

**OPEN**

# **Planning Committee**

## **Agenda**

**6pm**  
**Tuesday, 20th March 2018**  
**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, 20th March 2018

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 20th February 2018.	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.	12
<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.	44
<b>7.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

8.	<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

9.	<p><b>New Enforcement Cases</b></p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on new enforcement cases.</p>	-
10.	<p><b>Enforcement Matters</b></p> <p>To receive a report from Corporate Director: Economic Prosperity and Place that provides members with a summary on Enforcement Matters, and specifically the volume of new complaints.</p>	-
11.	<p><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></p>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER

20TH FEBRUARY 2018 (6 PM)

---

**Present:**

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

**Observers:**

There were no members present as observers.

**PL.50 Apologies for Absence**

Apologies for absence were received from Councillors: J D Smith and R Wilson.

**PL.51 Appointment of Substitutes**

Councillor N J Desmond was a substitute for Councillor Rod Wilson.  
Councillor I Hardiman was a substitute for Councillor Juliet Smith.

**PL.52 Declarations of Interests by Members**

There were no declarations of interest.

**PL.53 Minutes**

**Decision: The minutes of the meeting held on 16th January 2018 be confirmed as a correct record and signed by the Chairman.**

Councillor N Martin entered the meeting at this point (6.05PM).

**PL.54 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 561 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 561 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.55 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.56 Section 106 Obligation Monitoring**

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

**Decision: The details be noted.**

**PL.57 Land at Bewdley Methodist Church, 12 High Street, Bewdley**

The Committee considered a report to determine whether the Tree Preservation Order No 418 (2017) relating to a young Walnut tree growing within the garden to the rear of Bewdley Methodist Church, 12 High Street, Bewdley, should be confirmed or not.

**Decision:**

**That the Tree Preservation Order (TPO) be confirmed without modification: TPO to include 1 Walnut (*Juglans regia*) [T1] as it is a young tree that contributes to the amenity of the locality and is considered worthy of protection.**

There being no further business, the meeting ended at 6.33 PM.



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

20<sup>th</sup> February 2018 Schedule 561 Development Control

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

Councillor N Martin entered the meeting at 6.05 PM

<b>Application Reference:</b> 17/0780/FULL
<b>Site Address:</b> Blakebrook School, Bewdley Road, Kidderminster, DY11 6RS
<b>Delegated authority to APPROVE</b> subject to:
<ul style="list-style-type: none"> <li>a) the signing of a <b>Section 106 Agreement</b>; and</li> <li>b) the following conditions: <ul style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. B1 (Samples/details of materials)</li> <li>4. B11 (Details of enclosure)</li> <li>5. B13 (Levels details)</li> <li>6. C3 (Tree protection during construction)</li> <li>7. Arboricultural Method Statement (AMS)</li> <li>8. C8 (Landscape implementation)</li> <li>9. Reporting of any unexpected contamination</li> <li>10. Air Quality conditions (Electric vehicle charging provision, low emission boilers and secure cycle storage facilities)</li> <li>11. Noise mitigation as set out in the noise report to be adhered to in full</li> <li>12. Foul and surface water drainage details</li> <li>13. Surface Water drainage scheme to be submitted</li> <li>14. To require permeable paving areas to be maintained.</li> <li>15. Submission of Construction Environment Management Plan</li> <li>16. Highways conditions (as suggested by the Highway Authority)</li> <li>17. Lighting scheme</li> <li>18. Ecology mitigation and enhancement measures</li> <li>19. Historic Building Recording</li> <li>20. Removal of Permitted Developmental Rights – Residential</li> <li>21. Affordable housing provision</li> </ul> </li> </ul>

<b>Application Reference:</b> 17/0617/OUTL
<b>Site Address:</b> 111 CHESTER ROAD SOUTH, KIDDERMINSTER, DY10 1XG
<b>APPROVED</b> subject to the following conditions:

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters)
3. A3 (Submission of reserved matters)
4. Restrict number of dwellings to no more than 10 and building heights to no more than two-storeys.
5. B1 (Samples/details of materials)
6. B11 (Details of enclosure)
7. B13 (Levels details)
8. Arboricultural Impact Assessment (AIA)
9. Require closure of existing vehicle access points and construction of new access point
10. Details of welcome pack
11. Details of cycle storage facilities
12. Electric Vehicle Charging Points in each property
13. Ultra-Low Emission Boilers in each property
14. Ecological Enhancement Measures
15. Lighting Scheme
16. Details of foul and surface water drainage scheme
17. Sustainable Drainage System (SuDS) management plan
18. Land contamination
19. Noise Mitigation Measures

Notes

- A Requires the Highway to be free of mud and other materials during construction works.
- B Requires all new dropped kerbs to be constructed by Ringway Infrastructure Services only.
- C Requires the applicant to enter into a Section 278 of the Highway Act 1990 prior to any works to the public Highway.
- D Requires Network Rail obligations/agreements to be met.

**Application Reference:** 17/0724/FULL

**Site Address:** 40A WORCESTER ROAD, TITTON, STOURPORT-ON-SEVERN, DY139PD

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Contaminated Land Site Investigation & Remediation conditions
4. Surface Water Drainage scheme to be submitted for approval
5. B1 (Samples/details of materials)
6. Provision of vehicular access & parking spaces.
7. Foul water drainage
8. B11 (Details of enclosure; boundary treatment)
9. C6 (Landscaping – small scheme)
10. C8 (Landscape implementation)

**Application Reference:** 17/0792/REGS3

**Site Address:** LLOYDS GARAGE, 8 BRIDGE STREET, STOURPORT-ON-SEVERN, DY138XA

**APPROVAL** subject to the following conditions:

1. A9 (Temporary permission – uses of land)
2. A11 (Approved plans)

**Application Reference:** 18/0003/FULL

**Site Address:** 13 SPRINGHILL RISE, BEWDLEY, DY121EA

**REFUSED** for the following reason:

1. By virtue of its scale and design the proposed extension is not considered to be in keeping with the form and architectural characteristics of the host property and the surrounding street scene. The proposed extension will result in a cramped and contrived form of development which fails to harmonise with the character and appearance of the host dwelling and its setting within the terrace and street scene. The proposal is therefore considered contrary to policy CP11 of the Adopted Core Strategy, Policies SAL.UP7 and SAL.UP8 of the Wyre Forest Adopted Site Allocations and Policies Local Plan and the Wyre Forest Design Guidance Supplementary Planning Document, adopted June 2015.

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**20/03/2018**

**PART A Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
17/0766/FULL	19 TALBOT STREET KIDDERMINSTER	APPROVAL	13
18/0034/FULL	NEW WYRE FOREST EMERGENCY SERVICES HUB STOURPORT ROAD KIDDERMINSTER	DELEGATED APPROVAL	18

**PART B Report**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
18/0026/FULL	ADJOINING FIELD BEWDLEY ROAD NORTH LICKHILL STOURPORT-ON-SEVERN	DELEGATED APPROVAL	29

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**20<sup>TH</sup> MARCH 2018**

**PART A**

<b>Application Reference:</b>	17/0766/FULL	<b>Date Received:</b>	07/12/2017
<b>Ord Sheet:</b>	382480 275975	<b>Expiry Date:</b>	01/02/2018
<b>Case Officer:</b>	Julia McKenzie-Watts	<b>Ward:</b>	Blakebrook & Habberley South

**Proposal:** Two storey rear and side extension

**Site Address:** 19 TALBOT STREET, KIDDERMINSTER, DY116QU

**Applicant:** MR ADAM MULVANEY

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Section 7 (NPPF) Supplementary Planning Guidance document on Design Quality
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The property is a detached dwelling situated in a large plot located in a residential area of Kidderminster in Talbot Street opposite Brintons Park. The property has a rear projection which was part of the original dwelling and a single storey side extension given approval in 1997. A large first floor and second floor extension was given approval in 2002 but never implemented.
- 1.2 It is proposed to erect a two storey side and rear wrap around extension in order to enlarge the current living accommodation at the property by way of rear kitchen extension with en-suite, bathroom and two bedrooms above up to the boundary with no. 20 Talbot Street.

**2.0 Planning History**

- 2.1 WF.145/97 – Erection of single storey extension comprising hall, cloakroom & lounge enlargement.
- 2.2 WF.669/02 – Erection of first and second floor extensions with ground floor entrance canopy and support column

17/0766/FULL

### 3.0 Consultations and Representations

3.1 Kidderminster Town Council – Recommend approval

3.2 Highway Authority – No objection. The proposed development will result in a 4 no. bedroom dwelling which requires 3 parking spaces in line with Interim Parking Standards and there appears to be ample space within the curtilage to the side and rear to provide these.

3.3 Neighbour/Site Notice – 1 letter of objection received commenting as follows:

- LIGHT ISSUES - There are 4 windows and 1 glazed door on the side of my parents house. There is also a carport on the side and a conservatory to the rear both with corrugated plastic roofs. All are in danger of being overshadowed by our neighbours proposed extension. I understand that it is policy to safeguard the amenities of properties adjacent to developments, including daylight. Although these plans have been revised, my parents are still going to suffer a serious reduction of daylight. The proposed 2 storey elevation is right opposite their kitchen window, this being only 97" away and we feel this is unacceptable.
- "STABILITY OF THE LAND" - Being on a hill, the neighbours land is already approximately 2' lower than my parents, they plan to excavate, digging foundations on the boundary alongside the garage and driveway, so the stability of my parents land is in question. We also know that the wall they plan to knock down is retaining my parents driveway.
- In relation to other buildings and spaces the extension is going to run alongside the garage which will make it impossible to undertake any future maintenance work.

### 4.0 Officer Comments

4.1 It is proposed to erect extensions at the property up to the boundary. The extensions would consist of:

- a) First floor extension to the side of the dwelling, 2.3m in width, 9.7m in height along the entire length of the side of the house.
- b) Two storey rear extension extending 3 metres to the rear to a height of 7.3m (maximum parapet wall height adjacent to no. 20 Talbot Street would be 6.4m)
- c) Single storey extension projecting two metres to the rear, 6.3m in width to a height of 4.2m (maximum parapet wall height adjacent no. 20 would be 3.3m).

17/0766/FULL

- 4.2 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states that new development should sensitively connect to the surrounding streets, spaces and communities. Buildings should be well designed to complement the layout through the appropriate use of scale, mass, proportions and materials.
- 4.3 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan seeks that residential extensions to be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance document on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.
- 4.4 The application property is a detached dwelling in a street with many differing design styles. The dwelling as originally built had a single storey mono pitch structure to the rear which has been converted into a kitchen and more recently an approved planning application which allowed for the erection of a single storey side extension. The side wall of the property is built right up to the boundary with the adjacent dwelling at no. 20 which was built much later than no. 19.
- 4.5 The neighbouring property is a detached property with an original single garage and wooden car port with perspex roof which attaches to the side boundary wall. The property has windows on the side elevation facing the application property which consist of a ground floor side kitchen, two further ground floor windows providing light to a hall and pantry and a first floor landing window. The neighbour comments that all of the side windows would be affected by the development. In planning terms, only the kitchen window is considered to be a habitable room and as such light loss to the other windows cannot be taken into account. In addition to the large side window of the kitchen, there is also a rear door and small glazed rear window which look into a 'conservatory' type structure. The side facing kitchen window currently has a limited outlook due to the proximity of the window to the side boundary wall of no. 19 which is approximately 3 metres away and this coupled with the fact that it is enclosed by both the conservatory and car port which both have perspex roofs resulting in limited light currently entering the kitchen.

