

**Open**

# **Overview & Scrutiny Committee**

## **Agenda**

**6pm**  
**Thursday, 5th July 2018**  
**Council Chamber**  
**Wyre Forest House**  
**Finepoint Way**  
**Kidderminster**



## Overview & Scrutiny Committee

### Members of Committee:

**Chairman: Councillor H E Dyke**  
**Vice-Chairman: Councillor M Rayner**

**Councillor N Harris**  
**Councillor N Knowles**  
**Councillor S Miah**  
**Councillor H S Williams**

**Councillor K Henderson**  
**Councillor D Little**  
**Councillor S J Walker BCav**  
**Councillor S J Williams**

**Would Members please note that, to ensure continuity in scrutiny, substitutes should only be appointed for the Scrutiny Committee in exceptional circumstances.**

### Information for Members of the Public:

**Part I** of the Agenda includes items for discussion in public. You have the right to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

**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.

### **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.

### **Co-opted Members**

Scrutiny Committees may wish to appoint Co-Opted Members to sit on their committee in order to add value to the scrutiny process. To appoint a Co-Opted Member, a Committee must first agree to appoint either a specific person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority). Co-Optees are non voting by default but Committees can decide to appoint voting rights to a Co-Optee. The Co-Option of the Member will last no longer than the remainder of the municipal year.

Scrutiny Committees can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect. Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance. Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

The following will apply:

- i) The total number of voting co-opted members on any Scrutiny Committee will not exceed 25% at any one time.
- ii) The total number of voting Co-opted Members on any Review Panel will not be limited.
- iii) Those Co-opted Members with voting rights will exercise their rights in accordance with the principles of decision making set out in the constitution.

**For Further information:**

**If you have any queries about this Agenda or require any details of background papers, further documents or information, you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)**

Wyre Forest District Council

Overview & Scrutiny Committee

Thursday, 5th July 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 7th June 2018.	7
<b>5.</b>	<b>The Environmental Offences (Fixed Penalties) (England) Regulations 2017</b>  To consider a report from the Corporate Director: Community Well Being and Environment on the revised Government arrangements that has been made within the Environmental Offences (Fixed Penalties) (England) Regulations 2017.	11
<b>6.</b>	<b>Affordable Housing Review Panel – Conclusions and Recommendations</b>  To receive a report from the Head of Strategic Growth and the Housing Enabling Consultant on the issues considered by the Affordable Housing Review Panel and to consider the final recommendations.	17

7.	<b>Domestic Abuse Pledge “Make a Stand”</b>  To consider a report from the Head of Strategic Growth which raises awareness of the national domestic abuse pledge being supported by the Chartered Institute of Housing (CIH), Women’s Aid and Domestic Abuse Housing Alliance (DAHA).	24
8.	<b>Lion Fields Future Phases Development</b>  To consider a report from the Head of Economic Development & Regeneration – North Worcestershire on the next steps for the Council in bringing forward re-development proposals for ‘Parcel 4’ of Lion Fields, which covers the redevelopment of the Bromsgrove Street Car Park and to consider options to enhance the link between this site and Worcester Street.	61
9.	<b>South Kidderminster Enterprise Park: Revised Local Development Order, August 2018</b>  To consider a report from the Economic Development and Regeneration Manager on the results of the public consultation on the revised Local Development Order (LDO) for the South Kidderminster Enterprise Park.	69
10.	<b>Council Tax Reduction Scheme Review 2019/20</b>  To consider a report from the Revenues, Benefits & Customer Services manager regarding proposals to amend the Council Tax Reduction Scheme from 2019/20. <b>Report to follow</b>	-
11.	<b>Acquisition of Land in Market Street, Kidderminster</b>  To consider a report from the Corporate Director: Economic Prosperity & Place which seeks support for the Council to acquire a vacant parcel of land at Market Street in Kidderminster.	99
12.	<b>Treasury Management Review Panel</b>  To request nominations for membership of the Treasury Management Review Panel for the current municipal year.  Meeting dates: <ul style="list-style-type: none"> <li>Monday 3<sup>rd</sup> September 2018 – 4pm Training for <b>all Members</b>, 6pm meeting</li> <li>Monday 29<sup>th</sup> October 2018 – 6pm meeting</li> <li>Monday 4<sup>th</sup> February 2019 – 4pm Training for <b>all Members</b>, 6pm meeting</li> </ul>	
13.	<b>Feedback from Cabinet</b>  To note the content of the Cabinet action list, following consideration of the recommendations from its meeting on	109

<b>14.</b>	<b>Work Programme</b>  To review the work programme for the current municipal year with regard to the Corporate Plan Priority, Annual Priorities and the Forward Plan.	110
<b>15.</b>	<b>Press Involvement</b>  To consider any future items for scrutiny that might require publicity.	
<b>16.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor of 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>	
<b>17.</b>	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  “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”.	

## Part 2

### Not open to the Press and Public

<b>18.</b>	<b>Agenda Item No. 11 Acquisition of Land in Market Street, Kidderminster</b>  Appendix 2 – Valuation	-
<b>19.</b>	<b>Industrial Unit Investment Business Case</b>  To receive a report from the Corporate Director: Economic Prosperity & Place which sets out a business case for a proposed investment.	-
<b>20.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor of the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

**WYRE FOREST DISTRICT COUNCIL**

**OVERVIEW & SCRUTINY COMMITTEE**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER**

**THURSDAY, 7TH JUNE 2018 (6PM)**

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**Present:**

Councillors: H E Dyke (Chairman), M Rayner (Vice-Chairman), P Harrison, N Harris, V Higgs, D Little, F M Oborski MBE, S J Walker BCav, H S Williams and S J Williams.

**Observers**

Councillors: C Rogers.

**OS.1      Apologies for Absence**

Apologies for absence were received from Councillors: K Henderson, N Knowles and S Miah.

**OS.2      Appointment of Substitutes**

Councillor P Harrison was a substitute for Councillor K Henderson.  
Councillor V Higgs was a substitute for Councillor N Knowles.  
Councillor F M Oborski MBE was a substitute for Councillor S Miah.

**OS.3      Declarations of Interests by Members**

No declarations of interest were made.

**OS.4      Minutes**

**Decision:** The minutes of the meeting held on 22nd March 2018 and the minutes of the meeting of the Overview & Scrutiny Sub-Committee held on the 1<sup>st</sup> May 2018 be confirmed as a correct record and signed by the Chairman.

**OS.5      How Are We Doing? Performance Update**

The Committee considered a report from the Business Improvement Officer which updated Members on the performance of the Council for Quarter 4 (from 1<sup>st</sup> January 2018 to 31<sup>st</sup> March 2018).

The Business Improvement Officer presented the report and appendices which included detailed updates on the performance against the Council's purposes of Housing and Planning. Members were advised that as there were currently no actions overdue or cancelled, an exception report had not been included for this quarter. She said that a new report had been added at appendix 3 which had been

introduced to provide an update on the Council's Capital Projects. In response to a Member's request for a definition of the term 'Goldilocks' the Business Improvement Officer advised that the term (which is a particular type of gauge display for performance indicators where the target level of performance is in a band between a high / low value) applies to situations where the desired performance is neither too high nor too low (analogous to too hot or too cold) but somewhere in between.

**Agreed: The progress in performance for quarter 4 be noted.**

**OS.6**

**Wyre Forest District Local Plan Review: Revised Local Development Scheme (Project Plan 2018 - 2020)**

The Committee considered a report from the Head of Strategic Growth which provided Members with an update on the progress made in undertaking the Local Plan Review, and asked for agreement to a revised Local Development Scheme (LDS) (Project Plan 2018 – 2020) and a revision to the process of pre-application advice in light of the amended timetable.

Councillor S Walker entered the meeting at this point, (6.10pm).

The Head of Strategic Growth took Members through the report and explained that Council's were required to publish up-to-date information on the progress made in preparing their Local Plans against the LDS. She added that Wyre Forest District Council publishes its LDS on the Planning Policy pages of its website.

She outlined the key areas of change since the last review of the LDS in November 2017 which included; the publication of the draft National Planning Policy Framework (NPPF), Planning Practise Guidance (PPG) and Developer Contributions which were out to a period of consultation that ended in May 2018; the delay in the date of the publication of the standardised methodology figure from April 2018 to possibly sometime before the Governments summer recess; and the finalisation of sites to be included in the Pre-Submission consultation which can only be completed once the technical evidence base studies are finalised, this includes the Objectively Assessed Housing Need (OAHN) revision which is reliant on confirmation of the Government's standardised methodology figure.

The Development Manager advised Members that during the interim period until its Local Plan is adopted, the Council had a duty under the requirements of paragraph 47 of the NPPF to be able to demonstrate a 5 year supply of land for housing. It was proposed that the Council adopts an appropriately worded 'standing pre-application advice' for developers that would outline the authorities intentions for the District and provide a degree of consistency in the decision making process during the interim period.

A discussion ensued and Members acknowledged that as a result of the Government's delay in confirming the standardised methodology for calculating housing need within the District, the revision to the project plan was unavoidable. Members welcomed the proposed pre-application standing advice for housing and agreed it was a useful tool to be used in the interim period for dealing with hostile planning applications.



**Agreed: Recommend to Cabinet that:**

- 1.1 The proposed revised Local Development Scheme Project Plan 2018 – 2020 as set out in Appendix 1 of the report be adopted.**
- 1.2 The proposed pre-application standing advice for housing as set out in Appendix 2 of the report be adopted.**

**OS.7 Recommendations from the PACT Review Panel**

The Committee received the recommendations from the Review Panel which had been established to undertake an in-depth review of the effectiveness of Partners and Communities Together (PACT) schemes in Wyre Forest.

The Chairman of the Review Panel, Councillor H Dyke, presented the report which summarised the key findings from the review. She was pleased to report that the total number of respondents to the public consultation survey which took place between 23<sup>rd</sup> February to 29<sup>th</sup> March 2018 was 139. She added that the Panel acknowledged that a 'one size fits all' approach to PACT does not work for every area and this should be recognised in any future plans.

**Agreed:**

- 1. That PACT overall should be noted as a useful method of community engagement for community safety purposes, and that it should continue but in an updated and more effective way.**
- 2. That the Community Safety & Partnerships Officer, Wyre Forest District Council and Inspector Jake Wright, West Mercia Police work together to consider the findings from the review and that a draft action plan is presented to a future Overview and Scrutiny Committee.**

**OS.8 Tracking Recommendations 2017/2018**

The Committee considered the outcome of the recommendations that were made during the 2017/2018 municipal year. Further updates from Officers were requested in relation to the following items:

- Compulsory Acquisition of Land & Properties & Empty Property Strategy
- Public Space Protection Order (PSPO)
- Acquisition of Land in Areley Kings and Riverside Ward

The Chairman requested responses to the queries raised be circulated to Committee Members in due course.

**Agreed: The content of the Tracking Recommendations from 2017/2018 be noted.**

**OS.9 Work Programme**

The Committee considered the work programme for the new municipal year. In response to issues raised by members of the public in relation to highways

#### **Agenda Item No. 4**

maintenance, Members agreed that it would be appropriate to bring forward the review of service standards for highways maintenance which includes grass cutting and weed control, from September / November as previously planned to June / July 2018.

#### **Agreed:**

- **The work programme for the new municipal year be noted.**
- **The Principal Committee and Member Services Officer to contact Group Leaders for nominations to participate in the review panel.**

#### **OS.10 Press Involvement**

There were no future items for scrutiny that might require publicity.

There being no further business, the meeting ended at 6.55pm.



### Overview & Scrutiny Committee

#### Briefing Paper

Report of: Corporate Director Community Well Being and Environment  
Date: Thursday 5 July 2018  
**Open**

#### The Environmental Offences (Fixed Penalties) (England) Regulations 2017

##### 1. Summary

- 1.1 To consider the revised Government arrangements that has been made within the Environmental Offences (Fixed Penalties) (England) Regulations 2017.
- 1.2 In line with these changes to consider formally reviewing and adjusting the fixed penalty charging regime that is currently adopted and in place for Wyre Forest District Council.

##### 2. Background

- 2.1 In April 2017 the government released its National Litter Strategy for England. This set in train a commitment towards improving standards of environmental cleanliness via Education, Enforcement and Infrastructure, all aligned to a 25 year environment plan.
- 2.2 With effect from April 2018, the Government amended the maximum level of fixed penalties that councils are able to impose for littering, the unauthorised distribution of free printed literature, graffiti and fly-posting from £80 to £150. The default penalty for these offences also increased from £75 to £100.
- 2.3 Councils and a number of other land managers are responsible for taking enforcement action against a range of “environmental offences” include littering, graffiti, fly-posting, and other offences which harm public spaces.
- 2.4 In most cases, these environmental offences attract a criminal penalty. However, councils and other enforcing authorities may choose to issue fixed penalty notices (on the spot fines) as an alternative to prosecution. This reduces burdens on the justice system by avoiding the need for the majority of these cases to be heard in court, and also enables offenders to avoid a criminal record.
- 2.5 It is up to councils to decide whether to issue a fixed penalty notice in any individual case, and up to the offender to decide whether to pay it, or to defend the case in court risking prosecution and conviction. By far the majority of enforcement activity against offences such as littering is via fixed penalty notices, rather than prosecution.

- 2.6 At its full Council meeting of July 2007 WFDC formally adopted a corporate Environmental Education & Enforcement Strategy based around the following key themes: Educate, Enforce and Eradicate. This strategy went on to establish the current fixed penalty regime.
- 2.7 Since April 2017 the income that Councils receive from these penalties has been (in most cases) ring-fenced for spending on their functions relating to the original offence. The following table shows the functions on which councils may spend this income:

<b>Offence</b>	<b>FPN money can be spent on functions relating to:</b>
Litter, graffiti, fly-posting, unauthorised distribution of free printed material on designated land	Litter and refuse (including keeping land and highways clear of litter and refuse, and enforcement against littering and littering from vehicles), graffiti and fly-posting, controlling and enforcing against the unauthorised distribution of free literature
Nuisance parking	Road traffic, litter and refuse
Abandoning a vehicle	Road traffic, litter and refuse
Fly-tipping	There are no restrictions on how councils can use this income
Failing to show waste documents	Waste on land

### **3. Key Issues**

- 3.1 The Council should use the opportunity to establish and adopt a proportionate and legal environmental penalty charging regime in line with the amended legislation.
- 3.2 This revised regime should take account of and set penalty levels:
- Within the Government's minimum and maximum penalty range levels
  - Not lower than the Government's minimum discounted penalty range levels
  - Where any discounted penalty charges depend on the early receipt of payments.

- 3.3 Generally, the approach in the proposals in the Appendix is to set the penalties at the maximum permitted level in each case. Where offered, discounts for early payment are at the rate of 33% i.e. the discounted penalties are 67% of the original penalty. However, there are no proposals to reduce penalties below their existing levels as this would reduce the current deterrent so, in some cases, the discount for early payment is less than 33%.

#### **4. Options**

The Overview and Scrutiny Committee is asked to consider the options to respond to the changes in legislation. The committee is asked to recommend to Cabinet the results of a review that suggests amendments to the penalty charging regime as outlined below. This will provide the Council with a more effective enforcement regime in the fight against environmental crime and anti social behavior.

- To establish a revised set of maximum penalty charges that will apply to relevant environmental offences within the District and being set within government parameters, as set out in the “proposed new penalty” column in the Appendix.
- To establish a revised set of discounted penalty charges that will apply (pending early payment) to relevant environmental offences within the District and being set within government parameters, as set out in the “proposed new discounted penalty” column in the Appendix.

#### **5. Consultation**

- 5.1 Thus far the Council’s legal and financial teams have been consulted.

#### **6. Relevant Council Policies/Strategies**

- 6.1 WFDC Environmental Education and Enforcement Strategy 2007

#### **7. Equality Impact Needs Assessment**

- 7.1 Not required as penalty charges are strictly implemented inline with the regulations in a fair and equitable manner based on clear criteria applicable to all offenders.

#### **8. Financial Implications**

- 8.1 There are no capital or revenue increases required to fund the revised charges. There will be some minor incurred costs to revise existing penalty charge notices. However this can be met within existing budgets.
- 8.2 Income received during 2017/18 from the Council’s environmental enforcement team amounted to £7,665. The outlined increases within this report should therefore see a small increase in income.

- 8.3 The proposals intend to support existing enforcement protocols to provide a proportionate and responsible approach towards effective enforcement against littering and other related environmental offences, so that it operates as an effective deterrent and retains support of the local community.

**9. Legal Implications**

The proposed penalties and discounted penalties comply with the requirements of the 2017 Regulations.

By taking the opportunity to revise the Council's current penalty charging regime in line with the recently introduced legislative changes, it would be appropriate at a later date to update and refresh the original Environmental Education and Enforcement Strategy document of January 2007. This policy statement supports the Council's two main priorities of *Contributing to a successful local economy and to live in clean green and safe communities*.

**10. Risk Management**

- 10.1 There is a risk that, by not updating the Council's current penalty charging regime, it will fall behind current Government strategic thinking and the wider raised profile of environmental enforcement within the local community.
- 10.2 A clean and healthy environment is good for the public, good for the local economy. It plays an important role in improving our well being and it promotes local businesses to be more successful. The proposals will allow a legal penalty charging regime to be enforced and help protect the environment and the community from loss of amenity due to environmental crimes and anti social behaviour.

**11. Wards affected**

- 11.1 All wards within the District.

**12. Appendices**

- 12.1 The appendix outlines the proposed maximum and minimum penalty charges within each category.

**13. Background Papers**

WFDC Environmental Education and Enforcement Strategy 2007

DEFRA Modification to the Code of Practice on Litter and Refuse April 2018

HM Government Litter Strategy for England April 2017

The Environmental Offences (Fixed Penalties) (England) Regulations 2017  
<http://www.legislation.gov.uk/ukxi/2017/1050/contents/made>

**Officer Contact Details:**

Name: Steve Brant

Title: Head of Operational Services

Contact Number: 01562 732922

Penalty Offence	Government Minimum Penalty	Government Maximum Penalty	Government Minimum Discounted Penalty	WFDC Current Penalty	WFDC Current Discounted Penalty	WFDC Proposed New Penalty	WFDC Proposed New Discounted Penalty
Littering	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Graffiti	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Fly Posting	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Unauthorised Distribution of Free Literature	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Nuisance Parking	£100	£100	£60	£100	Not Offered	£100	£100
Abandoning a Vehicle	£200	£200	£120	£200	Not Offered	£200	£200
Fly-tipping	£150	£400	£120	£400	£300	£400	£300
Failure to Produce Documentation	£300	£300	£180	£300	£200	£300	£200
Failure to Produce Authority	£300	£300	£180	£300	£200	£300	£200
Industrial & Commercial Waste Receptacle Offences	£75	£110	£60	£100	£75	£100	£75
Domestic Waste Receptacle Offences	£60	£80	£40	N/A New Legislation		£60	£40





## Overview & Scrutiny Committee

### Briefing Paper

Report of: Kathryn Robb & Kate Bailey  
Date: 5<sup>th</sup> July 2018  
Open

### Affordable Housing Review Panel – Conclusions and Recommendations

#### 1. Summary

- 1.1 This report provides an overview of the issues considered by the Affordable Housing Review Panel and sets its conclusions and recommendations for consideration by the Overview and Scrutiny Committee.

