

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 17th April 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**

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

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

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

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

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

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

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

## NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday 17th April 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 March 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.	50
<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>	
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Part 2

Not open to the Press and Public

9.	<p><b>New Enforcement Case</b></p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement case.</p>	-
10.	<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**

**TUESDAY 20TH MARCH 2018 (6 PM)**

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**Present:**

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

**Observers:**

There were no members present as observers.

**PL.58 Apologies for Absence**

There were no apologies for absence.

**PL.59 Appointment of Substitutes**

No substitutes were appointed.

**PL.60 Declarations of Interests by Members**

Councillor J Hart declared, in respect of application number 17/0766/FULL, that he was one of the Ward Members and had spoken to the objector but came to the meeting with an open mind.

Councillor M Hart declared a Disposable Percuniary Interest (DPI) in respect of application number 18/0034/FULL as he was a member of Hereford and Worcester Fire and Rescue Authority and would leave the room during consideration of this item.

Councillor F Oborski declared a Disposable Percuniary Interest (DPI) in respect of application number 18/0034/FULL as she was a member of Hereford and Worcester Fire and Rescue Authority and would leave the room during consideration of this item.

**PL.61 Minutes**

**Decision: The minutes of the meeting held on 20th February 2018 be confirmed as a correct record and signed by the Chairman.**

**PL.62 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No.562 attached).

Councillor M Hart and Councillor F Oborski left the meeting at 6.19 PM and returned at 6.30 PM

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 562 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.63 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.64 Exclusion of the Press and Public**

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

**PL.65 New Enforcement Case**

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

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

**PL.66 Enforcement Matters**

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

**Decision: The information be noted.**

There being no further business, the meeting ended at 6.38 pm



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**20<sup>th</sup> March 2018 Schedule 562 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.

<b>Application Reference:</b> 17/0766/FULL
<b>Site address:</b> 19 TALBOT STREET, KIDDERMINSTER, DY116QU
<b>Application DEFERRED for a site visit</b>

Councillor M Hart and Councillor F Oborski left the meeting at this point (6.19 PM)

<b>Application Reference:</b> 18/0034/FULL
<b>Site Address:</b> NEW WYRE FOREST EMERGENCY SERVICES HUB, STOURPORT ROAD, KIDDERMINSTER, DY117PG
<b>Delegated authority to APPROVE subject to the following conditions:</b>
<ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. Details of materials (including hard surfacing) to be agreed.</li> <li>4. Details of boundary and enclosure treatment to be agreed.</li> <li>5. Details of Landscaping to be agreed.</li> <li>6. Require accesses, turning areas and parking facilities to be provided.</li> <li>7. Require pedestrian visibility splays at access points.</li> <li>8. Require first 5 metres of each of the 3 vehicular accesses to be surfaced in a bound material.</li> <li>9. Require vehicular access gates to Walter Nash Road to be set back 5 metres from the edge of the highway.</li> <li>10. Require cycle storage facilities to be provided.</li> <li>11. Require a travel plan to be submitted and agreed.</li> <li>12. Phase 1 Desk Study for Land Contamination.</li> <li>13. Construction Environmental Management Plan.</li> <li>14. Details of External Lighting.</li> <li>15. Restricts the activities to be carried out within the 'Hot Fire' training building, which includes the use of stage smoke only.</li> <li>16. Require a site drainage strategy.</li> <li>17. Details of foul and surface water drainage.</li> </ol>

Councillor M Hart and Councillor F Oborski returned to the meeting at 6.30 PM

**Application Reference:** 18/0026/FULL

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

**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 the development to be carried out in accordance with the approved Groundwater Monitoring Programme.
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.

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.

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**17/04/2018**

**PART A Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
18/0008/FULL	SITE OFF LAYAMON WALK STOURPORT-ON-SEVERN	APPROVAL	13
18/0076/FULL	VICTORIA VILLA 4 LION HILL STOURPORT-ON-SEVERN	APPROVAL	21

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
17/0760/FULL	TOWER BUILDINGS 1- 12 BLACKWELL STREET KIDDERMINSTER	APPROVAL	27
17/0764/FULL	SITE OF FORMER H AND H CHILLED FOODS HACKMANS GATE CLENT STOURBRIDGE	APPROVAL	32
17/0766/FULL	19 TALBOT STREET KIDDERMINSTER	APPROVAL	39
18/0059/FULL	CRUNDALLS COTTAGE CRUNDALLS LANE BEWDLEY	APPROVAL	43
18/0106/FULL	BROCKENCOTE COTTAGE BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	46

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**17<sup>TH</sup> APRIL 2018**

**PART A**

<b>Application Reference:</b>	18/0008/FULL	<b>Date Received:</b>	04/01/2018
<b>Ord Sheet:</b>	380793 270413	<b>Expiry Date:</b>	01/03/2018
<b>Case Officer:</b>	Sarah Mellor	<b>Ward:</b>	Areley Kings & Riverside

**Proposal:** Demolition of existing garages to provide 4 new dwelling houses, with associated landscape and parking

**Site Address:** SITE OFF LAYAMON WALK, STOURPORT-ON-SEVERN, DY130AG

**Applicant:** THE COMMUNITY HOUSING GROUP

<b>Summary of Policy</b>	DS01, CP01, CP02, CP03, CP04, CP05, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7, SAL.UP9 (SAAPLP) Sections 1, 4, 6, 7, 8, 10, 11 (NPPF)
<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 application site measures 0.17 ha and relates to a vacant garage site in Stourport on Severn. The garages were not in situ at the time of the site visit.
- 1.2 The site is accessed via a single track leading from a bend on the outside of the main road, Layamon Walk. The site is also served by a vehicular track to the rear of properties in Layamon Walk, taken from Barnfield Road.
- 1.3 As highlighted within the Tree Report submitted in support of the application, there is woodland on the east side of the site, which provides a notable contribution the landscape value in this part of Stourport on Severn.
- 1.4 The proposal seeks approval for the redevelopment of the site to provide 4 new dwellings.

18/0008/FULL

## 2.0 Planning History

2.1 WF/0300/04 Full: Multi use games area : Withdrawn

## 3.0 Consultations and Representations

3.1 Stourport on Severn Town Council – No objection and recommend approval

3.2 Highway Authority – No objection, subject to conditions.  
It is noted that the existing access is very narrow and whilst a private car can access the site, the fire authority should be invited to comment as their vehicles are much larger.

3.3 Hereford & Worcester Fire and Rescue Service – Advise to refer to the Building Regulations (2010) Fire Safety document regarding access widths to developments.

3.4 Arboricultural Officer – No objections, but there would need to be condition for a site specific Arboricultural Method Statement to give details of how the hard surfaces are to be constructed.

3.5 Countryside Manager - This application is immediately adjacent to woodland contiguous with Redstone Marsh LNR.

There is little in the form of biodiversity on the application site itself so a dedicated wildlife survey is unnecessary.

The trees to the north are also in close proximity to the development. Assurances from the developer are required that these trees would be protected from the effects of the development.

The woodland to the north is also light sensitive. I can see no additional lighting but would like assurances from the developer this is indeed the case.

Away from biodiversity but in my role as a land manager for the district council, I feel this development is close to the river Severn escarpment. The trees and shrubbery found on this give the town of Stourport a green skyline. I feel this is a very important aspect of Stourport's appeal as a tourist town. If the development broke through the skyline here it may be possible to see these properties from the Stourport riverside amenity lands damaging the town's facade of a countryside setting. I would like if possible for the developer to address this concern and appropriate assurances put in place to preserve this green back drop to the town.

18/0008/FULL

- 3.6 Severn Trent Water – No objection subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 3.7 North Worcestershire Water Management (NWWM) - No objection subject to a condition to secure a plan for surface water drainage, including for all hard standing areas.
- 3.8 Neighbour/Site Notice - 5 representations received commenting as follows:
- The access is dangerous as it is used by walkers and children
  - Increased noise levels from use of the access
  - Emergency services will be unable to access the site
  - Overlooking will result of the neighbouring rear garden will result
  - there will be 8 cars added to the already busy road not taking into account visitors
  - Right of way to the rear of properties will be affected
  - Access to the rear of properties in Layamon Walk should not be closed off for any amount of time.
  - Concern for impact upon nature and wildlife
  - The access to the properties is 3m on plan, and below this when measured on site. This is not in accordance with Worcestershire's Highway Design Guide, which should be a minimum of 3.5m for a shared drive up to 6 houses.
  - The fire service have not been consulted with regard to this reduced width, and access arrangements in the event of an emergency could be compromised.
  - The red line planning boundary appears to span private land at No.81 Layamon Walk on plan Number D01. I assume this is to be acquired, is the land secured to support this application?
  - There is no phase 1 habitat study, or any related ecology studies for the area within the red line, that falls outside of the existing garage footprint. There is a negative impact to this area which has not been assessed.
  - There is no drainage strategy for the proposed development, and no indication as to how the development will meet the requirements of PPS25. (*Officer Comment – PPS25 was superseded by the National Planning Policy Framework (NPPF) in 2012*). At present the site is permeable, and it is proposed to increase the impermeable area.
  - There is no ground investigation study, the existing slope from the proposed site to The Rough is within a zone of influence for the proposed structures/ buildings; and the slope should be assessed to ascertain if the additional load can be sustained with a safe long term stability.
  - There will be increased pedestrian and vehicle conflict at the head of the access way. The Layamon Walk footway should be upgraded with dropped kerbs and tactile features as required where the proposed access intersects it.

18/0008/FULL

#### **4.0 Officer Comments**

##### OVERVIEW

- 4.1 The application as submitted is a full application. The proposal is for 4 no. dwellings with the associated parking and landscaping. The site would be accessed via the existing vehicular access between no. 81 and 83, serving the rear of properties in Layamon Walk.
- 4.2 The submitted layout plan shows that there would be 2 semi detached pairs. One pair comprising 3 bed houses and the other comprising 2 bed houses.
- 4.3 The dwellings would attain a maximum height of 8.2m and an eaves height of 5.1m. The dwellings would be of a traditional red multi brick and grey tile construction. The final details of the external materials will be secured by condition. The windows would be white upvc and the rear gardens would be enclosed using 1.8m high close boarded fencing.

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

- 4.4 The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).
- 4.5 Policy DS01 of the Adopted Core Strategy states that development will be concentrated on brownfield sites within the urban areas of Kidderminster and Stourport-on-Severn.
- 4.6 The application site is a former garage site and therefore considered to be a brownfield site suitable for residential development. Therefore, subject to material considerations, it is considered that that the principle of development is acceptable, being compliant with relevant adopted planning policy.

##### CHARACTER AND APPEARANCE

- 4.7 The proposed dwellings are considered to be an acceptable form of development with on plot parking to the frontage and private rear gardens. The dwellings would be sited in a row facing the side of no. 81 with sufficient separation to allow for a good degree of openness.
- 4.8 The density of the scheme has been questioned by residents, however it is not considered that the development of such a modest number of dwellings in this location would be unduly cramped.



18/0008/FULL

- 4.9 It is clear that this development extends rear of the building line to both aspects of Layamon Walk. However, the narrow opening between no. 81 and 83 would not allow for the development to assume a notable presence in the street, such that the current rhythm of front facing properties in this particular area would be unduly harmed. When viewed from the rear, again, the site will clearly be seen to extend beyond established building lines, however this would be viewed against the backdrop of the existing properties in Layamon Walk, which is considered acceptable.

#### HIGHWAYS AND ACCESS

- 4.10 Concern has been raised regarding the ability for a fire engine (appliance) to access the site via the proposed 3m wide track. Having referred to Part B5 of The Building Regulations (2010), which is concerned with the access and facilities for the fire service, it states that the minimum width of a road between kerbs should be 3.7m. The plans show a width of 3m which would fall short of this requirement however it is noted the regulations also require there is vehicle access for a pump appliance to within 45m of all points within the dwellinghouse. Should an appliance be parked in Layamon Walk at the point of the access, the development would accord with this. Furthermore, the rear access taken from Barnfield Road would far exceed the 3.7m width. Therefore, the site would be adequately served, whether from Layamon Walk or Barnfield Road, to the satisfaction of the Hereford and Worcester Fire & Rescue Service. However, notwithstanding these comments, Members will note that these matters are for consideration as part of a Building Regulations application and not for consideration as part of a planning application.
- 4.11 Concern has also been raised regarding the access being dangerous as it is used by walkers. It must be noted that the site is currently and frequently already accessed by vehicles, in conjunction with pedestrians. The development of 4 dwellings, to also be served by this access is not considered to so intense that, this would generate the volumes of traffic that could be argued to be detrimental to the safety of those on foot.
- 4.12 The Highway Authority has assessed the scheme and raise no concern, subject to the necessary conditions.

#### AMENITY

- 4.13 No. 83 Layamon Walk is sited forward and west of Plot 1 and at a distance of over 20m away. No. 81 is off set to the west also and set forward of the end elevation of the nearest proposed semi detached pair. Despite concern being raised regarding the overlooking of rear gardens, it is considered that such a separation distance would be acceptable and not allow or result in loss of privacy.

18/0008/FULL

4.14 The private rear gardens would measure 11m in length and Plot 4 would have a significantly larger garden in addition. On this basis, it is considered that an acceptable layout that would not adversely impact upon neighbour amenity is achieved.

4.15 No details of external levels and finished floor levels have been submitted at this stage however these will be secured by condition to ensure that the development does not tower over the existing adjacent properties.

#### TREES

4.16 The application was supported by a tree report which highlighted that a key constraint of the site was the presence of the woodland on the east side of the site which forms an important feature in the locality.

4.17 The remainder of the site contains a number of poor quality trees and young trees that have grown naturally amongst the bramble. Removal of those trees would allow priority to be given to the woodland allowing it to provide a backdrop to any proposal. Four birch trees growing on the south west side are clearly visible to users of site however they are of limited quality and their removal could be considered.

4.18 The application was later supported by an Arboricultural Impact Assessment, at the request of the Arboricultural Officer. The outcomes and recommendations are considered to be well assessed and duly accepted.

#### ECOLOGY AND BIODIVERSITY

4.19 The Countryside Manager highlights that the application site is immediately adjacent to woodland contiguous with Redstone Marsh LNR. Neighbour comment has been raised that no phase 1 habitat study, or related ecology has been submitted. The Countryside Manager however, considers that there is little in form of biodiversity on the application site itself, therefore a dedicated wildlife survey would be unnecessary. Neighbour comments relating to the impact upon nature and wildlife are noted however no objection to the scheme is raised.

4.20 The Arboricultural Officer raises no objection to the scheme subject to the development being implemented in accordance with the submitted Tree Protection Plan. On this basis, it is considered that the concerns of the Countryside Manager are addressed.

4.21 Further comments regarding the management of the land subsequent to the construction of the proposed development fall outside of the remit of the role of the Countryside Manager in considering the application and therefore have not had a bearing on the assessment of the application.