17/0766/FULL

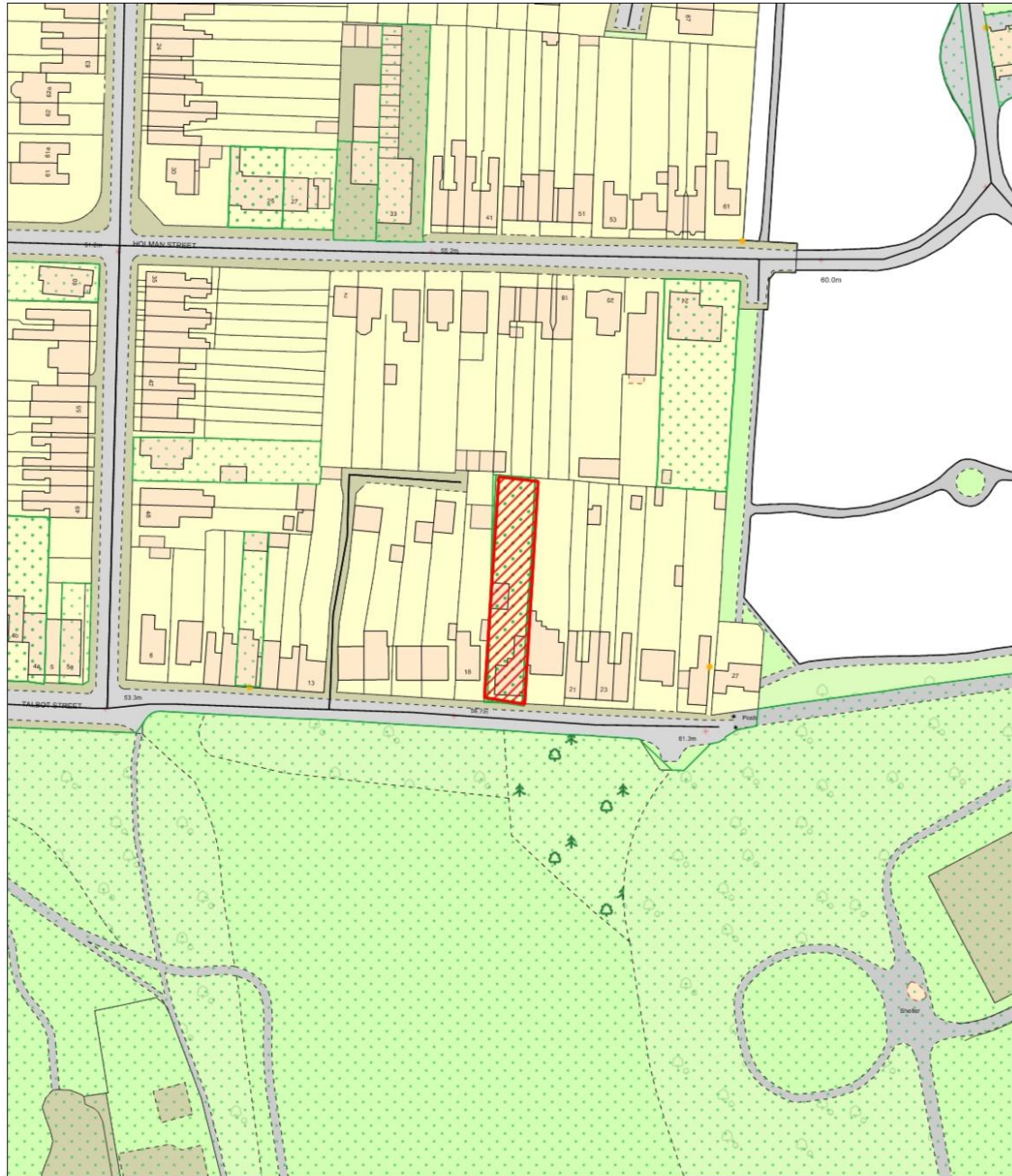
- 4.6 The rear two storey element of the extension which would be the aspect of the proposal closest to the side kitchen window of the neighbouring property would increase from its current height of 4m to an eaves height of 6.3m up to a pitched roof height of 7.3m. The overall scheme has been greatly reduced from the original submission and it is considered that all aspects now comply with the policies as listed above. Whilst it is acknowledged that the rear two storey element of the extension and the rear single storey element would be higher than what exists at the present time, it is the opinion of the case officer that the extensions proposed would not worsen the current light situation to the side facing kitchen window of the neighbour as the owners own car port and conservatory have already hugely reduced light to this window and room as a whole. It is my opinion that the proposed extensions would not give rise to further harm or detrimental impact to the living conditions of the residents of no. 20 and as such the proposal would not be contrary to the guidance set out in Policy SAL.UP8 of the Adopted Core Strategy.
- 4.7 The first floor side extension would be considered to be subservient to the main dwelling, not overwhelm it and be acceptable when viewed in the street scene and as such in compliance with the Design policies listed above.
- 4.8 Land stability concerns have been raised. Whilst these can be material considerations, there is no particular aspect that raises concern that cannot be addressed through the Building Regulations process.

## 5.0 Conclusions and Recommendations

- 5.1 The proposed extensions are considered to be of an appropriate scale and design to the main dwelling and would not have any adverse effects. The impact of the extensions upon the neighbouring property have been carefully assessed and it is considered that there will be no undue impact upon their amenity or privacy.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B6 (External details – approved plan)

Note  
SN12 (Neighbours' rights)





Economic Prosperity and Place Directorate

19 Talbot Street

Kidderminster, DY11 6QU



Crown Copyright 100018317 07 March 2018

Scale 1:1250

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

<b>Application Reference:</b>	18/0034/FULL	<b>Date Received:</b>	15/01/2018
<b>Ord Sheet:</b>	381702 273830	<b>Expiry Date:</b>	16/04/2018
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Foley Park & Hoobrook

**Proposal:** Erection of new Fire Station comprising station building with appliance bays and office space, vehicle storage garage, training building, training areas and associated car parking

**Site Address:** NEW WYRE FOREST EMERGENCY SERVICES HUB,  
STOURPORT ROAD, KIDDERMINSTER, DY117PG

**Applicant:** HEREFORD & WORCESTER FIRE AUTHORITY C/O PLACE PARTNERSHIP LTD

<b>Summary of Policy</b>	DS01, CP01, CP02, CP03, CP08, CP11, CP12 (CS) SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP9, SAL.SK1, SAL.SK4 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	'Major' planning application Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL subject to a Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 The application site relates to a vacant cleared parcel of Previously Developed Land, and relates to the remaining part of a former factory site that was occupied by Romwire, a wire producing business, until the company ceased trading in 2001. The site measures approximately 1.51 hectares in area and is located on the west side of the service road to the A451 Stourport Road, which is the primary route between Kidderminster and Stourport-on-Severn. The site currently comprises hardstanding including concrete floor slabs from the previous factory buildings and includes 12 semi-mature trees. There are two vehicular access points to the site, the primary being off Stourport Road to the East, and the second access point being off Walter Nash Road West to the South.
- 1.2 The site is situated within the Stourport Road Employment Corridor of the South Kidderminster Enterprise Park. The surrounding area comprises predominantly industrial and office uses and the nearest residential properties are located approximately 250 metres to the west of the site, beyond the Coppice Trading Estate and an area of woodland.

18/0034/FULL

- 1.3 The application seeks the redevelopment of the site for the Wyre Forest Emergency Services Hub that would deliver one Fire Station for the District in place of the three current stations located in Kidderminster, Stourport-on-Severn and Bewdley. It would comprise a mix of functions including operational services, administrative and training facilities for Hereford & Worcester Fire and Rescue Service and provision for partner and local voluntary organisations.
- 1.4 The Emergency Services Hub would operate over 24 hours, 7 days a week, and would employ 25 full time and 80 part time employees from the Fire Service, Police and SARA (Superfund Amendments & Reauthorisation Act)/ Water Rescue. It is intended that, per a working shift, the fire service would have 7 full time staff including 1 station commander; the police would have 6-7 on-site staff and 8 shift staff; and the SARA/water rescue would attend the site as required.
- 1.5 During the course of this application, it was concluded that an EIA was not required as the proposed development would not have a markedly different effect on the environment than the existing lawful use of the site and the development is considered to be only of local importance where any environmental effects would be restricted to this part of Wyre Forest District.

## **2.0 Planning History**

- 2.1 10/0250/FULL - Temporary planning permission for Storage Yard and Site Office (Period expires 31.10.10) : Approved 09/06/10
- 2.2 10/0751/FULL – Change of use of site and construction of a new two storey car showroom building, single storey valet unit, associated refuse enclosures and fencing, plus hard and soft landscaping to a brownfield site, subject to conditions : Approved 7/03/11

## **3.0 Consultations and Representations**

- 3.1 Kidderminster Town Council – Approve.
- 3.2 Highway Authority – No objection subject to conditions to require accesses, turning areas and parking facilities to be provided; to secure appropriate pedestrian visibility splays; to require the first 5 metres of each of the 3 vehicular accesses to be surfaced in a bound material; to require the access gates to Walter Nash Road to be set back 5 metres from the edge of the highway; to require adequate cycle storage facilities; and to require a travel plan to be submitted and agreed.

18/0034/FULL

It has also been agreed in principle through earlier discussion between the Highway Authority and a representative from the Fire Service that there will be a 'hurry call' for the traffic signals on Stourport Road so that the approach from the proposed fire station can have its own 'green wave' to enable clear passage and this should be auctioned following the grant of permission with costs of £11,000 secured through by a Section 106 Agreement.

A Traffic Regulation Order (TRO) is also required on Stourport Road to protect the access for the emergency vehicles. This can be delivered via the S278 agreement which is necessary for the access works which are to include tactile paving on the footway and the cost for the TRO will be £4405 also via Section 106 agreement. The Staff / Visitor Entrance should be set out as a vehicular crossing rather than a bellmouth with works to be carried by Ringway.

- 3.3 Arboricultural Officer - No objection subject to a condition to secure details of landscaping. It is advised that none of the trees are of a high amenity value, so agree with the Arboricultural Report submitted.
- 3.4 West Mercia Police Designing Out Crime Officer – No objection and it is advised that the Police have had considerable input into the security of this building during its design.
- 3.5 Worcestershire Regulatory Services -

LAND CONTAMINATION

No objection and it is advised that the site has a potential contaminating land history as a 'Wire Plating Works/Factory'. As such contaminated land issues on site may be significant. It is therefore recommended that a condition requiring a Phase 1 Desk Study should be submitted to ensure potential contaminated land issues on site are appropriately addressed.