#### 2. Background

- 2.1 The Affordable Housing Review Panel was set up in response to Members concerns regarding the acute shortage of suitable social and affordable rented accommodation in the District. At its first meeting in January 2018, the Panel agreed that the objectives of the review were to:
- Understand the supply vs. demand for social and affordable rented accommodation and quantify the shortfall;
  - Review the waiting list in real terms and understand the policies and priorities applied to allocating available housing;
  - Understand issues in terms of quality, suitability and affordability of housing offered and identify areas for improvement;
  - Review future plans and priorities of the main Registered Providers, in particular The Community Housing Group (TCHG).
- 2.2 The Panel met 4 times in total and received presentations from Wyre Forest District Council's Head of Strategic Growth and the Housing Enabling Consultant, officers from TCHG and the Government appointed Help to Buy Agent, Orbit. The updates provided Members with a better understanding of the challenges surrounding the overall availability of affordable housing in the current stock, the issues affecting supply, waiting lists and allocations and the role of Shared Ownership in the local housing market.

#### 3. Key Issues

##### Supply vs. Demand of Affordable Housing

- 3.1 The Wyre Forest Objective Assessment of Housing Need (OAHN) 2017 estimated that 229 new affordable homes are required each year for the next 5 years to meet existing and newly arising need. The Panel considered completions data from 2012-2018 (Appendix 1, Table 1) and noted that over

the last 6 years, of the 1,732 new homes completed, 625 (36%) were affordable housing. However the Panel also noted that:

- Completions in 2017/18 fell below 200 homes for the first time in the 6 year period
- The pipeline figures (Under Construction and Approvals – not yet started) show the overall number of projected completions at 500 new homes. If all of these homes are completed within 3 years, the average number of completions per annum will fall to 166, a completion rate significantly lower than any point in the last 6 years.
- In addition only 83 (16%) of the homes in the pipeline will be delivered as affordable. This falls below the 229 new homes estimated in the OAHN.

### **Issues Affecting Supply**

**3.2** The Government has set out its ambition to tackle the national housing crisis and has set a target to build 1 million new homes by 2020 and then a further 500,000 by 2022. However, the Panel also considered the policy issues that may present challenges in securing new supply. These included:

- Welfare Reform and the potential impact on tenants' ability to pay and subsequently on housing provider's rental income/arrears.
- 1% year on year rent reduction (2015-2020) and the impact on rental income available to support borrowing for new development. The rent reduction will end in 2020 and the Government have announced a 5 year rent settlement enabling RP's to increase rents by CPI + 1% from 2020
- The extension of the Voluntary Right to Buy (VRTB) pilot to housing association tenants in the West Midlands and the anticipated short term dip in availability of affordable homes as RP's seek to deliver 1:1 replacements.
- External funding and the impact of the availability of grant funding for affordable and social rented homes on the overall level of new supply and the tenure that Registered Providers can deliver. The Panel welcomed the announcement that Homes England would consider grant bids for Social Rent for the 1st time since 2011 but their current policy is that this should be at the same grant rate as for affordable making it unaffordable for some Registered Providers including TCHG without other grant funding.
- In addition, at its final meeting the, the Panel expressed concern regarding the decision that the £400m for replacement cladding would be funded from the current Affordable Homes Programme. It has subsequently been confirmed that, the same amount of money will be replaced in the programme in 2021-22 and that the programme will still deliver the same number of homes but fewer homes will be delivered in the short term.
- Planning and the mechanisms for delivering affordable housing through the Planning Framework. The Panel acknowledged that the review of the Local Plan and the affordable housing policies within it present a significant opportunity to directly influence and affect the level of new

affordable housing being delivered. The Panel considered the affordable housing thresholds and policies in neighbouring authorities and noted:

- The trend towards adopting different affordable housing requirements on Greenfield and Brownfield sites in recognition of the known challenges and financial constraints on Brownfield sites
- The variation in approach to tenure split between authorities
- The current policy gap for sites in Wyre Forest being delivered predominately as affordable housing and the need to agree a policy to cover similar scenarios in the future.
- The need to ensure the affordable housing policies set out in the Local Plan support an adequate supply to meet the identified need for affordable housing in the District.

### **Waiting List and Allocations**

**3.3** The Panel received an overview of the Housing Register and lettings data for 2016/17 and noted:

- The most significant level of demand in each of the priority bandings was from families, followed by single people and pensioners/people with a disability.
- The lettings analysis (Appendix 1, Table 3) suggests that on average Priority applicants wait 19 weeks to be re-housed, Gold Plus 42 weeks and Gold 51 weeks.
- There is significant variation in waiting time depending on the availability of different type and size of properties. For example, of the 485 properties let only 16% (77) were bungalows and average waiting varied from 18-109 weeks.

### **Affordability of different housing options**

**3.4** The Panel considered average income data for Wyre Forest and noted that average earnings for Wyre Forest were £22,880 compared to average earnings for the Region of £28,719. Areas with the highest proportion of households with lower incomes are in Kidderminster and Stourport with 37% of people in Kidderminster earning less than £20,000p.a.

### **Shared Ownership and its role in the local housing market**

**3.5** The Panel also investigated the cost of different housing options (Appendix 1, Table 2) and noted:

- Shared ownership is generally cheaper (more affordable) than market rent for a comparable property.
- Shared ownership provides an accessible and sustainable solution for households who may not have a high level of housing need in terms of the priority they would receive on the Housing Register but need a secure solution to their housing needs. For example following family breakdown, households where both parents share access to the children and need adequate accommodation.

- 3.6** The Panel also received a presentation from Orbit, the government Help to Buy Agent appointed to support households seeking to purchase shared ownership in the Midlands and considered different case studies examining the types of households who accessed the product. The Panel noted:
- The offer from the Help to Buy Agent to support future activities or events to raise awareness about shared ownership as a product and its availability in the district.

**Future supply pipeline and priorities for RP's**

**3.7** Representatives from TCHG met the panel to discuss their approach to future development, development capacity and their working relationship with the Council.

The Panel noted:

- The lack of grant for affordable and social rented products and the impact on the tenure mix on recent developments
- The financial constraints on CHG's ability to deliver wholly rented schemes when they are competing against private sector developers for land/development opportunities
- The impact of improved thermal and fuel efficiency of new properties on overall running costs
- The shared aims and objectives between CHG and the Council and the good working relationship and the willingness to consider future joint ventures
- The current development capacity to deliver up to 100 new affordable homes p.a.

**4. Options**

Recommendations to the Overview and Scrutiny Committee:

- 4.1** To continue to value the close working relationship with The Community Housing Group and Oakleaf Commercial Services as there are shared aims and visions and the opportunity to explore future joint ventures.
- 4.2** To accept the offer of help from the Government appointed Help to Buy Agent Orbit to support future activities and events to raise awareness about shared ownership as a product and its availability in the district.
- 4.3** That Cabinet gives serious consideration to the Council's role as a landowner and the use of Council owned sites for the delivery of Social Rent and Affordable Housing.
- 4.4** That the affordable housing planning policy makes provision to cover sites that deliver in excess of the Local Plan threshold for affordable housing (currently 30%).
- 4.5** As part of the Local Plan Review, officers in conjunction with the Viability Consultant continue to explore the potential of applying different affordable housing thresholds to different types of sites.

**5. Consultation**

- 5.1 Consultation will be undertaken with relevant officers once the recommendations are finalised as part of the Overview and Scrutiny process.
- 5.2 Once the recommendations are finalised officers will share the report with TCHG and Orbit Colleagues.

**6. Related Decisions**

- 6.1 Not applicable

**7. Relevant Council Policies/Strategies**

- 7.1 Worcestershire Housing Partnership Plan

**8. Implications**

- 8.1 Resources: Cost for the recommendations will be met by existing budgets
- 8.2 Equalities: Not applicable
- 8.3 Partnership working: The Review supports the principle of working in partnership with TCHG, Orbit and other Registered Providers
- 8.4 Human Rights: Not applicable
- 8.5 E-Government: Not applicable
- 8.6 Transformation: Not applicable

**9. Equality Impact Needs Assessment**

- 9.1 Not applicable

**10. Wards affected**

- 10.1 All wards

**11. Appendices**

- 11.1 APPENDIX 1 – BACKGROUND INFORMATION

**12. Background Papers**

Not applicable

**Officer Contact Details:**

Name: Kathryn Robb  
Title: Housing Enabling Consultant  
Contact Number: ext 2561

## APPENDIX 1 – BACKGROUND INFORMATION

**TABLE 1 NEW BUILD COMPLETIONS DATA 2012-2018**

NEW BUILD COMPLETIONS 2012-18	Affordable		Private Sector		Total
	No	%	No	%	
2012/13	60	27.0%	162	73.0%	222
2013/14	163	43.0%	216	57.0%	379
2014/15	148	32.3%	310	67.7%	458
2015/16	63	27.6%	165	72.4%	228
2016/17	117	43.2%	154	56.8%	271
<b>2017/18 (forecast)</b>	<b>74</b>	<b>42.5%</b>	<b>100</b>	<b>57.5%</b>	<b>174</b>
<b>COMPLETIONS TOTAL 2012- 2018</b>	<b>625</b>	<b>36%</b>	<b>1107</b>	<b>64%</b>	<b>1732</b>
<b>UNDER CONSTRUCTION (as at 13.3.18)</b>	<b>45</b>	<b>25%</b>	<b>134</b>	<b>75%</b>	<b>179</b>
<b>APPROVALS - NOT YET STARTED (as at 13.3.18)</b>	<b>38</b>	<b>12%</b>	<b>283</b>	<b>88%</b>	<b>321</b>

**TABLE 2 MONTHLY HOUSING COSTS OF HOUSING OPTIONS**

Monthly Cost of Housing Options	1 bed	2 bed flat	2bed house	3bed house		4 bed house
Social Rent	£396.20	£421.37*		£434.55		£468.52
Affordable Rent	£401.18	£415.35*		£448.24		£484.47
Market Rent	£440	£531	£663	£731		£1,525
Market Value	£91,000	£100,000	£145,500	£173,000	£180,000	£359,000
<b>Shared Ownership</b>						
• 1 <sup>st</sup> tranche sale		35%	50%	50%	35%	
• deposit		£1,750	£5,450	£4,325	Share purchased outright	
• mortgage		£163	£208	£424		
• rent		£280	£196	£255	£400	
• monthly payment		<b>£443</b>	<b>£404</b>	<b>£679</b>	<b>£400</b>	
<b>Open Market</b>						
• 5% deposit	£4550	£5,000	£7,250	£8,650	£9000	£17,950
• Monthly mortgage	£439	£482	£730	£835	£906	£1,807
<b>In WF the maximum level of Housing Benefit an applicant can claim are shown below (by bedroom size requirement)</b>						
<b>Local Housing Allowance</b>	<b>£399</b>	<b>£510</b>		<b>£578</b>		<b>£765</b>

Sources:

Social and Affordable Rents: SDR Statistical Release 2016-17 CHG average rents

\*Statistical returns suggest average 2 bed Social Rent Higher than Affordable Rent – these averages are based on significantly different number of properties i.e 1,164 social rent and 89 affordable rent

Shared Ownership: based on CHG case studies

Outright Sale Mortgage costs: based on 5% deposit and 4.04% interest (2yr fixed rate), 25yr term

Market Rent: Zoopla March 2018. (NB only 2 x 4 bed properties listed at time of search)

Market Value for 4 bed outright sale: Zoopla March 2018 – 4 bed houses, advertised prices

TABLE 3 LETTINGS ANALYSIS 2016-17

<b>Lettings 2016-17</b>		<b>Priority</b>		<b>Gold Plus</b>		<b>Gold</b>		<b>Silver Plus</b>		<b>Silver</b>		<b>Bronze Plus</b>		<b>Bronze</b>		<b>Reduced Preference</b>		<b>TOTAL (of all)</b>	
		No Of Lets	Average Number of Weeks	Gold Plus	Average Number of Weeks	No Of Lets	Average Number of Weeks	No Of Lets	Average Number of Weeks	No Of Lets	Average Number of Weeks	No Of Lets	Average Number of Weeks	No Of Lets	Average Number of Weeks	No Of Lets	Average Number of Weeks	No Of Lets	Average Number of Weeks
<b>1 bed</b>	<i>bedsit /studio</i>			1	3							2	66	1	37			4	56
	<i>flat</i>	35	13	100	26	3	59	4	32	1	16	33	53	2	31	2	77	180	30
	<i>bungalow</i>	6	18	42	54	1	92	1	13			3	89					53	52
	<i>house</i>	1	32	1	36							1						3	34
<b>Total 1 beds</b>		<b>42</b>	<b>14</b>	<b>144</b>	<b>34</b>	<b>4</b>	<b>67</b>	<b>5</b>	<b>28</b>	<b>1</b>	<b>16</b>	<b>39</b>	<b>56</b>	<b>3</b>	<b>31</b>	<b>2</b>	<b>77</b>	<b>240</b>	<b>35</b>
<b>2 bed</b>	<i>flat</i>	31	15	48	23	4	12	2	25	3	27	15	57	3	16			106	25
	<i>maisonette</i>	1	6							1	9							2	7
	<i>bungalow</i>	7	22	16	109					1	16							24	80
	<i>house</i>	26	25	17	66								128					43	44
<b>Total 2 beds</b>		<b>65</b>	<b>20</b>	<b>81</b>	<b>49</b>	<b>4</b>	<b>12</b>	<b>2</b>	<b>25</b>	<b>5</b>	<b>21</b>	<b>15</b>	<b>61</b>	<b>3</b>	<b>16</b>			<b>175</b>	<b>37</b>
<b>3 bed</b>	<i>maisonette</i>											2	34			1	13	3	27
	<i>house</i>	31	25	26	52	2	71					2	17			1	3	62	37
<b>Total 3 beds</b>		<b>31</b>	<b>25</b>	<b>26</b>	<b>52</b>	<b>2</b>	<b>71</b>					<b>4</b>	<b>26</b>			<b>2</b>	<b>8</b>	<b>65</b>	<b>36</b>
<b>4 bed</b>	<i>house</i>	2	18			2	73									1	56	5	48
<b>Total 4 beds</b>		<b>2</b>	<b>18</b>			<b>2</b>	<b>73</b>									<b>1</b>	<b>56</b>	<b>5</b>	<b>48</b>
<b>Total and Averages (of all property)</b>		<b>140</b>	<b>19</b>	<b>251</b>	<b>41</b>	<b>12</b>	<b>51</b>	<b>7</b>	<b>27</b>	<b>6</b>	<b>20</b>	<b>58</b>	<b>55</b>	<b>6</b>	<b>24</b>	<b>5</b>	<b>45</b>	<b>485</b>	<b>36</b>



## Overview & Scrutiny Committee

### Briefing Paper

Report of: Kate Bailey  
Date: Thursday 5<sup>th</sup> July 2018  
Open

### Domestic Abuse Pledge “Make a Stand”

#### 1. Summary

- 1.1 The purpose of this report is to raise awareness of the national domestic abuse pledge being supported by the Chartered Institute of Housing (CIH), Women’s Aid and Domestic Abuse Housing Alliance (DAHA) and to consider supporting the campaign by signing the pledge.

#### 2. Background

- 2.1 The Make a Stand pledge was developed by CIH in partnership with the DAHA and Women’s Aid as part of the presidential appeal and launched at the end of May 2018.
- 2.2 The organisations wanting to commit to the pledge sign up to put in place four actions to support people who are experiencing domestic abuse who live and work in social housing. Whilst this is the pledge, the Council will support the commitments within the pledge across all housing tenures.
- 2.3 The pledge has already been signed up to by 100+ organisations and has been raised at the Worcestershire Strategic Housing Partnership to encourage all Councils and Registered Providers in Worcestershire to commit to the pledge.
- 2.4 The Council has a legal duty to provide free housing advice to victims of domestic abuse and support the wider work undertaken around crime prevention.

#### 3. Key Issues

- 3.1 Domestic abuse is a significant issue in Wyre Forest (please see Appendix One). It has recently been identified as the topic for the Connecting Families systems thinking project in Wyre Forest and a strategic group, lead by the Chief Executive, has been established. Domestic abuse presents a significant challenge and cost not only to the victims and their families but to the public sector particularly within the housing, health and criminal justice sector. In Wyre Forest it is the second most likely reason given for homelessness and is one of the causes of Adverse Childhood Experiences, which can have a long term affect on people’s health and wellbeing.
- 3.2 The pledge has four commitments;



- 3.2.1 To put in place and embed a policy to support residents who are experiencing domestic abuse
- 3.2.2 To make information about national and local domestic abuse support services available on your website and in other places which are easily accessible to residents and staff
- 3.2.3 To put in place a HR policy and procedure on domestic abuse, or to incorporate this into an existing policy, to support members of staff who are experiencing domestic abuse
- 3.2.4 Appoint a champion in your organisation to own the activity you are doing to support people experiencing domestic abuse.
- 3.3 Organisations have until September 2019 to put the commitments in place. The Council is advanced in its preparations to meet these commitments as it already provides information on domestic abuse services through the website and Customer Service Centre, via our Domestic Abuse pathway leaflet (please see Appendix Two) and therefore meets the second commitment. In addition the Council has an HR policy and procedure on domestic abuse for staff and therefore meets the third commitment.
- 3.4 The Cabinet Member for Housing, Health and Wellbeing has indicated an interest in the pledge and acting as a champion for Wyre Forest District Council to oversee the activity officers undertake to support people experiencing domestic abuse. This would meet the fourth commitment if supported by Cabinet.
- 3.5 Officers, across the Directorates, would therefore need to develop a policy that would support residents who are experiencing domestic abuse and ensure this was embedded into the organisation.
- 3.6 This work would support the wider work of the Council and partners in undertaking the Connecting Families project and the Police and Crime Commissioner's "Drive" pilot that will work with the perpetrators of domestic abuse.

#### **4. Options**

- 4.1 Overview and Scrutiny panel are asked to recommend to Cabinet that they DECIDE to;
  - 4.1.1. Sign up to the "Make a Stand" Domestic Abuse Pledge.
  - 4.1.2 Appoint the Cabinet Member for Housing, Health and Wellbeing as the pledge champion

#### **5. Consultation**

- 5.1 Corporate Leadership Team, Community Safety and Partnerships Officer and the Revenues and Benefits Manager.

#### **6. Related Decisions**

- 6.1 Not applicable

**7. Relevant Council Policies/Strategies**

- 7.1 Worcestershire Housing Partnership Plan
- 7.2 Worcestershire Strategic Direction for Tackling Homelessness (draft)

**8. Implications**

- 8.1 Resources: Any financial implications arising from the requirements of the pledge will be met by existing budgets.
- 8.2 Equalities: Not applicable
- 8.3 Partnership working: Not applicable
- 8.4 Human Rights: Not applicable
- 8.5 E-Government: Not applicable
- 8.6 Transformation: Not applicable

**9. Equality Impact Needs Assessment**

- 9.1 The policy for residents will be subject to an equality impact screening assessment.