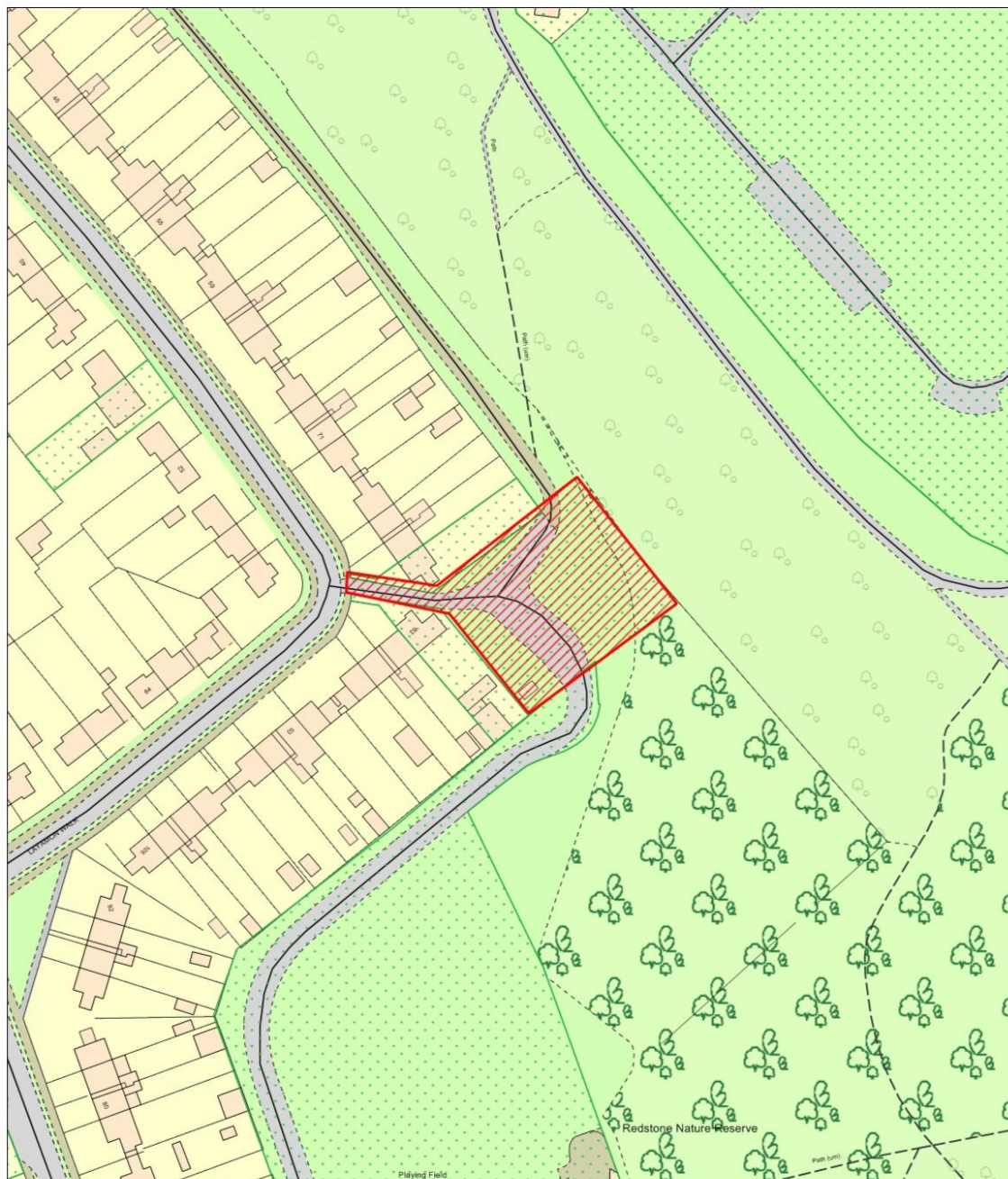
18/0008/FULL

OTHER COMMENTS

- 4.22 Concern over the impact on the right of way are noted however the access to the rear of properties in Layamon Walk and beyond would not be affected.
- 4.23 Red line boundary and land ownership issues are noted however, there is no evidence to suggest that the land is not within the ownership of the applicant.
- 4.24 Concern has been raised over the lack of a drainage strategy and also refers to out of date legislation, PPS25. The Water Management Officer has been consulted and considers that the development is satisfactory, subject to a condition to secure a drainage strategy.
- 4.25 Reference to the submission of a ground investigation study is noted however this does not form a mandatory requirement for considering this application and is more appropriately dealt with under other legislation.

**5.0 Conclusions and Recommendations**

- 5.1 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
  - 1. A6 (Full with no reserved matters)
  - 2. A11 (Approved plans)
  - 3. B1 (Samples/details of materials)
  - 4. External site Levels and finished floor levels to be approved
  - 5. C6 (Landscaping – small scheme)
  - 6. C8 (Landscaping implementation)
  - 7. Site Specific Arboricultural Statement
  - 8. Tree Protection during construction
  - 9. Recommendations of the AIA to be undertaken
  - 10. First 5m to be surfaced in a bound material
  - 11. Require the access, turning area and parking facilities including cycle parking shown on Drawing number D01 to be provided.
  - 12. Drainage condition
  - 13. Remove PD Rights for any Class A, B and E enlargements or alterations
  - 14. To secure affordable housing provision
  - 15. Require a Lighting strategy



Economic Prosperity and Place Directorate

Site off Layamon Walk

Stourport on Severn

DY13 0AG



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Scale 1:1250

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

## Agenda Item No. 5

**Application Reference:** 18/0076/FULL      **Date Received:** 26/01/2018  
**Ord Sheet:** 381214 271332      **Expiry Date:** 23/03/2018  
**Case Officer:** Kate Whitfield      **Ward:** Areley Kings & Riverside

**Proposal:** Change of Use from Class C1 Bed & Breakfast/ Guest House to Class C2 Family Assessment Centre

**Site Address:** VICTORIA VILLA, 4 LION HILL, STOURPORT-ON-SEVERN, DY139HD

**Applicant:** KEYS GROUP LTD

<b>Summary of Policy</b>	DS01, DS03, CP07 (CS) SAL.CC1, SAL.CC2, SAL.UP6 (SAAPLP)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application refers to the site of a large detached house close to the centre of Stourport-on-Severn. The building currently operates as a bed and breakfast with a separate residential annexe for the owners of the property.
- 1.2 The property lies within the Stourport-on-Severn No. 2 Conservation Area.

### 2.0 Planning History

- 2.1 WF/0882/03 - Full: Change of use to bed and breakfast accommodation with 6 guest rooms, with associated parking to rear. Retention of conservatory, decking and store (retrospective) : Approved 27/10/2003.

### 3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval.
- 3.2 Highway Authority – No objection subject to cycle parking condition. The proposed development is in a highly sustainable town centre location easily accessible on foot or by cycle, close to amenities, public transport services and public car parking in addition to the existing 9 spaces on site.

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- 3.3 North Worcestershire Water Management – No adverse comments to make. As far as I am aware there are no changes proposed in the footprint of the building or area of hardstanding, and therefore there are no surface water drainage implications.

I understand foul water will be discharged to the main sewer. The connection to the sewer system and any changes to existing flows might need to meet Severn Trent's approval, even if the existing sewer connection is being re-used.

- 3.4 Conservation Officer - The application site lies within the Stourport No.2 Conservation Area and this has been identified by the applicant within their planning and heritage statement. Reference to Ordnance Survey maps suggests it was built between 1884 and 1903.

The property makes a valuable contribution to the street-scene on Lion Hill whilst lacking the individual architectural or historic interest to warrant inclusion on the Local Heritage List. This is principally due to the loss of original sash windows and their replacement in UPVC top hung casements.

The change of use does not appear to require any physical alterations to the front of the property and thus I have no objections.

Should there be a need to replace the windows as part of a future phase of works I suggest that sliding sashes be reinstated (with appropriate restrictors). These could be UPVC as there are several ranges now available.

- 3.5 Neighbour/Site Notice – Two public representations have been received. In summary the following points are made :
- There is limited parking on the site and little in the surrounding area.
  - The car movements of staff and other workers at all hours will affect amenity of neighbouring houses. Excess vehicular traffic will affect the foundations of neighbouring houses.
  - The property is not suitable for families – there is no outdoor space and the site is close to a busy road.
  - There are concerns over the security of the building and whether the occupants will be a risk to local people. It is not considered that the use is appropriate in a residential area.
  - The building is Listed which may have implications over future adaptation (Officer Comment – *This is incorrect. The building is not Listed*).
  - The site is within a Conservation Area. The proposal will have a detrimental effect on local families and the community.
  - The proposal will devalue the properties that surround it.

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#### 4.0 Officer Comments

- 4.1 The application seeks planning permission for the change of use of the building from a B&B/Guest House to a family assessment centre for up to 6 families. This is a change from a C1 to a C2 (residential institutions) use under the Use Classes Order 1987 (as amended). No external alterations are proposed to the building or the site.
- 4.2 The building will provide short term accommodation for families whilst their parenting activity is assessed. At the end of the assessment period a decision will be reached on the long term care arrangements of the children. The application advises that up to 6 families will be accommodated within the building. There will be staff present on site at all times, working in shifts, with up to a maximum of four members of staff present at any one time.
- 4.3 Policy CP07 of the Core Strategy generally supports the development of new community uses which provide for the health, social and educational needs of the community. The proposed use would provide a centre which provides parenting advice and guidance to families and protects child welfare. It therefore is considered that the proposal accords with this policy and would provide a valuable welfare facility for the local community.
- 4.4 The site is close to the centre of Stourport and on a major 'A' road into the town. It is therefore within a sustainable location with good access to local services and good transport links for the resident families. There is a large car park at the rear of the site with 9 spaces. The application advises that at any one time there would be up to 4 members of staff on site and up to 19 car movements likely within the day. These numbers would not be dissimilar to the former use of the building as a B&B when it was fully occupied. The Highway Authority has therefore raised no objections to the change of use. There is a large shed at the rear of the car park and the Agent has confirmed that this can be used for secure cycle parking if required. The proposal is therefore deemed to accord with Policies SAL.CC1 and SAL.CC2 of the Site Allocation and Policies Local Plan.
- 4.5 Within the representations concerns have been raised over the security of the site and potential impact on the amenity of neighbouring properties. During the course of the application the following statement was provided by the Applicant :

*"The service will provide 12 week residential parenting assessments for up to 6 families. Families will usually be either 1 parent and 1 child or 2 parents and 1 child. The purpose of the placement is to provide support to families and to assess their parenting capacity. Placements are usually for 12 weeks and the assessment provides the Children's Services with an expert independent assessment that will assist with the care planning processes for the child."*

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*Parents are always motivated as their goal is to leave the Centre with child. Therefore they are clear about expectations and sign a working agreement to adhere to the Centre rules.*

*We often work with Parent's who have some learning difficulties or are struggling because they lack support or who have been victims of domestic violence. Parents may have been previously experienced periods when they were children themselves of living in foster care or residential care. The Centre does not accommodate parent's who are currently misusing substances or alcohol and does not accommodate Parent's with unstable mental health conditions.*

*The Centre does not work with Parent's where there is a significant risk of violence as the safety of any baby or child living at the Centre is vitally important."*

- 4.6 Taking this into account it is considered that the application site is suitable for the proposed use and there would be no reason to believe that the impact on the amenity of neighbouring properties would be adversely affected.
- 4.7 The representations have also made reference to a lack of garden space at the property and questioned whether this is an appropriate site for families. However, as it is only for short term residential accommodation it is not considered that this would be a reason to justify a refusal of the application.
- 4.8 As no external alterations are proposed for the building the change of use will have a neutral impact on the character and appearance of the surrounding Conservation Area. No objection has been raised by the Conservation Officer. The proposal therefore complies with Policy SAL.UP6 of the Site Allocation and Policies Local Plan. It is also considered that the Council has complied with its duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the surrounding Conservation Area.

## **5.0 Conclusions and Recommendations**

- 5.1 The proposed change of use to a C2 use (family assessment centre) is considered to be an acceptable and appropriate use of the building which accords with the relevant local plan policies.



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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Restricts the use of the building to be used as a family assessment centre only and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
4. No more than 6 families shall be occupied at the premises at anyone time.
5. Requires the cycle storage facility to be maintained.



Economic Prosperity and Place Directorate

Victoria Villa, 4 Lion Hill

Stourport on Severn

DY13 9HD



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WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**17<sup>TH</sup> APRIL 2018**

**PART B**

<b>Application Reference:</b>	17/0760/FULL	<b>Date Received:</b>	08/12/2017
<b>Ord Sheet:</b>	383286 276880	<b>Expiry Date:</b>	09/03/2018
<b>Case Officer:</b>	Sarah Mellor	<b>Ward:</b>	Blakebrook & Habberley South

**Proposal:** Change of Use and conversion to form 17No residential units.  
Roof alterations. New and replacement windows.

**Site Address:** TOWER BUILDINGS, 1- 12 BLACKWELL STREET,  
KIDDERMINSTER, DY102DP

**Applicant:** Trentor Ltd

<b>Summary of Policy</b>	DS01, DS02, CP02, CP03, CP05, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL4, SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP6, SAL.UP7 (SAAPLP) Paragraphs 6-17 inclusive; Sections 1, 4, 6, 7, 8, 10, 11, 12 (NPPF)
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site comprises the first floor of Tower Buildings at 1 – 12 Blackwell Street, located in the centre of Kidderminster Town. The ground floor has a retail and restaurant use. The first floor was host to a nightclub and bar and also offices to the southern end of the building.
- 1.2 Surrounding the site is a mix of uses which are manifested in the array of buildings and signage visible through this part of Blackwell Street.
- 1.3 The site has previously had prior approval granted for the change of use of the office accommodation on first floor and second floor into residential. A total of 22 no. units were granted. Provision for 22 cycles was also secured under this consent.

17/0760/FULL

## 2.0 Planning History

- 2.1 17/3051/PNRES – Change of use of a building from office use to a dwellinghouse : Approved 16/10/17.

## 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Approve
- 3.2 Highway Authority – No objection, subject to conditions. The proposed development is in a sustainable town centre location close to local amenities, public transport links and public car parking and in line with Interim Parking Standards it is acceptable as a car free development. Cycle parking and welcome packs to promote sustainable options to future occupants are required.
- 3.3 Conservation Officer – No objections. Tower Buildings is included on the Local Heritage List for Kidderminster. It is of considerable local interest because along with the Red Man Public House and the telephone exchange it represents an example of pre-WW2 urban planning.

The ground floor of Tower Buildings is in use as retail and restaurant premises and will remain largely unaltered within these proposals, save for the removal of the staircase which led up to the ballroom.

The Blackwell Street elevation retains a good many architectural features from 1934 including timber double hung sliding sash windows to the second floor and timber and metal glazed casement window assemblies to the first floor.

I support the proposals to retain operable sash windows to the building as these will maintain the appearance of the elevations. The existing windows are timber and rotten: the use of UPVC will secure a very similar profile but with better heat and sound insulation and without the routine maintenance and facilitate easy cleaning from within the building.

I also support the removal of the existing timber and metal casement assemblies on the first floor which are now life-expired. The proposed new white powder coated aluminium windows will achieve a similar frame profile but again with better heat and sound insulation and a more realistically achievable maintenance regime.

None of the principal architectural features is to be lost – the sympathetic use of modern materials should secure the beneficial use of the building for many years to come, and these benefits outweigh the less than substantial harm caused to the significance (including the interiors which in any case have been substantially altered on more than one previous occasion).

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- 3.4 North Worcestershire Economic Development and Regeneration - No comments received
- 3.5 West Mercia Police Designing Out Crime Officer - The rear of these buildings are in poor condition and the parking area is dark and in poor condition. With the increased use I think the chances for crime are increased.

If this development is to go ahead I suggest that it be a condition that the developer improves the conditions at the rear of the building and the parking area. Improved lighting would help.

In my opinion the doors to the individual flats will be vulnerable, therefore I suggest that they meet the standards of BS PAS 24 and are Secured by Design.

- 3.6 Severn Trent Water – No objections and no requirement for a drainage condition
- 3.7 North Worcestershire Water Management (NWWM) - No objection. As this development is for conversion of first floor only I believe it would be unreasonable to expect this development to incorporate SuDS etc as per the Council's policy. The connection to the sewer system and any changes to existing flows (relevant for foul water only) will need to meet Severn Trent's approval.
- 3.8 Worcestershire Regulatory Services (WRS) – I have concerns regarding noise from the adjacent road network and external plant / equipment and flues associated with the ground floor uses. Therefore the applicant should submit a noise assessment in line with BS8233:2014 and BS4142:2014 and the WRS Technical Noise Guidance (attached) together with any necessary noise mitigation measures to ensure that noise will not adversely impact on future residents. Additionally details of all flues serving the ground floor food outlets should be provided in order to assess their potential impact on future residents.

Following submission of a noise report, the submitted noise assessment appears satisfactory. All of the recommendations relating to glazing, ventilation and the insulation of bedroom ceilings on the top floor should be implemented.