NOISE AND DISTURBANCE

No objection subject to a condition to require a Construction Environmental Management Plan to be submitted to minimise any nuisance from noise vibration and dust during the demolition / construction phase. Conditions should also be attached to secure the details of any proposed external lighting and details of activities to be undertaken in the Training Facility Structure and measures to minimise any nuisance.

- 3.6 North Worcestershire Water Management Officer – No objection subject to a condition to secure a site drainage strategy for the proposed development.
- 3.7 Severn Trent Water - No objection subject to a condition stating that the development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.
- 3.8 Economic Development and Regeneration Manager – No objection.

18/0034/FULL

- 3.9 Planning Policy Officer – Supports this application and concludes that the site is situated in a sustainable location and is allocated as a development site allocated for economic development and other sui-generis uses in the adopted Site Allocations and Policies Local Plan. This area of the site has not been in use since 2001, the proposed development would be a visual improvement.
- 3.10 Neighbour/Site Notice – 1 letter of support received from a nearby occupier. The occupier has also noted that the service road is continuously restricted by parked trailer units from hauliers which could create a hazard for emergency services employees responding to blue light calls and then the efficient egress of the emergency vehicles on those calls. The occupier has also questioned whether the proposed locations for the gas and fuel storage would be compliant to regulations in terms of their proximity to neighbouring uses.
- 3.11 Officer Comments – The Worcestershire County’s Petroleum and Safety Officer has advised that a permit from Worcestershire Regulatory Services and a Certificate for the storage of petrol would be required, in which separation distances to nearby premises and explosive atmospheres would be taken into consideration. It is further advised that the storage of gas is likely to be in such small quantity that separation distances would not apply.

#### **4.0 Officer Comments**

- 4.1 The main issues are whether the application site is suitable in principle and whether the development would have an acceptable design and its likely impact on highway safety, flood risk, residential amenity and on trees.

##### PRINCIPLE OF DEVELOPMENT

- 4.2 The application site is located within the Stourport Road Employment Corridor of the South Kidderminster Enterprise Park. It is allocated for employment use on the adopted Proposals Map and safeguarded for employment use (B1, B2 and B8 use classes) within Policy CP08 of the Adopted Core Strategy.
- 4.3 The application site has remained vacant since 2001 and it is apparent that the site has struggled to attract other ‘B use’ classes, despite being actively marketed for such uses and being available for a considerable period of time. Paragraph 22 of the National Planning Policy Framework advises that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative use of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

18/0034/FULL

- 4.4 The site is also covered by a site specific policy (SAL.SK4 of the Adopted Site Allocations and Policies Local Plan) which identifies the former Romwire Site as being suitable for economic development purposes and other sui-generis uses such as car showrooms and vehicle related uses. It is therefore accepted by this policy that 'other' Sui-Generis uses, such as the proposed Emergency Services Hub, could be considered acceptable on this site.
- 4.5 Furthermore, the site lies within the South Kidderminster Enterprise Park, which is a key location for economic development and is covered by Policy SAL.SK1 of the Adopted Site Allocations and Policies Local Plan. The District Economic Development and Regeneration Manager supports the application and notes that the proposals would comply with some of the key aims of this overarching policy, most notably to "positively contribute to the economic well-being of the District". The District Economic Development and Regeneration Manager further notes that the application would allow for other existing Fire Station sites to be potentially redeveloped and create positive regeneration opportunities in other parts of the District.
- 4.6 I also consider that the key advantage of the application site is its central location within the District and the opportunity to co-locate the three existing fire stations into one, as well as providing improved facilities for partner and local voluntary organisations. The site is also close to the three existing fire stations to enable current retained fire fighters to respond to emergencies without any adverse impact on operational response. Furthermore, the proposed use requires a large site which only designated employment areas could provide. I am also aware that there is a shortage of sites that could provide a central location within the District and are of a size that is required for the proposed use. I therefore do not consider that there are many more brownfield sites available where this important community facility could be located.
- 4.7 I therefore consider that there a number of merits to redeveloping this site for the proposed Emergency Services Hub and that the principle of development is acceptable, subject to the following site specific considerations.

#### DESIGN AND LAYOUT

- 4.8 The proposed Emergency Services Hub building has been designed to respond well with the context of the surrounding area, taking into account the scale of adjoining buildings, the established deep building line and the use of similar building materials.

18/0034/FULL

- 4.9 The Emergency Services Hub building would be located parallel and adjacent to Stourport Road and has been designed to match the scale of the adjoining buildings as well as to reflect the two main functions of the building. The main operational section of the building would include offices, meeting/conference rooms, equipment storage, gym and staff amenity space and would have a greater built form in terms of height and depth, and external materials would comprise 2 different 'pyramid' type dark grey coloured metal cladding laid vertically to the upper levels above a masonry plinth with recessed floor to ceiling height windows and vertical banding. The second part of the building would provide 5 double appliance bays and living accommodation for retained staff and would have a lower scale and external materials would comprise the same robust masonry plinth and metal cladding but laid horizontal to the upper levels of the building with and in a lighter colour to add visual interest and contrast between the two functions within the building.
- 4.10 To the rear of this building, it is proposed to erect a detached garage (measuring 18.5m by 14m and a ridge height of 7m) with a jet wash area and fuel storage tank next to the garage; and a two-storey brick constructed 'Hot Fire' training building (measuring 8.5m by 21m and a ridge height of 9m) within the northwest corner of the rear yard. The rear yard would also include a training area that would be secured by Heras type fencing; a sunken high volume water tank (6m by 6m); a gas storage compound; a bin store; and covered bike rack.
- 4.11 The external appearance of the proposed Emergency Hub building is well articulated to reflect the different functions within the building. The change in scale and materials also helps to break up the massing of the building and the recessed position of the windows and external terrace, together with the vertical bands of feature cladding adds visual interest and distinction to the design of the building. The Emergency Services Hub building would comfortably infill the gap in the street scene and would provide a continued built frontage in a similar manner as the adjoining industrial premises. The proposed detached garage and a two storey 'Hot Fire' training building would be located in the rear yard and would not be visible from Stourport Road. The layout of the car parking area is well integrated to ensure it does not over dominate the frontage. A good level of soft landscaping is also proposed to help soften the car parking area and provide appropriate mitigation for the loss of the existing trees along the front of the site.
- 4.12 Overall, I consider that the proposed development would provide a high quality design that would strengthen the visual harmony along this part of Stourport Road and improve the built environment, in accordance with Policy CP11 of the Adopted Core Strategy, Policies SAL.UP7 and SAL.UP9 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

18/0034/FULL

**HIGHWAY SAFETY**

- 4.13 Access to the site for staff and visitors would be from the front of the site via the service road off Stourport Road and all 'Blue light' vehicles including fire appliances would exit from the front of the site and return via the secondary access road off Walter Nash Road West, i.e. a one way loop. A total of 37 car parking spaces are proposed and would include 10 visitor car parking spaces (including 1 space for people with disabilities) and 27 for staff parking. There would be a covered cycle storage area for 6 cycles located in the rear yard.
- 4.14 The submitted Transport Statement concludes that the highway network is adequate to support the vehicle movements for the proposed development, so as not to be detrimental to highway safety or road users.
- 4.15 The proposed egress for fire appliances and police/SARA vehicles would be from the service road and out onto the A451 Stourport Road. The Highways Authority have recommended that a 'hurry call' for the traffic signals at the junction between Stourport Road and Walter Nash Road West would be required to enable a clear passage through the traffic lights for blue-light emergency vehicles. It is also recommended by the Highways Authority that a Traffic Regulation Order should be provided to the front of the site to ensure the service road to the front of the site is kept clear of any obstruction at all times.
- 4.16 I consider that these highway measures are necessary in order to provide a safe solution and to ensure no adverse impact on operational response times. If the planning committee are minded to approve this application, a highway contribution of £15,405 will be secured through a Section 106 Agreement to ensure these highway measures are in place before the proposed development came into use.
- 4.17 The staff predicted to work at the proposed site will be 25 full time staff and 80 part-time staff, however, only 22 staff members would be on-site at any one time, given that there would be a shift rota in place and the SARA staff would only attend the site when required. The site layout shows 10 visitor car parking spaces (including 1 for people with disabilities) and 27 staff parking spaces, which is considered to be sufficient parking provision for the proposed development and in accordance with the Worcestershire County's Interim Car Parking Standards. Conditions are attached to ensure the parking layout and access arrangements are implemented in accordance with the submitted details.



18/0034/FULL

IMPACT ON RESIDENTIAL AMENITY

- 4.18 The nearest dwellinghouses are situated to the west of the site, approximately 250 metres away on Walter Nash Road West, and are located beyond Coppice Trading Estate and an area of woodland. I do not consider that the proposed Emergency Services Hub would create any significant noise disturbance for any of the neighbouring uses, and would not have an adverse impact on the amenity of nearby residents. Worcestershire Regulatory Services have requested a condition to agree a Construction Environmental Management Plan to minimise any nuisance from noise, vibration and dust during the construction phase and a condition to require further details about the proposed activities to be undertaken within the proposed 'Hot Fire' training building in order to minimise any potential nuisance (for example smoke nuisance). A further condition is recommended by Regulatory Services to secure the details of any external lighting. I consider that these conditions are necessary and reasonable to ensure the proposed development does not have a detrimental impact on neighbouring businesses. I have therefore recommended the conditions accordingly.

DRAINAGE OF SITE

- 4.19 The proposed use of the site for a Emergency Services Hub requires the full site area to be utilised, not only the construction of the buildings, but also for the use of training, meaning that there is very limited opportunities for soft landscaping or surface water attenuation. The Worcestershire Water Management Officer have reviewed the submitted Drainage Statement and considers that there could be other options to reduce surface water drainage, which have not yet been explored, for example, the use of permeable surfaces and multifunctional uses (i.e. constructing a soakaway area underneath the hardstanding area). I agree with these comments and have attached a condition to enable further discussions to take place about appropriate surface water drainage before agreeing the site drainage strategy.

IMPACT ON TREES

- 4.20 The site includes 11 trees to the east boundary, adjoining the service road to Stourport Road, which comprises a mix of Silver Birch, White beam, Sycamore and Common Beech trees and 1 tree adjacent to the access point off Walter Nash Road West. The retention of any of these trees is not feasible due to the siting of the proposed access points and the necessary visibility splays that would be required. The Council's Arboricultural Officer has raised no objection and accepts that the trees have limited amenity value from views from outside the site. It is also accepted that given their species, size and age all would be easily replaced with suitable landscaping planting as mitigation. I agree with these comments and have attached a condition to require the details of an acceptable landscaping scheme to ensure the Stourport Road frontage is enhanced and to mitigate for the loss of the existing trees.

