable Housing?

4.79 Members are asked to consider that despite the reduced level of Affordable Housing that is deliverable, at 15% (of up to 600 dwellings) this would still equate to 90 Affordable Homes (with a possible uplift to 120). Added to which, the overall S106 offer remains a lengthy and significant package of obligations.

17/0205/OUTL

- 4.80 Officers are satisfied that on the basis of the robust analysis that has been undertaken, the 15% Affordable Housing provision (with a potential future uplift to 20%) is the very best the site can deliver, before it becomes unviable. It has been clearly demonstrated that to seek the full suite of S106 Obligations, to include 30% Affordable Housing, would render the site unviable and result in the development not proceeding, at a time when the need for new dwellings is tangible.
- 4.81 That being the case, and when faced with the possibility of the site continuing to sit vacant and the buildings thereon deteriorating further, Officers have concluded that the S106 Obligations and financial contribution on offer should be accepted, following the above mentioned robust testing and analysis of the financial viability of the development.
- 4.82 The table below lists out all relevant S106 matters with brief commentary where appropriate.

Summary Table: S106 Heads of Terms and Contributions

<b>Subject</b>	<b>Policy Requirement</b>	<b>Amount Deliverable</b>	<b>Contribution or Tariff for future calculations</b>
Affordable Housing	30%	15% (with possible uplift to a maximum of 20%)	Nil.
Transport	Infrastructure improvements as necessary based on a case by case basis.	Junction improvements; New bus shelters within the site; Re-routing of existing bus service; Travel Plan contributions.	Nil. All off-site works to junctions described within the report to be delivered via S278 Agreement (Highways Act). Bus infrastructure to be provided within the site.
Public Open Space & Children's Play Areas	Tariff based calculation for off-site contribution or on-site provision	On site provision and creation of supported management company. Playing pitch enhancements.	Nil. Provision of enhanced replacement changing rooms.

17/0205/OUTL

Education	Tariff based calculation based on the number of child bed spaces and the school capacities in the area	Financial contribution towards enhancing existing Primary and Secondary facilities within the catchment area.	Tariff based amount depending on mix and tenure, as indicated at paragraph 3.11 of the report.
Community/Health Facilities	Assessed on a case by case basis in terms of increased demands upon existing facilities	Financial contribution towards existing GP surgeries	£194,237, as per calculation at paragraph 3.27 of the report.
Biodiversity & Geodiversity	Assessed on a case by case basis	On site enhancement and management of Woodland and Biodiversity and creation of management company.	Nil.
Sustainable Drainage	Assessed on a case by case basis	On site provision and creation of management company	Nil.

**PUBLIC BENEFITS OF THE DEVELOPMENT**

4.83 The public benefits of the proposed development could include, but not be restricted to the following matters:

- The provision of both market and Affordable Housing to meet identified needs;
- Enhancements to the public highway and the footway/cycleway;
- Job creation during the extended construction period of the development;
- Significant on-site Open Space and Children’s Play Area provision;
- Biodiversity enhancements;
- Various S106 financial contributions including Education and Health Care;
- Playing pitch/changing room enhancements;
- Increased Council Tax income to the Council;
- New Homes Bonus payments to the Council.

17/0205/OUTL

## **5.0 Conclusions and Recommendations**

- 5.1 The Lea Castle site has sat vacant for many a year and proposal for its redevelopment have been the culmination of an extended period of negotiations with the Applicant. Given the location and scale of the development it has understandingly been of interest to the wider Wyre Forest population, not just local residents, especially against the backdrop of Housing Needs and the identification of suitable sites to deliver new homes within the Wyre Forest District.
- 5.2 The application proposes a residential-led redevelopment of this allocated previously developed site within the Green Belt and as such the general principle of the development appears acceptable. That said, as identified within the report, there is a small section to the north of the site (adjacent to Axborough Lane) which lies outside of the Adopted SAAPLP site allocation, but is included within the proposed site allocation which was published and subject to the recent public consultation. The proposed business and retail/community uses are policy compliant, and thereby supportable, subject to future detailed layout.
- 5.3 Given the Outline nature of the application, detailed matters relating to layout and design are not presented for consideration at this stage. Matters of access are to be considered, and as confirmed above, there are no objections from the Highway Authority, subject to the various junction and footway/cycleway improvements proposed.
- 5.4 The development proposes to make the most of the existing significant areas of on-site woodland and open space, with significant levels of informal and formal publicly accessible open space and play provision. On site enhancements and future management of Biodiversity and Ecology are proposed, and can be secured via planning condition(s), improving the Green Infrastructure Network to the benefit of both the site and the surroundings. The proposed SuDS drainage scheme, the precise details of which would be presented at the Reserved Matters stage, would further enhance the green credentials and Biodiversity of the site.
- 5.5 As described above, the application has been the subject of a fully and robustly examined financial viability assessment, particularly given the Applicant's position in terms of the inability of the development to deliver the full 30% level of Affordable Housing that the Adopted Core Strategy seeks for. Even so, and for the reasons set out above, the overall package of S106 contributions, despite the Affordable Housing shortfall, is significant and will provide contributions towards off-site infrastructure as well as deliver and maintain significant on-site benefits and enhancements.

17/0205/OUTL

5.6 There do remain matters of detail that will require further examination and consideration, in the normal course of events, at the Reserved Matters stage. However insofar as the current Outline application is concerned, Officers conclude that the application adequately addresses the key national and local planning policy requirements and that in its current form, following the submission of the additional and supplemental information, the application is supportable.

5.7 It is therefore recommended that the application be **APPROVED**, subject to:

a) the signing of a **Section 106 Agreement** to secure:

- 15% Affordable Housing on site (with potential for 20%);
- On-site formal and informal open space and children's play area equipment (to include a NEAP, LEAPs and LAPs), and its future management and maintenance;
- Commuted sum payment towards Education;
- Commuted sum payment towards improvement of GP facilities;
- On-site woodland and biodiversity enhancements and future maintenance and management;
- On-site playing pitch enhancements to include new changing facilities;
- On-site SuDS management and maintenance;
- Personal Travel Planning at £200 per dwelling (payable to the County Council).

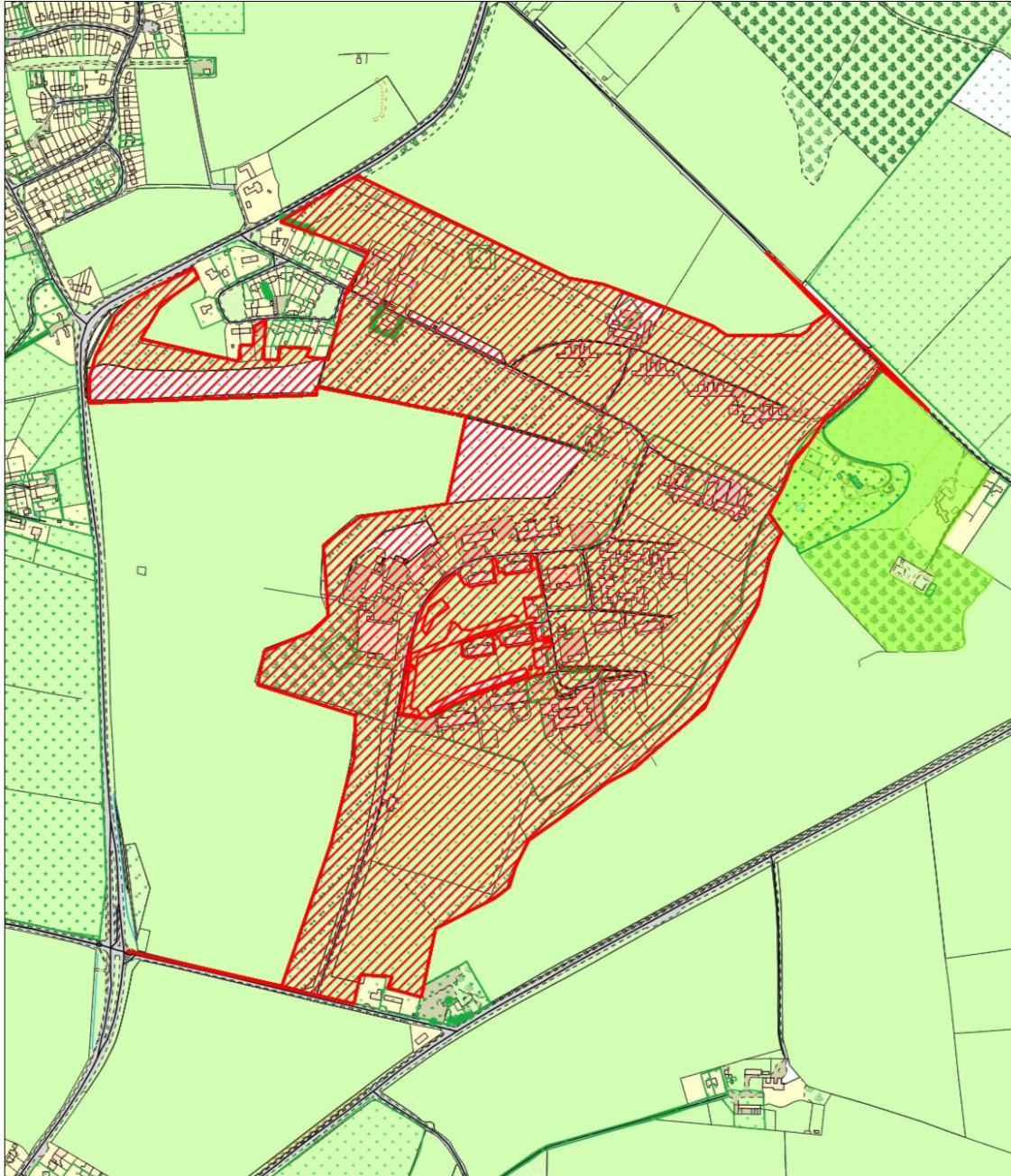
b) the following conditions:

1. A1 (Standard Outline)
2. A2 (Standard Outline – Reserved Matters)
3. A3 (Submission of Reserved Matters)
4. A5 (Submission of Phasing of Plans)
5. A11 (Approved Plans)
6. Limitation on floorspace for B1 (employment) and A1/A3/D1 (retail/care/community use, as per submitted details)
7. Construction Method Statement to be submitted and approved
8. Details of children's play are equipment to be submitted
9. B1 (samples/details of materials)
10. Details of walls, fences and other means of enclosure to be submitted
11. Details of existing and proposed levels to be submitted
12. Details of hard and soft landscaping to be submitted
13. Details of landscape management plan to be submitted
14. Details of woodland management plan to be submitted
15. Details of Foul and Surface Water drainage to be submitted
16. Details of SuDS management plan to be submitted
17. Submission of water environment protection plan to be submitted
18. Programme or archaeological ground investigation to be submitted