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#### 4.0 Officer Comments

##### PRINCIPLE OF DEVELOPMENT

- 4.1 Policy DS01 of the Core Strategy states that new development will be concentrated on brownfield sites within the urban areas, and in accordance with the hierarchy of Kidderminster, Stourport and then Bewdley, and Policy DS02 states that Kidderminster will meet approximately 60% of the District's requirement for new homes.
- 4.2 Policy KCA.DPL1 states that residential development will be encouraged within the Kidderminster Central Area Action Plan area and the Council will seek to provide at least 900 dwellings within the plan period, and policy KCA.DPL2 seeks to encourage a mix of uses, including residential development, on development sites within the KCAAP area where consistent with other Development Plan policies.
- 4.3 Policy KCA.GPB2 states that the secondary shopping frontage, as defined on the Policies Map, is focused around Blackwell Street, Coventry Street, the lower section of Worcester Street, New Road and Oxford Street. These secondary areas are, by definition, on the periphery of the centre within areas with lower levels of shopper footfall.
- 4.4 The focus here is towards a more mixed commercial offer comprising A1-A5 retail uses together with other uses that promote economic growth and vitality, including the incorporation of residential communities. The application site comprises a primary shopping frontage at ground floor and these uses will be retained.
- 4.5 It is therefore considered given the above assessment, that the proposal to convert the upper floors of the Tower Buildings is policy compliant.

##### HIGHWAYS AND ACCESS

- 4.6 The application proposes no parking to be provided for the converted residential units and is supported by a justification statement. The application site is in a location considered to be highly sustainable with access to amenities, public transport and public car parks. The Highway Authority has considered the proposals and raises no objection to the scheme, subject to securing cycle parking.

##### AMENITY

- 4.7 No objections have been raised regarding the amenities of the occupiers of the residential units.
- 4.8 In terms of the internal layout and spacing allowed for some of the units, this was original submitted as substandard. This has been amended to allow for compliance national technical standards on property and room sizes.

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- 4.9 The scheme does not propose an amenity area for residents however this is not mandatory and the site is within 0.4m of Baxter Gardens, a local park.
- 4.10 In terms of the potential for a noise nuisance from the ground floor uses, Worcestershire Regulatory Services requested a noise survey to assess concerns regarding noise from the adjacent road network and external plant / equipment and flues associated with the ground floor uses.
- 4.11 Following submission of these details no objection was raised, subject to all of the recommendations relating to glazing, ventilation and the insulation of bedroom ceilings on the top floor being implemented.

#### PLANNING OBLIGATIONS

- 4.12 The application seeks to provide 17 residential units and in line with the Council's Planning Obligations Supplementary Planning Document, there would ordinarily be a requirement to provide some sort of financial contribution in order to offset the impacts of the development on the local infrastructure.
- 4.13 Given that the site is providing 1 bed or studio units, and that vacant building credit can be applied to the development, there is no requirement for the development to make a financial contribution in this instance.

### 5.0 Conclusions and Recommendations

- 5.1 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
  - 1. A6 (Full with no reserved matters)
  - 2. A11 (Approved plans)
  - 3. B1 (Samples/details of materials)
  - 4. Windows and doors
  - 5. Bin storage details
  - 6. Windows to side elevation
  - 7. Storage of refuse
  - 8. Secure parking for 17 cycles
  - 9. A welcome pack promoting sustain travel options
  - 10. Implementation of noise summary recommendations

## Agenda Item No. 5

**Application Reference:** 17/0764/FULL      **Date Received:** 12/12/2017  
**Ord Sheet:** 389535 277869      **Expiry Date:** 25/04/2018  
**Case Officer:** Helen Hawkes      **Ward:** Wyre Forest Rural

**Proposal:** Erection of 9 detached houses and associated vehicular access

**Site Address:** SITE OF FORMER H AND H CHILLED FOODS, HACKMANS GATE, CLENT, STOURBRIDGE, DY9 0EN

**Applicant:** Horgan Homes and Developments Ltd

<b>Summary of Policy</b>	DS01, DS04, CP01, CP02, CP03, CP04, CP05, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP3, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework National Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site relates to a vacant manufacturing and distribution site located on the south side of Hackmans Gate Lane, within the Green Belt. It lies approximately 200 metres east of Hackmans Gate, which comprises the A450/B4188 crossroad junction of Worcester Road and Hackmans Gate Lane/Belbroughton Road.
- 1.2 The site is bounded by a line of mature trees on the western and eastern boundaries with Manor House Farm and a stable building beyond. To the north of the site, on the opposite side of Hackmans Gate Lane, are agricultural fields and to the south, is an area of woodland.
- 1.3 The site was previously used by H&H Chilled Foods Limited, a manufacturing and distribution company, until they ceased trading in 2002. The site contained several large buildings and hardstanding with very little landscaping. The majority of buildings were demolished in 2000 and 2002, and the remaining two were demolished in January 2018 following the approval of outline consent in October 2016 for the redevelopment of the site for up to 5 dwellinghouses with garages and a new access road.
- 1.4 The current application is for full planning permission for the redevelopment of the site for 9 dwellinghouses including garages and a new access road and landscaping.



17/0764/FULL

## 2.0 Planning History

- 2.1 16/0503/OUTL – Outline application (with all matters reserved save for access, scale and partial landscaping) for demolition of existing buildings and redevelopment of the site to provide up to five dwellings) : Approved 18/10/16.

## 3.0 Consultations and Representations

- 3.1 Broome Parish Council – No objection and recommended for approval.
- 3.2 Highway Authority – No objection subject to a condition to require the access, turning and parking facilities to be provided prior to the first occupation of the dwellinghouses. Informatives are also recommended to make the developer aware of the procedure if they wish to offer the access road for adoption
- 3.3 Planning Policy - Further information is required which should confirm that the floor areas, volumes and footprints of the proposed dwellings are substantially less than the previous employment buildings on site in order to comply with the NPPF and Policy DS01 of the Adopted Core Strategy. In addition, the height of all of the dwellings should be lower than the height of the original industrial type buildings on the site.  
*(Officer Comment – Amended plans have been submitted to demonstrate that the floor areas, volumes and footprints of the proposed dwellings are less than the previous employment buildings on site).*
- 3.4 North Worcestershire Water Management – No objection subject to a condition to agree a scheme for surface water drainage for all hardstanding areas.
- 3.5 Countryside Manager – No objection subject to conditions to require details of all external lighting to be agreed and for the enhancement measures as set out in the previous application's ecological report to be implemented and maintained.
- 3.6 Arboricultural Officer – No objection, as no trees will be directly affected by the proposed development and the proposed landscaping is adequate. Conditions are recommended to ensure adequate tree protection is provided during development works and to secure a 5 year landscape management plan.
- 3.7 West Mercia Police Designing Out Crime Officer – No objection.
- 3.8 Severn Trent Water – No objection subject to a condition to require details of a drainage plan for the disposal of foul and surface water flows to be submitted and agreed.

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- 3.9 Campaign to Protect Rural England – Objects to the application and request that any approval should be given by the committee not under delegated powers. It is expressed by the writer that Hackmans Gate is a small hamlet in Broome Parish, separated by a gap from Broome village, which is itself no more than a hamlet. Neither of these settlements has a village envelope, so that this is essentially unqualified Green Belt. On the other hand it is a brownfield site. The present proposal is to build a cul-de-sac of houses of a kind that you would expect to find in a town. It is not suitable to a rural location, where there are no local services, except a church and church hall anywhere nearby. The nearest services are in Blakedown or Hagley. In summary, the present proposal is too intensive to be suitable for a rural location in the Green Belt and thus out of keeping with the area.
- 3.10 Neighbour/Site Notice – No representations received.

#### **4.0 Officer Comments**

- 4.1 At present the site consists of previously developed land that up until recently contained two dilapidated buildings. In October 2016, outline consent was granted for the demolition of these two remaining buildings and the redevelopment of the site for up to 5 two-storey detached dwellinghouses with garages, including a new access road and landscaping.
- 4.2 The current application seeks full planning permission to erect 9 two-storey detached dwellinghouses with garages, that would be sited in a similar layout as previously suggested in the outline application with dwellinghouses being sited in the rear of the site that would be served by a single access road. The main difference between the previous and current proposals is the increase in density, the reduction in separation gaps between the dwellings and the row of three dwellings (instead of two) along the road frontage and within the rear part of the site.
- 4.3 The main considerations for this application are whether the increase in the number of dwellings would represent inappropriate development in the Green Belt, and if not, whether it would have a detrimental impact on the character of the area, the suitability of the site for housing and the likely impact on existing residential amenity, biodiversity, trees and highway safety.

#### **WHETHER THE PROPOSAL IS INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT**

- 4.4 The National Planning Policy Framework advises in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

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- 4.5 Policy DS01 of the Adopted Core Strategy advises that development in the open countryside will be closely controlled to safeguard the integrity of the District's Green Belt and landscape character. Policy SAL.PSD1 of the Adopted Site Allocations and Policies Local Plan also seeks to control new development on previously developed land within the Green Belt and sets out the Council's approach for such developments in order to protect the openness of the Green Belt which is consistent with the National Planning Policy Framework. It also adds that new developments should not exceed the height of the existing buildings and other structures and trees.
- 4.6 The two buildings that previously occupied the site were large industrial buildings and had a combined floor area of 2,840sq m and a combined footprint of 2,265sq m. The proposed dwellinghouses including garages would have a combined floor area of 2,710sq m and a combined footprint of 1,454sq m, which equates to a 5% reduction in total floor area and a 44% reduction in total footprint compared to the previous buildings. I therefore consider that the proposed development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the previous two industrial buildings.
- 4.7 The proposed dwellings would have a maximum ridge height of 8 metres and would be marginally taller than the previous two buildings, which measured 7.5 metres and 7.9 metres in total height. I consider that the height of the proposed dwellings would be acceptable given that they would not be higher than the existing 10-14 metre high Leylandii trees that extend along both side boundaries of the site or the trees within the woodland area to the rear of the site. The outline consent also agreed the scale of any future development to be no higher than 10 metres. The site would not give rise to any off-site infrastructure problems and a drainage condition has been recommended to ensure the proposal improves the management of surface water runoff and utilises the existing soakaway systems.
- 4.8 The proposal would meet one of the exceptions set out in Paragraph 89 of the National Planning Policy Framework and would accord with Policy SAL.PDS1 of the Adopted Site Allocations and Policies Local Plan, and therefore would not be inappropriate development in the Green Belt.

#### IMPACT ON THE CHARACTER OF THE AREA

- 4.9 Adjoining the application site to the west are three existing dwellinghouses that are set back a considerable way from the road on spacious plots and do not form a consistent built up frontage compared to the housing development to the north and west of the crossroad junction which consist of a tighter urban grain. There is also a distinct change in character as you approach the site from Blakedown and more noticeably from the crossroad junction, as houses are spread out more on spacious plots and replaced by fields on both sides of the road, and the pavement stops at the crossroad junction and does not extend in front of the application site. The site therefore has a rural character and setting.

17/0764/FULL

- 4.10 I note the objection raised by the Campaign to Protect Rural England and their concerns about the proposed cul-de-sac arrangement of the site being more suitable in an urban environment than in a rural countryside location. I consider that in this instance, the layout of the site is acceptable as the three dwellinghouses located along the road frontage would be set back on a consistent deep building line and the proposed extensive landscaping would screen and filter views from Hackmans Gate Lane. The dwellinghouses to the rear of the site would not be visible from Hackmans Gate Lane frontage because of the change in site levels by approximately 6.3 metres from the front to the rear of the site. The existing tree lined boundaries and the area of woodland to the rear of the site would also provide good screening.
- 4.11 I am also of the view that the proposed layout of site would not result in an over-intensive development of the site. Furthermore, there is a realistic fall back position of the site being redeveloped for up to 5 dwellinghouses under the previous outline consent, which remains extant and could result in a similar layout with three dwellings across the road frontage and the remaining dwellings sited behind in a cul-de-sac arrangement.
- 4.12 In terms of design, the proposed dwellinghouses would have a traditional design and would be in keeping with the character and appearance of properties in the vicinity of the site, in which dwellings are typically large two storey detached dwellings and constructed in traditional red brick with slate roof tiles. Conditions are recommended to require samples of external materials, landscaping maintenance and management plan and tree protection measures in order to ensure a satisfactory appearance of the development.
- 4.13 I therefore consider that the overall effect of the proposed development on the rural setting and character of the area would be limited and would not materially conflict with Policy SAL.PDS1 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework, which all seek to minimise the impact on the Green Belt and to safeguard the character of the countryside.

#### SUSTAINABILITY OF SITE LOCATION

- 4.14 The application site is located near the crossroad junction of Hackmans Gate, which provides connections to Blakedown village to the west, Hagley to the north, Kidderminster to the south and Belbroughton village to the east. The site lies approximately 1 mile from Blakedown railway station which provides frequent trains in both directions to Birmingham, Kidderminster and Worcester during peak morning and evening times and there are also local shops, community facilities and bus services in Blakedown. Although, I anticipate future residents to be reliant on the private car, it is considered that the site would be a reasonable sustainable location for housing.

17/0764/FULL

**IMPACT ON RESIDENTIAL AMENITY**

- 4.15 The proposed dwellings would be well-separated from Manor Farm House and its garden to ensure no undue overlooking and I have recommended a condition that removes permitted development rights in order to maintain the openness of the Green Belt and to protect residential amenity. I also consider that the redevelopment of the site for 9 dwellings would be more sympathetic to the neighbouring residential property than the previous use of the site for B2 employment use.
- 4.16 The proposed development would provide an acceptable living environment for future occupiers in terms of outdoor amenity space and separation distances between each dwellinghouse to ensure no unacceptable overlooking or overshadowing of private outdoor amenity space and habitable room windows.

**BIODIVERSITY AND TREES**

- 4.17 The previous outline consent included a bat survey report which found evidence of a Brown Long-eared night roost/feeding perch within one of the buildings that was in irregular use and a number of recommendations were set out in the report to enhance the day and night roosting opportunities for bats within the site and to ensure any new external lighting does not have a negative impact on the commuting and foraging bat species in adjacent habitats. I therefore consider that, subject to conditions to secure the recommended enhancement measures and a lighting scheme, the proposal would not result in any harm to protected species and as such the development would accord with paragraph 118 of the National Planning Policy Framework and Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan.
- 4.18 The Tree Officer is satisfied that the site can be developed without substantially impacting the trees around the boundary of the site. I concur with this view and have attached conditions to ensure that the existing trees are protected during development and a 5 year landscaping maintenance and management plan is agreed.

**HIGHWAY SAFETY**

- 4.19 The existing vehicular access into the site would be utilised for the proposed development and adequate visibility splays would be provided within the development site. Parking provision comprising 2 or 3 car parking spaces per dwellinghouse would accord with Worcestershire County Council's Interim Parking Standards and a condition is recommended to ensure the parking facilities and road access are implemented prior to the first occupation of the dwellinghouses. No objection has been raised by the Highways Authority and they have also advised that the proposed development would significantly reduce the traffic movements to and from the site compared to the previous employment use, which had between 65 and 108 employees and operated with a large number of heavy goods vehicles.

17/0764/FULL

## 5.0 Conclusions and Recommendations

5.1 I consider that the proposed development would make efficient use of this previously developed site and would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the two industrial buildings that previously occupied the site. As such, the proposed development would not be inappropriate development in the Green Belt and would not result in harm. The development would have a limited effect on the rural setting and character of the area due to the topography of the site and extensive landscaping proposed. No adverse impact would occur on nearby occupiers and conditions are recommended to safeguard existing biodiversity, trees and highway safety. The development would provide a high quality residential environment for future occupiers and would help to maintain the 5-year housing supply in the District.

5.2 For the reasons outlined above it is recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Details of external materials including hard surfacing materials
4. Boundary treatment details
5. Removal of permitted development rights for extensions
6. Scheme for surface water drainage
7. Drainage plan for the disposal of foul and surface water flows
8. Ground investigation works
9. Tree Protection Plan
10. Landscaping scheme to be implemented
11. Landscape maintenance and management plan to be agreed
12. Requires access, turning and parking facilities to be provided
13. Details of external lighting to be agreed
14. Ecological enhancement measures to be provided

### Notes

- A Section 38 Agreement details
- B Drainage Details for Section 38

## Agenda Item No. 5

**Application Reference:** 17/0766/FULL      **Date Received:** 07/12/2017  
**Ord Sheet:** 382480 275975      **Expiry Date:** 01/02/2018  
**Case Officer:** Julia McKenzie-      **Ward:** Blakebrook &  
Watts      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>	Previously considered by Committee and deferred for a site visit/further information
<b>Recommendation</b>	<b>APPROVAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 20<sup>TH</sup> MARCH 2018 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

### 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).



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- 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.