18/0034/FULL

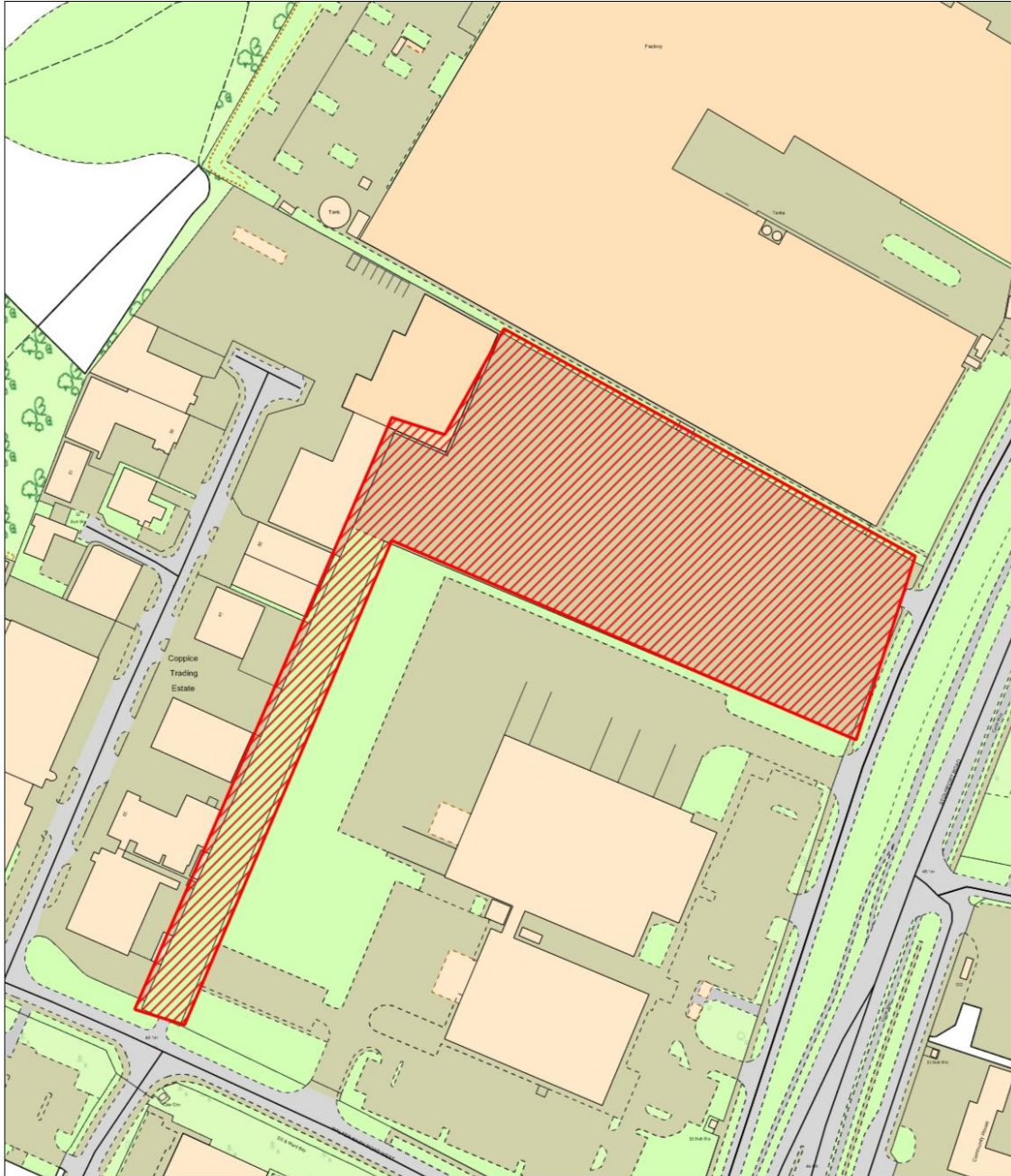
## 5.0 Conclusions and Recommendations

- 5.1 The proposed Emergency Services Hub would enable the three existing fire stations to co-locate to one site, which is ideally situated in a central location within the District and would provide improved facilities for the Fire and Rescue Services and for partner and local voluntary organisations to provide an improved service to the local community.
- 5.2 The reuse of this vacant brownfield site is supported by relevant development plan policies and the proposed use would be compatible with neighbouring employment uses. The design of the building would be in keeping with the built development along this part of Stourport Road, in terms of building scale, siting and use of similar palette of materials. Any potential adverse impacts can be mitigated by the conditions proposed and a highway contribution secured through a Section 106 Agreement would ensure a clear passage out of the site and through the signal controlled junction for blue-light vehicles and fire appliances to ensure no adverse impact on operational response times.
- 5.3 It is therefore recommended that the application be given **delegated APPROVAL** subject to:
- a) the signing of a **Section 106 Agreement**; and
  - b) the following conditions:
    - 1. A6 (Full with no reserved matters)
    - 2. A11 (Approved plans)
    - 3. Details of materials (including hard surfacing) to be agreed.
    - 4. Details of boundary and enclosure treatment to be agreed.
    - 5. Details of Landscaping to be agreed.
    - 6. Require accesses, turning areas and parking facilities to be provided.
    - 7. Require pedestrian visibility splays at access points.
    - 8. Require first 5 metres of each of the 3 vehicular accesses to be surfaced in a bound material.
    - 9. Require vehicular access gates to Walter Nash Road to be set back 5 metres from the edge of the highway.
    - 10. Require cycle storage facilities to be provided.
    - 11. Require a travel plan to be submitted and agreed.
    - 12. Phase 1 Desk Study for Land Contamination.
    - 13. Construction Environmental Management Plan.
    - 14. Details of External Lighting.
    - 15. Details of activities to be undertaken in the 'Hot Fire' training building and measures to minimise any nuisance.
    - 16. Require a site drainage strategy.
    - 17. Details of foul and surface water drainage.

18/0034/FULL

Notes

- A S278 Agreement – details to be agreed with the Highway Authority.
  
- B This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service.



Economic Prosperity and Place Directorate

**New Wyre Forest Emergency Services Hub**

**Stourport Road**

**Kidderminster, DY11 7PG**



Crown Copyright 100018317 07 March 2018

Scale 1:1800

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

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**20<sup>TH</sup> MARCH 2018**

**PART B**

<b>Application Reference:</b>	18/0026/FULL	<b>Date Received:</b>	12/01/2018
<b>Ord Sheet:</b>	379089 272886	<b>Expiry Date:</b>	13/04/2018
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Lickhill

**Proposal:** Proposed relocation of approved High Lift Pumping Station to adjoining field, Lickhill, Stourport On Severn, Worcestershire

**Site Address:** ADJOINING FIELD, BEWDLEY ROAD NORTH, LICKHILL, STOURPORT-ON-SEVERN, DY138PX

**Applicant:** SEVERN TRENT WATER LTD (MS SHARRON DOYLE)

<b>Summary of Policy</b>	DS01, CP01, CP02, CP03, CP11, CP12, CP13 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site comprises an open grassed agricultural field, which falls within the West Midlands Green Belt and on a historic landfill site. Access to the site is gained from a public right of way, which lies adjacent to the north boundary of the site, and is accessed off B4195 Bewdley Road North.
- 1.2 The site lies within a natural dip, with land outside the site rising steeply to the north and east across open fields. To the southwest of the site (approx. 259m) is the River Severn where there is a public footpath (Severn Way) running along the eastern side of the riverbank and on the opposite side of the river is another riverside path and Ribbesford Wood. To the northwest of the site (approx. 122m) is the Severn Bank Park which comprises a number of bungalows and park homes. To the northeast of the site (approx. 161m) is New Barns Cottage and New Barn Warehouse (which operates as David S Sales wholesaler) and beyond, approximately 663m away is B4195 Bewdley Road North. To the southeast of the site (approx. 214m) is Woodgreen Cottage and beyond is Stourport-on-Severn, approximately 545m from the site.

18/0026/FULL

- 1.3 The application is submitted by Severn Trent Water Limited and seeks to relocate the Pumping Station from its approved (under planning application 16/0040/EIA) location to an adjoining field, to the south of the approved site. The proposed Pumping Station is required as part of the Birmingham Resilience Project (BRP) and the developer of the BRP scheme is Barhale.
- 1.4 The Pumping Station building has been carefully designed to appear as an agricultural building and would measure 42 metres long by 45.9 metres wide by 8.4 metres high. It would comprise the main pump house room incorporating the wet well, with two wings extending out to the east of the main building that would comprise a surge vessel room, two transformer rooms, a switchboard area and three common meter/switch rooms. Building materials would include a masonry brickwork plinth and either brickwork or dark green coloured Kingspan cladding (laid vertically) to the upper levels. The roof would be constructed in grey coated steel cladding; doors would be in grey galvanised steel roller shutter doors and external grade hardwood personnel doors; and gates would be in galvanised steel with mesh infill panels. Below the surface would sit a pump channel which would receive water from the Severn which would then be pumped up the two pump shafts to the main pump room where it would then join the main pump main and would be directed towards Frankley.
- 1.5 External works are also proposed around the proposed Pumping Station building which comprise the laying of a concrete access road, fencing and the installation of a 'detention pond' and lighting. Details submitted in the previous Planning Statement confirms that external lighting for the site would be provided by a series of 6.0m floodlights providing tightly focussed illumination for the access road within the security fence, while 4.0m high floodlights would provide illumination within the courtyard area. Lighting details have been submitted with this application to show that the lighting has been designed to control light spillage beyond the site boundary in order to minimise impacts on adjacent receptors. The facility would be unmanned and unlit in normal operation. All activity requiring personnel to be present would take place in daylight hours. Operation of the lighting would therefore be an infrequent event.
- 1.6 This application also includes a change to the proposed stormwater management system (it is now proposed to have a 'detention pond' instead of a soakaway system) and the design of the eaves of the building have been amended (to make them flushed with the external walls of the building) compared to the previous approved application.

18/0026/FULL

## 2.0 Planning History

- 2.1 16/0040/EIA – Construction of a river intake, Pumping Station at Lickhill, underground water pipeline (approximately 12.5km in length) running from proposed Pumping Station between Kidderminster and Stourport On Severn, north of Mustow Green and Bluntington and South of Drayton and associated infrastructure including temporary site compound off Hartlebury Lane, Stourport On Severn forming part of the Birmingham Resilience Project : Approved 20/09/16.

## 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Recommend approval, subject to satisfactory clearance/approval by Worcestershire Regulatory Services.
- 3.2 Highway Authority – No objection.
- 3.3 Environment Agency – No objection subject to conditions: to secure the implementation of the agreed groundwater monitoring programme, including ongoing monitoring and reporting; to require a method statement and verification report if any unexpected land contamination is found to be present on site during the construction phase; and to require the development to be in accordance with the following document:
- a) Construction Environmental Management Plan (CEMP) incorporating Environmental Management Plan Revision 5, with updated Appendix 4 – Waste Management Plan Revision 7 and Addendum 2 Revision 6 – including updates to reflect the amended position of the Pumping Station and Construction Period Land take, 6.11.17. This plan to be read in conjunction with the following detailed control documents;
- Groundwater Monitoring Programme v4 – Planning Condition no. 20 of 16/0040/EIA.
  - Environment Agency Environmental Permit to discharge reference EPR/GB3995AD/A001.
  - RDX01 – River Intake ‘Hydrogeological Risk Assessment’. Construction of shafts and tunnel boring.
  - RDX03 – Bonemill Hydrogeological Risk Assessment. Construction of shafts and tunnel boring.
  - RDX04 – Wilden Hydrogeological Risk Assessment. Construction of shafts and tunnel boring.