17/0205/OUTL

19. Contaminated Land Survey and investigation to be undertaken and submitted and agreed in writing including proposed remediation.
20. Fully specified engineering details for junction and access improvements to be submitted and agreed
21. Restriction of construction traffic access to Park gate Road access only
22. Prohibition of waiting order at The Crescent prior to first occupation
23. Bus access strategy to be agreed prior to commencement
24. Submission of updated Travel Plan
25. Submission of Construction Environmental Management Plan (CEMP) prior to commencement
26. Tree protection details to be submitted for each phase of the development
27. Details of temporary and permanent lighting to be submitted and agreed
28. No site clearance without the presence of a suitably qualified Ecologist
29. Details of proposed temporary re-routing of PRoW to be agreed
30. Submission of Habitat and Landscape Management Plan
31. Air Quality



Economic Prosperity and Place Directorate

**Former Lea Castle Hospital**

**Park Gate Road**

**Kidderminster, DY10 3PT**



Crown Copyright 100018317 08 November 2017

Scale 1:7000

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

## Agenda Item No. 5

**Application Reference:** 17/0534/FULL      **Date Received:** 25/08/2017  
**Ord Sheet:** 388729 273206      **Expiry Date:** 20/10/2017  
**Case Officer:** Kate Whitfield      **Ward:** Wyre Forest Rural

**Proposal:** Temporary planning permission for a period of seven years for the erection of a functions marquee at Brockencote Hall Hotel

**Site Address:** BROCKENCOTE HALL COUNTRY HOUSE HOTEL,  
BROCKENCOTE, CHADDESLEY CORBETT,  
KIDDERMINSTER, DY104PY

**Applicant:** Eden Hotel Collection

<b>Summary of Policy</b>	DS03, CP01, CP10, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.UP1, SALUP5, SALUP6, SAL.UP7 (SAAPLP) Design Guidance SPS CC3, CC8, CC9, CC10, CC11, CC12 (Chaddesley Corbett Neighbourhood Plan) National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application refers to the site of Brockencote Hall Hotel, which is located off the A448 close to the village of Chaddesley Corbett. The main building was originally built as a residential country house in 1875, was significantly re-modelled in the 1940s following a fire, and for the last 25 years has been operating as a hotel.
- 1.2 The main hotel building is accessed via a long driveway through the grounds of the hotel, which predominantly consists of grazing land. The site is within the West Midlands Green Belt.

### 2.0 Planning History

- 2.1 WF.0917/99 (Full) - Stationing of two portable buildings to provide kitchen and dry storage facilities and erection of fencing and gates : Approved 14.12.99.
- 2.2 WF.0849/99 (Full) - Creation of an all weather tennis court (33.5m x 16.5m) surrounded by chain link mesh fencing 2.75m high : Approved 12.1.00.

17/0534/FULL

- 2.3 08/0944/FULL - Extension to kitchen & ancillary store : Approved 11.12.08.
- 2.4 12/0175/FULL - Internal alterations and refurbishment works to public areas and bedroom accommodation. Additional alterations to ground floor conservatory structure and north and west facing windows of the west wing bedroom accommodation at roof level. New Balustrade and handrail to existing access ramp. Conversion of existing staff changing and storage area into staff accommodation : Approved 3.5.12.
- 2.5 12/0765/FULL - Construction of hard-standing and erection of a permanent marquee, creation of an additional 67 car space parking area and associated works : Withdrawn 5.2.13.
- 2.6 15/0050/FULL - Proposed development to form new functions suite and Spa and extension to existing car park : Approved 8.3.16.

### **3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council – Object to this application on the grounds of excessive noise and light pollution from a temporary marquee and designs principles in our Neighbourhood Plan.
- 3.2 Highway Authority – No objection to the granting of permission.
- 3.3 Worcestershire Regulatory Services –

#### **NOISE**

The submitted noise assessment appears satisfactory and the suggested noise limits acceptable. The assessment indicates that as long as the recommended noise mitigation measures are implemented and maintained, depending on the desired internal music noise level, the impact at the nearest sensitive receptor should be low. This is not to say that amplified music from the proposed venue would be inaudible at the nearest sensitive receptor(s) but that it should not give rise to complaints.

You may wish to condition that the Noise Management Plan and the specified noise limits are adhered to but if the application is granted it is likely that any complaints about excessive noise would be investigated by the WRS Nuisance Team under the provisions of the Environmental Protection Act 1990 against the originally proposed noise limits.

In terms of operating times I would recommend that it is conditioned that no amplified music is played after midnight.

17/0534/FULL

I therefore have no objection to the application in terms of noise but a high degree of noise management will be necessary in order to ensure that noise from the proposed marquee does not adversely impact on local residents.

LIGHTING

I have no objection to the proposed lighting scheme.

- 3.4 Worcestershire County Council Archive & Archaeology Service - The application is supported by a Heritage Statement which in section 6.5 states that:

6.5 Given low archaeological potential and potential harm to the remains of a ha-ha, it is recommended that a planning condition secures implementation of a watching brief during the initial erection of the marquee involving excavation to provide a level base and a timber deck to the south. Any features revealed would be recorded and the results made publically available.

We would concur with this assessment. Consequently, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This will involve a programme of archaeological monitoring (watching brief) to investigate and record any archaeological remains that would be exposed, damaged or destroyed by the proposed development. This should include any reduction of ground levels and the excavation of service trenches etc.

In order to comply with policy, conditions should be attached to any consent to request a programme of archaeological work including a Written Scheme of Investigation to be submitted for approval, by way of imposed conditions

- 3.5 Arboricultural Officer - The section of the proposed new gabion retaining wall, which is within the Root Protection Area of the mature cedar, is a concern. It looks to be different from the approval for 15/0050/FULL and I need to make sure that the tree isn't destabilized by the works.

An Arboricultural Method Statement is recommended. Tree protective fencing is required for the cedar in accordance with BS5837:2012.

- 3.6 Countryside Conservation Officer - Recommend conditions to establish show some biodiversity gain, perhaps through the planting of some appropriate native trees. The application will therefore not have a negative impact on bats.

17/0534/FULL

- 3.7 Conservation Officer – I note that the application site has a valid consent ref: 15/0050/FULL for a large extension to Brockencote Hall.

The applicant has (within the heritage statement) identified those heritage assets which are affected by the proposal to erect a functions marquee for seven years. The heritage statement makes an assessment of their significance by a thorough review of documentary sources and an appraisal of the site and its environs.

Section 6 of the Heritage Statement deals with the potential impacts of the proposals.

I agree with paragraphs 6.4 and 6.5 which consider the archaeological impact of the proposal and, if planning permission is granted, I have no objections to the written scheme of investigation proposed, however on the precise detail I will defer to the Worcestershire Archive and Archaeological Service.

I also agree with paragraph 6.6 that *“only indirect harm to other heritage assets could result from the proposals through an adverse effect to the significance of nearby listed and locally listed buildings or the character and appearance of the conservation area”*.

Therefore the impact on heritage assets is likely to be caused by change to their setting rather than to the assets themselves.

However I do not agree with the analysis of impact on heritage assets at paragraph 6.8:

*“The marquee would lie east of the locally listed Hall, but would replace two modern wooden sheds and a poorly maintained area with a new temporary marquee which is sympathetic to the appearance of the existing Hall, but secondary in massing and height to both the Hall and its eastern ancillary building. Negligible harm to the locally listed Hall is therefore assessed”*.

The form, design and materials of the proposed marquee are completely alien to and at odds with the materials and design of the principal heritage asset, Brockencote Hall.

The proposal does not comply with Policy 5.4.21 of the adopted Chaddesley Corbett Neighbourhood Plan which states that: *“New development proposals should be designed sensitively to sit within the distinctive settlement patterns of the village, hamlets and historic farmsteads. Existing settlements have grown incrementally over time: the buildings often date from many different periods, providing a richness and variety of styles and materials, with individual buildings clustered around historic street patterns and agricultural holdings. This traditional rural character should be enhanced by new development and schemes should be designed to ensure that new buildings sit comfortably within the existing settlement pattern, and are respectful of their surroundings”*.

17/0534/FULL

The proposal does not comply with WFDC Policy SAL.UP6 which requires:

*vii. "In considering new development that may affect a heritage asset, proposals will need to identify how the scale, height and massing of new development in relation to the particular feature [in this case Brockencote Hall], and the materials and design utilised, does not detrimentally affect the asset or its setting".*

#### VIEW 1

In considering the view of Brockencote Hall from within the application site, from a vantage point within the car park to the north of the proposed marquee:

The value/importance of Brockencote Hall within the view is medium as it is the central focus of the view and whose significance is well represented in the view.

The value of the view as a whole is medium as the heritage significance of the asset is well represented within the view.

The magnitude of impact on the asset is low adverse as its heritage values are eroded to a minor extent.

The magnitude of cumulative impacts of the proposal on heritage within the view is low adverse as the proposal erodes to a minor extent the heritage assets within the view.

The magnitude of impact to value is thus minor effect, thus resulting in less than substantial harm to the asset which can be balanced against any benefits of the proposal under paragraph 135 of the National Planning Policy Framework (NPPF).

#### VIEW 2

The P (LBCA) A 1990 s.72 requires decision makers to consider the desirability of preserving or enhancing the Conservation Area, which is echoed in WFDC Policy SAL.UP6 2. Conservation Areas.

The Chaddesley Corbett Conservation Area Appraisal at "3.9 Views b) Out of the Area" notes that "Views out of the Area are more common than the views into, but mostly reflect the rural setting of the village. Key views are.....from the southern end of the Area, looking south.....the views south reinforce the relationship of the Area and the countryside."

The Chaddesley Corbett Neighbourhood Plan at CC8 2 identifies strategic views across the Parish and states that views identified will be protected by ensuring the visual impact of development on these views is carefully controlled.

17/0534/FULL

The new marquee will create a linear form, accentuated in daylight by its white colour; at dusk it will be seen silhouetted against the skyline as viewed looking south from the A448, and at night it will spill light towards the Conservation Area from its glazed walls. This will impact on the openness of the Green Belt as perceived in views south from the Conservation Area

From the application site, two designated heritage assets are clearly visible: Lodge Farm (Grade II) and St. Cassian's Church (Grade I). The erection of the marquee will interrupt these long distance views and introduce an alien structure into the Green Belt at this location.