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- 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)

<b>Application Reference:</b>	18/0059/FULL	<b>Date Received:</b>	23/01/2018
<b>Ord Sheet:</b>	378661 276514	<b>Expiry Date:</b>	20/03/2018
<b>Case Officer:</b>	Richard Jennings	<b>Ward:</b>	Wribbenhall & Arley

**Proposal:** Extensions and alterations to existing dwelling

**Site Address:** CRUNDALLS COTTAGE, CRUNDALLS LANE, BEWDLEY, DY121NB

**Applicant:** Mr M Richardson

<b>Summary of Policy</b>	CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP7 SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Section 9 (NPPF)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

1.1 The application site is a one and a half storey detached dwelling situated along Crundalls Lane surrounded by open countryside and two other brick built traditional detached dwellings. The property is set well back off the lane with a large driveway, parking area and garden to the front. The area is washed over by the West Midlands Green Belt.

1.2 The property has been the subject of previous approvals for the erection of extensions. Due to the works not being implemented in accordance with these approvals an Enforcement Notice was served. Following service of the Notice, a retrospective planning application was submitted in an attempt to retain the works 'as built', this application was refused and an appeal against this refusal was subsequently lodged and dismissed.

1.3 The current application seeks approval for a revised form of extensions and includes demolition of part of the existing extension.

## 2.0 Planning History

2.1 12/0655/FULL – Single Storey Side Extension : Approved 21/02/13

2.2 15/0113/FULL – Retrospective Application to seek retention of extensions to property as built : Refused 14/04/15; Appeal Dismissed 04/12/15

18/0059/FULL

### 3.0 Consultations and Representations

#### 3.1 Kidderminster Foreign Parish Council - Objection.

Unauthorised works should be demolished and returned to original plans from 2012. Setting a dangerous precedent allowing amendments to unauthorised works

#### 3.2 Neighbour/Site Notice – No representations received

### 4.0 Officer Comments

4.1 The application site is located in Bewdley in an area washed over by the West Midlands Green Belt. The current proposal seeks to amend the extension and has been re-designed in an attempt to satisfy the concerns of the Local Planning Authority and remove the harm identified by the Inspector at the appeal. The overriding concern with the extension as built are the lack of subservience, disproportionality of the extension and the impact of the extensions on openness of the Green Belt.

#### PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

4.2 Section 9 of the National Planning Policy Framework (NPPF) sets out guidance for the forms of development considered acceptable within the Green Belt. Paragraph 89 of the NPPF contains the relevant policy for extensions to existing properties within the Green Belt and states that appropriate development would include:

*“The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*

4.3 This national policy is replicated through Policies SAL.UP1, SAL.UP7 and Sal.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan Policy which require that residential extensions should not result in disproportionate additions over and above the size of the original dwelling and be in scale and in keeping with the form, materials and detailing of the original building. They must be subservient to and not overwhelm the original building which should retain its visual dominance; harmonise with the existing landscape or townscape; not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers.

4.4 At Appeal the Inspector concluded that the extensions ‘do not specifically cause harm in terms of design and that the main issue is lack of subservience and loss of openness to the Green Belt’. The applicant’s agent has therefore redesigned the extensions in an attempt to overcome the issues raised by the Planning Inspector.

18/0059/FULL

- 4.5 The current proposal seeks approval to reduce this increase to approximately 63% over and above the original which would be deemed an acceptable increase in this Green Belt location. The new proposal would result in a more cohesive and visually attractive design which would have a reduced impact on the openness of the West Midlands Green Belt and would not constitute inappropriate development in contrast. The current unauthorised extensions amount to a 132 % increase in volume over and above the original building. The proposal would therefore be considered to accord with Policies SAL.UP1, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations Local Plan and section 7 of the National Planning Policy Framework which relates to the requirement for good design, as the extensions are now subservient and do not over dominate and overwhelm the original house.

## 5.0 Conclusions and Recommendations

- 5.1 The proposed extensions and alterations at the property would result in an acceptable increase in volume, appropriate in terms of both scale and design and openness is reinstated to an acceptable level in accordance with Policies SAL.UP1, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B3 (Finishing materials to match)

## Agenda Item No. 5

**Application Reference:** 18/0106/FULL      **Date Received:** 31/01/2018  
**Ord Sheet:** 388648 273604      **Expiry Date:** 28/03/2018  
**Case Officer:** Kate Whitfield      **Ward:** Wyre Forest Rural

**Proposal:** Change of use of residential dwelling to a mixed C3 / commercial cattery (sui generis use) Proposed conversion of existing garage within residential curtilage into cattery.

**Site Address:** BROCKENCOTE COTTAGE, BROCKENCOTE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104PY

**Applicant:** MR & MRS A DAVENPORT

<b>Summary of Policy</b>	CP11 (CS) SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP7, SAL.UP11 (SAAPLP) CC12, CC10 (Chaddesley Corbett Neighbourhood Plan 2014 – 2026)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

1.1 The proposal refers to a detached residential property located close to the village of Chaddesley Corbett. The dwelling lies within a large plot, with the A448 running along the northern boundary and Dobes Lane running along the south western boundary. Just inside the entrance to the property lies a garage building, store building and gazebo. It is proposed to convert the garage building into a commercial cattery.

1.2 The site lies within the West Midlands Green Belt.

### 2.0 Planning History

2.1 17/0451/FULL - Proposed cattery within existing residential curtilage :  
Withdrawn 14/9/2017

2.2 WF/0521/01 - Erection of a conservatory : Approved 6/7/2001

2.3 WF/0606/96 - Erection of a double garage : Approved 22/10/1996

2.4 WF/0359/96 - Erection of a Three Car Detached Garage : Refused 15/7/1996

18/0106/FULL

### **3.0 Consultations and Representations**

3.1 Chaddesley Corbett Parish Council – Objection to the proposal and recommend refusal. Reason for Refusal / Additional Comments:

1. Inadequate waste disposal
2. Poor Access
3. Loss of garage facility

3.2 Highway Authority – No objection. There is ample space within the curtilage of the site to accommodate any parking associated with the operation of a cattery.

3.3 Worcestershire Regulatory Services - No objection to the application in terms of noise / odour impacting on nearby residential occupants.

In terms of waste disposal, any waste generated as part of the commercial activity must be disposed of via a registered waste carrier and not included in the domestic waste of the Cottage.

3.4 Neighbour/Site Notice – No representations have been received.

### **4.0 Officer Comments**

4.1 It is proposed to change the use of the property from solely residential to a mixed residential use with a commercial cattery business. A cattery is classed as a 'sui generis' use under the Use Classes Order 1987.

4.2 An existing double garage building is to be converted into the cattery, providing housing for up to 20 cats. The existing garage doors will remain in place but closed off inside. To access the building a new door will be inserted into the side elevation. In addition a new set of external stairs and a new door will be installed in the side elevation to access the roof space, which is to become the office associated with the cattery.

4.3 The main issues to consider are :

- a) The principle of development.
- b) Suitability of the proposed change of use for the application site.

18/0106/FULL

#### THE PRINCIPLE OF DEVELOPMENT

- 4.4 The application site property lies within the West Midlands Green Belt. Unlike the previous application, which proposed a totally new building for the cattery business, this application seeks to convert an existing building. The NPPF states that the re-use of buildings that are of permanent and substantial construction is not inappropriate development within the Green Belt. This national policy advice is to be read together with the relevant development plan, which in this case includes Policy SAL.UP1 of the Wyre Forest Site Allocations and Policies Plan. This also states that the re-use of buildings is acceptable, providing any scheme is also in accordance with Policy SAL.UP11 relating to the conversion of buildings.
- 4.5 Policy SAL.UP11 covers the general policy in relation to the re-use of rural buildings. This policy states that the buildings to be re-used should be permanent structures and suitable for conversion without the need for additional extensions or significant building works. This is generally true in the case of this building. It is proposed to add an external staircase, however, due to the small scale of development it is considered that an exception can also be made in relation to this. It will allow the office space to be accessed without going through the actual cattery.
- 4.6 The proposed cattery is therefore considered in principle to be acceptable development within the Green Belt, in accordance with paragraphs 87 and 89 of the National Planning Policy Framework and Policies SAL.UP1 and SAL.UP11 of the Site Allocations and Policies Local Plan.

#### SUITABILITY OF THE PROPOSED CHANGE OF USE FOR THE APPLICATION SITE

- 4.7 The application site property is located off a minor rural road and the Parish Council has raised concerns over whether this is suitable for the cattery business. In response to this it is noted that an 'A' road runs very close to the site and there is not a significance distance to travel on the minor road. Once inside the site there is ample parking for a number of vehicles and space for cars to turn around and exit the site in a forward gear. The Parish Council has also objected to the loss of the garage but the available parking provision is considered easily sufficient for the occupants of the main dwelling itself and the customers to the cattery and taking this into account it is not considered that the loss of the garage can be sustained as a valid objection to the proposal.
- 4.8 The Highway Authority has raised no objections and the application is considered to accord with Policies SAL.CC1 and SAL.CC2 of the Site Allocations and Policies Local Plan, which state that proposals should not result in a deterioration of highway safety and that all new development should meet the required parking standards.



18/0106/FULL

- 4.9 It is not unusual for businesses such as catteries to be established within rural areas and it is often deemed more appropriate in such a location as opposed to an urban residential estate. The physical appearance of the property will largely remain unaltered and it is proposed to link the permission to the Applicant and current owner of the property. Therefore if the property is sold in the future it will revert back to full residential use. Overall it is not considered that the commercial cattery business at the property would have any detrimental impact on the character of the area.
- 4.10 The application site property has the benefit of lying within a large plot. There are neighbouring properties however, the closest properties to the proposed cattery building would be over 50 metres away. The change of use has a potential impact on residential amenity arising from the cats and their activities inside and outside the cattery and the day to day operations of the cattery, for example customers visiting the site, vehicle movements etc. However, given the separation distance to neighbouring dwellings there is unlikely to be any noticeable impact arising from either of these aspects. It would not be expected that the proposed use would have a detrimental impact on the amenity of other residential properties
- 4.11 In relation to the additional waste from the cattery the Applicant is aware that a 'Trade' waste contract will be required. An additional bin will then be provided and collected by the Council.
- 4.12 Therefore overall the application site is considered suitable for the proposed mixed residential / cattery use.

## 5.0 Conclusions and Recommendations

- 5.1 It is concluded that the application site is suitable for a cattery business in terms of its impact on the character and appearance of the area and the amenity of neighbouring properties. The proposal also represents appropriate development within the Green Belt. The application therefore accords with the relevant Development Plan policies.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. Personal permission for Applicant only

**WYRE FOREST DISTRICT COUNCIL**

Planning Committee

17 April 2018

**PLANNING AND ENFORCEMENT APPEALS**

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1478 16/0550/OUTL	APP/R1845/W/1 7/3173741	Gladman Developments Ltd	OFF THE LAKES ROAD BEWDLEY DY122PH  Outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be	LI  16/05/2017	20/06/2017	11/07/2017	24/10/2017  Council Chamber	Dismissed  14/03/2018

reserved with the  
exception of the main  
site access off The  
Lakes Road (DY12  
2BP).

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
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			
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			

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
WFA1490 17/0186/TREE	APP/TPO/R1845/MR PAUL 6243	YEO	1 COMBERTON GARDENS KIDDERMINSTER DY103DB  Pollard Lime Tree	HE  03/01/2018	07/02/2018			
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	27/03/201			Dismissed  26/03/2018

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			

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
WFA1496 16/0003/OUTL	APP/R1845/W/1 8/3196468	Miller Homes	LAND SOUTH OF STOURBRIDGE ROAD KIDDERMINSTER	LI 15/03/2018	19/04/2018	10/05/2018		
			Outline planning application for a residential development of up to 100 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. Detailed approval is sought for access, with all other matters					

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
WFA1497 17/0380/FULL	APP/R1845/W/1 8/3193886	MR RALPH ROUND	VACANT PLOT THURSTON COURT SEVERN SIDE SOUTH BEWDLEY DY122DX  New Dwelling	WR  29/03/2018	03/05/2018			
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			Dismissed  03/04/2018



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## Appeal Decision

Inquiry opened 24 October 2017

Accompanied site visit made on 3 November 2017

**by M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

**Decision date: 14 March 2018**

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**Ref: APP/R1845/W/17/3173741**

**Land off The Lakes Road, Bewdley, Worcestershire, DY12 2BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gladman Developments Ltd against Wyre Forest District Council.
  - The application Ref: 16/0550/OUTL is dated 9 September 2016.
  - The development is described as "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".
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary Matters

2. The Inquiry opened on 24 October 2017, and sat on 25, 26, 27 & 31 October, and 1 & 2 November 2017. In addition to my accompanied site visit on 3 November 2017, I made unaccompanied visits to the site and its surroundings on other occasions, before, during and after the Inquiry. Housing Land Supply issues were discussed as part of a 'Round Table Session'.
3. The application is made in outline with all matters except access reserved for subsequent determination. An illustrative Development Framework Plan (Ref 7166-L-02 Rev P) has been provided showing how the development might be accommodated.
4. Two planning obligations, both dated 8 November 2017, have been submitted. I deal with these in the body of my decision.
5. The Council failed to determine the application within the prescribed period. The Council's Committee Report of 20 June 2017 advises that, had it determined the application, it would have refused permission for six reasons<sup>1</sup>.

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<sup>1</sup> Committee Report [CD 5.1] and Minutes [CD 5.2]

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6. One of the Council's putative refusal grounds related to air quality, and specifically the effect on the Welch Gate Air Quality Management Area (AQMA). Following further negotiations, the Council has confirmed that it is satisfied with the measures proposed in one of the planning obligations and has withdrawn its objections in terms of the effect on air quality<sup>2</sup>.

### **Main Issues**

7. The main issues are:
- i. the effect of the proposal on the character and appearance of the area, including the landscape;
  - ii. the effect on the significance of heritage assets, including the Bewdley Conservation Area and statutorily listed buildings; and
  - iii. whether the Council can demonstrate a five year supply of deliverable housing sites; if it cannot, whether the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme; or whether specific policies indicate development should be restricted.

### **Reasons**

#### *Planning Policy Context*

8. The relevant legislation<sup>3</sup> requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Core Strategy (CS), adopted 2010, which plans for the period between 2006-2026; and the Site Allocations and Policies Local Plan (SAPLP), adopted 2013, which contains development management policies for the district and allocates sites for particular uses. The Council refers, in its putative refusal grounds, to Policies DS01, DS03 and CP12 of the CS, and Policies SAL.DPL1, SAL.UP6 of the SAPLP.
9. The National Planning Policy Framework ('the Framework') sets out the Government's up-to-date planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Paragraph 14 of the Framework is also clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 14 also notes that specific policies of the Framework may indicate development should be restricted.
10. Policy DS01 (Development Locations) of the CS sets a housing requirement of 4000 dwellings over the plan period, and identifies Bewdley as a 'Market Town' within the settlement hierarchy. It states that limited opportunities for development to meet local needs will be identified on brownfield sites. DS03 (Market Towns) of the CS states, amongst other things, that Bewdley's

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<sup>2</sup> Council's Closing Submissions, Paragraph 2 [Inquiry Document (ID) 38]

<sup>3</sup> Section 38(6) of the 2004 Act

contribution towards the District's housing needs will be limited primarily to the provision of affordable housing to meet local needs on allocated sites. A mixed use scheme is identified in the town centre. Policy SAL.DPL1 (Sites for Residential Development) of the SAPLP is concerned with delivering the housing requirement of Policy DS01 of the CS and restricts development to identified locations, and within Bewdley, to small windfall sites for 5 or less dwellings on previously developed land within areas allocated primarily for residential development. The appellant acknowledges that the appeal proposal does not fall within these policy criteria.