18/0026/FULL

The Environment Agency has made comments in relation to the following issues:

*Water Management* – The submitted Surface Water Drainage Design Report, Revision F, incorporating Flood Risk Assessment, has incorporated our pre-application comments and those made by Kirsten Huizer (North Worcestershire Water Management team). The latest revision to the Pumping Station design at Lickhill (BRP Lickhill Pumping Station Surface Water Drainage Design, Nicholas O'Dwyer, dated 28.11.2017) has removed the soakaway system from the design and replaced it with a surface High Density Polyethylene (HDPE) lined 'detention pond'. This will receive the piped water from the bunded transformer area with oil sensing sump pumps, via an oil interceptor retained from the original design. The over flow from the detention pond will be via an infiltration basin although it is unclear from the drawing where the HDPE liner ends and the infiltration contact surface begins. The detention pond will however provide a visual inspection point from the output from the piped system as it will allow a degree of temporary retention of the water from the drainage system highlighting any issues.

The Environment Agency highlight that whilst the new Pumping Station (HLPS) is to be sited off the Environment Agency authorised permitted landfill, it is in fact still on a former landfill with waste material. Therefore, the infiltration basin must be designed with a flat, not curved base to allow maximum spread of infiltration to avoid point discharge through wastes. At the pre-application stage, Barhale confirmed that "the infiltration basin will be flat-bottomed, to prevent point discharge through landfill waste.

*Groundwater / Hydro-geological Risk Assessment* - The Environment Agency consider that this revised document, RDX01 to River Intake Hydrogeological Risk Assessment v2 (Rev B) Report dated 22/11/2017, provides sufficient evidence that due consideration has been given to the risk posed by the construction of the tunnel bore through the hydro-geological environment to commence tunnel boring works from: RDX01 launch shaft to the reception shaft at the HLPS; and River intake launch shaft to HLPS shaft.

This is subject to:

1. Barhale's assurances that they are confident in maintaining close control of any deviation from their target tunnelling profile. Once tunnel boring approaches the BH341 and BH336 profile section then reassurances should be provided by Barhale that the tunnel bore is on target and will not interfere with or intersect the body of the landfill waste.
2. Tunnel bore grouting. Records should be maintained and presented to the Environment Agency for each grout pour comparing the calculated linear void space to be filled with the volume of grout actually injected to assess the competency of each poured section.



18/0026/FULL

3. Shaft construction - River Intake Launch Shaft, Reception Shaft at the HLPS and HLPS Shaft – sub water table construction can only commence once the Environmental Permit for the discharge of treated water to the River Severn from the dewatering activities has been issued and the proposed treatment plant installed, commissioned and ready to appropriately receive the water.

It is noted that new Authorisations Abstraction Licensing for Dewatering - Section 6 of the Water Abstraction (Transitional Provisions) Regulations 2017 applies, which allows a continuation of the abstraction that has occurred before the regulations come into force for a further 2 years until 31 December 2019 when the transitional period ends. As the Birmingham Resilience Project is expected to be completed well before this date, Barhale would not need to apply for a licence for the remaining planned structures to be dewatered on this project.

The above three points should be controlled through the existing Hydro-geological Risk Assessment documents submitted as part of the CEMP condition submission (for 16/0040/EIA).

*Ground Gas Monitoring* – The Environment Agency and the Worcestershire Regulatory Services have made comments to Version 4 and Version 5 of the Ground Gas Monitoring Programme Report. The Environment Agency recommended to the developer that revisions of Titan's Groundwater Monitoring Plan version 3 and version 4 was required to accommodate Severn Trent Water's decision to relocate the High Lift Pumping Station, reception shaft and new section of tunnel bore (RDX01 to reception shaft) within the Lickhill landfill complex. Notwithstanding the comments made to the developer (Barhale) previously, the Environment Agency consider that the Groundwater Monitoring Programme v4 Report dated 12/12/2017, provides sufficient evidence that due consideration is being given to monitor the effects of the construction programme on the groundwater environment beneath Lickhill, for the purposes of this planning application and in support of Condition no. 20 of 16/0040/EIA. It is recommended that a condition is recommended to secure the implementation of the groundwater monitoring programme; ongoing monitoring and reporting etc.

*Construction Environmental Management Plan (CEMP)* – The submitted Construction Environmental Management Plan (CEMP) incorporating Environmental Management Plan Revision 5, with updated Appendix 4 – Waste Management Plan Revision 7. In addition, CEMP Addendum 2 Revision 6 – including updates to reflect the amended position of the Pumping Station and Construction Period Land take (dated 6.11.17) provides sufficient evidence that due consideration has been given to monitoring the effects of the construction programme on the groundwater environment beneath Lickhill, and the Stour Valley.

*Waste Management* – The Waste Management Plan, Revision 7 is acceptable.

18/0026/FULL

- 3.4 Countryside Manager – Request further details prior to approval as the habitat survey sheet identifies points of interest but no details as to what these are have been provided and it is unclear whether the fields have acid grassland or not. It is also noted that the level of mitigation proposed (i.e. new planting) to compensate the loss of habitats within the hedgerow to be removed is considered acceptable.  
*(Officer Comments – The applicant has confirmed that the site does not contain any acid grassland).*

- 3.5 Worcestershire Regulatory Services -

NOISE AND NUISANCE

No objection subject to a condition to require the contractor to demonstrate, through the implementation of noise mitigation measures, that predicted rating levels (derived in accordance with BS 4142) from the RIPS site (the River Intake and Pumping Station combined) are in line with the predicted rating levels detailed in Table 4-A; and, for the contractor to also demonstrate that the pump motors would not be considered tonal at the nearby sensitive receptors, following the advice given in BS 4142.

LAND CONTAMINATION

Landfill gas protection measures for the building in this new location are considered acceptable. On this basis, no objection is raised to the application subject to conditions to require the development to be constructed in accordance with the gas protection measures as agreed and to require the completion of the work to be supervised by a building control officer to ensure that the installation is undertaken to the specification as agreed prior to the use/occupation of the building and a full verification report submitted to the council providing evidence of the installation.

- 3.6 North Worcestershire Water Management Officer – No objection subject to a condition to require the development to be in accordance with the submitted drainage details.
- 3.7 Arboricultural Officer – No objection subject to a condition to secure an appropriate landscaping scheme.
- 3.8 Natural England – No comments to make on this application.
- 3.9 Worcestershire County Countryside Access Mapping Officer – Advises that the access to the site is along a public right of way and that the applicant should be made aware that they would need to adhere to a number of obligations. It is also advised that the Stourport on Severn footpath SV-570 and Bewdley footpath BW-647 briefly cross the access road to the application site.
- 3.10 Worcestershire County Council Archive & Archaeology Service – Awaiting comments.

18/0026/FULL

- 3.11 Inland Water Association – Awaiting comments.
- 3.12 Ramblers Association – Awaiting comments.
- 3.13 Canal & River Trust – Awaiting comments.
- 3.14 Worcestershire Wildlife Trust – Awaiting comments.
- 3.15 Planning Policy – No objection.
- 3.16 Neighbour/Press Notice/Site Notice – 1 letter of objection received from a nearby resident stating that it is an insult to people's intelligence for the Council to invite them to comment on the re-siting of the pumping station when the development has already commenced and whilst a planning decision has not yet been made, it is obvious that this new location has already been 'rubber stamped'. The re-siting by 150 yards may look nothing on plans, but the impact on writer's life is going to be huge and permanent, because the Pumping Station will be visible from their lounge windows and the proposed new tree and shrub planting, that will screen the development, will take 15 years to reach full maturity. The writer also asks why the supposed 'hazards' were not identified during the original surveying and testing of the former pumping station planned site.

#### **4.0 Officer Comments**

##### **BACKGROUND INFORMATION**

- 4.1 The Birmingham Resilience Project (BRP) scheme will provide an alternative source of water from the River Severn, to enable the Elan Valley Aqueduct (EVA), which currently provides water to Birmingham, to be taken out of service for short periods to allow essential refurbishment work and maintenance to be carried out. It will also ensure the operational readiness to support Birmingham's demand for portable water if the EVA is out of commission as a result of an emergency shutdown. The intention is for the BRP scheme to be operated for periods of around 50 days at a time, during the autumn or winter months when river levels are sufficiently high to enable abstraction without any significant environmental or social impacts.

18/0026/FULL

4.2 In September 2016, planning permission was granted under application 16/0040/EIA for the construction of a Pumping Station at Lickhill together with a river intake, underground water pipeline (approximately 12.5km in length) running from proposed Pumping Station between Kidderminster and Stourport On Severn, north of Mustow Green and Bluntington and South of Drayton and associated infrastructure including temporary site compound off Hartlebury Lane, Stourport On Severn forming part of the Birmingham Resilience Project, subject to conditions. A number of applications for the approval of details pursuant to conditions attached to planning consent 16/0040/EIA have been agreed and the development of the approved infrastructure for the Birmingham Resilience Project (BRP) has commenced. The approved application 16/0040/EIA also undertook an Environmental Impact Assessment of the BRP scheme as a whole across the four local planning authorities.

4.3 This application seeks to relocate the Pumping Station from the approved location that was on the Environment Agency regulated, authorised permitted 'Hills' landfill site to the adjoining field (approximately 140 metres to the south of the approved location). Severn Trent Water have advised that the reason to move the Pumping Station to the adjoining field, which is on a historic landfill site, is to avoid disturbing the hazardous waste which lies within the permitted 'Hills' landfill site.

4.4 As with the previous approved application, the proposed development raises a number of issues relating to its location of the site within the Green Belt, on open agricultural land, on a historic landfill site and within close proximity to residential properties within Severn Bank Park. Each of these issues have been considered below:

#### IMPACT ON GREEN BELT

4.5 The application site lies within the Green Belt where there is a general presumption against inappropriate development. The proposal is for the construction of a building that does not fall within any of the exceptions listed in Paragraphs 89 and 90 of the National Planning Policy Framework and is therefore inappropriate development. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.6 The construction of the proposed Pumping Station building within this open field would unquestionably result in a loss of openness in this location, however, the proposed scheme has sought to minimise the harm by designing the building to appear as a farm building complex with a low profile roof and materials (in terms of type and colour) that resemble the appearance of the nearby building at New Barns Warehouse. The development would also incorporate extensive landscape features (such as landscape bunds and new tree/shrub planting) around the perimeter of the site to help integrate the development into the landscape and soften the views of the development. The visual impacts of the proposal are discussed in more detail below.