The church is of High value as in this view it forms the focal point. The value/importance of this view as a whole is that it presents the church within a wider parkland setting and is thus HIGH.

The impact of erecting a marquee here is low adverse as the view can still be obtained by standing in front of the marquee, however the marquee blocks views of the church from the grounds to the rear of Brockencote Hall.

The magnitude of cumulative impacts on the church is low adverse as by moving towards the church the viewpoint is still maintained, however the view from the gardens to the rear is blocked.

The overall impact against value is thus moderate effect which amounts to less than substantial harm to the setting of the church, a Grade I heritage asset.

The significance of the Chaddesley Corbett Conservation Area is reinforced by the views out of the Area into the surrounding countryside. The lack of large scale development in the surrounding countryside reinforces the significance of the historic settlement with that settlement boundary essentially forming the boundary of the Conservation Area. I would agree that in its present open-parkland state the development site makes only a negligible contribution towards its significance, but argue that significance is likely to be compromised by the construction of a large marquee in a very visible material on the proposed site.

A fundamental part of the character of the Chaddesley Corbett Conservation Area is its rural setting within the Green Belt, and the proposed development compromises rather than preserves its setting. This impact is not neutral and there is no enhancement of Conservation Area itself.

I consider that the development of the site will cause less than substantial harm to the setting of the designated assets rather than the negligible level that is attributed by the Heritage Statement. This harm should be weighed against public benefits as per NPPF paragraph 134.

I believe the development proposals thus fail to accord with the P (LBCA) A 1990 s.72 and WFDC Policy SAL.UP6.



17/0534/FULL

Unless there are substantive public benefits outweighing the less than substantial harm to designated heritage assets: St Cassian's Church and Chaddesley Corbett Conservation Area, the application should be refused

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

As far as security is concerned it is advised that when it is not in use nothing of value is stored inside.

- 3.9 Neighbour/Site Notice – Five public representations have been received and a Local Residents Letter signed by the owners of 16 properties.  
In summary the following concerns are raised :

- The application is contrary to Green Belt policy in the NPPF. The very special circumstances set out in the application are disputed.
- There have been previous issues relating to excessive noise from the hotel and numerous complaints have been made, which are not detailed within the submitted noise assessment.
- The walls and nature of the marquee are unlikely to provide adequate soundproofing and there is also likely to be noise during the summer from people congregating outside.
- The previous application for a marquee included solid walls and double doors which do not appear to be feature of this application. It is requested that the original specification is reinstated. It is also requested that all the conditions and restrictions in the noise assessment to minimise noise disruption are imposed.
- A Noise Management Plan has been provided with the application but it is questioned who will police and monitor this to ensure it is adhered to.
- The marquee would be out of keeping with the setting of the main building.
- The duration of 7 years for a temporary permission is questioned and it is argued that the permanent extension will never be built due to the cost.
- The proposal is contrary to Core Strategy policy CP10, which states that new hotel and leisure facilities should be located close to the town centres of Kidderminster, Bewdley and Stourport.
- Any increased business to Brockencote Hall will reduce business and mean possible job losses at other venues in the district meaning the net gain is zero.
- No notification was given of the application.

*(Officer Comment - A site notice was initially displayed in relation to the application at the entrance to the hotel and additional neighbours consulted during the course of the application).*

17/0534/FULL

#### 4.0 Officer Comments

4.1 Temporary planning permission is sought for the erection of a marquee within the grounds of the hotel. The application requests the marquee for a period of seven years. The structure will remain on site all year round and will be used for large functions such as weddings and corporate events and will have capacity for up to 160 guests at any one time.

4.2 The main marquee will measure 15 metres by 35 metres with a maximum height of 5.4 metres. At the entrance will be a 'pagoda style' area measuring a further 5 by 5 metres with a maximum height of 6.39 metres. It will be constructed with an aluminium frame covered with a mixture of glazed and solid PVC panels under a specially designed "thermo" PVC roof system.

4.3 The marquee is to be located on the eastern side of the main hotel building, in the same location as a new function suite and spa, which was granted permission in 2016 but has not been built.

#### PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT

4.4 The National Planning Policy Framework 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. Paragraph 89 of the NPPF lists some exceptions to this overarching policy, however, the proposed marquee would not meet the criteria of any of these.

4.5 This national policy advice is mirrored in policy SAL.UP1 of the Wyre Forest Site Allocations and Policies Plan, which also states that this type of development should not be permitted except in very special circumstances.

4.6 It is therefore acknowledged that the proposed marquee would represent inappropriate development within the Green Belt. The NPPF advises that substantial harm should be attributed to inappropriate development. The question is therefore whether any 'very special circumstances' are in place for this particular site which would clearly outweigh the harm by reason of inappropriateness, and any other harm to the Green Belt, and allow for the proposed marquee development to proceed.

4.7 It is noted that the very same issues were addressed under planning application 15/0050/FULL which granted permission for a new functions suite and health spa building. Under this application it was agreed that 'very special circumstances' did exist. The economic, social and environmental gains from the proposal, which would be facilitated by the continued growth of the hotel, were all taken into account and it was concluded that these would clearly outweigh any harm identified.

17/0534/FULL

- 4.8 The application advises that whilst there is now consent for a long term permanent functions suite there are concerns over whether it would be economically viable to build this. It is argued that the economic situation has significantly altered since the approval was given for this building and the use of the marquee as a short term solution would allow a period of time to assess whether it would be worthwhile economically to go ahead with the permanent functions suite building. In short it will “allow the hotel to remain fully operational and provide the applicant with certainty on the viability of such a venue”.
- 4.9 It is submitted that a seven year permission is required to provide sufficient lead time for bookings to take place. It is advised that these functions are planned with long lead times and this would provide potential guests with the certainty that the venue would be available. The marquee would be sited in the same location as the proposed building, therefore negating any potential for both schemes to be implemented. It is noted that pre commencement conditions have been discharged on the original permission so this will now remain extant through the development of the car park required by the previous permission.
- 4.10 The application argues that the same arguments put forward to demonstrate ‘very special circumstances’ for the permanent functions suite should be applied to the marquee in the short term. It is argued that the hotel still needs the facility to cater for large functions, such as weddings. If not provided it is argued that the hotel will continue to lose market share, threatening its long term viability.
- 4.11 This argument is accepted. It is considered that in terms of Green Belt policy the same ‘very special circumstances’ exist as set out under planning application 15/0050/FULL. In addition there should be less visual impact on the Green Belt arising from the marquee as it is only a temporary feature, it is smaller in scale than the approved building and is not considered to be an unusual or unexpected feature within the context of a hotel garden site. On this basis the proposal is therefore considered to be acceptable development within the Green Belt.
- DESIGN AND APPEARANCE AND IMPACT ON THE HERITAGE ASSET
- 4.12 Brockencote Hall itself is included as a non designated heritage asset on the Chaddesley Corbett Local Heritage List due to its architectural interest. The application site also benefits from two heritage assets, namely a Listed Dovecote and a non-listed HaHa. The site is also visible from the Chaddesley Corbett Conservation Area and as such does affect the setting of that heritage asset and other heritage assets within it. Accordingly the applicants have provided a Heritage Impact Assessment (HIA) which has been carefully considered by the Council’s Conservation Officer and whose comments are detailed above.

17/0534/FULL

- 4.13 The Conservation Officer's objection and concerns raised to the proposal are acknowledged. The Officer considers that the proposal will result in less than substantial harm to the setting of the designated assets rather than the negligible level that is attributed by the Heritage Statement. In this scenario the NPPF states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 4.14 The application advises that the marquee will allow the hotel to cater for large functions and wedding receptions, for which there is insufficient space for in the main hotel. The wedding and functions business at Brockencote Hall forms an extremely significant and growing element of the company's business and is key to its future viability. Taking into account that this is only a temporary permission and the marquee would not be a permanent feature Officers are of the opinion that the benefits would outweigh the less than substantial harm to heritage assets.
- 4.15 A Landscape and Visual Appraisal has been provided with the application which concludes that the marquee can be assimilated into the local landscape without any unacceptable landscape or visual effects. In relation to the previously approved building it was concluded that as it would remain within close proximity to the hotel buildings and ancillary areas it would harmonise with the established land uses on site and would not compromise the openness of the Green Belt. As the marquee now proposed is a temporary structure its visual impact is likely to be significantly less than the previously approved permanent building.

#### IMPACT ON RESIDENTIAL AMENITY

- 4.16 As the hotel is located within its own large private grounds the proposed marquee will not result in any impact on the outlook or privacy of any neighbouring properties. However, there is the potential for undue levels of noise to affect the amenity of surrounding properties. Due to the nature of the marquee it is acknowledged that this is likely to be more of an issue than for the previously approved permanent building.
- 4.17 Worcestershire Regulatory Services (WRS) have considered the Noise Assessment which accompanies the application and concluded that the proposed noise limits are acceptable and should not give rise to complaints. However, it is still stressed that a high degree of noise management will be necessary in order to ensure that noise from the proposed marquee does not adversely impact on local residents.
- 4.18 A Noise Management Plan has been submitted with the application and a condition would be added to the permission to state that this must be adhered to. A condition would also be included to restrict the playing of amplified music after midnight. With these measures in place it is not considered that there would be sufficient grounds to refuse the permission on its impact on residential amenity.

17/0534/FULL

## OTHER MATTERS

### 4.19 Ecology:

Following discussions during the course of the application the Countryside Conservation Manager is now satisfied that the proposed marquee will not have any adverse impact on protected species. In accordance with policy SAL.UP5 of the Site Allocations and Policies Local Plan some biodiversity enhancements have been agreed, including the erection of new bat and boxes and new tree planting.