11. The CS was adopted against a housing evidence base derived from the now revoked West Midlands Regional Spatial Strategy that does not reflect the up-to-date full objectively assessed need that Paragraph 47 of the Framework requires. The SAPLP was also adopted on the basis of the housing requirement figure within the CS. The Council accepts that the housing policies are not up-to-date. This diminishes the weight that can be attached to any conflict with Policies DS01 and DS03 of the CS and SAL.DPL1 of the SAPLP insofar as they relate to housing land supply. It is also sufficient, in itself, to engage the so called 'tilted balance' of Paragraph 14 in favour of granting permission. However, the Council contends there are specific policies in this instance which indicate that development should be restricted: namely Paragraph 134 of the Framework, dealing with heritage assets, and Paragraph 109, concerned with valued landscapes. I shall return to these matters in due course.
12. Policy CP12 (Landscape Character) of the CS requires new development to protect and where possible enhance the unique character of the landscape. Where appropriate to landscape character, small scale development meeting the needs of the rural economy, outdoor recreation, or to support the delivery of services for the local community will be supported, subject to meeting all other relevant criteria with the development plan. The appellant's view is that Policy CP12 of the CS is inconsistent with the Framework for various reasons: it is not criteria based, it lacks a hierarchical approach requiring that protection is commensurate with landscape status, and it arbitrarily restricts proposals to 'small scale development' that meet certain criteria. I accept that the thrust of the Framework has moved away from a 'blanket protection' of the countryside, to a more hierarchical approach of consideration of landscape value, and that it places no restriction on the size of development.
13. That said, the Framework refers to the planning system performing various roles, including an environmental one. This involves contributing to protecting and enhancing the natural, built and historic environment<sup>4</sup>, as well as amongst other things, taking account of the different roles and character of different areas, and recognising the intrinsic character and beauty of the countryside<sup>5</sup>. The Framework specifically states planning should contribute to conserving and enhancing the natural environment<sup>6</sup>. So whilst certain aspects of Policy CP12 do not reflect up to date guidance, the requirement 'to protect and where possible enhance the unique character of the landscape' is not in fundamental conflict with the underlying aims of the Framework, and so it can be afforded some weight.

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<sup>4</sup> Paragraph 7

<sup>5</sup> Paragraph 17

<sup>6</sup> Paragraph 17

14. Policy SAL.UP6 (Safeguarding the Historic Environment) of the SAPLP requires that proposals affecting heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. It sets out criteria to be considered for development proposals affecting heritage assets. The policy does not accurately reflect the approach to heritage assets in the Framework<sup>7</sup> in terms of distinguishing between designated and non-designated heritage assets, or in terms of assessing harm or assessing public benefits. Furthermore, the approach in respect of conservation areas in the second part of the policy does not reflect either the relevant tests in the Framework or the relevant planning legislation<sup>8</sup>. This diminishes the weight that can be attached to any conflict with this policy.

#### *Emerging Policy*

15. A new plan is currently being prepared. A *Local Plan Review: Preferred Options Document (2016-2034)*<sup>9</sup> was published in June 2017 for consultation to enable residents, local businesses and other stakeholders to express their views. It explains that two options of the spatial strategy have been put forward for consultation because of 'the difficult choices that will have to be made'<sup>10</sup>. The Council has not relied on any emerging policies in its putative reasons for refusal, although the Statement of Common Ground lists a number of emerging policies relevant to the appeal<sup>11</sup>. The emerging plan is scheduled for adoption in February 2019. However, it is still subject to various outstanding objections, and its policies may be subject to change. It is still a considerable way from adoption. In these circumstances, I cannot give its policies significant weight in this appeal.
16. Bewdley has been designated as a Neighbourhood Area and work is underway by the Town Council to produce a Neighbourhood Plan. Although consultation events have taken place, a formal plan has not yet been produced for consultation. As things stand, there is no draft Neighbourhood Plan to take into account at this stage.

#### *Character and Appearance - Landscape*

17. The irregularly shaped appeal site forms an expansive group of sloping fields abutting the urban edge of the settlement of Bewdley. The fields are defined by hedgerows and the undulating topography generally falls towards the base of the valley. The site's south western boundary is defined by Dry Mill Lane and its south eastern boundary by The Lakes Road. To the south is residential development. Further to the west lies the Wyre Forest Nature Reserve and Site of Special Scientific Interest. A public footpath (BW518) runs across the site from Dry Mill Lane to Dowles Road. Further to the east at the bottom of the valley, outside the site, flows the River Severn. There is a play area, accessed from the junction of Tudor Road and Lyttleton Road on the south eastern boundary.
18. The appeal site lies within the 'Wyre Forest Plateau Regional Character Area', and at a more local level, the 'Forest Smallholdings and Dwellings' Character

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<sup>7</sup> Section 12

<sup>8</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>9</sup> CD 8.1

<sup>10</sup> Paragraph 1.7 [CD 8.1]

<sup>11</sup> Paragraph 3.1.3

Type, which occurs solely around the fringes of Wyre Forest. It is described as characterised by a small scale pattern of hedged pastures and orchards assarted<sup>12</sup> from woodland with an intimate spatial character<sup>13</sup>. The description also refers to an intricate network of narrow, interlocking lanes and wayside dwellings. Advice on management is given in an Advice Sheet<sup>14</sup> which mentions that the area's 'rustic charm' can be easily destroyed and the aim should be to conserve through appropriate planning controls and design guidance.

19. The appellant's assessment is that the site is considered to be of 'medium/high' landscape value<sup>15</sup>, although it is noted that it is not protected by any specific national or local landscape designation, nor has it ever been<sup>16</sup>. Nor is it subject to any ecological or other environmental designation. The appellant acknowledges that the site is in good condition, but says there are no rare features within the site and it is typical of the area. Whilst there is a public footpath across the site, with attractive long distance views across the valley, it is an area of farmland on the edge of the settlement. It cannot be regarded as an intrinsically sensitive site, being influenced by the existing edge of Bewdley along its boundary to the south east and south west. It does not contain any demonstrable physical characteristics that would elevate the site above that of general countryside.
20. Applying the principles of the *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)*<sup>17</sup> the appellant concludes that in terms of the site itself, there would be a 'major/moderate adverse' effect on the landscape on completion of the scheme, reducing to 'moderate/adverse' once the associated planting and green infrastructure has matured<sup>18</sup>. In wider views, it is concluded that landscape effects would be quite localised with the development ultimately forming an extension to the existing residential edge of Bewdley. Effects for the wider landscape area are said to be 'moderate/minor adverse' on completion, reducing to 'minor adverse' once planting and landscaping has matured<sup>19</sup>.
21. Whatever character 'label' is attached, the character of the site and surroundings is clear from site inspection. From my own observations, I consider that the site and its wider surroundings form part of a very attractive valley landscape, with a gently rolling topography. Composed of fields, and punctuated and peppered by intermittent deciduous tree cover and hedgerows, a pleasing, intimate yet open character results. The local landscape remains intact and unspoilt, and its elements are in good condition. Indeed, the predominant impression when walking along Footpath BW518, away from Dry Mill Lane, is of entering an attractive, open and rural landscape, with excellent long range views across the River Severn Valley, to the Wyre Forest, and in the far distance, the Clent Hills. The urban edge of Bewdley, and specifically the properties in Dry Mill Lane and The Lakes Road, play a minimal role and do not

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<sup>12</sup> i.e. cleared from the forest

<sup>13</sup> Landscape Character Assessment, pp 58-59 [CD 7.1]

<sup>14</sup> Advice Sheet – Smallholdings & Dwellings [CD 9.19]

<sup>15</sup> Mr Nye's Proof, Paragraphs 3.24 & 6.2

<sup>16</sup> For example, an Area of Great Landscape Value, designated in the Worcestershire County Structure Plan

<sup>17</sup> ID 20

<sup>18</sup> Mr Nye's Proof, Paragraph 5.10

<sup>19</sup> Mr Nye's Proof, Paragraph 5.6

dominate the site to any great extent. Nor does the existing residential development undermine the site's tranquillity to any degree. Indeed, the impression I formed on my site inspections was of being in a peaceful and tranquil rural location.

22. Whilst the fields themselves comprising the site have no formal recreational use, they nonetheless provide an important setting and context for the footpath, which is well used and popular with local people. The footpath is promoted by the Tourist Information Centre as part of two circular walks<sup>20</sup>. It is also mentioned in an historic 1926 'Official Guide to Bewdley' which notes that 'from its very elevated position, you have indeed a lovely view of the wooded and magnificent valley of the Severn beneath'<sup>21</sup>. I acknowledge that this guide was written many years ago, and there has been significant new development in Bewdley that has inevitably changed the experience. However, the panoramic views of the landscape from the footpath still remain intact.
23. The proposed coverage of the fields with new housing either side of the footpath means views from it would be compromised. The intrusion of urban built form would fundamentally alter users' experiences of this important section of the footpath. Rather than walking through a series of open fields that form part of a much wider rural landscape, and from which there are panoramic views, it would in effect become a walk through a housing estate. Most users are likely to find their experience and enjoyment of the footpath seriously impaired by such changes to the landscape. I acknowledge the illustrative plans show a 'green corridor' either side of the footpath. New pathways are also proposed through and around the site, linking into the existing public footpath, along with an extensive area of public open space<sup>22</sup>. Whilst these features would create some degree of permeability across the site, they do not alter my fundamental concerns regarding the harmful effect of the development.
24. Turning to views in the wider landscape, I observed the site from various points, in longer range views from the opposite side of the valley, including from the public bridleway (KF525) south of Hall's Farm and the public footpath at Crundalls Farm. From these vantage points, although seen at a distance and within the context of a larger panorama, there are nonetheless clear views towards the site. In fact, the site is conspicuous, covering a wide expanse of gently sloping land that contributes to the wider rural landscape and setting of Bewdley. The development would be seen as significantly expanding the urban edge of Bewdley. The visual intrusion of built development over this significant swathe of rural land, sloping down the valley side, would harm this attractive landscape.
25. The appeal site is promoted on the basis that it should be regarded as essentially an area adjacent to, and read in the context of, the built development of Bewdley. However, the site is not well-contained, and there are extensive views of it from the wider landscape, including from the other side of the valley. The proposal would not mark a natural rounding off of the settlement, nor would it be adequately assimilated with it. Rather, it would

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<sup>20</sup> CD 12.7, Appendix 1

<sup>21</sup> CD 12.7 Appendix 2

<sup>22</sup> Mr Nye's Proof, Appendix 4 & 5

- project significantly into the open countryside, destroying its existing open, rural character. The appeal site forms an important part of a series of undulating fields that merge with the wider sweep of rural land beyond the built-up confines of Bewdley.
26. The scheme proposes additional structural planting along the boundaries, and within the site to supplement the existing vegetation, hedgerows and trees to minimise the impact of new housing. However, I am not convinced that these measures, even once established over time, would be fully effective in altering the perception of urban development behind the vegetative screening. In the winter months when deciduous trees lose their leaves and vegetation dies down, the houses would inevitably be more obvious. Moreover, because of the site's sloping topography and position on the side of the valley, any landscaping, no matter how extensive, would not be particularly effective in screening or mitigating the impact of the development in longer range views from the opposite side of the valley. And whilst it is proposed to retain as much of the existing hedgerow as possible, sections of it will be removed to facilitate access within the site<sup>23</sup>.
27. There was disagreement as to whether the site should be classified as a 'valued landscape' in terms of the Framework<sup>24</sup>. The appellant mentions that valued landscapes should show some demonstrable physical attribute that takes them beyond mere countryside<sup>25</sup>, and that the site does not demonstrate the characteristics identified in Box 5.1 of GLVIA3<sup>26</sup> that can assist in the identification of such areas. The appellant also notes this is a relatively recent contention of the Council, and highlights that the putative reason for refusal refers to the permanent urbanisation and irrevocable change to an 'important' landscape rather than a 'valued' one. I am not convinced that much turns on the difference in terminology because, according to the Oxford English Dictionary's definition, 'important' can mean 'of great significance or value'.
28. There is no definition within the Framework as to what a 'valued landscape' actually means. GLVIA3 is clear that the fact that an area of landscape is not designated nationally or locally does not mean it does not have any value<sup>27</sup>. In my judgement, this site forms an intrinsic part of a landscape which is of significant value in the locality and wider area. As noted, a well used footpath runs across the site from which there are panoramic views and the landscape's attractive characteristics can be readily observed. The footpath's importance in terms of how the area is appreciated is acknowledged in published documents, including by the Tourist Information Centre, and in an historic guide book for Bewdley. There are also sweeping vistas of the site from the other side of the valley. The historic hedgerows remain largely intact and the site displays the character of 'assarted enclosure', a historic resource comprising less than 2% of the district<sup>28</sup>. Whilst the area is not formally designated in landscape terms, it does not follow that the site is without merit or value. Nor does the absence of a formal designation prevent the scheme having a harmful effect. I consider

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<sup>23</sup> Statement of Common Ground, Paragraph 4.4.4

<sup>24</sup> Paragraph 109

<sup>25</sup> CD 11.7

<sup>26</sup> ID 20

<sup>27</sup> Paragraph 5.26

<sup>28</sup> CD 12.5. page 82

that this site has significant local value, and is capable of being defined as a valued landscape.

29. A question then arises as to whether a 'valued landscape' is a restrictive policy in terms of Footnote 9 of Paragraph 14 of the Framework, which in turn has implications as to whether the 'tilted balance' should apply. I have been provided with various appeal decisions concluding that valued landscapes should be considered a restrictive policy<sup>29</sup> and those taking a contrary view<sup>30</sup>. Paragraph 109 does not indicate any particular approach or methodology as to how 'valued landscape' status should be weighed in the planning balance.
30. Footnote 9 does not provide an exhaustive list but merely provides examples<sup>31</sup>. However, the examples given include sites protected under the Birds and Habitats Directive, those designated as Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks (or the Broads Authority), designated heritage assets, and locations at risk from flooding or coastal erosion. It is notable that these examples all relate to statutorily protected or formally or specifically designated sites, assets or interests. This is not the case for this landscape.
31. In the absence of any substantive legal judgement on the point, and taking account of the above, I do not consider that a valued landscape, of itself, necessarily to be an example of a policy which cuts across the underlying presumption in favour of development. Rather, I am of the view it requires me to consider any harm as part of the normal planning balance. Therefore, I do not consider the tilted balance of Paragraph 14 should be displaced on this basis.
32. I am aware that the County Council's acting Landscape Officer did not raise an 'outright' objection to the scheme, but was not able to support the application 'in its current form'<sup>32</sup>. However, assessments in respect of impacts on the character and appearance of landscapes inevitably involve qualitative matters of judgement, and are rarely clear cut. From my own observations, and the evidence at the Inquiry, I am satisfied that the Council's objections on landscape grounds are justified. I take the view that the appellant's evidence has underestimated the impact of the proposal, as well as undervaluing the overall sensitivity and value of this site.
33. The site was assessed for the purposes of a Housing and Economic Land Availability Assessment (HELAA)<sup>33</sup>. Although the appellant states that the site was considered by the panel to be suitable for the delivery of housing, the HELAA commented that only a small amount of development may be possible on the southern part of the land, closest to the urban area, subject to land being allocated through the Local Plan<sup>34</sup>. Importantly, the HELAA does not identify as suitable for development the much larger expanse of land proposed in this scheme. The fact that it identified a much smaller area as a candidate for further comparative assessment during the plan-making process is not a reason to justify the appeal development.

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<sup>29</sup> ID 1

<sup>30</sup> ID 2

<sup>31</sup> The footnote is prefaced by the words 'for example'

<sup>32</sup> CD 4.1, pages 3-5

<sup>33</sup> CD 9.6

<sup>34</sup> CD 9.6, page 20



34. To sum up, I conclude that the encroachment of new development on to this large undeveloped swathe of open land would have very significant and adverse effects for the rural landscape. The site is close to various sensitive recreational 'receptors', particularly the Footpath BW518 that crosses the site, and it is visible in longer range views from viewpoints across the valley. The development would cause a significant incursion into the open countryside and seriously harm the rural character of the locality. As such, the proposal would conflict with Policy CP12 of the CS. It would also conflict with the Framework which requires the planning system to contribute to protecting and enhancing the natural environment<sup>35</sup>, as well as recognising the intrinsic character of the countryside<sup>36</sup>. It would not protect and enhance a valued landscape<sup>37</sup>. All these factors weigh very heavily against the proposals.