**10. Wards affected**

- 10.1 All wards.

**11. Appendices**

- 11.1 Appendix One: Data on domestic abuse in the district.
- 11.2 Appendix Two: Domestic abuse information leaflet

**12. Background Papers**

Not applicable.

**Officer Contact Details:**

Name: Kate Bailey  
Title: Head of Strategic Growth  
Contact Number: ext 2560

# Connecting Families

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## Wyre Forest Focus on Domestic Abuse

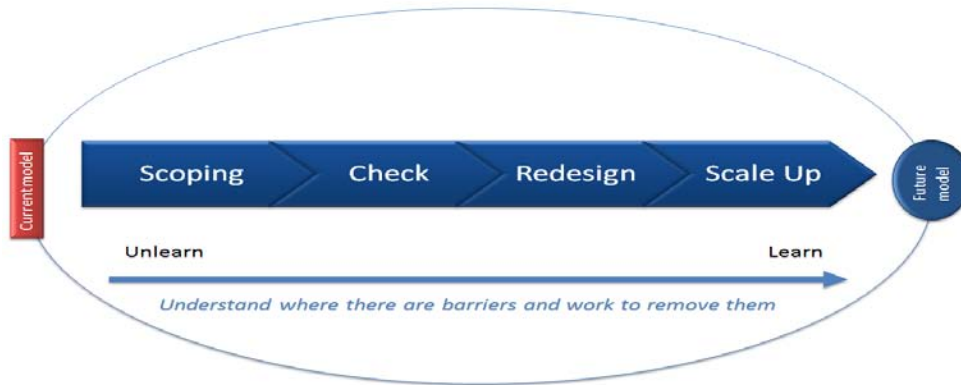
# Connecting Families Approach

## Connecting Families

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- The Connecting Families Approach has 4 stages:



- Scoping** – Identify the local opportunity for change and scope what the project might look like to address this.
- Check** – Study the system in depth, including service user experiences. Does this support the original issue that was identified during scoping?
- Redesign** – experiment with a pilot project, testing out new ways of working together
- Scale Up** – scale up redesign

# Connecting Families Approach

**ConnectingFamilies**

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<b>Scoping Phase</b>	<ul style="list-style-type: none"> <li>• Data Analysis – District wide and within defined thematic/geographic area</li> <li>• Local ownership and discussion</li> <li>• Identification of key agencies to be involved</li> <li>• Prioritisation of key issue of focus</li> <li>• Partnership agreement and buy-in</li> </ul>
<b>Check Phase</b>	<ul style="list-style-type: none"> <li>• 3 days learning activity - Commitment to learn/unlearn process by examining customer/service user experience</li> <li>• Pilot design - What focused piece of work can partners start on</li> <li>• Agree timeframe and evaluation framework, including reference to how ongoing work might be sustainable</li> </ul>
<b>Re-design</b>	<ul style="list-style-type: none"> <li>• Test new way of working and set evaluation framework</li> <li>• Ensure mechanism to be able to examine and remove things that get in the way. (Tactical Officers was used in Redditch). This should run alongside project activity</li> </ul>
<b>Scale-Up Design</b>	<ul style="list-style-type: none"> <li>• Run full evaluation of project impact and lessons learnt</li> <li>• Create proposal for next steps understanding any required system changes and workforce development</li> <li>• Sustainability of scale-up must be an important consideration</li> </ul>

## Area of focus



- Each district in Worcestershire has its own needs, issues and concerns – therefore the Connecting Families approach can be employed with a different focus in each district.
- Discussions in **Wyre Forest have identified Domestic Abuse** as the area of focus for the district.
- Now need to further define the focus of activity
- Information and intelligence has been collected to help inform decisions on what aspect of Domestic Abuse and which geographical areas should be considered initially.

# Domestic Abuse

**Domestic abuse** - as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

# Domestic Abuse

**Controlling Behaviour** – a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

**Coercive Behaviour** – an act or pattern of acts or assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.



## About the Data

Some data is taken from a range of existing analysis documents.

- Domestic Abuse and Violence JSNA Needs Assessment, July 2016
- Safer Wyre Forest Data Update, November 2016
- Worcestershire Domestic Abuse Analysis 2015-16, June 2016
- Worcestershire Homelessness Review, 2016
- Domestic Abuse Needs Assessment, July 2014
- WFADA Domestic Abuse & Alcohol Profile, 2013

Therefore some of the analysis **may not be district specific** and **may not** be based on the most recent time period



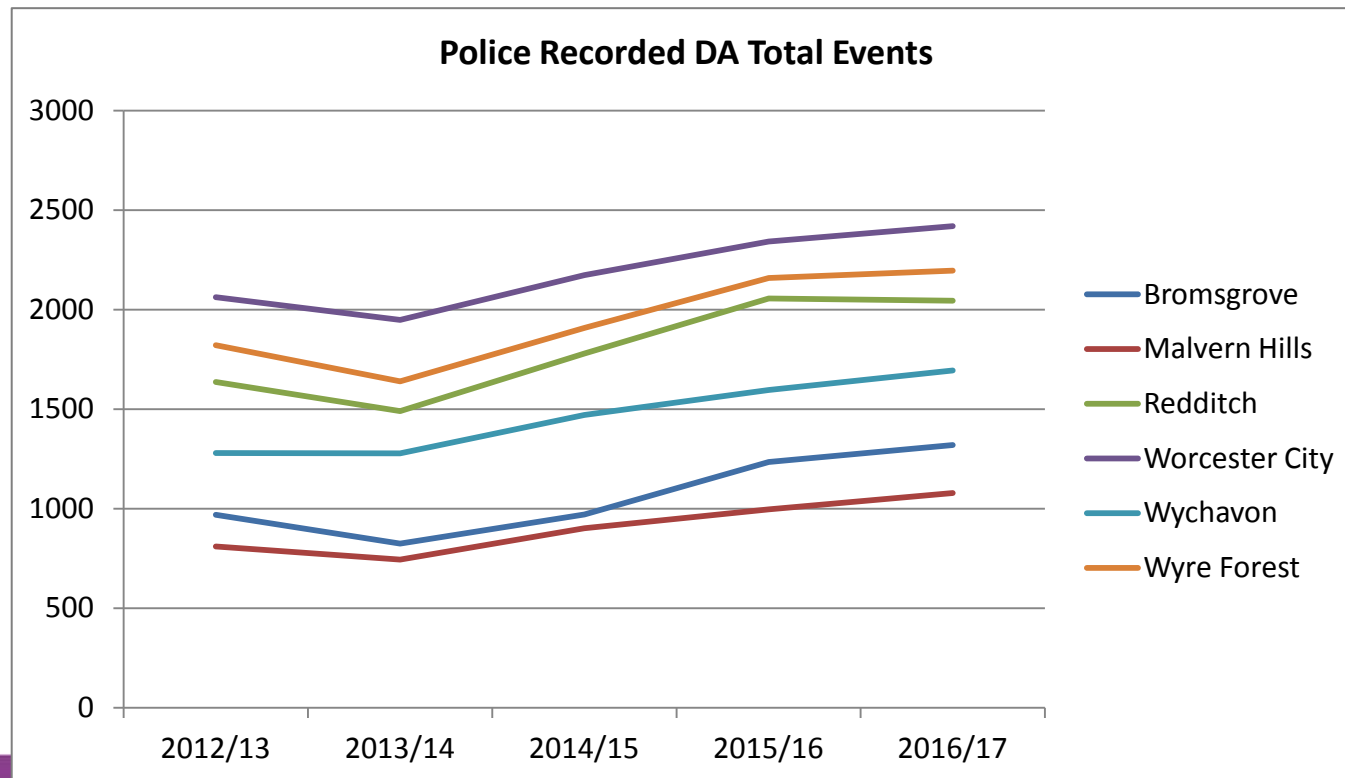
# What do we know?

**Connecting Families**

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- Upward trend in police recorded DA offences and incidents
- Wyre Forest – consistently second highest number recorded



# Geographical Distribution

## Connecting Families

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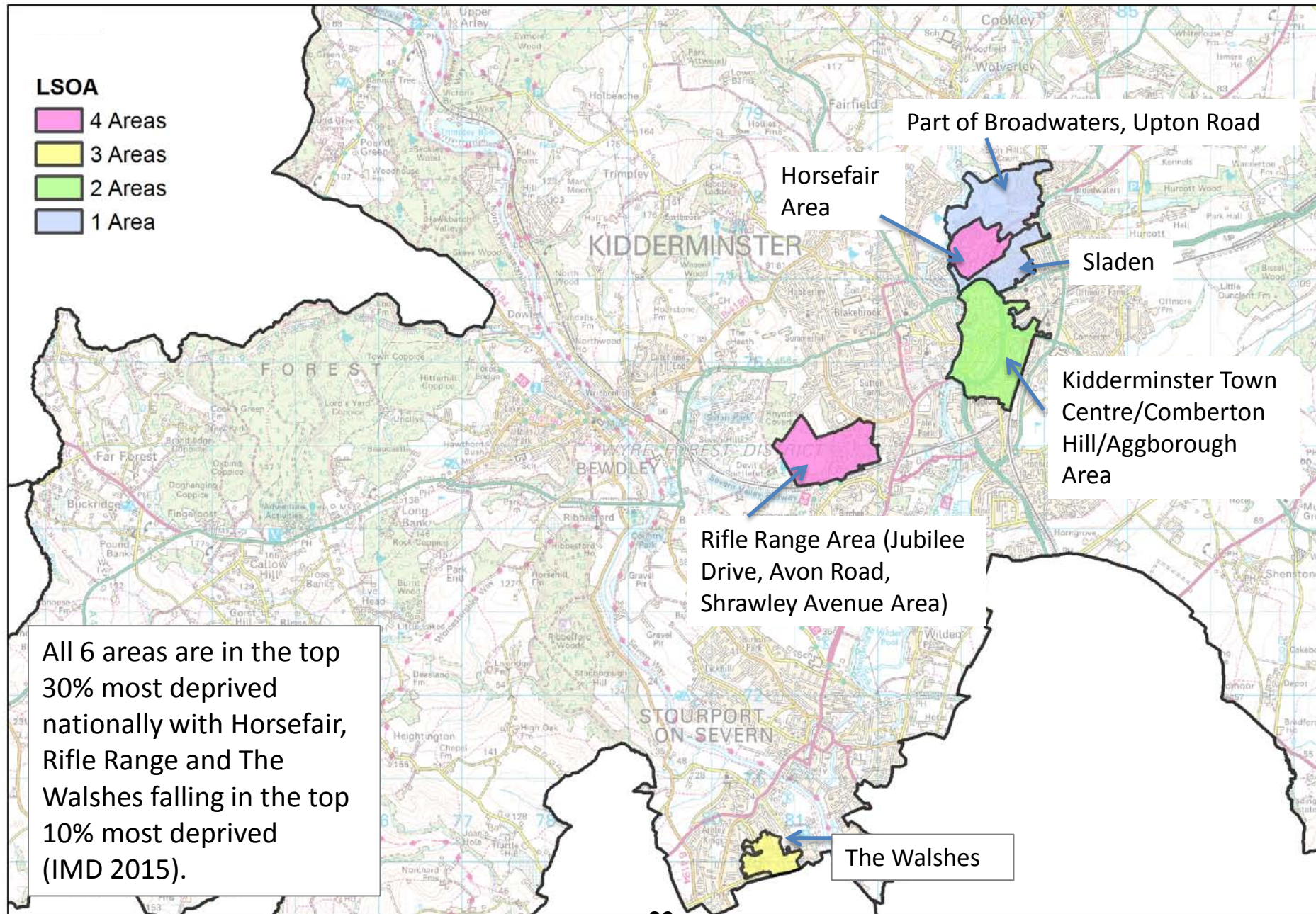
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Rank out of a total of 364 LSOAs in Worcestershire (where 1 is worst)

LSOA Name	Rank of Incident Rate	Rank of Crime Rate	Rank of Victim Rate	Rank of SC Assessment Rate
Horsefair Area	2	1	1	2
Rifle Range Area (Jubilee Drive, Avon Road, Shrawley Avenue Area)	5	4	4	1
The Walshes		6	7	7
Kidderminster Town Centre/ Comberton Hill/ Aggborough Area		8	5	
Part of Broadwaters, Upton Road				6
Sladen				10

- Police Reported DA Incident Rate per 1,000 (based on location of incident)
- Police Reported DA Crime Rate per 1,000 (based on location of Crime)
- Police Reported DA Victims per 1,000 (based on home address of victim)
- Social Care Assessments where DA is a factor, per 1,000

# LSOAs Featuring in Worcestershire Top 10 against 4 different measures





# Geographical Distribution

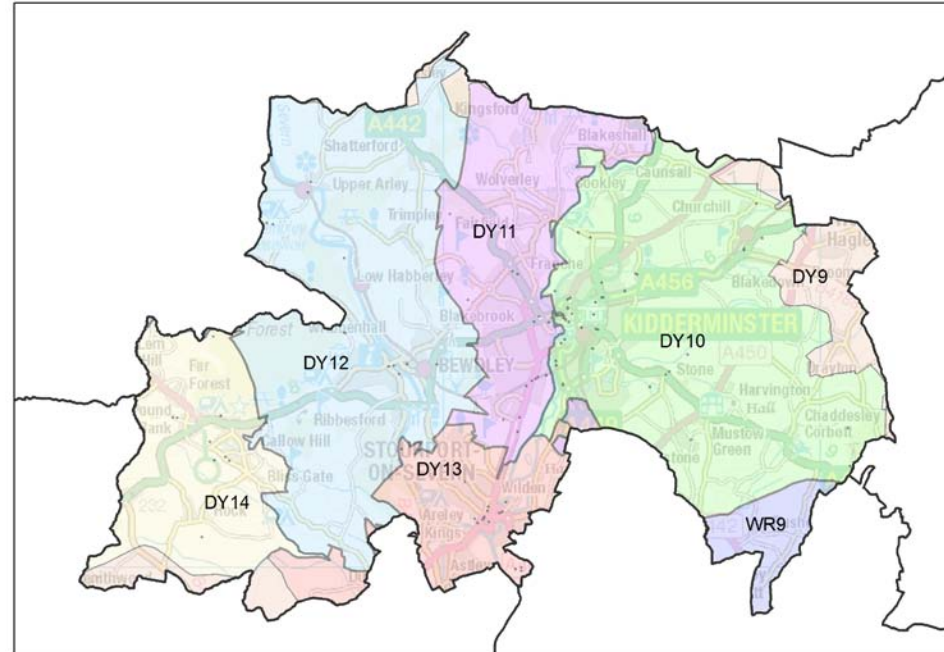
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### Domestic Abuse Helpline calls

- Postcode **DY10** has the highest volume of calls (1,500) from 2012 to 2015 in Worcestershire (along with WR4)- Accounting for around 15% of the 9,798 total calls for the helpline.
- This area covers the eastern area of Kidderminster town and the more rural area to the east.
- 4 of the 6 LSOAs identified previously are within the DY10 postcode area



# Helpline

## Domestic Abuse Helpline calls 2017

- Postcode **DY10** continues to have the highest volume of calls in 2017.

Postcode	Number of Helpline Calls 2017
DY10	833
DY11	358
DY13	273
DY14	52
<b>Total</b>	<b>1516</b>

- Helpline for both men & women
- But** - Only a very small % of calls are from men – perception that it is not for them as run by Women's Aid.
- Considering having a separate helpline number for men

# Helpline

- Analysis, completed using 2015/16 data, compared numbers of police reports and numbers of calls to the Helpline.
- Found that in Wyre Forest there already seems to be a good awareness of the helpline in the DY10 postcode area.
- The **DY11** Postcode area has a lower than expected number of helpline calls and **may benefit from awareness raising**.

# IDVA

## Connecting Families

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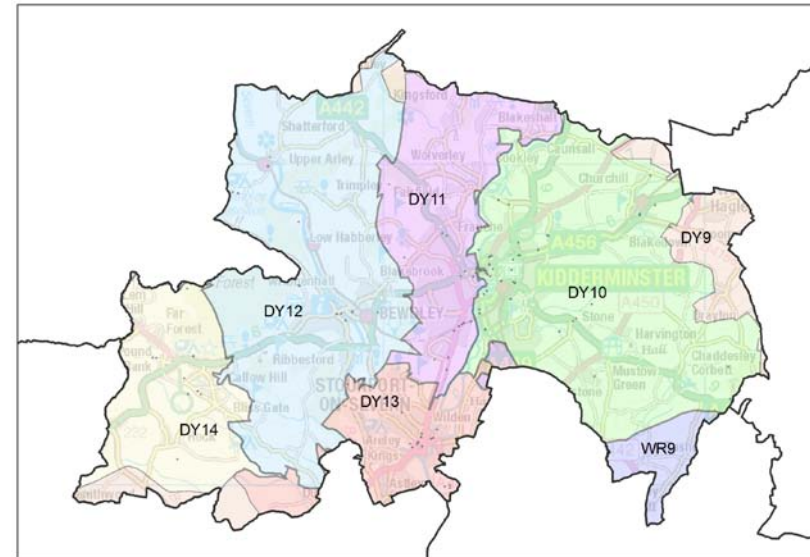
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### Independent Domestic Violence Advisors (IDVA)

Commissioned by the Police & Crime Commissioner

**87** service users from Wyre Forest accessed IDVAs during 2017

Postcode	SUs accessing IDVAs 2017
DY10	38
DY11	32
DY13	15
DY14	2
<b>Total</b>	<b>87</b>





# Characteristics— National Data

National evidence identifies characteristics more common in victims:

- **Gender:** Women are more likely than men to be victims.
- **Low income:** Women in households with an income of less than £10,000 were 3.5 times more at risk than those in households with an income over £20,000.
- **Age:** Younger people are more likely to be subject to interpersonal violence. The majority of high risk victims are in their 20s or 30s.
- **Pregnancy:** More than 30% of domestic abuse cases first start during pregnancy.
- **Separation:** Domestic violence is higher amongst those who have separated.
- **Previous criminality of perpetrator:** domestic abuse is more likely where the perpetrator has a previous conviction (whether or not it is related to domestic abuse).