### 4.20 Arboricultural Matters:

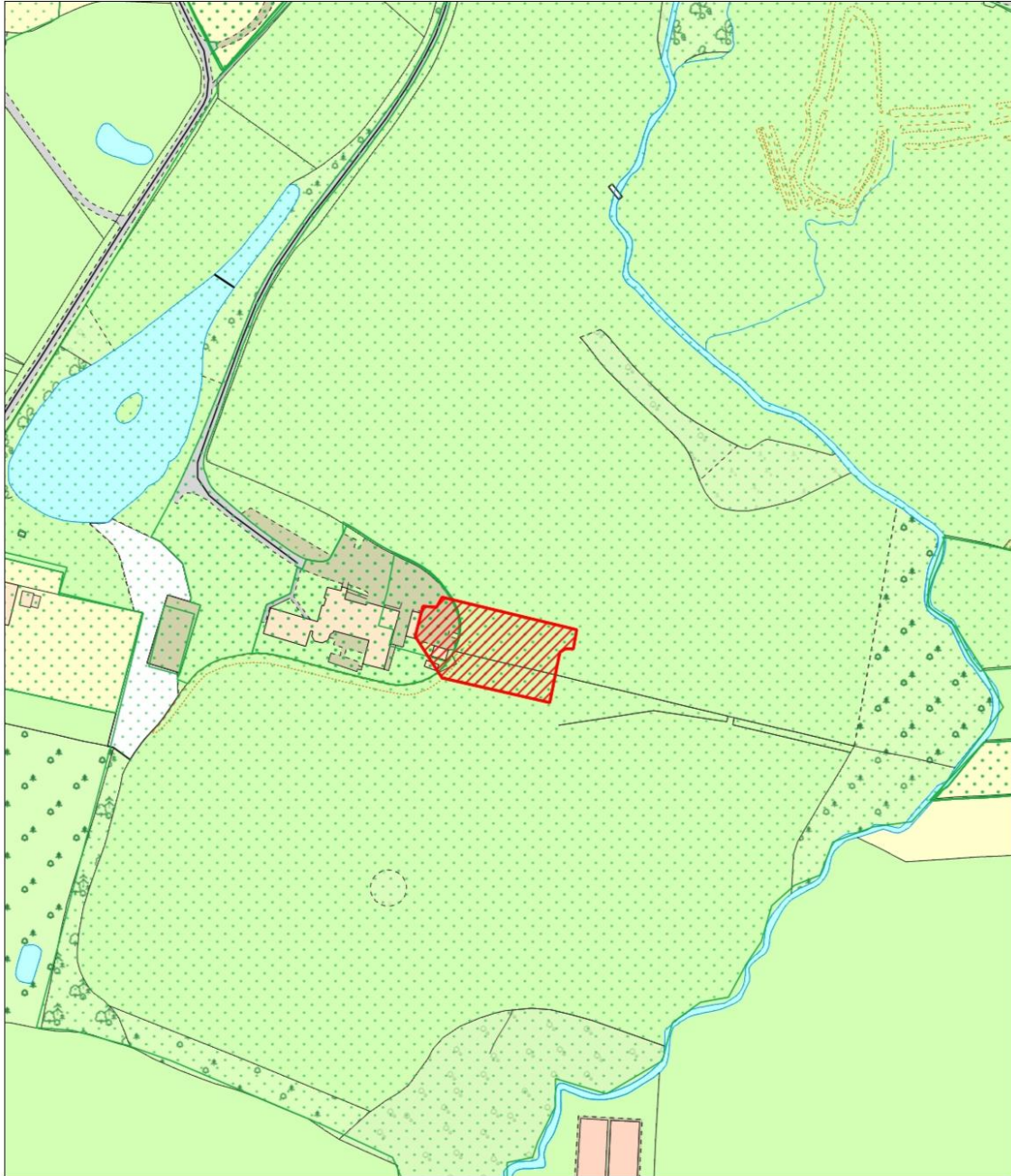
A revised Arboricultural Method Statement has been provided in relation to the Cedar tree close to the site which is to be retained. It has also been requested by the Countryside Conservation Officer that at least two new trees are planted to provide some biodiversity enhancement. Conditions to provide this information can be added to any forthcoming permission.

## 5.0 Conclusions and Recommendations

5.1 The temporary functions marquee will afford the applicant the opportunity to consider the viability of a permanent building on the site. The very special circumstances to justify development within the Green Belt have been demonstrated in the previous application for the permanent building and can equally be applied to this proposal, which relates to a temporary structure which will have less impact on the landscape. The marquee would result in less than substantial harm to the setting of the locally listed heritage asset and the adjacent Conservation Area which is outweighed by the benefits the marquee will bring to the preservation and future growth of the hotel site. Subject to safeguarding conditions there would also be no impact on the amenities of nearby residents. It is therefore concluded that the proposal complies with the adopted Local Plan and the NPPF.

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

1. Temporary permission restriction for 7 years only
2. A11 (Approved plans)
3. Arboricultural Method Statement to be provided
4. Planting Scheme for the provision of additional trees on the site to be provided.
6. Details and locations of additional bat and bird boxes to be provided.
7. Compliance with the Written Scheme of Archaeological Investigation and recording to be carried out.
8. The Noise Management Plan and the specified noise limits are adhered to.
9. No amplified music or amplified vocals to be played in the marquee after midnight.



Economic Prosperity and Place Directorate

**Brockencote Hall Country House Hotel**

**Chaddesley Corbett**

**Kidderminster, DY10 4PY**



Crown Copyright 100018317 01 November 2017

Scale 1:2500

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

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**21<sup>ST</sup> NOVEMBER 2017**

**PART B**

<b>Application Reference:</b>	17/0001/OUTL	<b>Date Received:</b>	05/01/2017
<b>Ord Sheet:</b>	380721 272202	<b>Expiry Date:</b>	06/04/2017
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Bewdley & Rock

**Proposal:** Partial demolition of existing works and construction of 21 dwellings

**Site Address:** ALTON WORKS, LONG BANK, BEWDLEY, DY122UL

**Applicant:** The Sandpiper Group

<b>Summary of Policy</b>	DS01, DS04, CP02, CP03, CP08, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.GPB1, SAL.UP5, SAL.UP7 (SAAPLP) Landscape Character Appraisal Sections 1, 6, 7 and paragraph14 (NPPF) Planning Practice Guidance Planning Obligation SPD
<b>Reason for Referral to Committee</b>	'Major' planning application Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

**1.0 Site Location and Description**

- 1.1 The site is located on Long Bank to the west of Bewdley. It lies adjacent to the Wyre Forest National Nature Reserve to the north and west, and a mixture of residential and business properties to the east and north-east. The site is dilapidated containing old industrial units and partially demolished structures.
- 1.2 The application site lies outside a settlement boundary in the open countryside, located in the Forest Small Holdings and Dwellings Landscape Character Type. The area of land is currently allocated for industrial purposes and is subject to a Tree Preservation Order.
- 1.3 The application is submitted in outline for up to 21 residential units including 2 bungalows and seeks for access, layout, and scale to be determined at this stage.

17/0001/OUTL

## 2.0 Planning History

2.1 None of relevance

## 3.0 Consultations and Representations

3.1 Rock Parish Council – No objections and recommend approval. The Parish Council request the following matters are considered:

- The density on site
- The access to the site off Long Bank
- Consider Speed Limit Reduction
- Sustainability of the site
- Consideration of Parish Housing Needs Survey
- Environmental survey of species and trees
- Parish Council's play facilities should be supported

3.2 Highway Authority – No objection to the access point and visibility splays in principal. Additional details requested in respect of carriageway width and service margins

3.3 North Worcestershire Water Management – No objections to latest drainage strategy subject to conditions.

3.4 Worcestershire Regulatory Services (Noise) - Given the proposed location and layout I do not consider that noise to be a major issue. No objection subject to condition.

3.5 Worcestershire Regulatory Services (Contaminated Land) - The history of the site as industrial units for the manufacture of windows and previously greenhouses suggests that there is the potential for contamination. No Objection subject to conditions.

3.6 Worcestershire Regulatory Services (Air Quality) – No objections subject to conditions. The proposed site is two miles from Bewdley town centre and the main access route into Bewdley will probably be via Welch Gate but as the proposed increase in parking spaces is from the current 30 to 44 (14 more), an air quality assessment is not required. As the proposed development is for 22 dwellings, the cumulative impacts on air quality from individual sites in local areas should be determined (NPPF paragraph 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. This will assist in alleviating pollution creep arising in the general area.

3.7 Arboricultural Officer – No objection subject to conditions



17/0001/OUTL

- 3.8 Principal Strategic Housing Officer - I am happy with proposals being made in respect of the affordable housing and can confirm the unit mix reflects the need identified in the Rock Housing Needs Survey (finalised November 2013).
- 3.9 Natural England – No objection subject to conditions
- 3.10 Countryside Conservation Officer – No objections
- 3.11 West Mercia Police Designing Out Crime Officer – No objections
- 3.12 Severn Trent Water – No objection Subject to conditions and note
- 3.13 Bewdley Civic Society – Object

1. The land is presently zoned and safeguarded by Policies in the Approved and Adopted Local Plan that seek to retain the site for employment purposes. Policy SAL.GPB1 refers.
2. The Civic Society recognises the need for new housing and particularly on brown field sites but that demand needs to be put into perspective; there has to be a proper balance with other uses that complete a community. Land most suitable for employment uses must be safeguarded. This principle is at the heart of planning, the reason why there is a Local Plan and why it must be respected.
3. Last year WFDC commissioned an Employment Land Review of its evidence base as part of the Local Plan review. Nathaniel Litchfield's recent Assessment and Review of the district's Employment Sites Portfolio has concluded the Bewdley Business Park to be within the highest category for retention as it fulfils the base criteria of Sustainability, Market Attractiveness and Policy Adherence. This is good argument to retain this site for its allocated use.
4. There has been no marketing of the land for employment purposes to justify overturning the land use nor to justify statements in the Applicant's supporting documents.
5. The layout of the new estate is intense and suburban.
6. It would bring housing close to existing industry which could conflict with and restrict its potential and continuing uses.
7. It sets a precedent for losing the whole of the allocated employment site to housing.
8. The A456 is incredibly busy being nose to tail most evenings and mornings. There needs to be a major assessment of the access junction and the Cross Bank junction for any development of this site not to upset the free flow of traffic and increase the dangers of the right turning manoeuvres.

17/0001/OUTL

- 3.14 Rock History Society - Although we fully support the scheme in principal, our only suggestion based on retaining *the people history* of the parish, is that wherever possible the Parish Council insist some type of affordable dwellings be included, aimed at people born in the parish, in any and every scheme put forward. As currently the continuing numbers of people buying local properties are coming from elsewhere, and can afford to force the price of homes beyond the reach of local families, which is changing the whole landscape of Rock being a rural community of local people. As I am sure you are aware with prices for the smallest of cottage reaching way beyond the pocket of local born and breed 'children' who are forced to live in nearby towns where prices are more affordable.
- 3.15 Neighbour/Site Notice – ONE OBJECTION received raising concerns over increased traffic and access arrangements; the proximity to the Forest and urbanisation of the area; creep of housing along Long Bank sprawling from Bewdley; the amount and scale is out of keeping with the area and will alter the rural location.

EIGHT LETTERS OF SUPPORT have been received highlighting the improvements that the proposal will have on the visual amenity of the area and safeguard residential amenity.