*Effect on the significance of heritage assets*

35. The Bewdley Conservation Area<sup>38</sup>, comprising a large proportion of the town centre, is of considerable significance in terms of its architectural and historic interest. It contains many statutorily listed buildings, including the River Bridge (Grade I) and St Annes Church (Grade II\*) and various buildings in the High Street and in Wribbenhall facing the River. The town sits largely within the valley bottom, and is split into two parts either side of the central Severn River, connected by the bridge. There are many building types, including timber framed buildings from the late medieval period to the 17<sup>th</sup> Century, and properties from the Georgian, Victorian and Edwardian periods. The Conservation Area Character Appraisal notes that the rural setting of the town is an important component of its character. It states that it is important to conserve the rural setting of the town and Conservation Area, and to recognise the interrelationship between the Conservation Area and overall setting<sup>39</sup>.
36. The appeal site neither falls within the Conservation Area nor directly abuts it. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced and its extent is not fixed<sup>40</sup>. The Council has suggested two main aspects to assessing effect of development on the significance of the Conservation Area<sup>41</sup>. First, how the development of the appeal site would affect the relationship between the Conservation Area and its wider context, as perceived from various points outside it; and second, how the development would affect existing views from within the conservation area towards the site.
37. In terms of the first aspect, I acknowledge that the appeal site makes some contribution to the setting and significance of the Conservation Area because it forms part of the rural hinterland surrounding the town. This relationship can be seen from various points outside the conservation area where the appeal site and conservation area are visible together. For example, the site is prominent in views from the Bridleway KF525 to the south of Halls Farm, and from Crundalls Farm. However, in many of these longer range views where both the town and appeal site are visible together, the viewer is simply

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<sup>35</sup> Paragraph 7

<sup>36</sup> Paragraph 17

<sup>37</sup> Paragraph 109

<sup>38</sup> CD 9.18

<sup>39</sup> CD 9.17

<sup>40</sup> Glossary

<sup>41</sup> Mr Bassett's Proof, paragraph 3.18

- observing Bewdley (and its associated Conservation Area) as an urban settlement within the wider countryside, along with more recent residential development on its outskirts.
38. I have already found that the proposed expansion of development into open countryside would have a seriously harmful effect on the rural landscape. However, whilst the appeal scheme would enlarge the expanse of more recent development on the edge of the town, I am not convinced the overall perception of the Conservation Area itself within the wider landscape would be fundamentally altered by the appeal development. Hence, in terms of the degree of direct harm to the significance of the Conservation Area itself, and its relationship with the wider landscape context, the effect would be limited.
39. In terms of the second aspect, the appeal site is visible from certain points within the Conservation Area, including from the Severn Valley Railway Station (from the footbridge and viaduct), and from the River Bridge and Quayside in Wribbenhall. I acknowledge that the appeal site makes some contribution to the setting and significance of the Conservation Area because it forms part of the rural hinterland that is visible in views from these points within the Conservation Area. However, the appeal site represents a very small component in the overall vistas from these viewpoints. I consider that the development would have a limited effect on existing views from within the Conservation Area towards the site.
40. The Council has raised concerns regarding light spillage from the development, arguing that it would erode the ability to appreciate the Conservation Area in its setting. However, there is already a significant swathe of residential development between the Conservation Area and the appeal site, including the 20<sup>th</sup> Century housing in Woodthorpe Drive. Any additional lighting must be viewed in this context and I do not consider the effect on the Conservation Area would be especially marked in this respect.
41. In terms of statutorily listed buildings affected by the development, the Council has identified only Severn Heights on Dowles Road (Grade II). The listing description identifies this as a timber framed building with rendered infill walls and a tiled roof. It dates from the 17<sup>th</sup> Century with early 19<sup>th</sup> Century additions, and some late 20<sup>th</sup> Century alterations. The appeal site forms part of the wider setting of this listed building, and its undeveloped rural character reinforces the building's sense of isolation in the countryside. To that extent, it contributes to its significance.
42. The appeal scheme would result in residential development moving closer to this listed building. However, the setting of this building would not be affected to a significant degree by the scheme because of the steeply sloping topography towards the valley bottom, the heavily wooded enclosure the house experiences, and the very limited inter-visibility between the appeal site and listed building. Furthermore, the lower field closest to Severn Heights is proposed to be retained undeveloped as an amenity area, thereby minimising the impact on the listed building's setting.
43. Both the appellant and the Council agree that the overall degree of harm to heritage assets would be less than substantial in terms of the Framework, and I share that view. But there is a clear difference of opinion between the parties

as to how the harm should be categorised. The appellant argues that the proposal would have only a negligible degree of harm to the significance of the Conservation Area itself and the statutorily listed Severn Heights<sup>42</sup>. Thus the appellant contends the harm to heritage assets should be at the bottom end of the 'less than substantial harm' spectrum. The Council, by contrast, argues the harm lies on a significantly higher point on the spectrum.

44. To my mind, the proposal would result in some very limited harm to the setting of the Conservation Area. In respect of the listed building, the relevant legislation requires that where considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting<sup>43</sup>. I have found the proposal would result in some impact to the setting of Severn Heights and, to that extent, would therefore fail to preserve its setting, contrary to the relevant legislation. However, the effect on its setting would be very marginal.
45. Overall, for the reasons above, I consider that the level of harm to heritage assets should be placed at the lower end of the spectrum. In accordance with the Framework, the harm to heritage assets, albeit less than substantial, needs to be weighed against the public benefits of the proposal.

#### *Housing Land Supply*

46. The Council maintains it has a 5.69 year supply of housing<sup>44</sup>, whereas the appellant says it is only 1.24 years<sup>45</sup>. This difference arises because of various areas of disagreement: first, the housing requirement figure that should be used. The Council contends 300 dwellings per annum (dpa), whereas the appellant prefers 332 dpa; second, the appropriate 'buffer' - whether 5% or 20%, depending on the extent of any shortfall; and third, the extent of the supply, including whether the sites relied on by the Council are deliverable, and whether certain types of 'C2' units (residential institutions) are to be included in the calculations in terms of past completions and future supply.

#### Requirement figure

47. Policy DS01 (Development Locations) requires 4,000 dwellings to be provided over the plan period. The Council acknowledges that this requirement figure no longer represents the Objectively Assessed Housing Needs for the district (OAHN)<sup>46</sup>, and is therefore out of date. However, there is disagreement as to what the OAHN should be for the purposes of this appeal. Amion Consultants were appointed by the Council to produce an OAHN for the Council as part of the evidence base for the emerging Local Plan.
48. The Amion Report<sup>47</sup> (April 2017) identifies a range between 199-332 dpa. The appellant favours the figure of 332 dpa at the top of the range based on, amongst other things, the significant need for affordable housing, the worsening affordability of housing in the area, and household formation suppression that has resulted from a lack of supply against need over the past

<sup>42</sup> Mr Clemons Proof, Paragraphs 7.12 & 7.14

<sup>43</sup> S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>44</sup> Council's Closing Submissions [ID 38] & HLS Update Note [ID 34]

<sup>45</sup> Appellant's Closing Submissions, Paragraph 6.8

<sup>46</sup> Mr Round's Proof, Paragraph 14

<sup>47</sup> CD 9.1

- 10 years<sup>48</sup>. The higher figure would also help 'boost significantly' the supply of housing in accordance with the Framework.
49. The requirement range identified in the Report results primarily because of different assumptions concerning a number of key variables: migration, unattributed population change, household formation rates, and economic activity. The Report, having regard to various factors, recommends a figure of 300 dpa<sup>49</sup> and rejects the higher figure of 332 dpa. Importantly, this judgement was entirely Amion's rather than the Council's. The Council explained at the Inquiry<sup>50</sup> that the recommended figure was based on a careful analysis of the data and the most appropriate scenarios with regard to migration, and other judgements, including in terms of headship rates, market signals such as house prices, relative affordability and vacancy rates, and economic forecasts. For example, in respect of migration, the Report favours a long term trend approach based on the actual results of the 2011 census as a 'reality check' (PG-Long-term), rather than one based wholly on projections (PG-Long-term- X)<sup>51</sup>. Thus it was explained that the 332 dpa scenario (PG-Long-term-X) is based on forecasts that are not wholly reliable.
50. Establishing the future need for housing is not an exact science and no single approach will provide a definitive answer<sup>52</sup>. Professional judgements have to be made on technical evidence which may permit a range of possible outcomes. Moreover, and importantly, it is my firm view that any future housing requirement figure will need to be discussed, fully analysed and tested through the local plan examination process, with the opportunity for a full range of stakeholders and participants to comment. It is established case law that it is not part of my remit, in determining a planning appeal, to conduct an examination into the housing land requirements of the emerging local plan. Indeed, to do so may prejudice the findings of the Local Plan Inspector. In these circumstances, and for this specific appeal only, I have no good reason to discount the recommendations of the Amion Report, which appears to be based on thorough, robust and sound analysis. Therefore, I consider the 300 dpa figure to be appropriate, which equates to a dwelling requirement of 5,400 for the period 2016 to 2034.

#### Appropriate buffer

51. The next stage is to consider the appropriate buffer. Policy DS05 of the CS is concerned with the phasing and implementation of the 4,000 dwellings for the period covering 2006-2026, derived from Policy DS01. Although this figure is accepted as out of date, it does nonetheless provide a yardstick by which to measure past performance. Policy DS05 identifies an explicit stepped delivery over the five year phasing periods to ensure delivery over the plan period, as follows: 2006/07 to 2010/11 – 240 dwellings per annum; 2011/12 to 2015/16 – 326 dwellings per annum; 2016/17 to 2020/21 – 196 dwellings per annum; and 2021/22 to 2025/26 – 94 dwellings per annum. The Council has met its

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<sup>48</sup> As per the evidence of Mr Venning and Mr Donagh

<sup>49</sup> Paragraph 5.3

<sup>50</sup> Evidence of Mr Bullock

<sup>51</sup> Council's Closing Submissions, Paragraph 35

<sup>52</sup> Paragraph: 014 Reference ID: 2a-014-20140306

stepped trajectory in only 3 years in the period from 2006 to 2016 resulting in a deficit of 301 units<sup>53</sup>.

52. The Council's view is that, whilst Policy DS05 seeks to 'front load' delivery of sites, it does not constitute a formal 'requirement' for each five year period. Rather, according to the Council, the phased figures of the Policy are merely 'aspirational'. It mentions that the target for annual monitoring purposes has always been 200 dpa and, using this figure, the Council has exceeded its target in the period 2006-2016<sup>54</sup>. It also draws attention to Paragraph 4.2 of the SAPLP which states that in order to meet the housing target of the CS, "*an indicative annual average of 200 net additional dwellings will be required during the plan period*". The Council's most recent Housing Land Supply Report of September 2017 (HLS Report) notes that, although for four of the years in this period completions were below the requirement of 200 dwellings, the cumulative difference in delivery was always positive and the average annual delivery over this period was 254 dwellings against a requirement of 200<sup>55</sup>.
53. In my view, on any ordinary reading of Policy DS05, the completions should be measured against the clearly expressed stepped trajectory. The Policy unequivocally states that the Plan "*will deliver the following average annual net additions of dwellings within the District across the five year phasing periods*". This seems to be more than mere aspiration. Moreover, the reasoned justification to the Policy notes that "*the trajectory demonstrates that a higher build rate will be required for the first ten year period up until 2016*"<sup>56</sup>. The Monitoring and Implementation Framework tables<sup>57</sup> within the CS also confirm the stepped trajectory of Policy DS05.
54. The Council is already behind in the revised OAHN requirement since 2016 against the higher 300 dwelling target, recording an under-delivery of 34 units for 2016-17 and 78 dwellings for the first five months of 2017/18<sup>58</sup>. This, together with the failure to meet the stepped trajectory requirement of Policy DS05 leads me to conclude that there has been persistent under-delivery, and that a 20% buffer is appropriate in order to provide a realistic prospect of achieving the planned housing supply.

### Supply

55. This raises the issue of the inclusion of C2 within the completion figures. The HLS report expressly notes that C2 uses (such as nursing and care homes) have been excluded from the housing requirement figure, as it is catered for separately, and therefore should not be counted as part of the housing completions<sup>59</sup>. However, the Council has sought to distinguish between two types of 'care' accommodation: first, institutions with bed spaces, which are always accepted to be C2 use; and second, self contained dwellings in which older people live independently with or without the need for care, and where there is debate as to whether they should be regarded as C2.

<sup>53</sup> Mr Tait's Proof, Table at page 15

<sup>54</sup> Core Strategy requirement of 4,000 divided by the 20 year plan period (2006-2016)

<sup>55</sup> CD 9.4, Paragraph 3.3

<sup>56</sup> Paragraph 5.64

<sup>57</sup> Pages 97 onwards

<sup>58</sup> CD 9.4, Paragraph 3.3

<sup>59</sup> CD 9.4, paragraph 2.4

56. The Council argues the key question is whether a particular scheme is for institutional bed spaces or for self-contained dwellings and not to 'fixate' on whether it is described as C2 or not in an application or permission. In other words, if a scheme comprises self contained dwellings, that should be counted within the five year supply. On this basis, the Council argues that the former British Sugar Site, Kidderminster<sup>60</sup> (112 units) should be included in their completions and Land at Tan Lane, Stourport<sup>61</sup> (60 units) in future supply.
57. Much time could be spent debating different approaches to definitions, and how individual schemes should be classified. In terms of the British Sugar Site, although the plans appear to show independent units, the permission clearly describes '*Residential units of extra care (Class C2)*' and '*Residential Units for Adults with Learning Difficulties Extra Care (Class C2)*'. In respect of Tan Lane, although the Council says the units are Class C3 and the plans appear to show individual apartments, a condition of the permission clearly states that '*at no time shall any unit be occupied as a single dwelling (C3) independent of the extra care facility*'<sup>62</sup>. Taking a straightforward approach, it seems to me that these schemes cannot properly be classified as ordinary dwellinghouses falling within Class C3. For the purposes of this appeal, I find these units should therefore be excluded from the calculations.
58. There was considerable disagreement as to whether there was a realistic prospect of sites being deliverable within the five year period. A schedule of disputed sites was produced setting out the parties' respective cases<sup>63</sup>. In essence, the appellant seeks to remove sites altogether or shift them beyond the five year period for delivery on the basis that many have a history of non-delivery, with various constraints requiring resolution before development can proceed. This results in a supply figure of 570 units. The Council's more optimistic view results in a supply figure of 1927 units<sup>64</sup>. Given the contradictory evidence supplied on these sites, and my limited knowledge of them, it is difficult to reach a definitive view. However, I set out the consequences for overall housing supply for each side's position below.

#### Overall conclusions on housing land supply

59. I have found that the Amion Report's recommended figure of 300 units should be used as the annual requirement, and that a 20% buffer is appropriate. In terms of supply, I have removed the disputed 'C2' units from the calculations. However, the exact supply figure is more difficult to discern because of the contradictory evidence of the parties concerning individual sites. Even on the most optimistic basis, and accepting the Council's preferred supply figure of 1927 units, it can only show a 4.69 year supply. Using the appellant's heavily discounted supply figure of 570 units (and also assuming an annual requirement of 300 units and a 20% buffer) a supply of just 1.39 years exists<sup>65</sup>. If the appellant's preferred annual figure of 332 units is used against this lower supply figure (and again adopting the 20% buffer) it reduces further

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<sup>60</sup> ID35

<sup>61</sup> ID36

<sup>62</sup> Condition 4 of 2015/0173

<sup>63</sup> ID22

<sup>64</sup> ID34

<sup>65</sup> ID 34

to 1.24 years. It is clear that, on any of these scenarios, the Council cannot demonstrate a five year supply of housing.