18/0026/FULL

- 4.7 With regard to whether there is a case to be made for very special circumstances, I consider that it is clear from the information submitted that the proposed Pumping Station is an essential operational requirement for the Birmingham Resilience Project (BRP), which is a major scheme of national importance. There is also a statutory requirement to ensure resilience as The Water Bill, introduced in the House of Commons in June 2013, contains changes to Ofwat's duties concerning resilience. It features a new primary duty for Ofwat "*to secure the long-term resilience of water supply and sewerage systems against environmental pressures, population growth and changes in consumer behaviour*". This reflects the high priority that government places on resilience. Furthermore, I recognise that it is necessary for the Pumping Station to be sited in close proximity to the point of water intake from the River Severn, which happens to be open land and falling within the Green Belt. I therefore agree with the conclusions that were made in the previous approved application, that the benefits of the proposed development in terms of the resilience to the water supply of Birmingham, would amount to very special circumstances, which clearly outweigh the harm to the Green Belt due to inappropriateness and any other harm through loss of openness.

#### LANDSCAPE & VISUAL IMPACTS

- 4.8 The National Planning Policy Framework and Policy CP12 of the Adopted Core Strategy seek to protect and enhance the landscape character of the District. In addition, Policy CP13 of the Adopted Core Strategy and Policy Sal.UP3 of the Adopted Site Allocations and Policies Local Plan advise that existing green infrastructure network, including assets essential to the District's local distinctiveness such as the River Severn, should be safeguarded and enhanced. Policy CP11 of the Adopted Core Strategy and Policies SAL.UP7 and SAL.UP9 of the Adopted Site Allocations and Policies Local Plan also require new buildings to be well designed and to have appropriate landscaping schemes that complement the area.
- 4.9 It was considered in the previous approved application that the mitigation measures proposed at the Pumping Station site would avoid, reduce and offset the adverse effects of the proposed scheme on the landscape character. The current application includes the same landscape features as previously proposed and I am satisfied that the mix of deciduous and evergreen tree and shrub planting would provide effective screening of the Pumping Station when approaching the site from the east along the public right of way and when views of the site are gained from higher ground level. The native shrub planting along the south boundary would also reflect the greenery around the nearby dwellingshouses at New Barns Cottage and Woodgreen Cottage. I also consider that the native trees along the west boundary of the site would minimise views from the River Severn, and especially from the 'Severn Way' footpath. In addition, the proposed hedgerow and landscape bunds in the western corner of the site would minimise views from the Severn Bank Park. I therefore consider that the proposed development would not have an adverse impact on visual amenity.

18/0026/FULL

- 4.10 Also, the revised siting of the Pumping Station is in a natural dip in the land form and on lower ground than the previously approved site. I therefore consider that the revised location of the Pumping Station has helped to reduce the prominence of the building when viewed from the surrounding viewpoints, notably from the public footpath along the River Severn.
- 4.11 I am also satisfied that the proposed external lighting has been designed to minimise light spillage beyond the site boundary and would only be operational when the personnel staff are required to be on site outside daylight hours, which is anticipated to only occur if there is a security alert by the CCTV systems requiring a site visit to inspect or secure the facility or if there is an unplanned plant failure requiring urgent intervention to prevent an unsafe condition or further equipment damage. I therefore consider that there is unlikely to be any permanent or lasting harm to the landscape as a result of the external lighting. The Countryside Manager has also raised no objection on the basis of harm from lighting.

#### IMPACT ON RESIDENTIAL AMENITY

- 4.12 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 4.13 The revised location would bring the proposed Pumping Station approximately 118 metres from the boundary of the Severn Bank Park. The submitted Construction Environment Management Plan sets out measures to ensure there is no impact on the natural and local environment in terms of dust and noise nuisance during the construction phase.
- 4.14 In terms of noise when the Pumping Station is in operation, the application has been submitted with an updated Noise Assessment Report which confirms that additional noise mitigation measures would be required to ensure the relocated Pumping Station does not have an adverse / significant adverse impact on the amenity of nearby residents. Worcestershire Regulatory Services agree with this report and have raised no objection to the relocation of the Pumping Station subject to a condition to require the additional noise mitigation measure. I concur with this view and have recommended a condition accordingly.
- 4.15 I also note that once the Pumping Station building has been constructed, only routine maintenance and monitoring visits would be carried out. I therefore do not consider that there would be a significant increase in traffic movements to and from the site to cause a detrimental impact on the amenity of nearby residents in terms of traffic noise.

18/0026/FULL

IMPACT ON THE NATURAL ENVIRONMENT

- 4.16 Paragraph 109 of the National Planning Policy Framework requires development to contribute to and enhance the natural and local environment by preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air or water pollution.
- 4.17 A key issue in the consideration of this application is the new location of the Pumping Station on a historic landfill site. This landfill site is characterised as having industrial and commercial waste, comprising little degradable content and is approximately 20 to 30 years of age. The Environment Agency have confirmed that sufficient evidence has been submitted to confirm that due consideration has been given to monitoring the effects of the construction programme on the groundwater environment beneath Lickhill. The Environment Agency have recommended conditions to require a scheme, including monitoring, to deal with the risks associated with contamination of ground water from the landfill site and a condition to require a Method Statement and Verification Report if any unexpected contamination is found to be present during the construction phase. I consider that these conditions are necessary in order to protect ground and surface waters from contamination and have recommended the conditions accordingly.
- 4.18 The submitted Gas Monitoring Report and further details submitted during the course of this application has confirmed that the limited degradable material has been identified as being mainly wood or paper, which will not degrade quickly now to produce landfill gas. Worcestershire Regulatory Services have advised that the risk of gas phase ingress through the secant pile and reinforced lining of the pumping chamber shaft would be minimal on a site such as this. The submitted gas protection measures for the building including the wet well and pumping chamber shaft would be adequate to protect against gas phase ingress of methane and carbon dioxide from the landfill, which could occur from both leachate from the landfill and natural groundwater from the Kidderminster or Bridgnorth Sandstone Formations. It is recommended by Regulatory Services that the works shall be supervised by a building control officer on completion and a full Verification report should be submitted and agreed in order to provide evidence that the installation has been undertaken to the specification as agreed. I have recommended a condition accordingly.

18/0026/FULL

#### IMPACT ON BIODIVERSITY

- 4.19 The existing hedgerow that extends approximately 66 metres along the north boundary of the site and adjacent to the public right of way access road would need to be removed to provide adequate visibility splays at the access point. To mitigate this loss and to minimise the impact on biodiversity, the proposed development would provide extensive new planting and a number of habitat areas (in the form of hibernacular/ buried logs). The Countryside Manager is satisfied with the level of mitigation that is being proposed and the applicant has confirmed that the site did not have acid grasslands prior to the commencement of development that has occurred on site. I am also satisfied that the development would provide a net gain to biodiversity in terms of the enhancement to the site's habitat areas and sufficient mitigation in terms of the loss of the habitats within the hedgerow to be removed. I have attached a condition to ensure the landscaping scheme includes wildlife friendly planting and the proposed habitat areas.
- 4.20 The proposed external lighting would only be used when personnel staff are on site and the proposed lighting has been designed to avoid light spillage beyond the site boundaries. I therefore do not consider that the proposed lighting would cause disturbance to the Bat Roost that has been identified at New Barns Cottage, which lies to the northeast of the site or to the ecological value of the surrounding area. A condition is recommended to ensure the lighting is implemented in accordance with the submitted details.

#### FLOOD RISK AND DRAINAGE

- 4.21 Paragraph 23 of the National Planning Policy Framework states that ' inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk , but where development is necessary, making it safe without increasing flood risk elsewhere'.
- 4.22 The application site is located within Flood Zone 1 and therefore the site has a low risk of flooding. A Drainage Strategy has been submitted in support of the application which has advised that the surface water runoff generated by the proposed Pumping Station as per the surfaces proposed would be greater than the pre-development run-off by approximately 60%. It is proposed to discharge all the runoff collected by the roof to the wet well at the Pumping Station via a detention pond, which will also cater for runoff from the porous pavement areas during 1-in-100 year storms. This stormwater management system is different to that proposed in the previous approved application where it was proposed that drainage would be provided by a soakaway system.



18/0026/FULL

- 4.23 The Environment Agency and the North Worcestershire Water Management Officer, on behalf of the Lead Local Flood Authority, have raised no objection to the revised drainage strategy, providing it is designed as proposed with a flat base and not a curved base, in order to prevent point discharge through the landfill waste. Based on these comments, I am satisfied that the development would not increase the flood risk of the site and I have recommended a condition accordingly.

IMPACT ON HIGHWAY SAFETY AND PUBLIC RIGHT OF WAY/  
FOOTPATHS

- 4.24 No changes are proposed to the access point or internal access routes within the site compared to the previous approved application. The Highways Authority have raised no objection to the proposed relocation of the Pumping Station and I concur with this view.
- 4.25 The application site is located in close proximity to two public footpaths, one along the riverbank of the River Severn and the second located approximately 231m to the northeast of the site, which extends around the nearby field boundaries. I am satisfied that the proposed development would not result in a detrimental impact on views from the nearby public footpaths given the level of landscaping proposed and I am satisfied that the development would not cause obstruction to any public footpaths or the public right of way. I have included an informative as advised by the Worcestershire County Countryside Access Mapping Officer to ensure the applicant is aware of their obligations in respect of the adjoining public right of way. I also note from my recent site visit that the developer has displayed appropriate signage on B4195 Bewdley Road North to inform traffic using the public right of way that site traffic are using this road. I also note that the public right of way has been kept free of mud and debris from construction vehicles.

**5.0 Conclusions and Recommendations**

- 5.1 The proposed Pumping Station is an essential operational requirement for the Birmingham Resilience Project (BRP) scheme which would deliver significant benefits to the long term water supply to Birmingham and it is considered that the benefits of the BRP scheme would constitute very special circumstances, which clearly outweigh the harm to the Green Belt due to inappropriateness. The impact on the openness and visual amenity of the Green Belt has been minimised by the relocation of the Pumping Station on lower ground level, together with its sensitive design and extensive landscaping scheme that is proposed. Subject to safeguarding conditions, I am therefore satisfied that the proposed development would not give rise to any adverse impacts in regard to residential amenity, the natural environment, biodiversity and flood risk.

18/0026/FULL

5.2 For the reasons outlined above it is recommended that the application be granted **delegated** authority to **APPROVE** subject no new reasons for objection being received before the expiration of the notification period, and to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Requires external materials, including hard surface, to be in accordance with agreed details.
4. Requires boundary treatment and enclosure to be in accordance with agreed details.
5. Requires the development to be carried out in accordance with the agreed Construction Environmental Management Plan (CEMP) incorporating Environmental Management Plan Revision 5, with updated Appendix 4 – Waste Management Plan Revision 7. In addition, CEMP Addendum 2 Revision 6 – including updates to reflect the amended position of the Pumping Station and Construction Period Land take, 6.11.17.
6. Requires the development to be carried out in accordance with the agreed Ecological and Biodiversity mitigation measures set out in the Environment Statement submitted with approved application 16/00040/EIA.
7. Requires a lighting strategy, including hours of operation, to be agreed.
8. Protects hedgerow and trees to be retained as shown on approved drawing.
9. Requires full details of soft landscape proposals to be agreed.
10. Landscape Management Plan to be agreed.
11. Requires the development to be carried out in accordance with the gas protection design measures and for the completion of building works to be supervised by a building control officer and a full Verification report providing evidence of the installation in accordance with the approved specification to be agreed.
12. Requires a Method Statement and Verification Report if unexpected land contamination is found to be present.
13. Requires a scheme, including monitoring, to deal with risks associated with contamination of ground water from the landfill site.
14. Requires the development to be carried out in accordance with the agreed scheme for surface water drainage, including the design of the 'detention pond' to have a flat base.
15. Requires additional noise mitigation measures as recommended in the updated Noise Assessment Report (prepared by Jacobs, ref. A5W11215-PX31783\_A, dated 2 January 2018) to be agreed.
16. Requires a programme of archaeological work including a Written Scheme of Investigation.
17. Requires the site investigation and post investigation assessment to be completed in accordance with Condition 16.