# Characteristics of victims

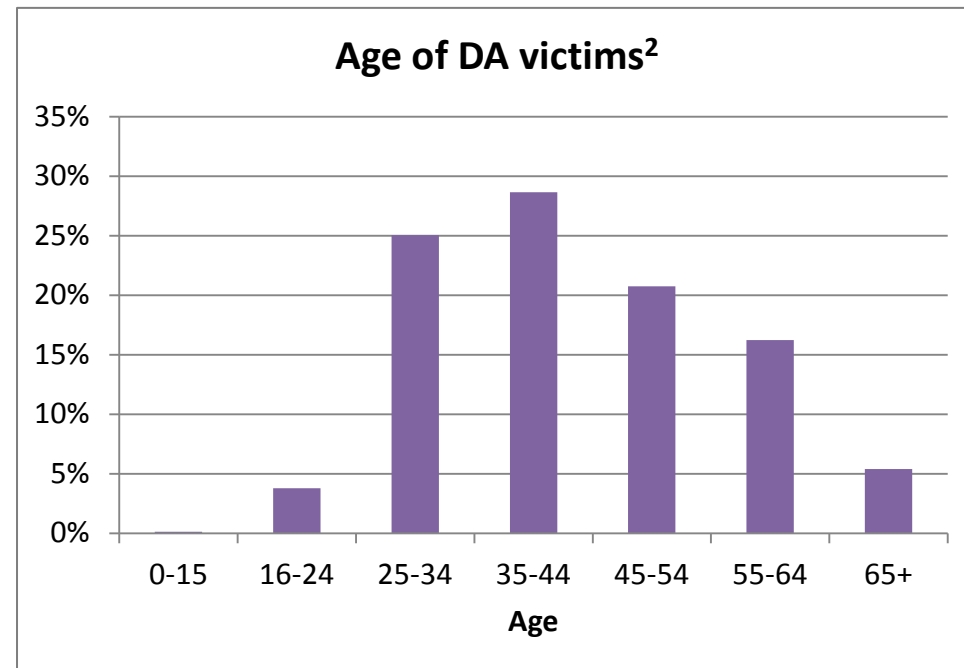
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- 76% of DA victims in Wyre Forest were female<sup>1</sup>
- There were over 250 male victims in Wyre Forest (24%)<sup>1</sup> (12 months)  
Nationally in 2015 22% of victims reporting to the police were male<sup>3</sup>, however male victims are 3 times as likely not to tell anyone about abuse<sup>4</sup>.
- The most common age of a victim of DA reported to the police is 35-44.
- More than one fifth of victims are over 55.
- 25% of victims are repeat victims<sup>5</sup>

Age analysis is currently only available at a county level – district level analysis can be completed going forward  
Repeat victims statistic – West Mercia Wide



# Characteristics of victims

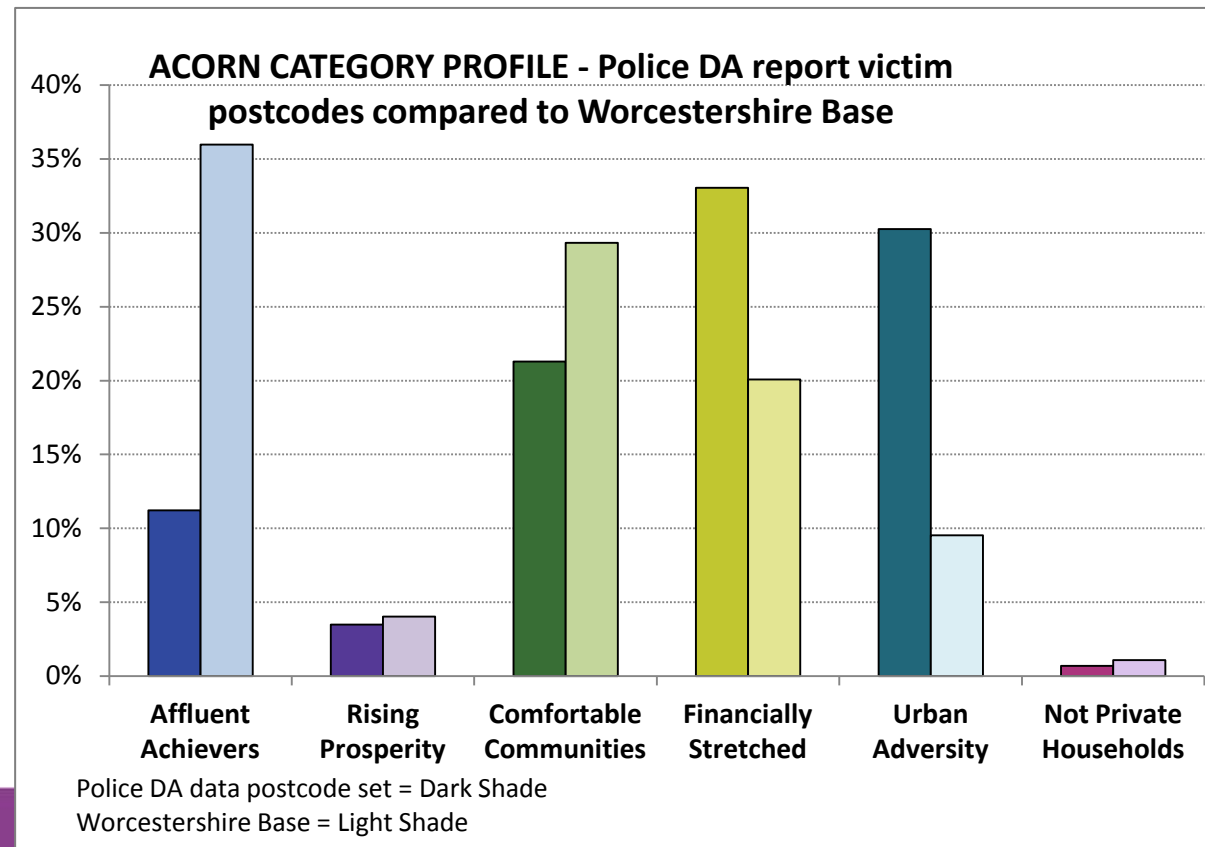
## Connecting Families

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- Geodemographic profile based on postcodes of victims
- Both the 'Financially Stretched' and 'Urban Adversity' categories are significantly overrepresented in the DA victims set.
- The 'Affluent Achievers' and 'Comfortable Communities' categories are significantly underrepresented

Analysis is currently only available at a county level – district level analysis can be completed going forward



# Characteristics of offenders

**Connecting Families**

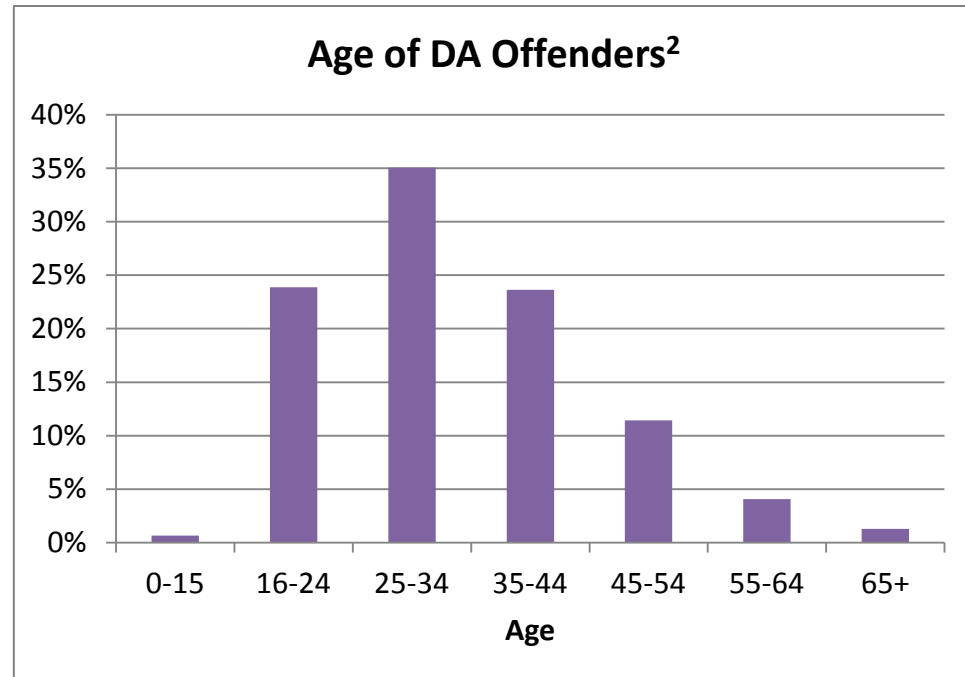
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- 91% of DA offenders in Wyre Forest were male<sup>1</sup>
- There were 26 female offenders in Wyre Forest<sup>1</sup> (12 months)
- The age profile of offenders is younger than that of victims
- The most common age of an offender of DA reported to the police is 25-34<sup>2</sup>.
- There are very few offenders in the oldest age groups - over 55.
- 28% of perpetrators are repeat perpetrators<sup>3</sup>

Age analysis is currently only available at a county level – district level analysis can be completed going forward

Repeat victims statistic – West Mercia Wide



# Perpetrators

## Integrated Offender Management (IOM)

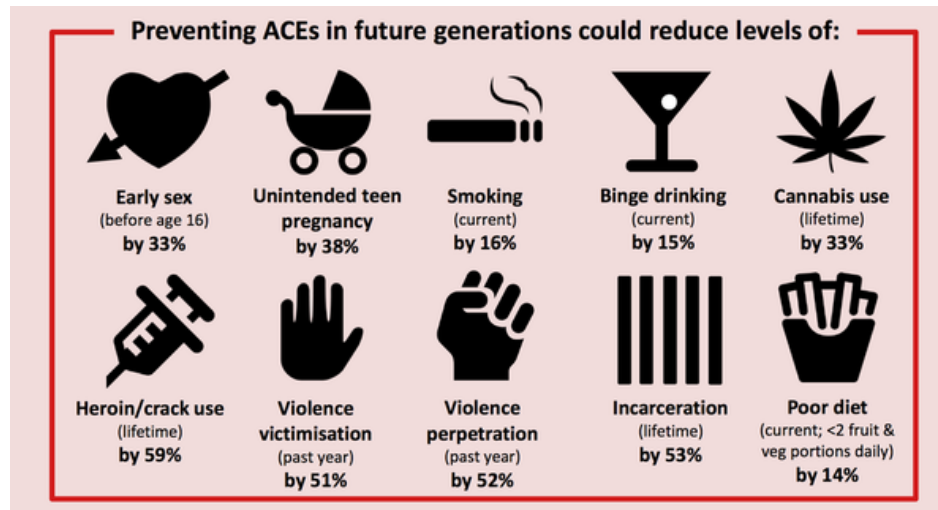
North Worcestershire currently have **2** active serial perpetrators in the IOM cohort

## West Mercia Police Threat Assessment

- Focus on perpetrators – examines demand and harm
- Tackles a number of strategic issues as well as tactical

# Adverse Childhood Experiences ACEs

- Research shows 10 negative childhood experiences are risk factors for accurately predicting a range of negative outcomes in adult life.
- One of these ACEs is ‘witnessed abuse in the household’.



- People who experienced 4 or more ACEs are at least 7 times more likely to perpetrate violence in a year
- Public Health are currently leading on investigation of ACEs locally and what this might be able to tell us.

# MARAC

## Multi-Agency Risk Assessment Conferences (MARAC)

Partnership response to high risk cases.  
Held every 2 weeks

- **143** MARAC cases heard in Wyre Forest in 2017
- **237** Children involved
- **33** Repeat cases

Referred by:

Police **114**, IDVA **8**, MARAC **7**, ChS **5**, WFDC **4**, Victim Support **3**,  
Probation **2**

# Adult Safeguarding

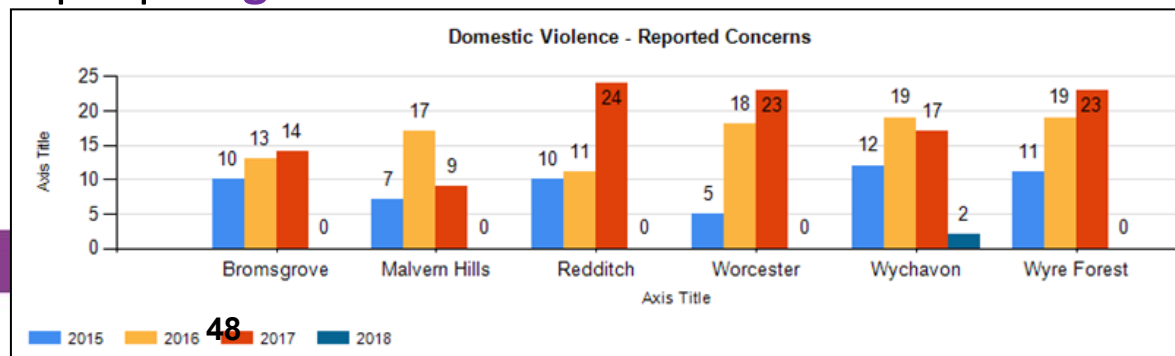
## Connecting Families

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The Care Act 2014 (Section 42) requires local authorities make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom.

- Since April 2015, **53 concerns have been raised** around 41 people for the reason of domestic violence **in Wyre Forest**. (this is the highest number of concerns for a Worcestershire district).
- There are a large number of reports of **partner/ family abuse** which would be classed as domestic abuse but have not been recorded as such. Includes physical, psychological or financial abuse, neglect or modern slavery.
  - more than two thirds of concerns are about **women**
  - more than three quarters are people **aged over 50**
  - around **400 concerns** raised annually for this in Worcestershire





# Legal Options

## Domestic Violence Protection Notices (DVPNs)

Notice issued by the police providing protection for a victim of domestic abuse for 48 hours while applying for a DVPO

- **41** DVPNs were issued during the first 9 months of 2017 in Worcestershire

## Domestic Violence Protection Orders (DVPOs)

Civil order allowing protective measures for victims after a domestic violence incident where there is insufficient evidence to charge a perpetrator and provide protection through bail conditions.

## Clare's Law – Domestic Violence Disclosure Scheme

Gives any member of the public the right to ask the police if their partner may pose a risk to them. Under Clare's Law, a member of the public can also make enquiries into the partner of a close friend or family member.

- **171** disclosures made in Worcestershire between Aug 2015 & Aug 2017

# DA & Alcohol

- Alcohol doesn't significantly affect the gender, age or socio-economic breakdown of victims or offenders of domestic abuse.<sup>1</sup>
- However DA calls are **twice as likely to be violent** when alcohol is involved.<sup>1</sup>
- 26.2% of all calls for service for which alcohol is involved are assaults compared with 13.2% when alcohol is not involved .<sup>1</sup>
- Alcohol markers were applied to 6.97% of domestic abuse events in Wyre Forest<sup>2</sup> – the second highest proportion following Worcester City
- The same areas around Horsefair and Rifle Range feature a large number of alcohol related DA events (incidents & Crimes)
- Kidderminster town centre also shows a high number of DA events involving alcohol – impact of the night time economy<sup>2</sup>.

## DA & Homelessness

Homelessness can be a consequence of domestic abuse

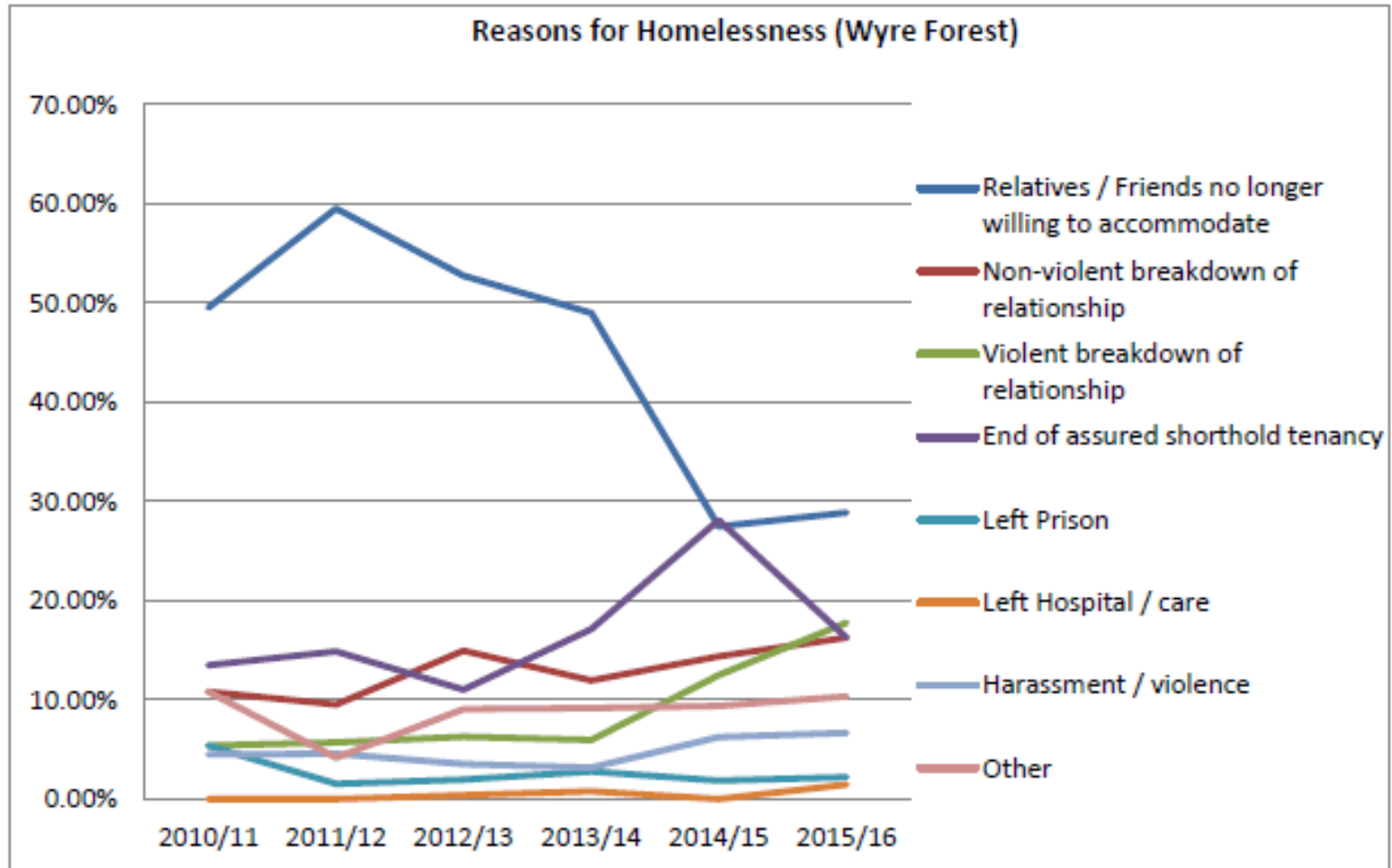
- Violent breakdown of relationship was the **second biggest cause of homelessness** in Wyre Forest in 2015/16
- All other Worcestershire districts have a stable trend for this reason, whereas Wyre Forest has seen an increase and is now 11% higher.
- Not all domestic abuse is violent and some of the homelessness caused by non-violent relationship breakdown may also have involved domestic abuse.

# DA & Homelessness

## Connecting Families

Prevent | Protect | Recover | Thrive

*Working together to improve the lives of families*



## DA & Children

Children's Social Care record where domestic abuse is a factor in a child becoming Looked After (LAC) or on a Child Protection Plan (CP).