### Planning Obligations

60. The appellant has completed two planning obligations, one by agreement and one by unilateral undertaking (UU), both dated 8 November 2017<sup>66</sup>. The UU secures the provision of affordable housing at a rate of 30%, in accordance with the Council's policy requirement. Based on 195 dwellings, this would equate to up to 59 affordable units. It also secures provision of open space, by requiring an open space scheme to be submitted to the Council, and the open space to be transferred to a management company. It secures provision of a sustainable urban drainage system (SUDS). It secures financial contributions towards primary school education at St Annes CE Primary School and Bewdley Primary School (based on different rates depending on dwelling size). It also secures a sum towards policing (£11,058) and towards improving public transport by providing a new bus stop on The Lakes Road (£10,000), and solar powered real time bus information (£2,000).
61. The other obligation by agreement relates to air quality mitigation and comprises a financial contribution of £950,000 for the provision of six Euro VI buses to serve routes through Welch Gate. These new lower emission buses would replace the existing higher emitting buses. Such measures would mitigate the impact of the development on the Welch Gate AQMA. Indeed, the appellant's evidence is that these measures would actually result in beneficial air quality effects in the AQMA.
62. The obligation also includes £66,000 for a 'PEMS'<sup>67</sup> monitoring fee to test nitrogen emissions from the new buses. The appellant has presented cogent evidence that the PEMS monitoring fee is unnecessary<sup>68</sup>. I accept that there is nothing to suggest that the buses will not perform as predicted, and that the buses themselves are equipped with appropriate diagnostics to indicate the performance of the emissions control system. I therefore conclude that, were I minded to allow the appeal, this element of the agreement should be struck out.
63. I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. In this regard, the Council has produced a detailed Compliance Statement<sup>69</sup> which demonstrates how the obligations meet the relevant tests in the Framework<sup>70</sup> and the Community Infrastructure Levy Regulations<sup>71</sup>. The level of provision of affordable housing would comply with the Council's policy requirement. The Compliance Statement also sets out how the primary school education contribution has been calculated, and confirms it would be spent in schools close to the development. It also explains the necessity for the police contribution and how monies would be spent, and that the contributions for the bus shelter and information is necessary to maximise sustainable modes of transport.

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<sup>66</sup> ID 23

<sup>67</sup> Portable Emissions Measurement System

<sup>68</sup> Evidence of Professor Laxen

<sup>69</sup> ID 40

<sup>70</sup> Paragraph 204

<sup>71</sup> Regulation 122 & 123

64. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of both the obligations, excluding the PEMS contribution, are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework and the Community Infrastructure Levy Regulations. In terms of the air quality measures, these would not only mitigate adverse impacts, but result in beneficial impacts within the AQMA, conveying benefits to the wider population. Overall, I am satisfied that the planning obligations (minus the PEMS contribution) accord with the Framework and relevant regulations, and I have taken them into account in my deliberations.

### **Overall Conclusions and Planning Balance**

65. The relevant legislation requires that the appeal be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by the economic, social and environmental dimensions and the interrelated roles they perform. The Council accepts that the housing policies are not up-to-date and that this is sufficient, of itself, to engage Paragraph 14 of the Framework.
66. Paragraph 14 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted. Although I have found that valued landscapes do not fall within that latter category, the Framework is clear those relating to heritage assets do. Hence the 'public benefits' test of Paragraph 134 relating to heritage assets is engaged in this case.
67. There is no doubt that additional housing arising from this scheme would be a weighty public benefit for the area. It would introduce much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework, contributing up to 195 dwellings, of which up to 59 would be affordable. It would bring about additional housing choice and competition in the housing market. The contribution of the site to both market and affordable housing requirements of the district is a matter of considerable importance. As such, I accord these benefits substantial weight in the planning balance.
68. The scheme would generate other economic and social benefits<sup>72</sup>. It would create investment in the locality and increase spending in shops and services<sup>73</sup>. It would result in jobs during the construction phase and, according to the appellant, result in construction spending of around £19.03 million. The new homes bonus would bring additional resources to the Council<sup>74</sup>. I acknowledge that the site is in a reasonably sustainable location, within range of the shops,

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<sup>72</sup> As detailed in CD 1.16

<sup>73</sup> Household expenditure from the development is estimated by the appellant to be around £6.84 million per year

<sup>74</sup> Estimated to be around £1.8 million over the 6 years following completion of development



- services, schools and the other facilities of Bewdley. There is a convenience store adjacent to the site, on the corner of The Lakes Road and Dry Mill Lane. There are bus services available in the locality and, at a greater distance, a railway station at Kidderminster. A range of employment opportunities exist in Bewdley and Kidderminster. I agree that, in all these respects, the scheme would comply with the economic and social dimensions of sustainability.
69. Some environmental benefits would also occur. There is the potential for biodiversity enhancement through additional planting and provision of green infrastructure<sup>75</sup> as well as the provision of a large SUDS. A substantial area of public open space is also proposed<sup>76</sup>. Of particular significance is the mitigation scheme for the Welch Gate AQMA to be secured by the UU. This involves replacing the existing high emitting buses that currently pass through the AQMA with new buses that emit substantially less pollution. The evidence suggests that the mitigation will more than offset the increase in emissions associated with the scheme, and will result in beneficial impacts within the AQMA, as well as the wider area. This should assist the achievement of the annual mean nitrogen dioxide objective and contribute to the Council's Air Quality Action Plan. I accord the potential improvements to air quality significant and positive weight in the planning balance.
70. As noted above, Paragraph 134 of the Framework requires the harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 132 requires that, when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation. However, for the reasons explained, I consider that the level of harm to heritage assets would be limited and should be placed at the lower end of the 'less than substantial' spectrum. In this case, I find that any harm to heritage assets would be outweighed by the scheme's public benefits. As a consequence, I find that the so called 'tilted balance' of Paragraph 14 of the Framework is not displaced in this instance.
71. Importantly, the Council cannot demonstrate a five year supply of housing. At best, the Council can only demonstrate a 4.69 year supply. Adopting the appellant's discounted supply schedule, based on the same assumptions, the five year supply reduces to 1.39 years. On the appellant's preferred basis, it is only 1.24 years<sup>77</sup>. That latter figure is a very serious shortfall and attracts substantial weight in favour of granting permission for the proposals. However, the absence of a five year supply cannot override all other considerations. Moreover, there is no compelling reason why the additional development required to assist in making up the 5 year deficit has to be sited at this particular location.
72. In this case, I have serious concerns in respect of the very significant and adverse effects for the rural landscape. I have found the scheme would cause very serious material harm to the character and appearance of the area, and specifically to this valued landscape. This would conflict with Policy CP12 of the CS. It would also be contrary to the requirements of the Framework to contribute to protecting and enhancing the natural environment<sup>78</sup>, recognising

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<sup>75</sup> Ecology Statement of Common Ground

<sup>76</sup> Approximately 38% of the site, Proof of Evidence of Mr Lane, page 65

<sup>77</sup> Based on 332 units per annum

<sup>78</sup> Paragraph 7

the intrinsic character and beauty of the countryside<sup>79</sup> and protecting and enhancing valued landscapes<sup>80</sup>. Consequently, I consider that the proposal would have very serious and harmful consequences in terms of the environmental dimension of sustainability with regards to the impact on landscape character. As such, I do not consider the scheme as a whole can be regarded as a sustainable form of development.

73. I have carefully weighed the significant shortage in housing supply in the balance as well as other benefits that would arise from the scheme. I have considered the contribution of the proposals towards addressing the undersupply of housing, both market and affordable. However, in this case, I consider that the adverse impacts of granting permission, specifically the very serious material harm to the rural character of the locality and incursion of development into the countryside would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. I reach this view even on the basis of the appellant's preferred housing supply figure. For the reasons given above, I conclude that the appeal should be dismissed.

*Matthew C J Nunn*

INSPECTOR

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<sup>79</sup> Paragraph 17

<sup>80</sup> Paragraph 109

**APPEARANCES****FOR THE COUNCIL:**

Mr Hugh Richards Of Counsel, instructed by Wyre Forest District Council

He called

Peter Bassett Conservation Officer, Wyre Forest District Council

Neil Furber Principal Landscape Architect, Pleydell Smithyman

Dr Mark Broomfield Specialist Consultant, Ricardo Energy & Environment

Dr Michael Bullock Director of arc4

Helen Smith Spatial Planning Manager, Wyre Forest District Council

Paul Round Development Manager, Wyre Forest District Council

**FOR THE APPELLANT:**

Mr Paul Cairns Of Queens Counsel, instructed by Gladman Developments Ltd

He called

Keith Nye Director, FPCR Environment & Design Ltd

Jason Clemons Director, WYG

George Venning Director, Bailey Venning Associates

James Donagh Director, Barton Wilmore LLP

Jason Tait Director, Planning Prospects Ltd

Mark Clements Director, PRIME Transport Planning

Professor Duncan Laxen Managing Director, Air Quality Consultants

Laurie Lane Planning Director, Gladman Developments Ltd

**INTERESTED PERSONS**

Ms M Brittain Local resident

Mr B Maloy Local resident

Mr G Roberts	Local resident
Mrs L Stanczyszyn	Local resident
Mr I Machin	Local resident
Mr M Moreton	Local resident
Mrs S Preedy	Local resident
Mr R Stanczyszyn	Local resident
Mr P Edmundson	Town Councillor
Mrs C Edginton-White	Town Councillor
Mr Davenport	Local resident
Mr D Laberty	Local resident

**DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Appeal decision APP/Z1510/W/17/3172575, Land off Wethersfield Road, Finchingfield, Essex CM7 4NS
2. Appeal decision APP/J0405/W/16/3158833, Land north of Aylesbury Road, Wendover, Buckinghamshire
3. Opening Statement on behalf of Gladman Developments Ltd
4. Opening Statement on behalf of Wyre Forest District Council
5. Statement of Mrs M Brittain
6. Statement of Mr B Maloy
7. Statement of Mr G Roberts
8. Statement of Mrs L Stanczyszyn
9. Statement of Mr I Machin
10. Statement of Mr M Moreton
11. Statement of Mr R Preedy & Mrs S Preedy
12. Statement of Mr R Stanczyszyn
13. Statement of Calne Edginton-White (Councillor, Planning Committee) & Nick Farress (Town Clerk), Bewdley Town Council
14. Statement (Poem) of Mrs Avril
15. Statement of Councillor P Edmundson, Bewdley Town Council
16. Panoramic View of Mr Bassett
17. Email trail of Adam Mindykowski, Neil Furber and Paul Round
18. Email trail of Lucy Flanagan, Ben Horovitz, Neil Furber
19. Inspector's Interim Conclusions, South Worcestershire Development Plan (March 2014)
20. Extract of Guidelines for Landscape and Visual Impact Assessment, Third Edition
21. Appeal decision APP/A2280/W/15/3012034, Land North of Moor Street, Rainham
22. Schedule of disputed large housing sites
23. Planning Obligation by Agreement dated 8 November 2017 (including 'Blue Pencil' Note), and Unilateral Undertaking dated 8 November 2017
24. List of Draft Conditions
25. Report on Examination into Wyre Forest Site Allocations and Policies Local Plan & Kidderminster Central Area Action Plan (May 2013)

26. Graph showing change in NO<sub>2</sub> levels with/without scheme and mitigation
27. Horsefair Kidderminster AQMA showing bus route
28. Air Quality Update 2017, Worcestershire Regulatory Services
29. Missing Survey Sheets, Mr Furber's Appendix 2
30. Site Visit Route & Viewpoints
31. Note on Socio-Economic Calculations
32. Planning Obligation Note: Unilateral Undertaking
33. Planning Obligation Note: Air Quality Mitigation
34. Housing Land Supply Inquiry Update Note, 30 October 2017
35. Planning permission, Former British Sugar Site
36. Planning permission, Tan Lane
37. Appeal decision APP/G2435/W/15/3005052, Land South of Greenhill Road, Coalville, Leicestershire
38. Closing Submissions on behalf of the Local Planning Authority
39. Closing Submissions on behalf of Gladman Developments Ltd
40. CIL Compliance Statement, Wyre Forest District Council

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**Core Documents List****CD1 Planning Application Documents**

- 1.1 Application Covering Letter and Application Form
- 1.2 Location Plan (including Application Red Line) (Drawing No. 7166-L-01 Rev C)
- 1.3 Development Framework Plan (Drawing No. 7166-L-02 Rev P)
- 1.4 Design & Access Statement
- 1.5 Landscape and Visual Assessment
- 1.6 Transport Assessment
- 1.7 Travel Plan
- 1.8 Ecological Appraisal
- 1.8a Great Crested Newt Survey Report
- 1.8b Reptile Survey
- 1.8c Confidential Badger Survey
- 1.9 Arboricultural Report
- 1.10 Flood Risk Assessment
- 1.11 Air Quality Assessment
- 1.12 Noise Assessment
- 1.13 Heritage Assessment
- 1.14 Archaeological Assessment
- 1.15 Statement of Community Involvement
- 1.16 Socio-Economic Impact Assessment
- 1.17 Planning Statement
- 1.18 Site Access (Drawing No. P16016-003-C)
- 1.19 Foul Drainage Analysis
- 1.20 Draft S106 Heads of Terms

**CD2 Additional & Amended Reports submitted after validation**

- 2.1 Breeding Bird Survey Report
- 2.2 Bat Survey Report
- 2.3 Flood Risk Assessment Rev A (December 2016)
- 2.4 Flood Risk Assessment Rev B (January 2017)
- 2.5 Supplementary Ecology Report (February 2017)
- 2.6 Visitor Survey Results Table
- 2.7 Air Quality Assessment Addendum (February 2017)
- 2.8 Highways Technical Note 01 (17 February 2017)
- 2.9 Wyre Forest: Housing Need Statement (October 2016)
- 2.10 Traffic Modelling Outputs (mini-roundabout junction)
- 2.11 Potential Junction Improvements Plan (mini-roundabout) (Welch Gate/Dog Lane/Load Street Junction) (drawing No. P16016-004)
- 2.12 Potential Junction Improvements Plan (priority arrangement) (Welch Gate/Dog Lane/Load Street Junction) (drawing No. P16016-005)
- 2.13 Traffic Modelling Outputs (priority junction)

**CD3 Correspondence**

- 3.0 Local Planning Authority
- 3.1 Highways Authority

**CD4 Consultation Responses**

- 4.1 WCC Policy (20 October 2016)
- 4.2 WCC Highways (25 October 2016)
- 4.3 WFDC Policy (2 November 2016)
- 4.4 WFDC Policy RLA Appendix 2 (2 November 2016)
- 4.5 WFDC Conservation (19 October 2016)
- 4.6 WCC Air Quality
- 4.7 WCC Environmental Health (21 September 2016)

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- 4.8 Historic England (26 September 2016)
  - 4.9 CPRE (27 September 2016)
  - 4.10 WFDC Disability Action (28 September 2016)
  - 4.11 LLFA North Worcestershire Water Management
  - 4.12 Bewdley Town Council
  - 4.13 Ramblers Association
  - 4.14 Adrian Scruby - Historic
  - 4.15 Alison Barnes - Education
  - 4.16 Alvan Kingston - Arboricultural Comment
  - 4.17 Andrew Morgan - Police
  - 4.18 Bewdley Civic Society
  - 4.19 Gillian Driver - Natural England
  - 4.20 Kate Bailey - Affordable
  - 4.21 Michelle Lowe - Noise
  - 4.22 Paul Allen - Countryside Officer
  - 4.23 Peter Aston - Designing out Crime
  - 4.24 Severn Trent Water
  - 4.25 Steve Bloomfield - Wildlife Trust Conservation officer
  - 4.26 LLFA - observations Highfield House
  - 4.27 LLFA - Objection removed email
  - 4.28 AQMA - Neil Kirby - Following SH request
  - 4.29 AQMA - Neil Kirby
  - 4.30 Gillian Driver - NE Response
  - 4.31 Paul Allen - Countryside Officer
  - 4.32 Steve Hawley - County Highways comments
  - 4.33 CH2M Bewdley Welch Gate Junction Assessment TN (FINAL)
  - 4.34 Steve Bloomfield - Wildlife Trust - Updated comments
  - 4.35 Bewdley Housing Survey Report v1
  - 4.36 Confirmation from Bewdley that they accept the survey Dec 2016
  - 4.37 Bewdley TP - Consultation AQMA Report

#### **CD5 Committee Report**

- 5.1 Committee Report
- 5.2 Committee Meeting Minutes

#### **CD6 The Development Plan**

- 6.1 WFDC Core Strategy (2006-2026) adopted December 2010
- 6.2 WFDC Proposals Map (Bewdley extract)
- 6.3 WFDC Site Allocations and Policies Local Plan (2006 – 2026) adopted July 2013
- 6.4 Inspector's Report WFDC Core Strategy (dated 19 October 2010) (extracts)
- 6.5 Regional Spatial Strategy Panel Report (extracts)