18/0026/FULL

Note

A. As access to the site would be along the public right of way, it should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The developer should make themselves satisfied that they, and anyone else who may use the public right of way for private vehicular use in connection with the development, has a right to do so. The developer should have no detrimental effect on the public right of way provided that the following obligations are adhered to:

1. No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
2. No diminution in the width of the right of way available for use by the public.
3. Buildings materials must not be stored on the right of way.
4. Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
5. No additional barriers are to be placed across the right/s of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
6. The safety of the public using the right of way is to be ensured at all times.

If the development cannot be carried out without temporarily closing the public rights of way for the safety of the public during works, application should be made at least 6 weeks in advance to the Mapping Team of the Countryside Service at Worcestershire County Council. The developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way.

**WYRE FOREST DISTRICT COUNCIL**

**Planning Committee**

**20 March 2018**

**PLANNING AND ENFORCEMENT APPEALS**

<b>Appeal and Application Number</b>	<b>Planning Inspectorate Reference</b>	<b>Appellant</b>	<b>Site (Proposal)</b>	<b>Form of Appeal and Start Date</b>	<b>Written Reps. or Statement Required By</b>	<b>Proof of Evidence Required By</b>	<b>Public Inquiry, Hearing or Site Visit Date</b>	<b>Decision</b>
WFA1478 16/0550/OUTL	APP/R1845/W/1 7/3173741	Gladman Developments Ltd	OFF THE LAKES ROAD BEWDLEY DY122PH	LI  16/05/2017	20/06/2017	11/07/2017	24/10/2017 Council Chamber	
			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)

**Agenda Item No. 6**

<b>Appeal and Application Number</b>	<b>Planning Inspectorate Reference</b>	<b>Appellant</b>	<b>Site (Proposal)</b>	<b>Form of Appeal and Start Date</b>	<b>Written Reps. or Statement Required By</b>	<b>Proof of Evidence Required By</b>	<b>Public Inquiry, Hearing or Site Visit Date</b>	<b>Decision</b>
WFA1484 17/0624/ENF	APP/R1845/C/17 /3175891	Mr J Bradley	LAND AT CURSLEY LANE KIDDERMINSTER DY104LF	HE  04/10/2017	08/11/2017	29/11/2017	23/01/2018 Council Chamber	Dismissed  15/02/2018
			Unauthorised 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).					

Agenda Item No. 6

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  Unauthorised 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			
WFA1488 17/0258/FULL	APP/R1845/W/1 7/3183842	Mr Molsen Manrouf	CAR PARK, THE TOLL HOUSE DUNLEY ROAD STOURPORT- ON-SEVERN  Proposed car wash facility	WR  29/11/2017	03/01/2018			Dismissed  19/02/2018

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
WFA1489 17/0730/ENF	APP/R1845/C/17 /3188932	Mr M Fentiman	TROUGH OFF HABBERLEY ROAD BEWDLEY DY121LD  Unauthorised construction of a dwelling, domestic curtilage and associated garden building (Enforcement Case 17/0053/ENF)	WR  29/11/2017	03/01/2018			
WFA1490 17/0186/TREE	APP/TPO/R1845/ 6243	Mr Paul Yeo	1 COMBERTON GARDENS KIDDERMINSTER DY103DB  Pollard Lime Tree	HE  03/01/2018	07/02/2018	28/02/2018		



**Agenda Item No. 6**

<b>Appeal and Application Number</b>	<b>Planning Inspectorate Reference</b>	<b>Appellant</b>	<b>Site (Proposal)</b>	<b>Form of Appeal and Start Date</b>	<b>Written Reps. or Statement Required By</b>	<b>Proof of Evidence Required By</b>	<b>Public Inquiry, Hearing or Site Visit Date</b>	<b>Decision</b>
WFA1491 17/0525/FULL	APP/R1845/D/17 /3191479	Mr Nick Ashmead- Siers	WHEEL COTTAGE HILLPOOL KIDDERMINSTER DY104PD  Subterranean extension beneath existing bedroom and en-suite and upper patio area	WR  08/01/2018	12/02/2018			Dismissed  16/02/2018
WFA1492 16/0441/FULL	APP/R1845/W/1 7/3189794	P & J Lawley	LAND AT WHYTEHOUSE FARM GREENWAY ROCK KIDDERMINSTER  20 starter homes and other ancillary works	WR  02/02/2018	09/03/2018			
WFA1493 17/0611/FULL	APP/R1845/D/18 /319867	Mr Robert Cole	17 BRONTE DRIVE KIDDERMINSTER DY103YU  Erection of single storey front extension	WR  20/02/2018	27/03/2018			

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
WFA1494 17/0412/FULL	APP/R1845/D/17 /3192399	Mr & Mrs Ogden	11A BATHAM ROAD KIDDERMINSTER DY102TW  Raised roof and first floor to existing garden building	WR  06/03/2018	10/04/2018			
WFA1495 17/0436/FULL	APP/R1845/D/17 /3192216	Mr & Mrs Peace	OAKWOOD BARN DUNLEY ROAD HEIGHTINGTON BEWDLEY DY122YE  Erection of a sunroom to existing dwelling	WR  06/03/2018	10/04/2018			
WFR1494 17/0155/FULL	APP/R1845/D/18 /3195376	Mr A Fisher	361 STOURBRIDGE ROAD KIDDERMINSTER DY102QE  2 Storey side and rear extensions	WR  20/02/2018	27/03/2018			

---

## Appeal Decision

Site visit made on 23 January 2018

by **B Bowker Mplan MRTPI**

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

Decision date: 19 February 2018

---

**Appeal Ref: APP/R1845/W/17/3183842**

**Existing Toll House, Car Park Site, Dunley Road, Stourport on Severn  
DY13 0AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Molsen Manrouf against the decision of Wyre Forest District Council.
  - The application Ref 17/0258/FULL, dated 18 April 2017, was refused by notice dated 13 June 2017.
  - The development proposed is described as '*Proposed car wash facility on existing Toll House Carpark. Dunley Road. Stourport on Severn DY13 0AA. 3 Year Temporary Planning Application.*'
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Stourport-on-Severn Conservation Area (SSCA) and preserve the setting of nearby listed structures.

### Reasons

3. The appeal site comprises a disused and overgrown car park. The Old Beams Public House is a Grade II Listed Building located to the south of the site. The SSCA is to the immediate north of the site as is a Grade II Listed Bridge. I have a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building (or its setting) and to preserving or enhancing the character or appearance of a conservation area. This is a consideration that the Courts have held to be of considerable importance and weight.
4. The public space adjoining the Old Beams Public House has an open, verdant and relatively tranquil quality that contributes to the significance of the listed building. The vegetated roadside boundary along Bridge Street combined with the public space give the area a verdant and open character, conserved by the openness of the site and its boundary vegetation. The open and verdant character of the area creates an attractive approach and setting that contributes positively to the significance of the Grade II Listed Building and Bridge and the SSCA as a whole.

5. Car washing and valet services would be located centrally within the site. However, the enlarged width of the vehicular access would allow prominent views of the proposal close to the public space and Old Beams Public House. Unlike vehicular parking at the site, views of the translucent plastic screens and car washing activity from this vantage point would be particularly incongruous and harmful to the open and verdant character of the area. Despite vegetation along the site boundaries, the plastic screens and caravan would be a prominent and incongruous sight for highway users travelling along this section of Bridge Street where a verdant and open character prevails. On this basis, the impact of the proposal on the verdant and open character of the area would harm the significance of the above noted heritage assets.
6. The appellant asserts that the noise associated with the proposal would be comparable with vehicular parking. The lowest rated pressure spray would be used and signage would inform customers to switch off radios and car engines. Car wash anti-spray screens are also proposed. However, no substantive evidence is before me to demonstrate that the noise and spray associated with the proposal would be fully mitigated. In this light and with reference to the open intervening land and separation distances involved, the proposal would harm the relatively tranquil quality of Old Beams Public House.
7. In reaching this view I note the temporary permission sought, the opening hours proposed, the use being restricted to fair weather, and that signage and equipment would be removed when not in use. However these factors combined would not fully mitigate or prevent the harm identified above.
8. In the context of paragraphs 131 - 134 of the National Planning Policy Framework (the Framework), the extent of harm to the significance of the heritage assets would be less than substantial. In such circumstances, the Framework advises to weigh harm against the public benefits associated with the proposal. The proposal would create employment opportunities and utilise a disused and overgrown site. The appellant states that the proposal would benefit the Toll House as customers would not require the driveway and by providing opportunity for information posters at the site.
9. Whilst the harm of the proposal to the above noted heritage assets would be less than substantial, sections 66 and 72 of the Act are clear that such harm should be given considerable importance and weight. In this context, the considerable weight afforded to the harm to the heritage assets would outweigh the combined weight afforded to the public benefits associated with the proposal.
10. Therefore the proposal would neither preserve nor enhance the character or appearance of the SSSA nor preserve the setting of nearby listed structures. Consequently the proposal would be contrary to Core Strategy Policy CP11, Site Allocations and Local Plan Policies SAL.UP6, SAL.UP7 and paragraphs 131 - 134 of the Framework which require development to be of a high design quality that conserves the significance of heritage assets.

## Conclusion

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

*B Bowker* INSPECTOR

## Appeal Decision

Site visit made on 30 January 2018

**by Jameson Bridgwater DipTP MRTPI**

an Inspector appointed by the Secretary

**Decision date: 16<sup>th</sup> February 2018**

---

**Appeal Ref: APP/R1845/D/17/3191479**

**Wheel Cottage, Hill Pool, Chaddesley Corbett, Kidderminster DY10 4PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nick & Brian Ashmead-Siers against the decision of Wyre Forest District Council.
  - The application Ref 17/0525/FULL, dated 29 July 2017, was refused by notice dated 17 October 2017.
  - The development proposed is described as 'Subterranean extension beneath existing bedroom and en-suite and upper patio area'.
- 

### Decision

1. The appeal is dismissed.

### Main issues

2. The appeal site is within the Green Belt and so the main issues are:
  - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework); and
  - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### Reasons

3. The appeal property is a detached residential dwelling located in the hamlet of Hill Pool in the Green Belt. The appellant seeks to develop a subterranean basement extension under a previous extension and rear patio granted planning permission in 1987. The extension would extend outside of the footprint of the existing cottage.