In Wyre Forest in January 2017:

	All Children	With DA as a factor	% with DA
Number of Looked After Children	106	31	29%
Number of Child Protection Plans	95	34	36%

Note that the proportion of LAC with DA as a factor countywide is 32% and CP with DA as a factor countywide is 46%

# Commissioned Services

**ConnectingFamilies**

Prevent | Protect | Recover | Thrive

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## Domestic Abuse Advice & Support Service

West Mercia Women's Aid & Rooftop Housing – contract July 2017 – March 2021

- 24 hour helpline (provides single point of access to other linked services)
- Refuge/ Supported Accommodation
- 121 and group support programmes for adult victims e.g. Freedom Programme
- 121 and group support programmes for children & young people affected by Domestic Abuse
- Survivor Networks & Peer Mentoring/ volunteer roles
- Training for professionals
- Educational Programmes – delivered in schools – e.g. CRUSH

**Domestic Abuse Helpline:** Is the single point of access to services:- refuge / safe houses, support, recovery and educational programmes, Independent Domestic Abuse Advisors (IDVA's) and Peer support

## Other Services



### Independent Domestic Violence Advisors (IDVA)

Commissioned by the Police & Crime Commissioner

### Multi-Agency Risk Assessment Conferences (MARAC)

Partnership response to high risk cases.

### Worcestershire Forum Against Domestic Abuse & Sexual Violence

inter-agency partnership that brings together a range of voluntary and statutory organisations and individuals to work on tackling issues related to domestic abuse and sexual violence across Worcestershire.



# Development Areas

## Drive Project – perpetrator programme

- Project to work with perpetrators to stop committing DV – piloted in 3 areas nationally.
- Currently tendering with PCC for funding
- Shropshire just started 12 week voluntary perpetrator project – watching the evaluation of this – provide agencies option to refer to without going through the criminal justice system

**1 in 4** perpetrators are **repeat offenders**. Some have as many as six different victims



Fewer than **1%** of perpetrators receive any **specialist intervention** to change or be challenged



# Development Areas



## Housing Initiatives

- One workshop held with providers 2017
- Four master classes being delivered in March/ April by The Domestic Abuse Housing Alliance (DAHA)
- Conference being scoped for housing
- New domestic abuse training being commissioned

## What next?

- Evidence suggests some specific geographical areas of focus but thematic element needs more work to identify where to focus.
- Have we generated a series of queries we want to investigate?

May need...

- Further data work – to answer arising questions or identified gaps in the data.
- More investigation of specific issues/ barriers/ focus points around DA in Wyre Forest.



**Wyre Forest**  
District Council



### **Other useful numbers:**

Adults / Childrens Services.: 01905 763763

National Domestic Violence helpline:

0808 200 0247

Victim Support: 01527 66462

West Mercia Rape and Sexual Abuse Support  
centre:

01905 611655

Honour Network Helpline: 0800 599 9247



### **For further information please contact:**

Housing Needs Team  
Wyre Forest District Council  
The Hub  
Vicar Street  
Kidderminster

Tel: 01562 732928

Out of Hours: 01562 850053

Email: [HousingAdviceTeam@wyreforestdc.gov.uk](mailto:HousingAdviceTeam@wyreforestdc.gov.uk)

# **Domestic Abuse**

**Are you homeless or threatened  
with homelessness due to domestic  
abuse?**

**Do you want to move but need some  
help?**

**Can you stay in your home if it is  
made more secure?**

# What is Domestic Abuse?

Domestic Abuse includes any incident of threatening behavior, violence or abuse. The abuse can be psychological, physical, social, financial or emotional. Domestic Abuse can happen between two people who are or were intimate partners, family members, regardless of their gender or sexuality. If you are in fear of a partner, ex-partner or family member, you might be experiencing domestic abuse.

## Get help now

You can contact the local Domestic Abuse helpline run by Womens Aid on 0800 9803331. There is also a Men's Advice Line on 0808 8010327.

These services can offer you a wide range of advice including on advocacy, support, emergency accommodation, safety measures in the home etc.

You can also approach the Housing Needs Team in the Hub for further advice and assistance. The Housing Needs Team will find out what help and support you need and help talk you through the various options. These might include remaining in your home, if we can help make it safe and secure, or exploring options around a move.

## If you are at immediate risk?

Call the police on 999 if:

- Your personal safety (or that of your children) is threatened
- You are at risk of assault or injury
- In an emergency

If you need to leave your home immediately try to arrange a place to go that is safe and secure. This could mean staying with family or friends while you decide what to do next.

If you don't have anywhere to stay then contact the Housing Needs Team. The team may have a duty to help you find somewhere on an emergency basis and will assess your longer term housing and support needs. They may be able to help you with a refuge place or emergency accommodation. You will need to provide various information and supporting evidence if available.

If you do leave your home try to bring some essentials with you such as a change of clothes, toiletries, medication, proof of ID, bank or credit card and mobile phone.

## If you can remain in your home?

If you are able to stay in your current home you can contact the Housing Needs Team to see if you are eligible for a "Sanctuary Scheme". This means undertaking some work to your home to make it more secure.

## Agenda Item No. 7 Appendix 2

The Council will arrange for a specialist Police Officer to inspect your home and make recommendations on potential safety works that could be carried out.

## If you need to move in the longer term?

If you are able to remain in your home but only for a short period of time, the Housing Needs Team will be able to explore other housing options with you including purchasing a property, renting in the private sector or applying for social housing.

## Help for Male Victims of Domestic Abuse

If you have to leave your home due to Domestic Abuse, you can approach the Housing Needs Team for help and advice. Please also contact the Men's Advice Line or go onto the website

[www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)

## Help for Children and Young People

If you or someone in your family is being hurt in the home please start by telling someone about it. You can tell a teacher, a neighbour, a friend or friend's parent.

You can call Childline on 0800 1111 for free and they can tell you about places where you can get help.



## Overview & Scrutiny Committee

### Briefing Paper

Report of: Dean Piper  
Head of Economic Development & Regeneration –  
North Worcestershire

Date: Thursday 5<sup>th</sup> July 2018

### Lion Fields Future Phases Development

#### 1. Summary

- 1.1 The purpose of this report is to invite the Committee to consider the next steps for the Council in bringing forward re-development proposals for 'Parcel 4' of Lion Fields, which covers the redevelopment of the Bromsgrove Street Car Park and to consider options to enhance the link between this site and Worcester Street.

#### 2. Background

- 2.1 Members will be aware that in July 2016, the Council approved a new vision and preferred development option for the Kidderminster Eastern Gateway area (now known as Lion Fields) as part of an overall Development Framework.
- 2.2 The Development Framework splits the site up into six development parcels which could come forward to the market in phases and independently of each other, yet complementing each other to achieve the comprehensive redevelopment of the Lion Fields area as a whole. The preferred development option for Lion Fields was identified as a mixed use scheme, anchored by a multi-screen cinema complex, with restaurant/café units and car parking with the remainder of the area providing residential accommodation, retail units and commercial space.
- 2.3 The report provides an update in relation to Parcel 1 (Former Glades) and Parcel 2 (Former Magistrates Court) and also sets out a proposed route to bring forward Parcel 4: Bromsgrove Street for redevelopment.

#### 3 Key Issues

##### Progress on Lion Fields – Parcel 1 and Parcel 2

##### Parcel 1

- 3.1 The Parcel 1 site comprises the area of land that was previously home to the Wyre Forest Glades Leisure Centre, along with the adjoining parcel of land that is owned by Worcestershire County Council and leased to the NHS. In

order to improve the attractiveness of the site to the market, the Council took the pro-active decision in August 2016 to demolish the former Glades Leisure Centre building to prepare Parcel 1. In addition, the Council also entered into a landowners agreement with Worcestershire County Council so that there was clarity for the developers regarding the land that was available and to agree the apportioned capital receipt for both parties.

- 3.2 Following a competitive procurement process, Cordwell Property Group Ltd (CPG) and Peveril Securities were appointed by the Council in December 2017 as its preferred developer to re-develop Parcel 1. The proposal from the developers is to deliver a mixed-use leisure scheme.
- 3.3 Since the procurement exercise concluded, officers have been holding regular meetings with the development partner in order to move forward the proposals. The developers have now undertaken Ground Investigations across the entire former Glades Site and the results from this survey work have now been provided.
- 3.4 In terms of the scheme itself, the developers are currently concluding negotiations with a number of occupiers that have shown an interest in the development. Once these discussions have concluded then a final design will be produced and this will form the basis of a planning application. It is currently anticipated that a planning application will be submitted in late summer 2018.

## **Parcel 2**

- 3.5 Parcel 2 of Lion Fields comprises the former Magistrates Court, the former covered market to the rear and the area of land in front of the building, which is currently laid out (temporarily) as an 'Urban Park'. The main building on the site is the former Magistrates Court which has a prominent frontage, which is included on the Local Heritage List. However, the building has been vacant for considerable time and its current condition is very poor. The remaining structures on the rest of the site have no architectural value and are an untidy mix of redundant buildings and vacant space. The site is identified in the Kidderminster Central Area Action Plan - July 2013 (KCAAP) as being suitable for a number of uses including retail, office and residential.
- 3.6 The Council is currently considering the redevelopment of this Parcel and is aiming to commence a developer procurement exercise in summer 2018 to select a partner to deliver a redevelopment of the site.

## **Worcester Street – Public Realm Scheme**

- 3.7 Worcester Street marks the western boundary of the Lion Fields site and opening the currently pedestrianised street to traffic is seen as a key stimulus to support the Lion Fields regeneration by putting activity, footfall and on street parking back into the heart of the town and to act as a catalyst to redevelop the empty shops that have come to define this part of the town in recent years. The re-opening of Worcester Street to vehicular traffic will help

to complement the regeneration at Lion Fields and ensure that the impact of the new investment feeds into the town centre.

- 3.8 The proposals are being led by Worcestershire County Council but are being funded in partnership between the County and District Councils. A public engagement exercise is planned in autumn 2018.

**Parcel 4: Bromsgrove Street**

- 3.9 Following the progress that has been made in relation to the other parcels of land at Lion Fields, the focus is now on the next main development opportunity, which is the area centred on Bromsgrove Street Car Park.
- 3.10 The site area being considered is set out in the plan attached at Appendix 1 of this report. The site is currently dominated by a surface level car park that is owned by Wyre Forest District Council that provides 306 public car parking spaces, along with a number of access points that are to the rear of properties on Worcester Street.
- 3.11 In addition, the site has some private interests in the form of a retail shop (Fabric Direct) with residential flats above as well as the current Co-Op Funeral premises. These areas will need to be considered in more detail as plans for the redevelopment of Parcel 4 are progressed.
- 3.12 The adopted Development Framework envisaged that this Parcel could provide for a mix of uses including community use/education/healthcare and/or residential. In addition, the Framework envisaged that some parking provision may also be required on the site.
- 3.13 Some of the key considerations for the redevelopment of this site are covered in more detail below.

**Car Parking**

- 3.14 The Council commissioned White Young Green in April 2018 to undertake a review of the car parks in Kidderminster, including Bromsgrove Street. The report will provide a useful evidence base to allow the Council to consider the future of car parking within the town. This is especially important for a site such as Bromsgrove Street which has experienced significant change over the past couple of years and its future use as a car park needs to be considered.

**Links to Worcester Street**

- 3.15 One of the key challenges relating to this site is the accessibility and permeability between Lion Fields and the rest of the Town Centre. The current main access point is via the 'Step Entry' which is a poor gateway to the town centre retail area and not an inviting thoroughfare for pedestrians currently and, due to the topography, excludes access for many people wanting to move between Bromsgrove Street and Worcester Street. Whilst

access is slightly better along Prospect Hill or Bromsgrove Street this is not currently the pedestrian desire line and so is not as well used.

- 3.16 Through the engagement and feedback process associated with the production of the Development Framework, a common theme that arose was the need for Worcester Street to feel more accessible for pedestrians from the Bromsgrove Street area.
- 3.17 Given the importance of this improved link between Lion Fields and Worcester Street, it is recommended that this be explored further as part of the proposals to consider redeveloping Parcel 4. However, it is considered that the cost of delivering this aspect of the scheme will be significant due to the need for acquiring private sector land interests, demolishing and clearing existing buildings and re-grading of the levels to create an accessible and usable link. Whilst this should remain an aspiration of the Council, it is recognised that requiring a developer to install a new improved link may affect the viability of a development scheme and public sector intervention may be required to deliver such improvements.

### **Need for Affordable Housing**

- 3.18 The Development Framework identified the potential for Parcel 4 to accommodate an element of residential development. The Council has a very clear affordable housing policy and requires developments in Kidderminster with ten or more dwellings to provide 30% affordable housing. The Affordable Housing Scrutiny Panel recently completed a review with one of its expected recommendations being that the Cabinet gives serious consideration to the Council's role as a land owner and the use of Council owned sites for the delivery of Social Rent and Affordable Housing. The Council will need to balance the requirement for affordable housing on Parcel 4 against the wider aspirations to achieve best value for the site and taking a commercial approach to delivering the site and delivering an improved link between Bromsgrove Street and Worcester Street.

### **Proposal**

- 3.19 In terms of moving the project forward, the Council needs to further investigate options and consider the most effective way of enabling development and retaining control over the future of the site so that it can continue to deliver the wider regeneration of Lion Fields in line with the ambitions laid out in its Development Framework. The Council also needs to consider how best it can position itself and use its influence to ensure that the development of Parcel 4 meets its stated ambitions and aims, including providing improved access between Lion Fields and the remainder of the Town Centre.
- 3.20 Whilst the Development Framework provided some high level concepts and proposals for Parcel 4, it is considered that in order to develop a detailed proposal and to maintain momentum with the delivery of Lion Fields further technical and investigative work is required as follows:



- Options appraisal identifying likely end uses for the land;
- Linked to the above, architectural drawings to understand likely quantum of development that could be achieved and viability appraisals;
- Market assessment including commentary on current market conditions;
- Feasibility work to develop potential solutions to improve the linkages between Bromsgrove Street and Worcester Street outlining potential options, technical issues, cost implications;
- Relevant surveys i.e. Topographical survey, Ground investigation works
- Options for development delivery i.e. site disposal, joint venture agreement, development procurement process, direct Council investment and development;
- Assessment of funding options;
- Report incorporating the outputs from the above to enable the Council to develop a firm proposal for the future of Parcel 4.

3.22 Once this further work is undertaken then the Council will have a clearer understanding of the options that are available for redevelopment and a further report can be provided which will outline the proposed delivery route for the land.

### **Next Steps**

3.23 Subject to Cabinet approval, officers will seek to procure further advice on the delivery of Parcel 4 and, following this exercise, a further report will be provided to Members which outlines the proposed delivery strategy for the site.

## **4 Options**

4.1 The Overview and Scrutiny Committee is invited to consider this report and:

1. Recommend to Cabinet that further work is commissioned as detailed in this report;
2. To recommend to Cabinet alternative or additional options for the delivery of Parcel 4.

## **5 Consultation**

- 5.1 Corporate Leadership Team / Cabinet.
- 5.2 Cabinet Member for Planning & Economic Regeneration.

## **6 Related Decisions**

- Cabinet Report 07/02/2017: Agenda Item 8: Lion Fields, Kidderminster – Development Proposals

[http://www.wyreforest.gov.uk/council/docs/doc51613\\_20170207\\_cabinet\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc51613_20170207_cabinet_agenda.pdf)

- Cabinet Report 27<sup>th</sup> March 2018 – Lion Fields Parcel Two – Former Magistrates Court – Development Proposals (EXEMPT)

## **7 Relevant Council Policies / Strategies**

- Strategic Asset Management Plan  
<http://www.wyreforestdc.gov.uk/media/1830552/Asset-management-plan-2016-2021-Final-Draft.pdf>
- Kidderminster Eastern Gateway – Development Framework  
<http://www.nwedr.org.uk/media/2115284/KEG-Development-Framework-Report.pdf>
- Kidderminster Central Area Action Plan (adopted July 2013)  
<http://www.wyreforestdc.gov.uk/media/106017/Kidderminster-Central-Area-Action-Plan-Adopted.pdf>

## **8 Implications**

- 8.10 Resources: The Council has allocated revenue funding in its Financial Strategy 2015-18 to support initial costs associated with bringing forward site parcels within the Kidderminster Eastern Gateway (Lion Fields) Development Framework.
- 8.11 Equalities: No direct implications from this report
- 8.12 Partnership Working: The land in question is predominantly owned and controlled by Wyre Forest District Council, however there may be a requirement for partnership working with Worcestershire County Council due to the presence of Highway Land and discussions are also proposed with third party land interests.
- 8.13 Human Rights: No direct implications from this report
- 8.14 E-Government: No direct implications from this report

## **9 Equality Impact Needs Assessment**

- 9.10 There are no issues to be addressed.