#### **4.0 Officer Comments**

- 4.1 The proposed application is for outline for a maximum of 21 residential units. The application seeks for access, layout and scale to be determined at this stage.

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

- 4.2 The application is allocated for industrial purposes within the Adopted Wyre Forest Site Allocations and Policies Local Plan. Policy CP08 of the Adopted Wyre Forest Core Strategy seeks to retain industrial land. However the policy also allows for other uses where it can be demonstrated that the land is no longer viable for commercial purposes, that any new use would not prejudice neighbouring properties.
- 4.3 The applicant has provided substantial evidence from local land agents to demonstrate that the land has been marketed and no offers have been forthcoming. In addition, it has been proven that the existing buildings are not fit for purpose. Finally, there is confirmation that any investment as a result of this scheme will be re-invested into the existing commercial operations at Bewdley Business Park.
- 4.4 On this basis and considering the sites location adjacent to residential properties I do consider that residential development may be considered as an alternative on this site in line with Policy CP08 of the Adopted Wyre Forest Core Strategy.

17/0001/OUTL

4.5 It therefore follows, that a consideration of housing policy must be undertaken. Policy SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan sets out the approach to housing delivery in rural areas. It is clear that outside the main settlements, only local needs/affordable housing will be acceptable. The applicant has submitted the application as being compliant with this policy approach, however reducing the affordable number of units to 6 as a result of the application of Government's 'Vacant Building Credit' policy. There is no doubt that this calculation is accurate and is not in dispute. Even if it was considered that the inclusion of market housing rendered the proposal contrary to development policy, it is my firm contention that the presumption in favour of sustainable development, as set out in the NPPF, would apply and weigh heavily in favour of the proposal.

4.6 I have taken account of the comments by Bewdley Civic Society, however following the above considerations and also taking into account the 'in principle' support of Rock Parish Council, I am content that the development is acceptable in principle and is supported by the Development Plan.

#### ACCESS

4.7 Access is to be provided via the existing access point directly onto Long Bank. The Highway Authority is satisfied that the principle of the access point in this location is acceptable and that the required visibility splays can be provided. Whilst additional detail is required, which will be provided prior to the Committee meeting, it is clear that the point of access is acceptable.

4.8 The site is not readily connected with a local centre, however the Highway Authority are not pursuing a 'not sustainable location' argument. The applicant is willing to support sustainable transport initiatives through bespoke Welcome Packs. These will include:

- Details of existing bus services including destinations, frequencies and operators.
- One voucher per household for new residents to apply for subsidised bus travel for 6 months.
- One voucher per household for new residents to use to subsidise the purchase of a new bicycle.
- Promote travel to school by bus for the children of the new residents
- Promotion of Worcestershire County Council's car sharing website.
- Details of local amenities including local convenience shops, doctors, dentists, post office and leisure opportunities.
- Details of supermarkets that offer home deliveries.

Along with the provision of electric charging points for properties, it is clear that the applicant has addressed any concerns over the location of development.

17/0001/OUTL

- 4.9 The Highway Authority has confirmed that the number of vehicles associated with the development can be accommodated onto the surrounding network without causing any deterioration in highway safety.
- 4.10 The development site is therefore acceptable in highway terms and is in an acceptable location for development.

#### LAYOUT AND SCALE

- 4.11 The layout of the development has been specifically designed to retain the protected trees to the frontage and produce an overall design that is compatible to the surrounding area. Residential development along Long Bank is essentially linear in nature, although the pattern of built form in this location changes to more concentrated development. The density of development is acceptable as it follows the specific pattern of built form, which is led by the Bewdley Business Park. The development is also restrained from further progression by the Wyre Forest National Nature Reserve. Overall, it is considered that the density and layout are acceptable.
- 4.12 The 21 units, including 2 bungalows, are accessed off a single access road with the six affordable units and bungalows via a private drive. Each dwelling is shown to have adequate amenity space and parking facilities. It is evident that 21 units can be provided without resulting in an overdevelopment of the site or causing harm to the character of the area. There will be no impact of the character of the landscape due to the surrounding development.
- 4.13 Whilst the design of the properties is a reserved matter, scale has been shown as being a maximum of two storeys in nature, which is considered acceptable. I am convinced that a satisfactory design can be achieved based on the layout and scale now presented.
- 4.14 The nearest residential property is Alton Villa, which is located adjacent to plot 21. This plot has been positioned so as to be stepped back away from Alton Villa, and allows sufficient separation so as to not impact on privacy or daylight. On this basis, neighbouring amenity will not be unduly impacted.
- 4.15 The scheme has been well designed and is in conformity with the design and landscaping policies of the Development Plan.

#### OTHER MATTERS

- 4.16 Extensive discussions have taken place over the drainage strategy for the site. This has now concluded finding that the latest draining strategy is acceptable and will provide adequate sustainable drainage for the development and will not result in surface water flooding events elsewhere.
- 4.17 Additional information has been submitted to satisfy ecological concerns, particularly given the close relationship of the development with the Wyre Forest National Nature Reserve, a SSSI. The Countryside Conservation Officer and Natural England have both agreed that the development will not adversely impact on the SSSI or protected species.

17/0001/OUTL

#### PLANNING OBLIGATIONS AND CONTRIBUTIONS

4.18 The adopted Planning Obligations SPD sets out where development may be required to contribute towards certain obligations. On this occasion the following contributions are sought, based on the proposed mix shown:

- Public Open Space of £23,242. This is proposed to be used at Riverside North in Bewdley although details of the specific project are yet to be confirmed.
- Education Contributions of £48,282. This will be used to fund a scheme at Far Forest Lea Memorial CE Primary School.

It may be that the Section 106 Agreement will include a formulae based criteria for contributions rather than the amounts shown above; this will be a matter for further discussion.

4.19 The six affordable units have been selected following consideration of the Rock Parish Housing Needs Survey. These now include 2 no. 3 bed semi detached properties and 4 no. 2 bed terrace properties. These units confirmed as being acceptable by the Principal Strategic Housing Officer. It is also worthy of note that the scheme also includes two bungalows for market sale, as required by the Housing Needs Survey and following comments from Rock Parish Council.

### 5.0 Conclusions and Recommendations

5.1 The scheme represents sustainable development on previously developed land. Although allocated for employment uses within the Development Plan, convincing arguments have been advanced that allow the site to be redeveloped for the benefit of the visual amenities of the area and providing housing within the Parish. The detailed matters of highway access, layout and scale have been fully considered and found to be acceptable taking account of the character of the surrounding area, the highway network, neighbouring properties and ecological designations. The development allows for the required contributions of public open space, education contributions and affordable housing. Overall the development is acceptable and is supportable.

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. A1 (Standard outline)
  2. A2 (Standard outline – reserved matters)
  3. A3 (Submission of reserved matters)

17/0001/OUTL

4. A5 (Scope of outline permission – 21 units, including 2 bungalows : maximum height 2 storey)
5. B1 (Samples/details of materials)
6. B11 (Details of enclosure)
7. B13 (Levels details)
8. C2 (Retention of existing trees)
9. C3 (Tree protection during construction)
- 10.C6 (Landscaping – small scheme)
- 11.C8 (Landscape implementation)
12. Contaminated land
13. Details of Noise Mitigation
14. Low NOx Boilers
15. Electric Vehicle Charging Points
16. SuDS Drainage
17. E2 (Foul and surface water)
18. Highway conditions
19. Ecological Enhancement Scheme
20. Lighting scheme to be submitted

Notes

- A. SN2 (Section 106 Agreement)
- B. Highways
- C. Severn Trent Water - Drainage

## Agenda Item No. 5

**Application Reference:** 17/0200/FULL      **Date Received:** 27/03/2017  
**Ord Sheet:** 382749 276804      **Expiry Date:** 22/05/2017  
**Case Officer:** Paul Round      **Ward:** Blakebrook & Habberley South

**Proposal:** Erection of 5 No. three bedroom houses

**Site Address:** LAND AT MILL STREET, KIDDERMINSTER, DY116XB

**Applicant:** Mr H Smith

<b>Summary of Policy</b>	DS01, DS02, CP02, CP03, CP11 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 (SAAPLP) KCA.DPL1, KCA.DPL2, KCA.GPB4, KCA.CC1, KCA.CC2, KCA.UP1, KCA.MS1 (KCAAP) Design Guidance SPD
<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 site is located on Mill Street on the edge of Kidderminster Town Centre, and forms an area of hardstanding previously within the ownership of the Council. The land was an area left following the construction of the Ring Road and was historically part of the carpet works.
- 1.2 The site is previously developed land and located within the Mill Street Mixed Use Area as defined within the Adopted Kidderminster Central Area Action Plan.
- 1.3 The application seeks for the construction of 5 three bedroom houses.

### 2.0 Planning History

- 2.1 15/0241/FULL – Development of 2 retail shops and 6 two bed flats : Approved 10.8.15

### 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Reject; over intensive development for the neighbourhood
- 3.2 Highway Authority – No objection subject to conditions

17/0200/FULL

- 3.3 Environment Agency – Subject to the sequential test being satisfied, no objections subject to conditions. Request contributions towards operation of Flood Warning System.
- 3.4 North Worcestershire Water Management – No objection subject to conditions
- 3.5 Worcestershire County Council Archive & Archaeology Service – No objections subject to conditions
- 3.6 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to condition.
- 3.7 Neighbour/Site Notice – No representations received.

#### **4.0 Officer Comments**

- 4.1 The site has been the subject of a previous approval of this site for a mixed used development as set out above. Policy KCA.MS1 of the Adopted Kidderminster Central Area Action Plan promotes a range of uses within the area including residential. A scheme for wholly residential is fully in line with the policy requirements and, as such, the development is acceptable in principle.
- 4.2 The form of development is essentially as previously agreed, being three storeys fronting onto Mill Street. The ground floor comprises a car port and study area with habitable areas at first and second floors. Garden areas are provided to the rear. The design of the units is acceptable and accords with the character and form of the surrounding area. I note the comments of the Town Council but do not feel that 5 residential units, when compared with the previously approved scheme of 2 retail shops and 6 flats, can be judged as an over intensive development. The massing and form of the development is therefore acceptable.
- 4.3 Adequate parking is provided for the development along with cycle storage within the building. The Highway Authority is satisfied that the scheme is acceptable given its Town Centre location and the on-site provision.
- 4.4 The site is within a Flood Risk Area. The Environment Agency and North Worcestershire Water Management have been consulted on the revised Flood Risk Assessment and have raised no objections to the development. The previous approval which is still extant gives a clear direction that the Local Planning Authority considers this site acceptable for residential use and is therefore acceptable in respect of the sequential test, as required by the NPPF.
- 4.5 Matters of archaeology and contaminated land can be adequately dealt with by way of conditions as recommended by the appropriate consultees. There are no other outstanding issues of importance that need to be addressed.