#### **CD7 Supplementary Planning Documents**

- 7.1 Worcestershire County Council Landscape Character Assessment Supplementary Guidance (October 2011)
- 7.2 Affordable Housing SPD (July 2014)
- 7.3 Design Guidance SPD (June 2015)
- 7.4 Planning Obligations SPD (September 2016)

#### **CD8 Emerging Development Plan**

- 8.1 Local Plan Review – Preferred Options document (June 2017)
- 8.2 Wyre Forest District Council Preferred Option Document, June 2017: Gladman Development's Representations
- 8.3 Local Plan Issues and Options Paper (September 2015) (extracts)



**CD9 Evidence Base for Emerging Development Plan**

- 9.1 WFDC Local Plan Review: Amion Consulting OAHN Report (April 2017)
- 9.2 WFDC Bewdley Housing Survey Report (June 2016)
- 9.3 Bewdley Town Council Letter (Housing Needs)
- 9.4 5YHLS report – Wyre Forest District Council Five Year Housing Land Supply Report at 1st September 2017
- 9.5 WFDC Appendices to 5 Year Housing Land Supply Report - September 2017
- 9.6 Housing and Economic Land Availability Assessment and Appendices (HELAA) October 2016 (extracts)
- 9.7 Settlement Hierarchy Technical Paper (October 2009)
- 9.8 Core Strategy Final Sustainability Appraisal Report (January 2010) (extracts)
- 9.9 Housing and Economic Land Availability Assessment (2016) (Bewdley extracts)
- 9.10 Green Belt Strategic Analysis (September 2016) (extracts)
- 9.11 Worcestershire's Local Transport Plan 2006 / 2011 (LTP 2) (extracts)
- 9.12 Worcestershire Local Transport Plan 3: Transport Strategy (extracts)
- 9.13 Worcestershire Local Transport Plan 3: Transport and Air Quality Policy (extracts)
- 9.14 Air Quality Action Plan (June 2013) (extracts)
- 9.15 Air Quality Action Plan Progress Report for Worcestershire April 2015 – March 2016 (September 2016) (extracts)
- 9.16 Historic Environment Technical Paper (2012) (extracts)
- 9.17 Conservation Area Character Appraisal (Jan 2015)
- 9.18 Conservation Area Boundary Plan, WFDC
- 9.19 Landscape Type Advice Sheet: Forest small holdings and dwellings
- 9.20 Landscape Type Advice Sheet: Principal timbered farmlands

**CD10 Appeal Decisions**

- 10.1 Site at Land off Barford Road, Bloxham APP/C3105/A/13/2189896
- 10.2 Land at Rosery Cottage and 171 Evendons Lane, Wokingham APP/X0360/A/13/2198994
- 10.3 Little Tarnbrick Farm, Blackpool Road, Kirkham, Preston APP/M2325/A/13/2196027
- 10.4 Land off Bath Road, Leonard Stanley APP/C1625/A/13/2207324
- 10.5 Land adjoining Hay House, Tibberton, Newport, Shropshire APP/C3240/W/15/3003907
- 10.6 Land and Buildings Off Watery Lane, Curborough, Lichfield APP/K3415/A/14/2224354
- 10.8 Land off Milltown Way, Leek, Staffordshire APP/B3438/W/15/3005261
- 10.9 Enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport APP/R5510/A/14/2225774
- 10.10 Land at Land West of Horcott Road, Fairford APP/F1610/W/16/3157854
- 10.11 Land north of Gloucester Road, Tutshill, Chepstow APP/P1615/W/15/3003662

**CD11 Court of Appeal and High Court Judgments**

- 11.1 Bedford Borough Council v SSCLG and Nuon UK Ltd [2013] EWHC 2847 (Admin), 26 July 2013
- 11.2 St Albans City and District Council v Hunston Properties Limited and SSCLG [2013] EWCA Civ 1610, 12 December 2013
- 11.3 Hunston properties Ltd v SSCLG and St Albans City and District Council [2013] EWHC 2678 (Admin), 05 September 2013
- 11.4 Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin), 30 April 2014
- 11.5 Crane v SSCLG and Harborough District Council [2015] EWHC 425 (Admin), 23 February 2015

- 11.6 Phides Estates V SSCLG and Shepway DC and David Plumstead [2015] EWHC 827 (Admin), 26 March 2015
- 11.7 Stroud District Council v SSCLG and Gladman Developments Limited [2015] EWHC 488 (Admin), 6 February 2015
- 11.8 Colman V SSCLG and North Devon DC and REW Npower [2012] EWHC 1138 (Admin)
- 11.9 Forest of Dean District Council v SSCLG and Gladman Developments Limited [2016] EWHC 2429 (Admin), 4 October 2016
- 11.10 R(on the application of Graham Williams) v Powys County Council [2017] EWCA Civ 427, 9 June 2017
- 11.11 Steer v SSCLG and Catesby Estates Ltd and Amber Valley Borough Council [2017] EWHC 1456 (Admin), 22 June 2017
- 11.12 Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates; Partnership LLP and Cheshire East Borough Council [2017] UKSC 37 (Admin), 10 May 2017
- 11.13 Barwood Strategic Land v East Staffordshire Borough Council and SSCLG [2017] EWCA Civ 893, 30 June 2017
- 11.15 Gladman Developments Ltd v Daventry District Council and SSCLG [2016] EWCA Civ 1146, 23 November 2016
- 11.16 The Queen (on the application of) Emily Shirley And Michael Rundell v SSCLG [2017] EWHC 2306 (Admin), 15 September 2017
- 11.17 Daventry District Council v SSCLG and Gladman Developments Ltd [2015] EWHC 3459 (Admin), 2 December 2015
- 11.18 R(Leckhampton Green Land Action Group Ltd) v Tewkesbury Borough Council [2017] EWHC 198 (Admin), 9 February 2017
- 11.19 Oadby & Wigston Borough Council v SSCLG and Bloor Homes Limited [2016] EWCA Civ 1040, 27 October 2016

#### **CD12 Landscape Documents**

- 12.1 Worcestershire County Structure Plan (1996 - 2011) Areas of Great Landscape Value – chapter 5
- 12.2 Photography and photomontage in Landscape and Visual Impact Assessment. Advice note 01/11 (The Landscape Institute, 2011)
- 12.3 An Approach to Landscape Character Assessment (Christine Tudor, Natural England) 2014
- 12.4 Worcestershire County Landscape Character Assessment Technical Handbook (2013)
- 12.5 Worcestershire Historic Landscape Characterisation (2012)
- 12.6 Hedgerow Regulations – a guide to the law and good practice (1997)
- 12.7 BSNTG Landscape Review Statement (Pleydell Smithyman 2017)
- 12.8 Mid Severn Sandstone Plateau National Character Area (NCAP66)

#### **CD13 Heritage Documents**

- 13.1 HEGPA. Note 3 – Setting of Heritage Assets, Historic England, 2015
- 13.2 National Heritage List for England ref: 1166700
- 13.3 Worcestershire Revised Edition (Buildings of England) (Pevsner Architectural Guides: Buildings of England) 2007 by Alan Brooks (Author), Nikolaus Pevsner (Author)
- 13.4 Historic England: Seeing the History in the View: A Method for Assessing Heritage Significance in Views (2011)
- 13.5 Wyre Forest District Council Local Heritage List for Bewdley

#### **CD14 Air Quality Documents**

- 14.1 Air Quality Consultants report referenced J2943A/3/F3 "Air quality note: Bus emissions in Bewdley AQMA" (August 2017)
- 14.2 Ricardo Energy and Environment Independent Review (August 2017)

- 14.3 Air Quality Consultants report referenced J2943B/4/F2 "Response to Comments from Ricardo Energy and Environment" (September 2017)
- 14.4 Air Quality Consultants report referenced J2943B/6/F1 "Brief Note on Bus Emissions at Varying Speeds" (September 2017)
- 14.5 Air Quality Consultants report "Emissions of Nitrogen Oxides from Modern Diesel Vehicles" (January 2016)
- 14.6 AQ section of the PPG
- 14.7 International Council on Clean Transportation, "NOx emissions from heavy duty and light-duty diesel vehicles in the EU: Comparison of real-world performance and current type-approval requirements," (December 2016)

**CD15 Other General Planning Documents**

- 15.1 The Lakes Road Development Assessment –Wyre Forest Transport Model (CH2M) (July 2016)
- 15.3 DCLG consultation document "Planning for the right homes in the right places" (September 2017)
- 15.5 Planning Advisory Service website – 5YHLS FAQs
- 15.6 SWDP, Inspector's Report, Annex A (February 2016)
- 15.7 LPEG Appendix 6 'Housing and Economic Development Needs Assessment' Revised NPPG Text' March 2016
- 15.8 White Paper: Fixing our broken housing market (February 2017)
- 15.9 Housing Delivery in Wyre Forest 2015/16

**CD16 Relevant Post Appeal Correspondence**

- 16.1 3rd Party Final Comments
- 16.3 WCC to Prime Email – Development Proposals
- 16.4 Email from Adam Mindykowski regarding Landscape Viewpoints
- 16.5 Email from Peter Bassett regarding Landscape Viewpoints
- 16.6 Correspondence from Dr Suzanne Mansfield to NE

## Appeal Decision

Site visit made on 13 March 2018

**by David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Monday 26<sup>th</sup> March 2018.

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**Appeal Ref: APP/R1845/D/18/3193867**  
**17 Bronte Drive, Kidderminster DY10 3YU**

- 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 Robert Cole against the decision of Wyre Forest District Council.
  - The application Ref 17/0611/FULL, dated 2 October 2017, was refused by notice dated 1 December 2017.
  - The development proposed is an 'extension to front of property'.
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### Decision

1. The appeal is dismissed.

### Background

2. The appellant is registered totally blind and physically disabled. Planning permission has been granted for an extension to the front of the appeal property (Ref. 16/0505/FULL) providing an enlarged sitting room with a ramped, wheelchair accessible front door, a ramped access and the conversion of the garage to create a bathroom. The small infill extension has been built in accordance with the approved plans, but I understand that no alterations have been made to the garage and it has not been converted to a bathroom. The appellant has explained that since the grant of planning permission, it has been established that the approved works would not be sufficient to meet his particular needs in so far as the circulation space between the sitting room and the disabled bathroom would not accommodate a wheelchair and the wall between the garage and the house could not be altered in the manner shown on the approved plans because of its structural importance. I also understand that the Council would not authorise payment for the permitted alterations as it would not be possible to access the new bathroom by wheelchair from inside the house.

### Main Issue

3. The main issue in this case is the effect of the proposed extension on the character and appearance of the Bronte Drive street scene.
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**Reasons**

4. Bronte Drive is home to a range of dwelling types which sit within groups of the same style. Although the groups themselves sit at different distances from the highway, the dwellings within the individual groups follow broadly consistent building lines and this is a noticeable element of the street scene.
5. The appeal relates to a detached dwelling which sits at the end of a group of houses of a similar style with projecting garages and next to another detached dwelling of a different style. The existing garage and infill extension of the appeal dwelling sits in line with the similar garage of No. 15 Bronte Drive. Whilst the main body of the appeal dwelling sits slightly behind that of No. 19 Bronte Drive, its projecting garage sits only slightly behind the shallow ground floor mono-pitch roof of this neighbouring dwelling which is an open structure covering a bay window and provides a porch.
6. The proposal seeks to push out the existing single storey section of the frontage by an additional 1.5 metres or thereabouts and continue the existing mono-pitch roof in order to facilitate access to a shower room which would be built in the front part of the garage. Whilst I am satisfied that such an extension would have a neutral impact on the character and appearance of the dwelling itself, it would project noticeably further forward than the adjacent garage of No. 17 Bronte Drive and the main body and solid structure of No. 19 Bronte Drive. The result would see the extension noticeably 'stick out'. As a consequence, it would appear overly prominent and out context and it would unacceptably harm the character and appearance of the street scene.
7. For this reason, I conclude that the proposed extension would have a harmful impact upon the character and appearance of the street scene. In such terms it conflicts with policies CP11 of the adopted Wyre Forest District Council Core Strategy and policies SAL.UP7 and SAL.UP8 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
8. The appellant argues that the extension is required in order to enable him to continue living independently in his home. Whilst I fully sympathise with the appellant's circumstances, the extension is likely to remain long after these cease to be a material consideration. Furthermore, no compelling evidence has been advanced to convince me that the appellant's particular needs could not be adequately met by an alternative design solution.
9. I note the appellant has expressed frustration that although Council funding for the extension has been approved, the same Council has refused the planning application. I am also mindful that he has expressed dissatisfaction with the way in which he has been dealt with by the Council's Planning Department since the application was refused. Nevertheless, these matters are beyond my jurisdiction.
10. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

*David Fitzsimon*

INSPECTOR

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# Appeal Decision

Site visit made on 13 March 2018

**by David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> April 2018

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**Appeal Ref: APP/R1845/D/18/3195376**

**361 Stourbridge Road, Kidderminster DY10 2QE**

- 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 Andrew Fisher against the decision of Wyre Forest District Council.
  - The application Ref 17/0155/FULL, dated 22 February 2017, was refused by notice dated 6 December 2017.
  - The development proposed is '2 storey side and rear extensions'.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and its setting within the street scene.

## Reasons

3. The appeal relates to a detached house which is located on the main thoroughfare of Stourbridge Road, which is home to a range of dwelling types. Like the other dwellings within the row, the appeal property is elevated from the highway. It sits very close to the neighbouring dwelling, No. 362 Stourbridge Road, with very little gap between them. There is a more generous gap between the appeal property and the house on the other side, No. 360 Stourbridge Road, which provides a welcome break from built development and makes a positive contribution to the character and appearance of the street scene.
  4. The appeal property has a somewhat unusual roof arrangement, with the end next to No. 362 finishing in a gable at right angles to the highway and the other end, next to No. 360, finishing in a hip. The two storey side section of the proposed extension would continue the existing ridge and change the hip to a gable and a projecting feature gable would be created to mirror the existing projecting gable, thereby creating a double fronted house. The two storey extension would wrap around the rear of the dwelling, stopping short of the existing patio doors which serves the rear of the lounge.
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5. The approach proposed would not follow the recommendations outlined within the Council's adopted Supplementary Planning Document titled '*Design Guidance*' (SPD) which aim to ensure that extensions appear subservient to the host dwelling and sit comfortably within their setting. The two storey extension would continue the existing ridge rather than have a lower ridge and it not be recessed from the main body of the host dwelling. In addition, the extension would sit directly on the boundary with No. 360 Stourbridge Road.
6. I agree with the appellant that the SPD provides guidance rather than strict policy and this need not be slavishly followed if individual circumstances allow for appropriate alternative design approaches. However, in this case, the overall width and height of the extension would be substantial. The resulting dwelling would occupy the full width of its plot and the tall gable end of the two storey extension would sit directly on the boundary. In addition, the ground level of the extension would appear slightly lower than that of the host dwelling due to the rising topography and this would accentuate its size. Whilst the host dwelling is not of any special architectural merit, the combination of these factors means that the extension would cause an imbalance which would overwhelm rather than be subservient to the host dwelling.
7. In addition, the overall scale and positioning of the proposed extension would harmfully reduce the space between the host dwelling and No. 360 Stourbridge Road. The effect would be exacerbated by the fact that the gable end of the extension would appear unduly dominant against the lower hipped roof of this neighbouring dwelling. The imbalance to the host dwelling and the degraded relationship with this neighbouring house would be readily visible from the roadside.
8. I recognise the variety in the Stourbridge Road roofscape, with gabled roofs sitting next to hipped roofs at differing heights. To this end, I note that No. 362 sits close to the existing gable ended side of the appeal property and has a higher ridge line. However, the hipped nature of this taller neighbouring roof, which rises away from the shared boundary, avoids any over-dominance. I also note that the hipped roof of No. 362 sits alongside the gable ended roof of No. 363. Nevertheless, these two dwellings are separated by their respective driveways and the resulting generous gap safeguards against any harmful visual effect.
9. For the above reasons, I conclude that the proposed extension would harm the character and appearance of the host dwelling and its setting within the street scene. In such terms, it conflicts with policy CP11 of the adopted Wyre Forest District Council Core Strategy, policies SAL.UP7 and SAL.UP8 of the LP and the SPD.

*David Fitzsimon*

INSPECTOR