## **10 Wards affected**

- 10.10 Blakebrook & Habberley South

## **11 Appendices**

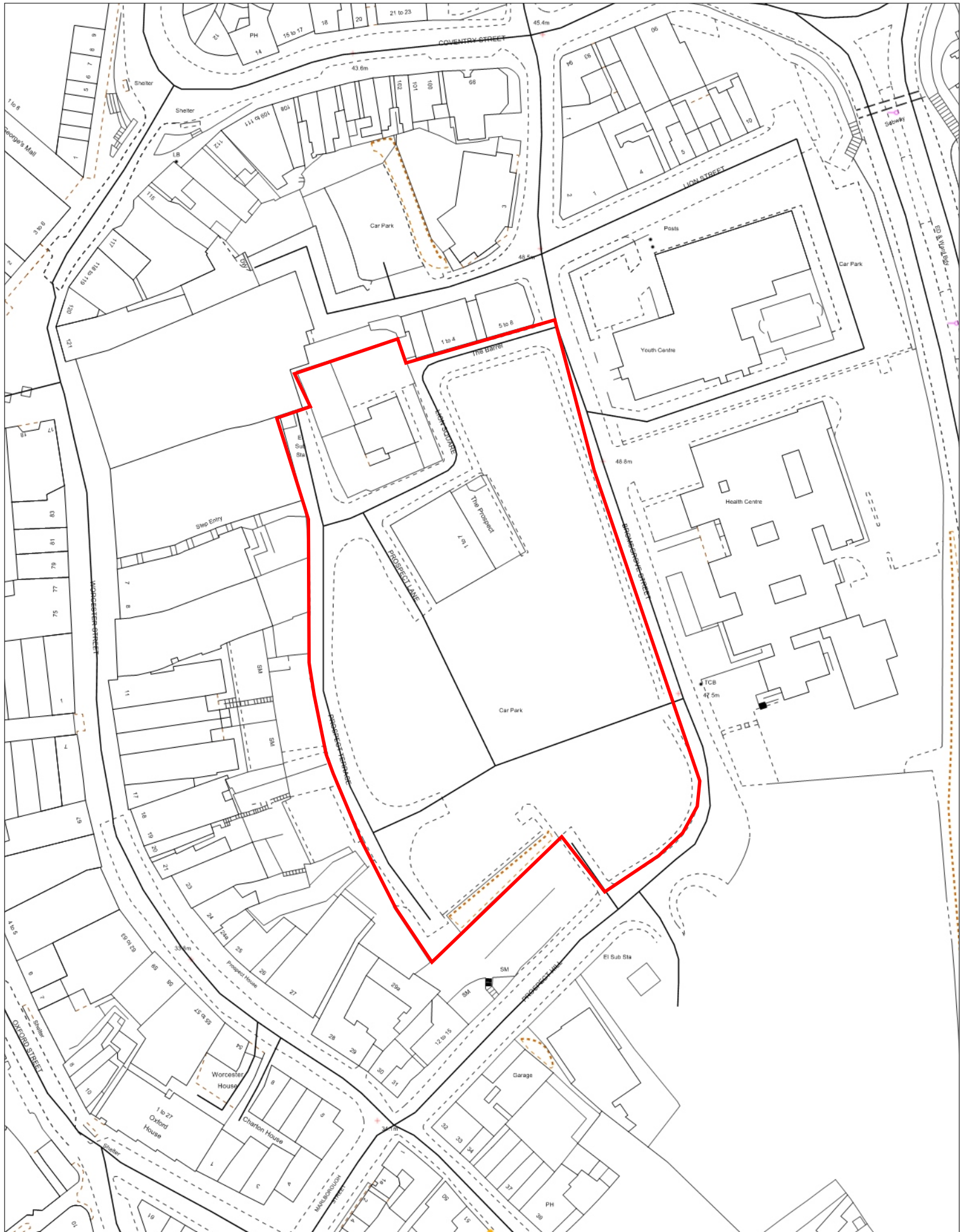
- Appendix 1 - Site plan for Parcel 4

**12 Background Papers**

- Overview and Scrutiny Committee Report: 02/02/2017. Agenda Item 8: Lion Fields, Kidderminster – Development Proposals  
[http://www.wyreforest.gov.uk/council/docs/doc51585\\_20170202\\_o\\_and\\_s\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc51585_20170202_o_and_s_agenda.pdf)
- Cabinet Report 07/02/2017: Agenda Item 8: Lion Fields, Kidderminster – Development Proposals  
[http://www.wyreforest.gov.uk/council/docs/doc51613\\_20170207\\_cabinet\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc51613_20170207_cabinet_agenda.pdf)

**Officer Contact Details:**

**Name:** Dean Piper  
**Title:** Head of Economic Development & Regeneration  
**Contact Number:** 01562 732192





# Overview & Scrutiny Committee

## Briefing Paper

Report of: Jonathan Elmer  
Economic Development and Regeneration Manager

Date: Thursday 5<sup>th</sup> July 2018

### South Kidderminster Enterprise Park: Revised Local Development Order, August 2018

#### 1. Summary

- 1.1 The purpose of this paper is to report on the results of the public consultation on the revised Local Development Order (LDO) for the South Kidderminster Enterprise Park

#### Background

- 2.1 A Local Development Order (LDO) is an Order created by a Local Planning Authority, through which permitted development rights additional to those granted nationally by Government, are granted for certain types of development within a defined area. In this particular instance, the LDO for the South Kidderminster Enterprise Park helps to provide a less restrictive planning regime for businesses within, and locating to, the defined area identified within the document attached at Appendix 1.
- 2.2 The South Kidderminster Enterprise Park LDO was first introduced by the District Council in August 2012. The Order was initially adopted for a 3 year period, before it was extended for a further 3 years in 2015. The Order is due to cease in August this year if it were not revised or renewed. If not renewed at that time, any development permitted by the LDO that has not commenced at that date will require a planning permission.
- 2.3 Overall, it is considered that the LDO has been a success for the District. The primary reason for this is that the Order has helped to attract further investment into the area and has been well received by the businesses and developers who have used it to date. The developments that have occurred through the Order since it was last renewed in 2015 are identified in the table below.

Reference Number	Address / Company Details	Development	Notes
15/0277/PNLDO & 15/0278/PNLDO	IGS / LOL (Specasavers) Former	Development of two new warehouse buildings on the former	Investment in the site is c. £12 million and will provide

<b>Reference Number</b>	<b>Address / Company Details</b>	<b>Development</b>	<b>Notes</b>
	Romwire Site, Stourport Road	Romwire Site, totalling 80,000sqft	potentially 200+ new jobs within the District.
16/0098/PNLDO	Ratio Park, Finepoint,	Erection of dual Class Use B1(c) and B8 units with ancillary external works, landscaping and external lighting	The first phase of the development has been completed and two companies are currently operating from premises with other units still available. Overall investment value is circa £2 million.
16/3006/PNLDO	Arabond Limited, Summerfield House, Hoo Farm	New Windows to front elevation	N/a
16/3025/PNLDO	Wemico, Hoo Farm Industrial Estate	Creation of a covered walkway to link existing premises with newly acquired adjacent unit	This investment will create an additional 3 jobs within the business
16/3051/PNLDO	Vision Labs Ltd, Foley Business Park	Extension to premises	Creation of circa 10 jobs
16/3052/PNLDO	Law Plant & Tools, 114 Worcester Road	Change of use to car sales and repairs prior to sales	Creation of circa 11 jobs
17/3007/PNLDO	Unit 4, 19 Lisle Avenue	Change of use from manufacturing to trade showroom	N/a
17/3018/PNLDO	Unit 3 Oldington Trading Estate	Removal of existing cladding and re-cladding to front and part of side elevation	Potential to create circa 10 jobs once occupied by a new tenant
17/3045/PNLDO	Movianto, Unit 2, Finepoint Way	Lightening strike installation	Helped to ensure that the new company moving in to previously vacant premises could meet their requirements.

2.4 It is clear to see from the above table that development has been stimulated by the Order resulting in c. £15 million of investment into the District and helping to safeguard / create over 200 jobs.

2.5 It is also worth noting that developments through the Order between 2012-2015 also resulted in circa £8million of investment in the District, meaning that developments through the Order have provided circa £25 million of economic investment since its initial adoption in 2012.

- 2.6 This pro-active approach to helping businesses develop has been well received and it is for this reason that it is proposed to renew the Order for a further 3 years. It is also worth noting that, to date, no complaints have been made as a result of development coming through the LDO.

### **3 Key Issues**

- 3.1 In order to consider the renewal of the Local Development Order, the Council were required to consult on the proposals. The Council agreed to undertake a period of consultation on a slightly revised Local Development Order with the main revisions proposed being as follows:
- Identification of Redevelopment Sites: Since the Order was renewed in 2015, a number of the identified redevelopment sites have now been built upon. Therefore, changes were made to the sites in order to reflect these changes and ensure the document remained up to date; and
  - The ability for existing businesses to rebuild their premises subject to the size and scale of the unit being the same as the existing unit
- 3.2 The public consultation on the revised LDO was undertaken from Friday 18<sup>th</sup> May to Monday 18<sup>th</sup> June. Notification letters were sent to all addresses within the boundary of the LDO and statutory consultees such as the Environment Agency and Historic England were also contacted. A total of 8 site notices were also placed throughout the boundary of the Local Development Order.
- 3.3 A total of 8 representations were received during the consultation period and a summary of the responses received, along with officer comments, are provided at Appendix 2 to this report.
- 3.4 A number of the responses received have resulted in some minor amendments being made to the Order but these largely relate to updated guidance or references to third party sources (i.e. Environment Agency guidelines) that required updating. The table in Appendix 2 of the report identifies where the changes to the document have been made.

### **Next Steps**

- 3.5 Subject to Cabinet approval it is proposed to adopt the South Kidderminster Enterprise Park Local Development Order for a further 3 years from 13<sup>th</sup> August 2018.

### **4 Options**

- 4.1 The Overview and Scrutiny Committee is invited to consider this report and:
1. Recommend to Cabinet that the Local Development Order, as attached at Appendix 1, be adopted for a further 3 years;

2. Propose further amendment to the Local Development Order for consideration by the Cabinet

## **5 Consultation**

- Corporate Leadership Team / Cabinet.
- Cabinet Member for Planning & Economic Regeneration.

## **6 Related Decisions**

Cabinet Member, Strong Leader Decision:

[http://www.wyreforest.gov.uk/council/docs/doc53160\\_20180516\\_cab\\_mbr\\_decision\\_report.pdf](http://www.wyreforest.gov.uk/council/docs/doc53160_20180516_cab_mbr_decision_report.pdf)

## **7 Relevant Council Policies / Strategies**

- Site Allocations and Policies Local Plan (Adopted July 2013)  
<http://www.wyreforestdc.gov.uk/media/106049/Adopted-Site-Allocations-and-Policies-LP-1-.pdf>
- South Kidderminster Enterprise Park, Local Development Order (August 2015)  
<http://www.wyreforestdc.gov.uk/media/1440207/South-Kidderminster-LDO-August-2015-Adoption.pdf>

## **8 Implications**

- 8.1 Resources: The cost of adopting the revised LDO will be met from existing resources. However, there is a financial implication to the Council in terms of 'lost' planning fees as a result of the Order being in place. The loss of planning fees to the authority whilst the current order has been in place (2015-18) is estimated to be approximately £42,000 and it is sensible to assume a similar figure may be 'lost' as a result of extending the Order for a further three years. It is also worth noting that any development secured through the Order is exempt from S.106 contributions.
- 8.2 Equalities: No direct implications from this report
- 8.3 Partnership Working: The Order has been prepared through working in partnership with key stakeholders and the consultation process has helped to further refine this.
- 8.4 Human Rights: No direct implications from this report
- 8.5 E-Government: No direct implications from this report

## **9 Equality Impact Needs Assessment**

- 9.1 There are no issues to be addressed.



**10 Wards affected**

10.1 Aggborough and Spennells; Foley Park and Hoobrook; Mitton

**11 Appendices**

- Appendix 1 - Revised South Kidderminster Enterprise Park, Local Development Order, August 2018;
- Appendix 2 – Consultation responses and officer comments

**12 Background Papers**

N/a

**Officer Contact Details:**

**Name:** Jonathan Elmer  
**Title:** Economic Development and Regeneration Manager  
**Contact Number:** 01562 732552

# South Kidderminster Enterprise Park: Local Development Order



August 2018

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### Appendices

Appendix 1 – Map of LDO Boundary and identified redevelopment sites

Appendix 2 – Constraints Map

Appendix 3 – Environmental Considerations Map

**Statement of Reasons**

**1.1 Introduction to the South Kidderminster Enterprise Park**

- 1.2 The South Kidderminster Enterprise Park area is a key employment and regeneration focus for Wyre Forest District. The area, which is formed of two key corridors of primarily business premises is identified, in part, within the Council's Adopted Core Strategy as being a key business and regeneration area. This is further supported by the work on the Council's Site Allocations and Policies Development Plan Document as well as forming a key part of the Council's regeneration work in terms of the ReWyre and ReWyre 'ReNewed' initiative. The Local Development Order (LDO) for this area provides a further incentive that will enable the ambitions for economic growth to be realised. A map of the LDO area is attached at Appendix 1.

The LDO was first introduced in August 2012 and it has resulted in a number of developments being brought forward within the corridor. Due to the success of the Order to date, the document was adopted for a further 3 years in 2015. The document continued to be used and valued by developers and businesses and it is therefore proposed to extend the lifetime of the Order for a further three years, which would see the document cease in 2021. Some minor amendments have been proposed to ensure the Order remains relevant and up to date.

**2.0 Potential Benefits from the Implementation of a Local Development Order (LDO)**

- 2.1 The LDO enables a simplified planning regime to be introduced, allowing the implementation of new development to come forward quicker, whilst providing added benefits to existing businesses through providing greater flexibility for the development of their existing assets.
- 2.2 The provision of a LDO within this location has already helped to provide an important stimulus for economic development in an area that has seen rapid decline and restructuring over the past 30 years. Companies that have benefited from utilising the Order since August 2012 are:

- All Electric
- Amada
- Arabond
- Beakbane
- Chase Commercial – Developers of Ratio Park
- Gemini
- Movianto
- Oakleaf
- Specsavers – IGS and Lens on Line
- WEMICO

**3.0 Existing Planning Provisions**

- 3.1 Support for the retention and enhancement of existing businesses as well as the development of new businesses within the Enterprise Park area is already provided for within the Adopted Core Strategy (December 2010) and the Site Allocations and Policies Local Plan (Adopted July 2013). This position has been further crystallised through the Local Plan review that is currently underway.

Although the LDO does not have to implement local planning policies, in this instance there is a clear synergy between the aims, ambitions and policies of the adopted statutory development plan and the proposals that are included within the draft LDO.

- 3.2 It should be noted that the LDO does not prevent development taking place that is not specifically covered by the Order. A planning application for such development would need to be made in the normal way and nationally existing permitted development rights within the area would remain unchanged.

#### **4.0 Identified Constraints**

- **HSE Zones** – There are a number of zones that surround potentially hazardous installations located within the LDO area. These include land surrounding Ashland Chemicals on the Stourport Road and land surrounding Flogas on the Hoo Brook Industrial estates. These zones have been identified by the Health and Safety Executive as areas where new development would need to be closely managed. Given the potential restrictions placed on development within these areas, developers and landowners must satisfy themselves that any potential development falls within the LDO restrictions. A guide to the limitations is included within the LDO at Annex C and the boundaries of the zones are also included in Appendix 2. Notably, there is also a HSE zone located around the existing Roxel factory and a condition has been attached to the LDO to ensure that development in close proximity to this area (at either Hoo Farm or Easter Park) requires consent from the HSE before development commences.
- **Contamination** – Given the ex-industrial nature of most of the area contamination issues could arise. Conditions are attached to the LDO to ensure that contamination is investigated prior to the commencement of any development.
- **Pollution Prevention** - The plan area overlies a principal (formally major) aquifer of regional strategic importance. The entire area falls within the combined total source protection zone (SPZ) of a number of public water supply boreholes. In addition, the northern extent of the area lies within the outer protection zone of a public water supply borehole. The depth to water table across the area is variable; however within the valley of the Stour the water table is shallow. The area is therefore located in a sensitive hydrogeological setting. The River Stour runs through the area. Under the Water Framework Directive (WFD) the River Stour is currently classified as poor ecological status. The ecological status includes chemical and biological data to give this overall classification. The Stour is currently failing on a number of parameters, including phosphates and invertebrates which has led to the overall poor classification. The WFD objective is to improve the status of the water body to achieve overall good status by 2027. It is therefore particularly important that any contamination is appropriately addressed and that measures are undertaken to protect the water environment. Conditions are attached to this order to protect the water environment.
- **Conservation Areas** – Part of the Staffordshire and Worcestershire Canal Conservation Area is located within the proposed LDO boundary. Therefore, safeguards have been put in place to ensure that development does not have a detrimental impact on the character of the conservation area, or the structural integrity of the Canal. There are currently no listed buildings or structures within the area. However, should any be identified and listed through the lifetime of the Order then the relevant permissions for any proposed changes would be required before any development occurred.

- **Flood Risk** – The area includes both the River Stour and the Hoo Brook and as such parts of the land within the LDO boundary are affected by Flood Risk (as identified at Appendix 2). These areas have been conditioned in accordance with the NPPF and the associated NPPG. The conditions have been included and amended in conjunction with the Environment Agency. In addition, other sources of flooding will need to be considered on a site by site basis.
- **Environmental Conservation**– The District Council has already undertaken a Habitats Regulations Assessment Screening Report for the adopted Site Allocations and Policies Development Plan Document (DPD). The results of this Screening Report, which were agreed by Natural England, were that the DPD would not result in likely significant effects upon a Natura 2000 site (this is a site of European significance). Given that the LDO follows the aims of the Site Allocations and Policies DPD for this area of the District it is considered that the same conclusions could be drawn from the implementation of the LDO, and this approach has also been supported by Natural England.
- **Sustainability Appraisal** - The Council have produced an Environmental Statement to accompany the LDO, which sets out further detail on the Sustainability Appraisal process. This includes an extract of the relevant Sustainability Appraisal for land within the LDO boundary, which has been undertaken to inform the Site Allocations and Policies DPD. Also included within the Statement is a copy of the Appropriate Assessment Screening report and conformation of its suitability from Natural England.

More information on the Sustainability Appraisal and the Appropriate Assessment can be viewed by looking at the accompanying Environmental Statement. Alternatively, the full Sustainability Appraisal reports can be viewed by visiting the Council's website ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk))

## **5.0 Pre-Development Requirements**

- 5.1 The LDO does not remove the need to comply with other legislative controls such as building regulations approval or environmental protection legislation. Appropriate safeguards are also provided to protect the character and structural integrity of the adjacent Canal together with the amenity enjoyed by the occupiers of those residential properties immediately adjacent to, or proposed to be built within, the South Kidderminster Enterprise Park Area. These conditions are provided at Annex 1.
- 5.2 **It is the responsibility of landowners and developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to. Failure to comply with any statutory requirements may result in appropriate enforcement action being taken by the Council and/or other agencies.**

## 6.0 The Order

### Local Development Order for South Kidderminster Enterprise Park

Within the South Kidderminster Enterprise Park area planning permission is granted for new buildings on **redevelopment sites**, as identified in Appendix 1, for the following uses:

- B1a (offices);
- B1b (Research and Development);
- B1c (Light Industry);
- B2 (General Industrial);
- B8 (Storage and Distribution);
- Car/Vehicle Hire Business and the selling and displaying of motor vehicles; and
- Vehicular access to development

Furthermore, **for existing premises** that fall under use classes B1, B2, B8 and car vehicle hire businesses/displaying and selling of motor vehicles, within the area (as identified in Appendix 1) planning permission for the following development is granted:

- recladding of building exteriors including changes to roofing materials;
- Installation or replacement of windows or doors;
- Installation of solar panels and other renewable energy systems (such as biomass and combined heat and power boilers);
- sub-division of existing units (for B1a, b and c, B2 and B8 use);
- Extensions no more than 10 linear metres from the existing building, subject to extensions not being within 5 metres of the existing highway;
- The installation or replacement of plant or machinery not exceeding a height of 15 metres;
- The construction of ancillary buildings within the existing curtilage, not exceeding 100sqm Gross Floor Space; and
- Car parking - subject to meeting the requirements set out in condition 9 of Annex 1.
- The redevelopment of any existing building or structure subject to the floorspace of the replacement unit being of the same scale and size as the current building or structure

Change of use is also permitted as follows:

- B1 – to B2 or B8, where no more than 1,000sqm;
- B2 – to B1 or B8 where no more than 1,000sqm; and
- B8 – to B1 or B2 where no more than 1,000sqm.

Demolition, in conjunction with any redevelopment of existing premises within the identified use classes, is also permitted.

### 6.1 The Local Development Order is therefore split into two main component parts:

- Provisions relating to redevelopment sites within the boundary (as identified at Appendix 1)
- Provisions for existing business premises within the boundary (including change of use)

6.2 All development proposed through the Order must be in conformity with the uses identified as well as being in conformity with the conditions attached at Annex 1.

## **7.0 Restrictions**

7.1 A number of restrictions to development are identified in the following table. No development is permitted if it falls under the following categories.