17/0200/FULL

## 5.0 Conclusions and Recommendations

5.1 The revised scheme is acceptable in principle and provides a suitable design in accordance with the character of the area. Details regarding matters of access, parking, flood risk and other technical matters have been satisfactorily addressed. The scheme is fully in accordance with Development Plan policy.

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. B1 (Samples/details of materials)
4. Finished floor levels of the ground floor)
5. Scheme of foul drainage
6. Scheme of surface water drainage
7. J1 (Removal of permitted development – residential)
8. Programme of Historic Building recording to be submitted
9. Site investigation and post investigation assessment to be completed
10. Access, turning and parking
11. Secure parking for cycles
12. Measures for scheme of remediation
13. Validation report to be produced
14. Land contamination investigation

### Notes

- A. Contact Environment Agency regarding flood risk
- B. Contact Highway Authority regarding keeping the highway clear
- C. Contact the Highway Authority regarding the laying of private apparatus
- D. Contact the Highway Authority regarding the carrying out of work on the publicly maintained highway

<b>Application Reference:</b> 17/0325/S106	<b>Date Received:</b> 16/05/2017
<b>Ord Sheet:</b> 376310 272196	<b>Expiry Date:</b> 11/07/2017
<b>Case Officer:</b> Paul Round	<b>Ward:</b> Bewdley & Rock

**Proposal:** Variation of S106 Agreement associated with Planning Permission WF.0642/98 to allow Deasland Farmhouse to be separated from the farm holding and removal of agricultural tie

**Site Address:** DEASLAND FARM, DEASLAND LANE, HEIGHTINGTON, BEWDLEY, DY122XQ

**Applicant:** MR M FERNIHOUGH

<b>Summary of Policy</b>	CP04 (CS) SAL.DPL2 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 Deasland Farm is a 15<sup>th</sup> Century timber framed Farmhouse located in Heightington. The property is a Grade II Listed Building. The farmhouse lies adjacent to the farm holding and opposite an additional agricultural worker's dwelling known as Oak Tree Cottage.
- 1.2 Both the Deasland Farm and Oak Tree Cottage are tied to the farm holding by virtue of a planning permission dating back to 1999. The application seeks to vary the Section 106 Agreement to allow Deasland Farm to be separated from the holding, and released from an agricultural tie.

## 2.0 Planning History

- 2.1 WF.0642/98 – Erection of agricultural workers dwelling : Approved

## 3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objections and recommend approval
- 3.2 Neighbour/Site Notice – No representations received

17/0325/S106

#### 4.0 Officer Comments

- 4.1 When planning permission was issued for a new agricultural dwelling in 1999 Deasland Farm was 'caught up' in discussions and was included within the Section 106 Agreement. This restricted the farmhouse and the new dwelling to agricultural occupation and tying them both directly to the farm holding.
- 4.2 The application is made as a direct result of the owner's consideration of the estate and the farming enterprise as a whole. It is clear that the need for two agricultural dwellings has diminished and is no longer required. The applicant's statement highlights the following additional points that support the application:
- The size of the farmhouse is not commensurate with the holding and would not be affordable for an agricultural worker
  - The farmhouse requires substantial repairs, which are needed to preserve the Listed Building. The restrictions on the building limit the value of the building that can be realised to instigate repairs.
  - The obligation can still maintain its useful purpose even with the modification in line with relevant legislation
  - The requirement in respect of Deasland Farm is no longer necessary, or fairly and reasonably related, and therefore the obligation would fail the established tests as set out in the NPPF.
  - The Farmhouse was a pre-planning dwelling and was not previously restricted.
- 4.3 Having considered all these points, Officers are persuaded that there is a convincing and justifiable case to allow the Farmhouse to be severed from the Section 106 Agreement and released from the agricultural tie. In particular it is considered that the conservation aspects of preserving the Listed Building is decisive in this respect.
- 4.4 The Parish Council has no objections and there are no other matters that would result in a different recommendation being made.

#### 5.0 Conclusions and Recommendations

- 5.1 The applicants have put forward a justifiable and convincing argument in favour of a modification of the original Section 106 Agreement associated with WF.0642/98. It is accepted that this modification can proceed without prejudice to the original agreement.
- 5.2 It is therefore recommended that **delegated APPROVAL** be given to the Solicitor of the Council in consultation with the Development Manager to vary the Section 106 Agreement associated with WF.0642/98 to exclude Deasland Farm from the agreement.

## WYRE FOREST DISTRICT COUNCIL

**Planning Committee**

**21 November 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
WFA 1485 17/0398/FULL	APP/R1845/D/17 /3181927	Mr C Page	THE RETREAT LOWE LANE KIDDERMINSTER DY115QP  Extension to existing building to provide toilet, sink and storage	WR  16/10/2017	20/11/2017			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1478 16/0550/OUTL7/3173741	APP/R1845/W/1	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	24/10/2017 Council Chamber	

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
WFA1482 17/3020/PNRE7/3180731	APP/R1845/W/1	Mr W Rodenhurst	HONEY BROOK FARM BRIDGNORTH ROAD KIDDERMINSTER DY115RR  Change of use of agricultural building to a dwellinghouse	WR 28/09/2017	02/11/2017			
WFA1483 16/0703/FULL	APP/R1845/W/1 7/3179604	Mr R Owen	FIELD 2 GLEBE LAND CHURCHILL LANE CHURCHILL KIDDERMINSTER  Construction of detached 4 bed dwelling (Resubmission)	WR 02/10/2017	06/11/2017			

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
WFA1484 17/0624/ENF	APP/R1845/C/17 /3175891	Mr J Bradley	LAND AT CURSLEY LANE KIDDERMINSTER DY104LF  Unauthorized change of use of land from the keeping of horses to a mixed use comprising of the keeping of horses and the stationing of 2 caravans for residential use (Enforcement Case 15/0209/ENF).	HE  04/10/2017	08/11/2017	29/11/2017		
WFA1486 17/0301/FULL	APP/R1845/D/17 /3181862	Mr & Mrs Loggie	NEW WOOD FARM NEW WOOD LANE BLAKEDOWN KIDDERMINSTER  Erection of front porch and dormer window to domestic detached garage building.	WR  23/10/2017	27/11/2017			

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
WFA1487 17/0651/ENF	APP/R1845/C/17 /3184429	Mr & Mrs Voyce	VALE FARMHOUSE SPARUM FARM STANKLYN LANE SUMMERFIELD  Unauthorized change of use from dwellinghouse to dwellinghouse, dog boarding and dog grooming establishment and erection of dog kennel building	WR  19/10/2017	23/11/2017			
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			Dismissed  20/09/2017



---

## Appeal Decision

Site visit made on 21 August 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 20<sup>th</sup> September 2017

---

**Appeal Ref: APP/R1845/W/17/3176382**

**Easter Park, Hoo Farm, Worcester Road, Summerfield, Kidderminster DY11 7AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Legal & General Property Partners against the decision of Wyre Forest District Council.
- The application Ref 17/0008/S73, dated 12 January 2017, was refused by notice dated 1 March 2017.
- The application sought planning permission for erection of 10 industrial units (Class B1, B2 & B8) including new vehicular access without complying with a condition attached to planning permission Ref 06/0065/RESE dated 20 March 2006.
- The condition in dispute is No 4 which states that: *Notwithstanding the details provided within the Noise Impact Assessment received by the Local Planning Authority on 23rd December 2005, the hours of operation, including deliveries, loading/unloading and other associated external activities shall be restricted to the following hours:*

Monday-Friday

*B1 (Business Use) – 24 hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities between 11.00pm and 7.00am.*

*B2 (General Industry Use) – There shall be no B2 use of any premises (including deliveries, loading/unloading and other associated external activities) between 7.00pm and 7.00am.*

*B8 (Storage or Distribution Use) – 24 hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities between 11.00pm and 7.00am.*

Saturdays

*B1 (Business Use) – 24 hours of use within buildings. Deliveries, loading/unloading or other associated external activities shall only take place between 8.00am and 5.00pm.*

*B2 (General Industry Use) – There shall be no B2 use of any premises (including deliveries, loading/unloading or other associated external activities) outside the hours of 8.00am and 5.00pm.*

*B8 (Storage or Distribution Use) – 24 hours of use within buildings. Deliveries, loading/unloading or other associated external activities shall only take place between 8.00am and 5.00pm.*

Sundays/Bank Holidays

*B1 (Business Use) – No restriction on hours of use within buildings. There shall be no*

*deliveries, loading/unloading or other associated external activities.*

*B2 (General Industry Use) – There shall be no B2 use (including deliveries, loading/unloading or other associated external activities).*

*B8 (Storage or Distribution Use) – No restriction on hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities.*

- The reason given for the condition is: *To minimise noise disturbance to neighbouring residents and to ensure that the development accords with Policies D.1 and NR.11 of the Adopted Wyre Forest District Local Plan.*
- 

## **Decision**

1. The appeal is dismissed.

## **Application for costs**

2. An application for costs was made by Legal & General Property Partners against Wyre Forest District Council. This application is the subject of a separate Decision.

## **Background and Main Issue**

3. Easter Park is an industrial estate of 10 units which I understand was completed in 2008. The units are located on the A449 Worcester Road, with Unit 3 sited adjacent to the main access roundabout. To the east of these units runs a railway line, behind which is a residential area.
4. A condition restricting the hours of use and deliveries to all of these units was imposed on the original planning permission. This was justified with reference to development plan policies which have now been superseded. Whilst I understand that Policy NR.11 has not been replaced, Policy D.1 has been replaced by Policy CP11 of the Wyre Forest District Council Core Strategy 2010 (Core Strategy) and Policy SAL.UP7 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2013 (Local Plan), both of which seek to secure high quality design.
5. The application which is the subject of this appeal seeks to vary this condition to enable night time deliveries linked to B8 – Storage and Distribution use at Unit 3. Specifically this would involve two night time deliveries from Tuesday to Saturday and one night time delivery on Sunday and on Monday.
6. The main issue is whether restriction of night time deliveries is necessary and reasonable, having regard to the effect that allowing such deliveries would have on the living conditions of the occupiers of properties to the east of the appeal site, with particular reference to night time noise and disturbance.