#### *Whether inappropriate development?*

4. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006 – 2026 sets out Green Belt policy for extensions to dwellings and seeks to ensure that the extension of an existing dwelling would not result

in disproportionate additions over and above the size of the original dwelling. Further stating that applications for extensions to existing dwellings will be considered on a case by case basis. This policy is consistent with the Framework.

6. Paragraph 89 of the Framework allows the extension or alteration of a building within the Green Belt provided that it does not result in disproportionate additions over and above the size of the original dwelling. Annex 2 of the Framework defines the original building as, a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.
7. Based on the evidence before me I consider that the floor area of the appeal property as it existed on 1 July 1948 would have measured approximately 90.2m<sup>2</sup>. The appellants' heritage statement confirms that Wheel Cottage has been extended four times since 1948 (1972, 1987, 2008 and 2010). The extensions carried out since 1972 have amounted to an increase in additional floor area of approximately 95m<sup>2</sup>. The appeal proposal would increase the floor area by another 14m<sup>2</sup>, resulting in an overall increase of around 109m<sup>2</sup>. Therefore when comparing the original dwelling to the one that would result if the proposal were to go ahead, the outcome would be disproportionate. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
8. Although subterranean, the proposal would reduce the openness of the Green Belt as the extension would result in development over an area that has not previously been developed. It would therefore conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. However, I accept that as the proposed extension is closely related to the house and would be subterranean, the reduction in openness and the harm from it would be extremely limited and not significant overall.
9. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006 – 2026.

#### *Other considerations*

10. The appellants' have referred to the demolition of original extensions and outbuildings at the appeal site; however, whilst I have no reason to doubt this statement, there is no substantive evidence before me that adequately demonstrates the size of the buildings demolished or if they were in existence on 1 July 1948. Consequently, this matter cannot be afforded any weight.
11. The appellant refers to a number of other extensions at neighbouring properties and cites these as setting a precedent for this proposal. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.
12. Issues in relation to providing a flexible area for dining, socialising and family activities on the ground floor to give a better flow and separation from circulation spaces have been raised. However, based on the information before me these matters would not constitute reasons to allow the appeal.

**Conclusions**

13. The proposed subterranean extension would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. Although, I accept that there would be no significant harm to openness. However, this does not outweigh the totality of harm which is the test that has to be met.
14. For the above reasons, and having regard to all other matters raised and given that very special circumstances needed to justify it do not exist. I conclude that the appeal should be dismissed.

*Jameson Bridgwater*

INSPECTOR

## Appeal Decisions

Hearing held on 23 January 2018

Site visit made on 23 January 2018

**by Andrew R Hammond MSc MA CEng MIET MRTPI**

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

**Decision date: 15 February 2018**

---

**Appeal A Ref: APP/R1845/C/17/3175891**

**Appeal B Ref: APP/R1845/C/17/3176026**

**Land off Cursley Lane, Mustow Green, Kidderminster**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - Appeal A is made by Mr John Bradley and Appeal B is made by Mrs G Bradley against an enforcement notice issued by Wyre Forest District Council.
  - The enforcement notice, numbered 17/0624/ENF, was issued on 22 May 2017.
  - The breach of planning control as alleged in the notice is without planning permission the change of use of land from the keeping of horses to a mixed use comprising of the keeping of horses to a mixed use comprising the keeping of horses and the stationing of 2 caravans for residential use.
  - The enforcement notice requires the use of the land and caravans for residential purposes to cease and for the caravans to be permanently removed from the land
  - The period for compliance with the requirements is six months from the date the notice takes effect.
  - Appeal A is proceeding on the grounds set out in section 174(2)(a), (b) & (g) of the Town and Country Planning Act 1990 as amended.
  - Appeal B is proceeding on the grounds set out in section 174(2)(b) & (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
- 

### Procedural Matter

1. The site immediately to the north of the appeal site was the subject of an appeal in 2013 (Ref. APP/R1845/A/12/2183527) against the refusal to grant planning permission under s73 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.
2. Although I was the Inspector appointed to conduct the hearing on 26 March 2013 and to report to the Secretary of State, who had recovered the appeal for his determination, it was stressed at the hearing into the current appeals that this was entirely coincidental and the facts and circumstances of that appeal had no direct bearing on the consideration of this appeal.



**Decision Appeal A**

3. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Decision Appeal B**

4. The appeal is dismissed and the enforcement notice is upheld.

**Appeals A & B Ground (b)**

5. Under ground (b) the appellants plead that the breach of planning control has not occurred in that the caravans constitute a temporary agricultural dwelling and not a residential use. Notwithstanding that, as framed, this would more properly be an appeal under ground (c), namely that what has occurred is not a breach of planning control, the siting of caravans for residential purposes, even on a temporary basis, is development for which planning permission is required. There has, therefore, been a breach of planning control and this ground of appeal must fail.

**Appeal A Ground (a)****Main Issue**

6. The appeal site is located within the West Midlands Green Belt. The main issue in this appeal therefore is whether the use of the appeal site for residential purposes constitutes inappropriate development within the Green Belt and, if so, whether the harm by virtue of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to justify the development on the grounds of very special circumstances.
7. It was made clear by the appellants that the ground (a) appeal sought a temporary planning permission to allow the goat farm business to become established and financially viable.

**Policy**

8. The National Planning Policy Framework (the Framework) states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
9. The Framework continues, at Paragraph 134, to state that dwellings for rural workers in agriculture or forestry are primarily intended for residential use. Consequently, they are not buildings for agriculture or forestry (even though they are intended to support such a use).
10. Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (2013) (LP) follows the Framework in stating that development within the Green Belt will not be permitted except in very special circumstances unless one of certain circumstances applies, including that the development is for housing where there is a proven need in association with the purposes of agriculture or forestry.

11. LP Policy SAL.DPL2 sets out general policy with respect to rural housing and states that applications for rural workers dwellings will be permitted where it can be clearly demonstrated that there is clearly an established functional need and the need relates to a full time worker or one person solely or mainly employed locally in agriculture or forestry.

### **Reasons**

12. The appellants propose to establish a commercial goat farm on the appeal site beginning with a small herd of 12 goats with the intention of expanding to 60 nanny goats by year 2 with 120-150 kids each year thereafter. Whilst there is no reason to doubt the appellant's intentions and desire to establish a viable business, progress so far has been extremely limited and it would appear that the envisaged business could not be supported on the appeal site.
13. Although the appellants' current herd comprises a small group of pygmy goats, which may require less internal and external space than 'average' goats, the RSPCA guidance on goat care recommends yard space of at least 8.5m<sup>2</sup> and goat house space of 2.0m<sup>2</sup> to 2.5m<sup>2</sup> floor space per goat. The DEFRA Code of Recommendations for the Welfare of Livestock recommends that goats should be moved at appropriate intervals to clean pastures, would require a mix of hard feed and that kids would require 2 years care before they could be bred, produce milk or be sold as meat.
14. The holding comprises around 1.2 hectares plus rented pasture of just under 1 hectare. There is an existing stable building which is proposed to accommodate 2 stables, an area for kidding, which is currently being boarded out with plasterboard and an area for equipment storage. No provision for feed storage is shown. At the site visit it was noted that the stable block currently accommodates laundry equipment and a shower room/wc complete with foul water drainage was in the course of installation. An indicative plan provided by the appellants shows 3 proposed goat shelters. The existing stable building would not appear to be capable of accommodating a 'kidding room', milking parlour and the feed store that would be needed to support a substantial goat herd.
15. Given that the kids would need 2 years care, the business plan as drawn up envisages upwards of 300 goats on site in years 2 and 3. Given the lack of shelter and of pasture, particularly as the appellants intend to also breed horses, it would appear that the business plan is optimistic and it is unlikely that it would be practical to develop a viable business on the scale envisaged utilising the existing landholding and existing and proposed structures.
16. The appellants stated at the hearing that they were currently on a 'steep learning curve' as, although they had considerable experience of keeping animals, they had little previous knowledge of goats. They had begun with a small herd of 12 pigmy goats including 3 males but as to date had little success with breeding. Twins had been born a few days before the site visit but one of these appeared to be lame. As a result there appeared to have been minimal progress towards developing a successful business and the enterprise is not generating any income.
17. Although the appellants anticipate building the herd to a commercial level within 3 years, despite the current lack of progress, they have not fully investigated potential markets for kids, milk or goat meat, relying on an

- speculative, albeit genuine, belief that there is a healthy market. At the time of the hearing they had made no decision as to whether to concentrate on the meat or milk market.
18. Although the appeal seeks only a temporary permission for a change of use to a use including the siting of caravans for residential purposes in association with the goat farm, it is still seeking a 'dwelling' in the open countryside within the Green Belt. It is, therefore, necessary to satisfy development plan policy in respect of such residential use, namely that there is a proven functional need relating to a full time worker or one person solely or mainly employed locally in agriculture or forestry.
  19. Although the appellants have stated that the current small herd of pygmy goats needs constant attention from both a welfare and security point of view, there has been no substantial evidence to support this. It has not been established that there is a current functional need.
  20. The business plan states that labour costs would be £2000 in year 1; £1500 in year 2 and £500 in year 3. This appears inconsistent with the potential labour requirement for tending a herd of goats of the scale envisaged and would also indicate that the plan does not allow for a full time worker.
  21. The appellants have failed, therefore, to demonstrate that there is a current functional need for a full time worker on the site or that the proposed business plan has been formulated on a sound practical and financial basis so as to lead to a functional need in the foreseeable future
  22. There is, therefore, no proven need for residential occupation of the appeal site in association with the purposes of agriculture, either currently or in the foreseeable future. The siting of caravans for residential use at the appeal site is, therefore, contrary to LP Policy SAL.DPL2 and also constitutes inappropriate development in the Green Belt.
  23. In addition, the siting of the caravans is detrimental to the openness of the Green Belt and this adds harm to the harm by definition caused by inappropriate development.
  24. It is not disputed that the residential occupation of the caravans would benefit the appellants in that they would be able to live in close proximity to their animals. This benefit does provide some support to the appeal.
  25. However, the Framework makes clear that substantial weight should be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
  26. A functional need to occupy the appeal site has not been demonstrated and although the occupation of the site would benefit the appellants this benefit does not clearly outweigh the harm to the Green Belt and does not, therefore, justify the development on the basis of very special circumstances.
  27. For the reasons given above I conclude that Appeal A on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

**Appeals A & B Ground (g)**

28. Under ground (g) the appellants submit that 6 months is insufficient time to scale down the operations on the site and that 9 months would be more fair.
29. The enforcement notice does not require the scaling down of operations on the site, merely the cessation of residential occupation, the need for which is not justified by the 'agricultural operation'.
30. Six months is sufficient time to cease the residential occupation of the appeal site and permanently remove the caravans from the site.
31. The appeal on ground (g) therefore fails.

*Andrew Hammond*

Inspector