<b>Restriction</b>	<b>Reason</b>
Any development that is considered to require an Environmental Impact Assessment as set out by the Regulations (or any subsequent Regulations which replace the above with or without modification)	<p>Development that requires an Environmental Impact Assessment (EIA) would need to be assessed through a planning application.</p> <p>The scope of development proposed through the LDO is based on a broad spectrum of speculative industrial development. It is very difficult for the Council to screen and assess the scope/quantum of development coming forward without receiving definite proposals and plans in advance.</p> <p>Therefore if an EIA development is proposed it would not be suitable to be brought through the LDO route. A planning application would need to be submitted. For more information see Condition 1 in Appendix 1</p>
Any development where the planning application would normally be determined by the Secretary of State or a body other than the District Council	<p>The District Council can only consider allowing development through the LDO in an area where it has responsibility. This would exclude development relating to waste and minerals management such as all planning applications relating to the use of land (and buildings) or the erection of buildings, plant or machinery for the purposes of waste or minerals management, which are determined by the County Council. The following classes of operations and uses of land are considered to be 'county matters':</p> <ul style="list-style-type: none"> <li>i. The use of land, the carrying out of building, engineering or other operations, or the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste;</li> <li>ii. Operations and uses ancillary to the purposes in (i) above, including development relating to access to highways.</li> </ul>
Proposals for development that fall within other use classes of the 1987 Use Classes Order as amended.	<p>The LDO identifies the use classes that are considered to be appropriate within this area. No other use classes are considered as being suitable without planning permission. Furthermore, development falling into any of the following categories is not permitted through this Order:</p> <ul style="list-style-type: none"> <li>• Storage of hazardous substances;</li> <li>• Retail linked trade operations; and</li> <li>• Rail freight proposals.</li> </ul>
No development is permitted within the Green Belt or the SSSI that falls within the LDO Boundary	To ensure that the Order is in line with the national and local policy in relation to development within the Green Belt and SSSI's.
Flood Risk	Development is not permitted within 8m of the River Stour and Hoo Brook, in order to protect the watercourses and their associated floodplain.
Development that would affect a Public Right of Way	If it is necessary to divert/extinguish existing public rights of way, in order for development to proceed, then planning permission will be required.



<b>Restriction</b>	<b>Reason</b>
Development that would affect the Staffordshire and Worcestershire Canal	A buffer zone has been included around the Staffordshire and Worcestershire Canal in order to protect the Conservation Area designation and the structural integrity of the Canal. No development is permitted within this zone (as identified in Appendix 2). This exclusion zone has been derived in conjunction with Canal & River Trust, Historic England and the District Council's Conservation Officer.
Listed Buildings	Should any buildings or structures become listed during the lifetime of the Order then the buildings and associated curtilage would be exempt from the provisions of the Order and would require consent through the existing framework of listed building consent and/or a planning application.

## **8.0 Conditions**

- 8.1 There are also a number of other conditions that are attached as part of the LDO to ensure that development is appropriate, which are included in Annex 1 as well as a constraints map that is attached at Appendix 2.

## **9.0 Justification for the Order**

- 9.1 The Government is committed to boosting local growth and creating jobs to support the economic recovery of the country. It has embarked on a radical reform programme to support this, and has established enterprise zones to support and encourage private sector growth. Although the South Kidderminster Enterprise Park was unsuccessful in its bid for Enterprise Zone status it is considered that the implementation of an LDO would bring about some of the benefits that EZ status would have brought to the District.

## **10.0 Lifetime of the Order**

- 10.1 The LDO will be active for a period of 3 years after the date of its adoption.
- 10.2 Development which has started under the provision of the LDO prior to its expiry will be allowed to complete in the event that the LDO is revoked or revised<sup>1</sup>. The Council does have the ability to revoke the LDO at any time, should it lead to undesirable and unforeseen consequences.
- 10.3 Developments that have taken place under the LDO will be allowed to continue to operate in the event that the LDO is revoked or revised. However, no new development will be allowed under the terms of the LDO following its expiry without planning permission.
- 10.4 The conditions attached to this LDO will continue to apply to any development permitted during its lifetime.

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<sup>1</sup> Commencement of development is defined as an undertaking of a material operation as defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990. A lawful commencement of development shall only be adjudged to have been carried out if the full notification process as set out in the Order has been completed to the satisfaction of the Local Planning Authority prior to any development commencing.

**11.0 Policies that the Order will help to implement**

**11.1 National**

- National Planning Policy Framework
- National Planning Policy Guidance

**11.2 Local (Adopted Policy)**

- Wyre Forest Core Strategy (Adopted December 2010)
- DS01: Development Locations
- DS02: Kidderminster Regeneration Area
- CP08: A Diverse Local Economy
- CP09: Retail and Commercial Development
- Site Allocations and Policies Local Plan (Adopted July 2013)
- Policy SAL.GPB1: Employment Land / Economic Development
- Policy SAL.CC5: Renewable Energy
- Policy SAL.SK1 – South Kidderminster Enterprise Park
- Policy SAL.SK2 – Former British Sugar Site
- Policy SAL.SK4 – Former Romwire Site

**12.0 Monitoring the LDO**

12.1 LDO monitoring needs to be appropriate to the ambition and circumstances of the development.

12.2 Conditions on the LDO will require that the developer notifies the local planning authority when undertaking development permitted by the LDO to ensure that an accurate record of development is maintained.

12.3 Notification of development will also be circulated to District Councillors, via the weekly planning application list, so that members are aware of development being delivered through the LDO.

12.4 The Order will be revisited at the end of the three year period where a decision will be made to continue the Order, amend and review the Order or abolish the Order.

**Contacts:**

**Wyre Forest District Council**

LDO, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

Email: [ldo.consultation@wyreforestdc.gov.uk](mailto:ldo.consultation@wyreforestdc.gov.uk)

Telephone: 01562 732928

**Worcestershire Regulatory Services**

Worcestershire Regulatory Services, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

Email: [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

Telephone: (01905) 822799

**Worcestershire County Council**

Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP

Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk).

Telephone: (01905) 765765

Annex 1 - Conditions

No	Condition	Reason
1	<p><b>EIA Development</b></p> <p>The permissions granted by this Order shall not apply if:</p> <ul style="list-style-type: none"> <li>An application for planning permission for the proposed development would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</li> <li>An application for the development would fall within the descriptions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, <u>unless</u> the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same Regulations, that the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development.</li> </ul> <p>Developers should therefore satisfy themselves that development would not fall within any of the above categories prior to work commencing. This condition will also be applied any subsequent EIA regulations which replace the above with, or without, modifications.</p>	<p>To ensure any new development is not an EIA development.</p>
2	<p><b>Development Height</b></p> <p>Development must not exceed 15 metres in height, inclusive of all development such as flue gas stacks and micro wind turbines</p>	<p>To protect the amenity of current and potential new occupiers/residents of the area.</p>
3	<p><b>Environmental Protection</b></p> <p>All development should conserve and, where appropriate, enhance the:</p> <ul style="list-style-type: none"> <li>Statutory conservation sites (principally Wilden Marsh and Meadows SSSI and River Stour Floodplain SSSI) by mitigating any impacts that development adjacent to these sites might have on their ecological function/integrity</li> <li>Non-statutory nature conservation sites by mitigating any impacts that development adjacent to these sites might have on their ecological function/integrity</li> </ul> <p>Development will need to have checked Natural England's SSSI Impact Risk Zones, which can be accessed <a href="#">here</a> to ascertain whether or not their proposal requires consultation with Natural England.</p> <p>In addition development should have regard to all protected species and habitats and BAP species and habitats where identified</p> <p>The sites are identified at Appendix 3 of this Order.</p>	<p>To protect important Environmental habitats within the area.</p>
4	<p><b>Health and Safety Executive</b></p> <p>Development will need to be in line with the Health and Safety Executives advice on planning for developments near hazardous installations (PADHI). Please refer to Table 2 for further information. Any development above these thresholds would require planning permission.</p>	<p>To ensure development meet Health and Safety criteria.</p>

No	Condition	Reason
5	<p><b>Health and Safety Executive – Explosives</b></p> <p>Any development proposed on Easter Park or Hoo Farm (sites identified on Appendix 1) will need prior written approval from the HSE Explosives directorate. Developers must send their proposed plans to the HSE, who can be contacted at the following address:</p> <p>Specialised Industries, 5S.2 Redgrave Court, Merton Road, Bootle Merseyside, L20 7HS Tel: 0151 951 4000 <a href="mailto:Explosives.licensing@hse.gsi.gov.uk">Explosives.licensing@hse.gsi.gov.uk</a></p> <p>If planning permission is required then early consultation with the District Council is recommended.</p>	To ensure development meet Health and Safety criteria.
6	<p><b>Network Rail</b></p> <p>Any proposal within 10m of the operational railway boundary will require review and approval by Network Rail. Developers must secure prior written approval before any development commences, if located in this area. Network Rail can be contacted at the following address:</p> <p>Town Planning Team LNW, Network Rail, 1<sup>st</sup> Floor, Square One, 4 Travis Street Manchester, M1 2NY Email: <a href="mailto:TownPlanningLNW@networkrail.co.uk">TownPlanningLNW@networkrail.co.uk</a></p>	To protect the integrity of the railway infrastructure
7	<p><b>Traffic Generation</b></p> <p>Any development proposed that is greater than the following thresholds would require a Transport Assessment (TA):</p> <p>B1 – Gross Floor Area greater than 2,500sqm B2 – Gross Floor Area greater than 4,000sqm B8 – Gross Floor Area greater than 5,000sqm</p> <p>Should development be higher than these thresholds identified then a TA will need to be submitted and agreed in writing with Worcestershire County Council before any development commences. Where appropriate, mitigation measures may be required, which will need to be provided by the developer, within an agreed timescale.</p> <p>No development may commence until agreement has been reached with the Local Planning Authority</p>	To ensure that development does not have a detrimental impact on the adjoining Highway network.
8	<p><b>Highways / Access</b></p> <p>Access to the highway network will require the issue of a licence under Section 278 of the Highways Act, 1980. New accesses on to classified roads will require planning permission.</p> <p>Development must not reduce the amount of space available for vehicle turning or manoeuvring.</p>	<p>To ensure development meets highways standards.</p> <p>To ensure development does not adversely affect existing vehicular space.</p>
9	<p><b>Parking</b></p> <p>Car and cycle parking must be provided in line with the parking standards of</p>	To ensure development has

No	Condition	Reason
	Worcestershire County Council Highways Design Guide unless otherwise agreed in writing with the Local Planning Authority	sufficient parking available
10	<p><b>Flood Risk</b> Development within Area A or B, as identified by Appendix 2, must comply with the following conditions to mitigate flood risk:</p> <p><b>Protection to buildings</b></p> <p><b>Area A (River Stour):</b> Finished floor levels shall be set no lower than 30.67m AOD (<i>this level is based on 600mm freeboard above a 1% plus climate change flood level</i>) or flood proofing measures shall be incorporated into the building to this level.</p> <p><b>Area B (Hoo Brook):</b> Finished floor levels shall be set no lower than existing ground levels and flood proofing measures shall be incorporated into the building to a level set at least 1 metre above the finished floor level of the building.</p> <p>Further information can be located on the Environment Agency's website <a href="#">here</a></p> <p><b>Protection to Occupiers</b> Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA. In preparing the plan, regard should be had to the guidance on the Environment Agency's website as follows: <a href="https://www.gov.uk/prepare-for-flooding/future-flooding">https://www.gov.uk/prepare-for-flooding/future-flooding</a></p> <p><b>Development in Area A</b> - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for the River Stour.</p> <p><b>Development in Area B</b> - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for a Flood Alert for the Hoo Brook. Given that there is only a Flood Alert available for the Hoo Brook, any evacuation management plan will also need to consider other available data to inform timing for implementation of evacuation procedures. For example, a combination of met office data and local weather announcements.</p> <p>Developments must ensure that there is no significant adverse effect on local flood storage or flood flows.</p>	<p>To ensure adequate flood risk protection is provided.</p> <p>To protect the proposed development from flood risk for the lifetime of the development.</p> <p>To minimise the flood related danger to people in the flood risk area.</p>
11	<p><b>Surface Water and Drainage</b> New developments should incorporate Sustainable Drainage Systems in line with the following guidance: <a href="https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards">https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards</a></p> <p>Unless agreed in writing by the Local Planning Authority prior to the commencement of development.</p> <p>All foul drainage from new development must be connected to the mains foul sewer. If not, then planning permission will be required. For future reference, a record needs to be kept regarding the installed Drainage Strategy at any site</p>	<p>To ensure adequate drainage is provided and to ensure that the ground and surface waters are protected.</p> <p>In order to protect ground and surface waters.</p>

No	Condition	Reason
12	<b>Water Quality</b> Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.	To prevent pollution of the water environment.
13	<b>Outside Storage</b> Outside storage space is restricted to 10% of the total area of the curtilage and the overall height of any items stored shall not exceed 4 metres. Any development above these thresholds would require planning permission.	To protect the visual amenity of the area.
14	<b>Infrastructure</b> Developers should register with and use <a href="http://www.LineSearch.org">www.LineSearch.org</a> . This will provide an instant response advising whether or not any of the 29 infrastructure providers have apparatus that may be affected through development. The development shall be carried out strictly in accordance with the advice and guidance given, and development shall not be commenced until written approval has been received from the relevant Authority.	To protect infrastructure within the area.
15	<b>Noise</b> All buildings, extensions, plant and machinery developed under the provisions of the Order will need to comply with the Worcestershire Regulatory Services 'Noise Technical Guidance': <a href="http://www.worcsregservices.gov.uk/media/448878/noise-technical-guidance-v-1-2-4.pdf">http://www.worcsregservices.gov.uk/media/448878/noise-technical-guidance-v-1-2-4.pdf</a>	To protect the amenity of current and potential new occupiers/residents of the area.
16	<b>Air Quality</b> Worcestershire Regulatory Services should be consulted to determine if an air quality assessment is required, and/or if one has been produced in the following situations: <ul style="list-style-type: none"> <li>Commercial/Industrial development &gt;100 parking spaces;</li> <li>Biomass Boiler (50kW to 20MW) proposed*</li> <li>Large Vehicle Depot such as a Bus Station, Lorry Park or Park and Ride</li> </ul> <p>* Note under the Clean Air Act 1993 approval from the LPA for the Chimney Stack Height for boilers burning &gt;45.4kg/hr is also required</p> <p>If an assessment is required then the scope and detail of the assessment and any necessary mitigation measures, including a timescale for their implementation, will need to be agreed in writing with WRS, prior to the commencement of development and carried out in accordance with the agreed scheme.</p>	To ensure that no deterioration of the local air quality occurs.
17	<b>Archaeology</b> Where archaeological remains are discovered as a result of development commencing, the developer should notify the County Council's Historic Environment Team before proceeding any further.	To record and or protect historic features that may be discovered through development.
18	<b>Contamination</b>	To ensure that risks from land

<b>No</b>	<b>Condition</b>	<b>Reason</b>
	Unless otherwise agreed in writing by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 identified in Annex 3 have been complied with.	contamination to the environment and human health are minimised.
<b>19</b>	<b>Development Notification</b> 14 days before development starts the Local Planning Authority must be notified of the proposal so that a record of development provided through the LDO can be kept.	To ensure that an accurate record of development is maintained.

The responsibility for interpreting the requirements of the LDO and ensuring that development is compliant with the above conditions falls on the developer/landowner.



## Annex 2 - Design Guide

Although not a conditional requirement of the LDO, it is desirable that new developments follow good urban design principles to contribute to a quality environment. Therefore, the following table provides a summary of the key design principles to take into consideration.

<b>Provide innovative architecture</b>	<ul style="list-style-type: none"> <li>• Development should be based on function but should also be visually pleasing.</li> <li>• Materials, colour, massing, projections, set backs and variety in the sky line can all add more interest.</li> </ul>
<b>Provide a coordinated design</b>	<ul style="list-style-type: none"> <li>• Larger areas of colour on buildings should be sympathetic to the landscape</li> <li>• A limited palette of colours is generally preferred for buildings.</li> </ul>
<b>Provide a positive public frontage</b>	<ul style="list-style-type: none"> <li>• Greatest attention to design quality and investment should be focused onto public faces of main frontages</li> <li>• Entrance foyers and reception areas should be located on the primary public face of buildings, preferably onto surrounding streets.</li> <li>• Outdoor storage areas should be designed and located to be unobtrusive from the street, using screening and/or landscaping as appropriate.</li> </ul>
<b>Provide a sense of enclosure on to streets and spaces</b>	<ul style="list-style-type: none"> <li>• Buildings should be positioned close to highways to provide a positive relationship with the street.</li> <li>• Buildings set to the back of large plots of car parking or storage areas should be avoided.</li> </ul>
<b>Provide green infrastructure and landscaping</b>	<ul style="list-style-type: none"> <li>• New developments should incorporate green landscaping, encouraging biodiversity habitats and incorporating SUDS.</li> <li>• Landscaping can form part of open spaces and recreation areas for employees.</li> <li>• Landscaping areas are ideally located onto public areas close to front entrances of main frontages.</li> <li>• Development should take into account, where relevant, of the area's context being adjacent to the Canal Conservation Area.</li> </ul>
<b>Provide development that is Secured by Design</b>	<ul style="list-style-type: none"> <li>• Secured by Design principles should be followed where possible.</li> <li>• Particular focus should be on site layout, perimeter security, building design, physical security, and electronic security.</li> </ul>
<b>Provide sustainable developments</b>	<ul style="list-style-type: none"> <li>• New development should aim to score 'Good' or better on the BREEAM rating system.</li> <li>• Sustainable building design elements such as natural ventilation, passive solar gain, low energy lighting, water collection and storage, and on-site recycling facilities should be considered.</li> </ul>

**Informative - Flood proofing:** Flood proofing measures can include, but are not limited to, removable barriers on building apertures such as doors and air bricks; flood resilient materials within the building; and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency website at <https://www.gov.uk/prepare-for-a-flood>