## **Reasons**

7. Easter Park is located within the South Kidderminster Enterprise Park, an area targeted for growth and investment. I understand that Unit 3 has been vacant for the past 12 months, and that at the time of the application which is the subject of this appeal the appellant's client sought to rent this unit as part of the company's expansion into the local area. As such the Council's economic development adviser commented that there would be beneficial economic

- impacts in terms of jobs and investment resulting from the re-location of this new company.
8. More recent information submitted with the appeal suggests that the previous potential tenant has found alternative premises. The immediate economic benefits of this proposal would not therefore be apparent. This argument, along with the evidence of local disappointment at the Council's refusal of this application, therefore carry less weight, particularly as no other evidence has been presented to suggest that vacancy is a problem in Easter Park. However I note the appellant's point that extended delivery hours would be appreciated by other commercial operations and that, if secured, this may enable a new tenant to be found more rapidly than otherwise would be the case.
  9. Condition 4 was imposed on the original permission due to the proximity of dwellings to the east, particularly those on Garganey Court and Porchard Close. At this time I understand that the potential for noise disturbance was carefully assessed, including the submission of a Noise Impact Assessment. As a result, in addition to a condition restricting hours of use, deliveries and external activities, noise mitigation measures including an acoustic fence and acoustic absorbent panels were required. Whilst I noted on my site visit that the acoustic fence was in place, along with some tree planting, it is not clear from the parties' evidence whether the acoustic absorbent panels were installed.
  10. I accept that there are a number of elements of uncontrollable noise in this area, including that from the A449 and the railway. Also there is no restriction on night time activities within these units, or on night time vehicle movements around Easter Park, other than for deliveries. I observed on my site visit during the middle of a weekday that the residential area to the east is reasonably quiet. Whilst low level background noise from the A449 can be heard, it is probable that this would be significantly less apparent at night time. Whilst the parties have not referred specifically to the frequency of rail use, I accept that some level of noise and disturbance is already experienced by the residents of these dwellings. Nevertheless, this remains a noise sensitive environment in which the potential for and effect of any additional noise and disturbance must be carefully considered.
  11. The supporting statement submitted with the application<sup>1</sup> clearly recognises this sensitivity. It suggests that the number of night time deliveries would be limited (to 12 per week in total) and that delivery vehicles would be required to reverse without beepers into the unit prior to unloading. As the entrance to Unit 3 is on the opposite side of the building to the residential area the immediate potential for disturbance from the arrival of delivery vehicles and the opening and closing of roller shutters is reduced.
  12. However, whilst the officer report in this case suggests that Condition 4 could be amended to allow night time deliveries with specific reference to this supporting statement, it is not clear that these measures would be enforceable. In practical terms, whilst it would be possible to detect a contravention through residents' complaints, I am not persuaded that this would be a reasonable approach. Furthermore, it is not clear that the beepers associated with such vehicles could actually be disabled, or whether this would breach the relevant health and safety requirements.

---

<sup>1</sup> Signed and dated 12 January 2017

13. Other considerations include the more general noise which would be likely to accompany such deliveries, including the movement of large vehicles along the access road which lies adjacent to the railway line, loud conversation between staff and noise from the roller shutters themselves. These are matters which could not be controlled by condition.
14. The officer report also suggests that Condition 4 could be amended to include a clause requiring the need for any additional mitigation measures to be reviewed after 6 months. An approval of a Section 73 application effectively creates a new planning permission, with the extant approval remaining intact, therefore approval for a temporary period could be possible. However the guidance on the use of temporary conditions is that they rarely pass the test of necessity.<sup>2</sup>
15. Given the concerns identified in relation to both the original application and the present case, my view is that if a noise assessment had been provided at this stage noise impacts, and the need for any further mitigation measures, could have been addressed. It would not therefore be appropriate or reasonable to grant a temporary permission allowing such considerations to be addressed at a later stage. Furthermore it is not clear that a condition requiring a review of noise issues after 6 months, including the possible requirement for additional noise mitigation measures, would be enforceable.
16. I accept that the appeal application relates to Unit 3 only. However if approval were to be given in this case it would be hard to resist similar applications relating to other units, many of which appear to be located equivalent distances from residential properties.
17. Drawing the threads of this discussion together, the starting point for planning decisions is that they should be plan-led. That is, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.<sup>3</sup> In the present case I have noted that the unit has been vacant for 12 months and that this proposal could support its re-use. This would support those aspects of the National Planning Policy Framework (the Framework) which set out to drive and support economic development. It would also support the Core Strategy Policy CP08 relating to the importance of employment land for the District's future economic prosperity, and the Local Plan Policy SAL.GPB1 which identifies Hoo Farm as an area for continued employment use. However, the weight attached to such considerations is reduced in the present case as there is no longer an identified tenant with a specific need for night time deliveries.
18. Balanced against this the core planning principle set out in the Framework at paragraph 17 states that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy Policy CP11 requires that new design should sensitively connect with surrounding streets, spaces and communities. In this respect the development was a new scheme when the disputed condition was imposed. Finally, Policy CP08 notes that applications for the expansion, updating and intensification of employment uses on existing sites will be supported where they do not conflict with other policy objectives.

---

<sup>2</sup> Planning Practice Guidance Paragraph: 014 Reference ID: 21a-014-20140306

<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004

19. In the present case insufficient evidence to demonstrate that this proposal would not be harmful to the occupiers of nearby dwellings in terms of additional noise and disturbance has been presented. This harm is the overriding consideration in this case and would outweigh the economic benefits identified.
20. I therefore conclude that the condition restricting night time deliveries is necessary and reasonable, having regard to the effect that allowing such deliveries would have on the living conditions of the occupiers of properties to the east of the appeal site, with particular reference to night time noise and disturbance. In this respect the proposal would conflict with Core Strategy Policies CP11 and CP08, and the relevant aspects of the Framework.

**Conclusion**

21. For the reasons set out above I conclude that the appeal should be dismissed and the condition retained in its present form.

*AJ Mageean*

INSPECTOR



---

## Costs Decision

Site visit made on 21 August 2017

**by A J Mageean BA (Hons) BPI PhD MRTPI**

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

**Decision date: 20<sup>th</sup> September 2017**

---

### **Costs application in relation to Appeal Ref: APP/R1845/W/17/3176382 Easter Park, Hoo Farm, Worcester Road, Summerfield, Kidderminster DY11 7AR**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Legal & General Property Partners for a full award of costs against Wyre Forest District Council.
  - The appeal was against the refusal of planning permission for 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.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Paragraph 030 of the National Planning Policy Guidance (NPPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the NPPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter at appeal. Examples of this include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. Where vague, generalised or inaccurate assertions are made about a proposals impact, which are unsupported by objective analysis. Also, where planning permission is refused on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead.
4. In relation to the first of these points, the appellant refers to the fact that the decision in this case went against the recommendation of officers, including the Council's economic development advisers. In this respect, whilst it was acknowledged that the proposal had the potential to cause noise nuisance, it was suggested that this was a matter that could be reviewed with mitigation measures introduced, if required, at a later stage.
5. Decisions in cases such as this which involve competing planning considerations are often finely balanced. In this case the sensitivity of the adjacent residential area to noise and disturbance had been recognised in the original approval and also the appellant's application. Representations from

local residents also clearly articulated the potential for harm in this regard. As a result I found that it was not clear that the noise control measures suggested by the appellant would manage local impacts.

6. Therefore, whilst I recognised that the proposal supported some aspects of development plan policy, there was insufficient evidence to demonstrate that the living conditions of neighbouring residents would not be harmed by this proposal. These considerations were of overriding importance in this case. I therefore found in favour of the Council's decision.
7. Turning to the second point regarding the adequacy of the assessment of the proposals impact, the Council's concerns were indicated on the refusal notice and explored in further detail in the statement of case. The condition in dispute in the original permission was put in place in response to the noise impact assessment produced at that time. In these circumstances it is reasonable to conclude that additional noise disturbance could be caused by the night time deliveries which are prevented by this restrictive condition. The onus was therefore on the appellant to demonstrate that harm would not be caused by the modification of the restriction on night time deliveries.
8. Finally, in relation to the suggestion that the area of concern could be addressed by condition, government guidance on the use of conditions makes it clear that they should only be used where they pass a number of tests, including being enforceable and reasonable. As explained in my decision, I found that the suggestions of either a temporary approval, or a condition introducing a review period to allow for additional noise mitigation, would not be either reasonable or enforceable.
9. As a result it follows that I cannot agree that the Council acted unreasonably in this case. As such there can be no question that the appellant was put to unnecessary or wasted expense.

### **Conclusion**

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the NPPG, has not been demonstrated.

*AJ Mageean*

INSPECTOR

# SECTION 106 OBLIGATION MONITORING

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

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

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0511/OUTL	Land off Spennells Valley Road Kidderminster	<ul style="list-style-type: none"> <li>• Public Open Space contribution of £43,428</li> <li>• Education contribution of £116,372</li> <li>• Contribution of £20,000 towards creation of bus stops</li> <li>• Contribution of £9,000 towards public and/or sustainable transport</li> <li>• Affordable housing – 13%</li> <li>• Costs to be confirmed towards increase of GP surgeries</li> <li>• Costs to be confirmed regarding waste and recycling</li> <li>• Public Open Space contribution of £3,384</li> <li>• Affordable Housing</li> </ul>		Subject to viability appraisal before final obligations are agreed



**Agenda Item No. 7**

<b>Application Number</b>	<b>Site</b>	<b>Provisions</b>	<b>Triggers for Compliance</b>	<b>Performance</b>
17/0269/FULL	Kidderminster Market Auction Site Market Place Kidderminster	<ul style="list-style-type: none"> <li>Public Open Space contribution of £6,682</li> </ul>		Agreement completed 23.10.17
17/0168/FULL	Doveleys Worcester Road Clent	S.106 agreement required to prevent the previously approved Planning Permission being implemented		Agreement completed 18.7.17
17/0102/FULL	1 and 2 Barretts Farm Cottage Rectory Lane Rock	S.106 agreement required to prevent any further work under the previously approved and implemented Planning Permission 10/0434/FULL		Agreement completed 20.4.17
17/0090/FULL	Barrow Hill Farm Bournes Green Kidderminster	S.106 agreement required to ensure that existing property must be demolished within 3 months of the occupation of the new property		Agreement completed 22.5.17

**Agenda Item No. 7**

<b>Application Number</b>	<b>Site</b>	<b>Provisions</b>	<b>Triggers for Compliance</b>	<b>Performance</b>
17/0006/S106	Land off Mill Lane Stourport on Severn	Variation of S.106 agreement attached to WF.472/98 to allow a financial contribution in lieu of on-site provision of play area		Agreement finalised. Just resolving land transfer documents.
16/0740/S106	14-36 (evens) Gala Drive Stourport on Severn	Variation of S.106 attached to Planning Permission 10/0321/OUTL to define and amend disposal and mortgage exclusion clause		Agreement completed 23.10.17
16/0688/FULL	Rifle Range Community Centre Dowles Road Kidderminster	<ul style="list-style-type: none"> <li>• Public Open Space contribution of £3,384</li> <li>• Affordable Housing – to be secured by condition</li> </ul>		Agreement completed 22.6.17
16/0480/S106	Tesco Stores Ltd Castle Road Kidderminster	Variation of existing S106 regarding car parking management		Draft being finalised
16/0096/FULL	Eagles Nest Coningsby Drive Kidderminster	£10,000 to provide new bus shelter	First occupation	Agreement completed 2.3.17
16/0089/FULL	Corner of Castle Road and Park Lane Kidderminster	Public Open Space contribution of £6,878 towards St George's Park 'Bandstand' project	Prior to first occupation	Agreement completed 19.4.16

**Agenda Item No. 7**

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

**Agenda Item No. 7**

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



**Agenda Item No. 7**

<b>Application Number</b>	<b>Site</b>	<b>Provisions</b>	<b>Triggers for Compliance</b>	<b>Performance</b>
14/0591/FULL/OUT	West Midland Safari Park Spring Grove Bewdley	Highway Contribution of £87,000 to provide additional Sunday bus services on Sundays and Bank Holidays routing between Kidderminster Railway Station and Bewdley Town Centre.	Prior to the commencement of development	Agreement completed 19.4.16
14/0358/FULL	Land adjacent 29 Mitton Street Stourport on Severn	<ul style="list-style-type: none"> <li>• Education contribution of £43,656,00</li> <li>• Public Open Space provision of £6,877.92 (allocation of funds to be confirmed)</li> </ul>	<ul style="list-style-type: none"> <li>• First residential occupation</li> <li>• First residential occupation</li> </ul>	Agreement signed and completed.
14/0105/FULL	Stone Manor Hotel Stone Chaddesley Corbett	<ul style="list-style-type: none"> <li>• Education contribution of £9,810</li> <li>• Open Space provision of £2,862.72</li> </ul>	<ul style="list-style-type: none"> <li>• Commencement of development</li> <li>• First residential occupation</li> </ul>	Agreement signed and completed
14/0056/FULL	Land at Sebright Road Wolverley	Open Space provision of £6,679.68	First residential occupation	Agreement signed and completed

**Agenda Item No. 7**

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

## Agenda Item No. 7

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



**Agenda Item No. 7**

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

**Agenda Item No. 7**

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

## Agenda Item No. 7

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

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

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

**Agenda Item No. 7**

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

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE****21<sup>st</sup> November 2017**

**Land along Honeybrook Valley, off Bridgnorth Road  
Kidderminster, DY11 5RP**

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

**1. PURPOSE OF REPORT**

- 1.1 To determine whether the Tree Preservation Order No 415 (2017) relating to two woodland groups along Honeybrook Valley, should be confirmed or not.

**2. RECOMMENDATION**

- 2.1 **That the Tree Preservation Order, which includes 2 woodland groups of mixed species (W1 & W2), should not be confirmed as the two woodland blocks are currently not under threat and the making of the order would hamper good woodland management in the future.**

**3. BACKGROUND**

- 3.1 In May 2017 Officers were alerted to concerns that have been raised about recent excavation works that had taken place along the Honeybrook Valley. It was understood that the excavation works were to create a motorbike scrambling track, leading to concerns that the trees in the locality may be affected if the construction of the track continued into the woodland areas.
- 3.2 Officers visited the area to assess the suitability of the woodland groups for preservation and view the recent excavation. On inspection of the site it did appear that a bike track was being constructed, as there was significant excavation and earth movement undertaken to construct the track. It was felt as though a Tree Preservation Order (TPO) would be required as a precaution in case there were plans to extend the track into the woodland areas. A TPO was served on 28 June 2017.

**4. OFFICER COMMENTS**

- 4.1 The two woodland blocks create a corridor either side of the Honeybrook Valley and are within an 'Area of importance for Nature Conservation'. They therefore contribute a considerable amount to the character, ecology and amenity of the Honeybrook Valley.

## **Agenda Item No. 8**

- 4.2 Woodland block W1 is around 1.8 hectares in size and W2 is around 2.7 hectares. They consist of mixed species with ages ranging from veteran to young.
- 4.3 Due to the change in levels to create a bike track, within this picturesque location, it was deemed prudent to make an order to prevent any incursion of the bike track into the woodland and the subsequent loss of trees due to removal or damage that may have occurred. It also allowed Officers to carry out further investigations.
- 4.3 One objection to the TPO has been received from the owner of the block known at W2.
- 4.4 The objection is specific to the area marked W2. The objection based on the blanket nature of the Tree Preservation Order which is an additional burden to the land owner and would not allow for good arboriculture or woodland management, without continual TPO applications that will cost the applicant and local Council money. The following points are made to support their objection:
- The trees marked W2 on the land owned by the objector cannot be seen from the public highway. There is a public footpath that runs along the side of the brook, but this has limited use. Any tree removed would not have a significant impact on the local environment and its enjoyment by the public.
  - Some of the trees, due to their size and species, would not meet the criteria required for these to be listed. The order should schedule trees and classify those trees only for protection that meet the required classification.
  - There is reason to believe that there are some dead, dying or dangerous trees in this small area and therefore they should not be listed.
  - There is no evidence to suggest that these trees are at any risk of being cut down or in other ways that would have a significant impact on the environment.
  - The land owner has not done anything to cause any harm or impact to these trees, or give the Local Planning Authority any concern that his intentions are to do any harm to these trees since they have taken ownership of the property.
  - The owners have allowed their son to erect a bike track on open land, for personal use, which on their reflection was not a good idea and has now been discontinued.
  - It is not expedient to make a TPO in respect of trees which are under good arboriculture or woodland management. Any TPO will be a burden to the future arboriculture or woodland management of this group of trees.
- 4.5 **In response to the objection:**  
Having considered all the points raised above, by the objector, it is felt that sufficient clarity has been obtained and that the woodland groups are currently not at risk and therefore it is not expedient for the TPO to be confirmed.

## **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**

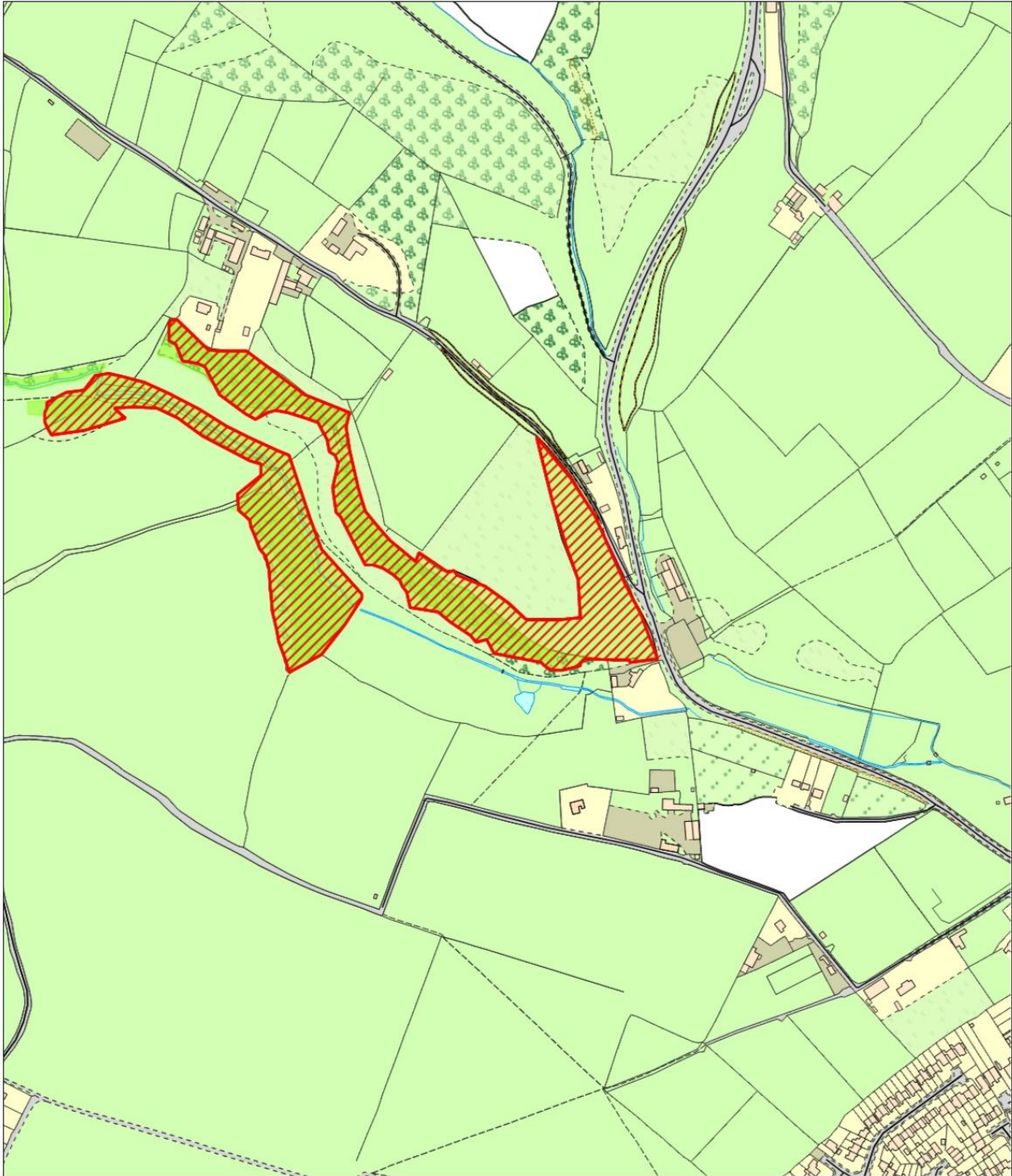
9.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should not be confirmed.

**10. CONSULTEES**

10.1 None

**11. BACKGROUND PAPERS**

11.1 Tree Preservation Order No. 415



Economic Prosperity and Place Directorate

**Land along Honeybrook Valley**

**off Bridgnorth Road**

**Kidderminster, DY11 5RP**



Crown Copyright 100018317 08 November 2017

Scale 1:5000

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