**Annex 3 – Contaminated Land Conditions**

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

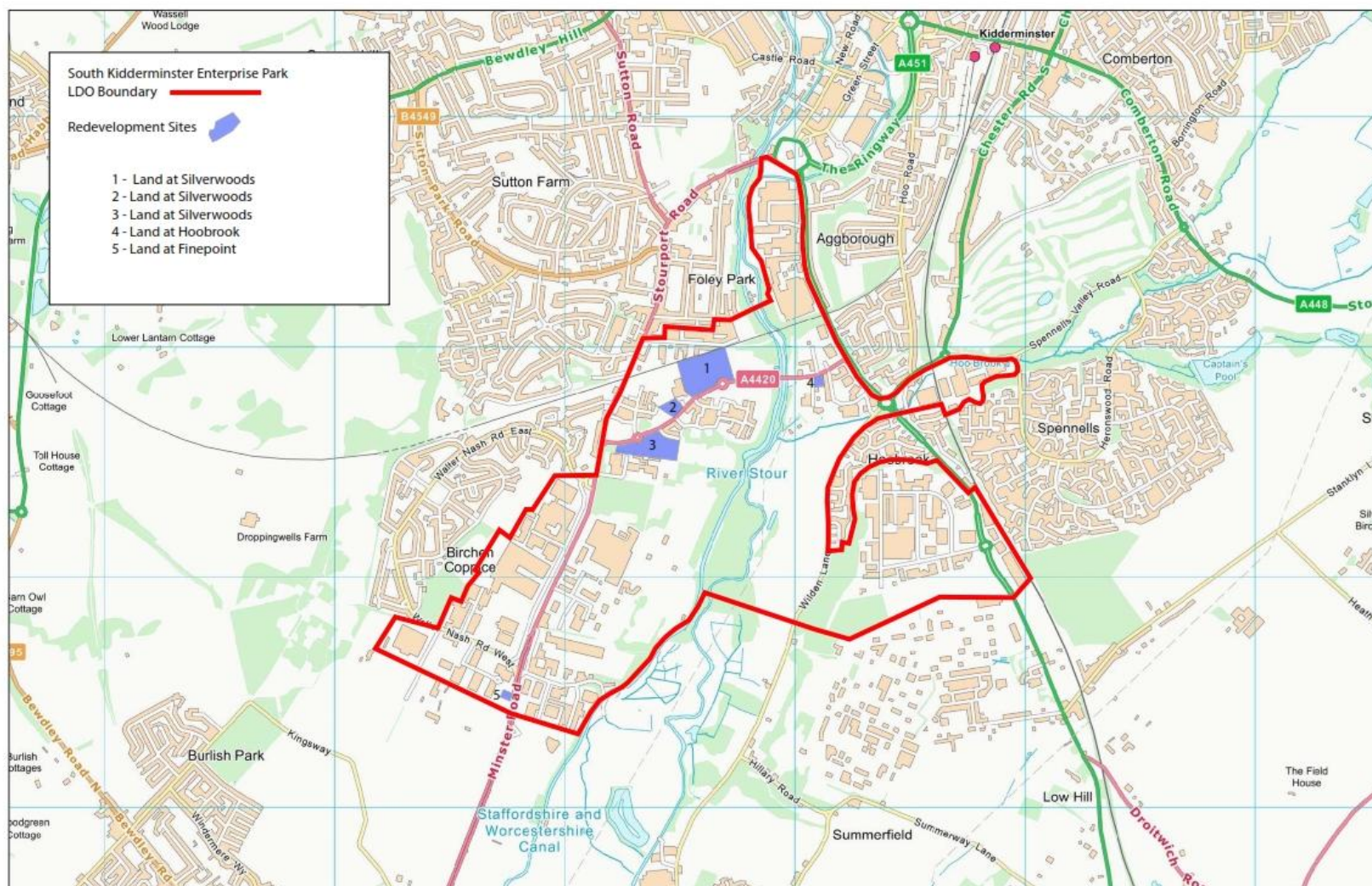
#### Annex 4 - Health and Safety Executive Advice

There are a number of areas within the Local Development Order boundary where there are buffer zones around potentially hazardous workplaces. Development near to these installations is controlled in order to minimise any potential risk. The Health and Safety Executive provide 'Planning Advice for Developments near Hazardous Installations' (PADHI). This advice is split into the inner, middle and outer zones that exist, and gives advice for development that may fall within the different zone areas. Developers should therefore satisfy themselves that their proposals are in line with the recommendations of the HSE. For workplaces, which are the focus of this Order, the following guidance is given.

Development Type	Examples	Development detail and size	Justification	Sensitivity Level	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
Workplaces	Offices, factories, warehouses, haulage depots, builders yards	Workplaces at the major hazard site itself	Risks to workers, and others, at the workplace of the major hazard company are under control of that company	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
		Workplaces (predominantly non-retail) providing for less than 100 occupants in each building and less than 3 occupied storeys	Places where the occupants will be fit and healthy, and could be organised easily for emergency action. Members of the public will not be present or will be present in very small numbers and for a short time	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
		Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied storeys in height	Substantial increase in numbers at risk with no direct benefit from exposure to risk	2	Advise Against Development	Don't Advise Against development	Don't Advise Against development
	Sheltered workshops. Remploy	Workplaces specifically for people with disabilities	Those at risk may be especially vulnerable to injury from hazardous events and/or they may not be able to be organised easily for emergency action.	3	Advise Against Development	Advise Against Development	Don't Advise Against development

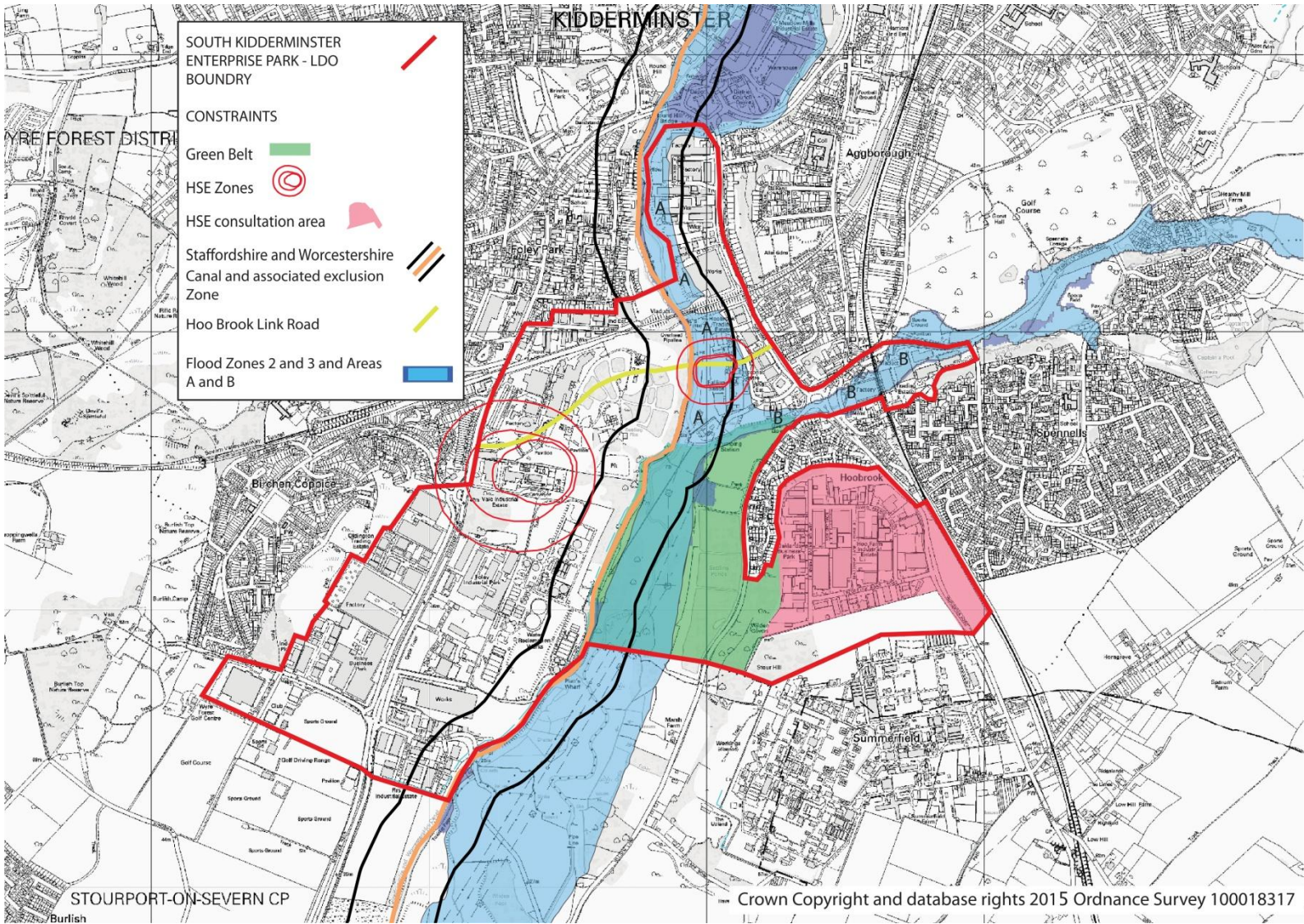
Therefore, developers will need to be aware of which zone their site is located in and ensure that the thresholds meet the criteria set out by the Health and Safety Executive (The areas designated by the HSE are included on the constraints map attached at Appendix 4). Any development that would fall in the 'Advise Against Development' category is not be permitted by the Order.

## Appendix 1 - Map of LDO Area and Identified Redevelopment Sites





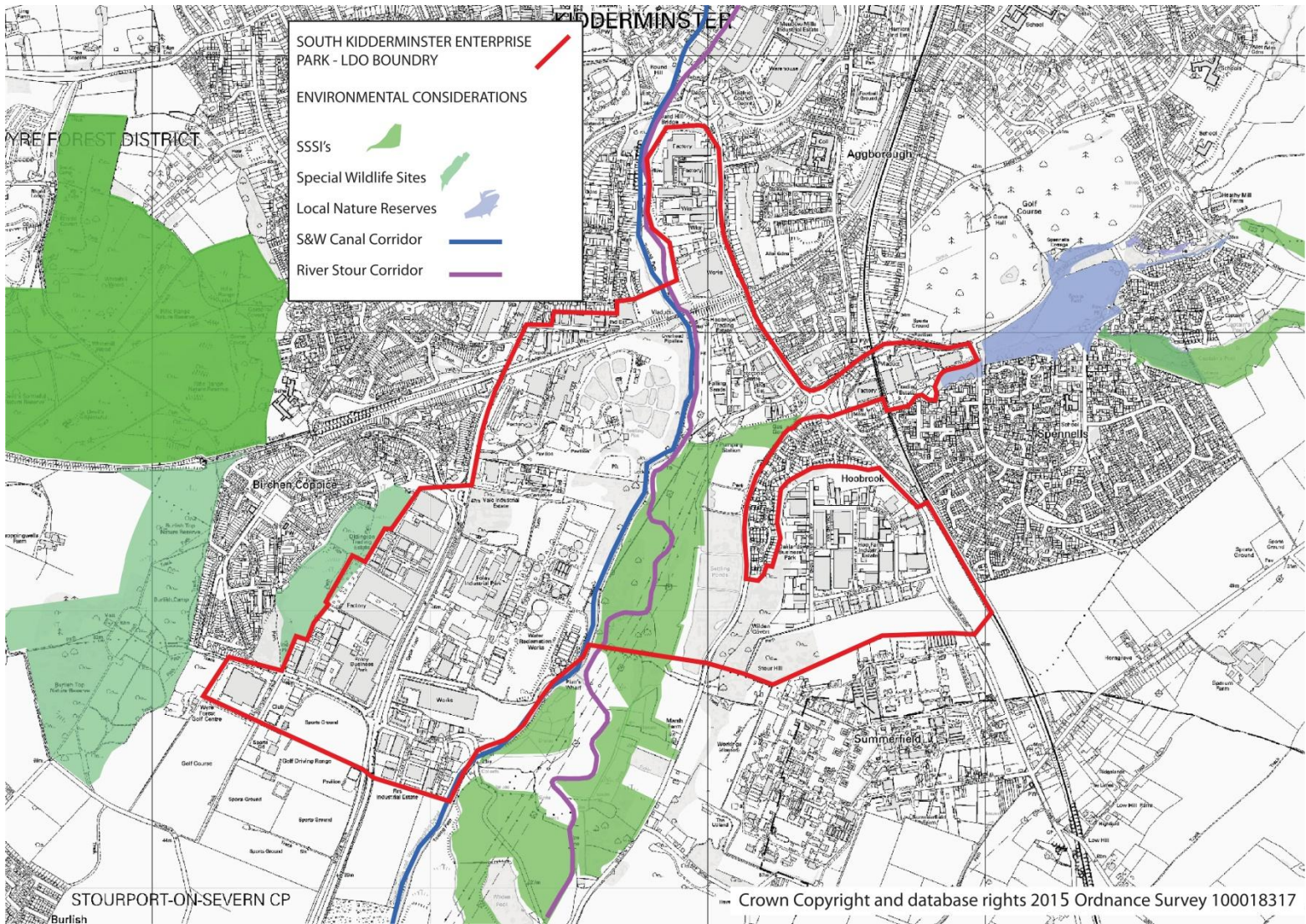
Appendix 2 - Constraints Map



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Appendix 3 – Environmental Considerations Map



**SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES  
(CONSULTATION MAY 2018)**

<b>Respondent</b>	<b>Summary of Response</b>	<b>Officer Comments</b>
Neil Morris OGL Computer	I think the revised LDO is a great idea. The initiative has already had a positive impact on the region. Anything to encourage and stimulate business growth should be supported.	Support is welcomed.
Local Resident	<p>Concerned about an increase in congestion in the area and existing problems at Hoo Brook Island will become exacerbated. Suggests removal of sites at Silverwoods from LDO;</p> <p>Wilden Marsh not identified as a SSSI in appendix 3;</p> <p>Concerned that areas of green belt are included in the LDO map in appendix 2, Would like to see a buffer zone for Wilden Marsh and exclude the wildlife corridor between Wilden Marsh and Spennells Valley.</p>	<p>Noted. The Order provides condition in relation to traffic impacts to mitigate this issue;</p> <p>Wilden Marsh is identified as a SSSI;</p> <p>The Green Belt land is specifically excluded from the Order as are the SSSI's and so a buffer zone is not considered to be required.</p>
North Worcestershire Water Management	<p>Page 5 – reference should be to the NPPF and NPPG.</p> <p>The flood risk paragraph only relates to fluvial flooding, all types of flooding should be included.</p> <p>Change wording on page 7 from 'no development within 8m' to "Development is not permitted within areas believed to be at risk of flooding or within 8m of the River Stour and Hoo Brook, in order to not increase flood risk elsewhere and to protect the watercourses and their associated floodplain."</p> <p>Condition 10 currently refers to a 'what's in your backyard webpage' which has now been updated and a new website link should be provided.</p> <p>Unable to check if the quoted finished floor level is still accurate.</p> <p>Condition 10 fails to take into account the effect that development could have upon the flood risk of others.</p>	<p>Noted and amendments made to the document accordingly;</p> <p>Noted. Document updated accordingly</p> <p>Noted. However, this is difficult to define and this condition is only in relation to fluvial flood risk.</p> <p>Noted. Website link updated.</p> <p>EA comments have provided an updated floor level</p> <p>Noted. Some amendments have been proposed to the document to reflect this.</p>

SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES  
(CONSULTATION MAY 2018)

Respondent	Summary of Response	Officer Comments
	<p>Condition 10 requires a Flood Evacuation Management Plan to be compiled. I think that is fine. The reference should be changed to <a href="https://www.gov.uk/prepare-for-flooding/future-flooding">https://www.gov.uk/prepare-for-flooding/future-flooding</a></p> <p>Condition 11 uses the term 'Sustainable Urban Drainage'. It would be better to use the term 'Sustainable Drainage Systems (SuDS)'</p> <p>Condition 11 includes 'Unless agreed in writing by the Environment Agency or Local Planning Authority prior to the commencement of development.' change to "Unless agreed in writing by the Local Planning Authority prior to the commencement of development.'</p> <p>Include that for future reference a record will be kept regarding the installed Drainage Strategy</p> <p>If a company chooses to make use of the LDO, who does actually check that the development meets all the criteria and complies with all the conditions?</p>	<p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p> <p>The initial notification is considered by Officers and a 'confirmation of compliance' notice provided to the applicant. The onus of meeting the conditions is on the developer.</p>
Environment Agency	<p>The majority of the flood risk issues remain the same as in 2015, however climate change allowances have been updated in 2016.</p> <p>For 'Less Vulnerable' development the FRA should use the 'central' climate change allowance (20%) as a minimum to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'higher central' allowance (25%) where feasible.</p> <p><b>Finished floor level</b> The final finished floor level should be set at <b>30.67m AOD</b>. A slight increase from the</p>	<p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p>



SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES  
(CONSULTATION MAY 2018)

Respondent	Summary of Response	Officer Comments
	<p>current 30.62m AOD figure.</p> <p><b>Contaminated land</b> Welcomes the addition of annex 3 and pleased with the details in Annex 1 section 4.</p>	<p>Noted. Support is welcomed.</p>
The Coal Authority	No specific comments to make	Noted.
Natural England	<p>Pleased to see that previous comments provided have been taken on board.</p> <p>Condition 3 annex 1 (page 11) remove the words “Where appropriate” in relation to enhancing biodiversity.</p> <p>Section 4.0 (pages 4-5) suggest that SSSI’s to be included on the list of identified constraints.</p> <p>Add the SSSI boundary to the constraints map in Appendix 2</p> <p>Would like to discuss development around the SSSI which might trigger the need for an EIA.</p> <p>Appendix 3 – Environmental considerations map - Add in SSSI’s Wilden Marsh and Meadows SSSI River Stour Flood Plain SSSI</p>	<p>Noted. Support is welcomed</p> <p>Noted. However, it isn’t always appropriate to enhance biodiversity within the developments permitted in the Order and so no change is proposed.</p> <p>This is covered in Section 7.0: Restrictions</p> <p>The SSSI boundary is covered in Appendix 3</p> <p>If development is EIA then it is not permissible through the Order.</p> <p>The map remains the same as previous iterations of the document and so no change proposed. More detailed mapping is available on WFDC’s GIS system which clearly identifies the boundaries, although it is appreciated this may not be as clear in document form.</p>
Mr Nick Hughes Chair of Kidderminster	<p><b>Environment</b> The Stour to be given the highest possible protection from contamination. Would like to see ongoing monitoring relating to contamination.</p>	A detailed contamination condition is included within the Order.

SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES  
(CONSULTATION MAY 2018)

Respondent	Summary of Response	Officer Comments
Civic Society	<p><b>Flood Risk</b> LA to carry out frequent checks in relation to flood risk</p> <p><b>Right of Way</b> Loss of right of way not acceptable.</p> <p><b>Canal protection</b> Welcome the canal buffer zone, would like to see the inclusion of buffer planting.</p> <p><b>Development Heights</b> No concessions given – stick to a maximum 15 height.</p> <p><b>Archaeology</b> The Civic Society would like to be notified of any remains discovered.</p>	<p>Noted. However, this is not something that would be undertaken via the Order.</p> <p>Noted and agreed. Sufficient protection is included.</p> <p>The buffer zone will remain but the landscaping is not something that is a requirement of the Order.</p> <p>Noted. The Order will only allow developments at this threshold. Anything higher would require separate planning consent</p> <p>This is a request that needs to be made to Worcestershire Archaeological Service.</p>
Local Resident	Feel the re-use of the Sugar Beet site has been excellent. Light industrial uses should be delivered on Silverwoods, as per the original plan.	Noted. Support is welcomed.



## Overview & Scrutiny Committee

### Briefing Paper

Report of: Mike Parker – Corporate Director: Economic Prosperity & Place  
Date: Thursday 5 July 2018  
Open with Exempt Appendix 2

### Acquisition of Land in Market Street, Kidderminster

#### 1. SUMMARY

- 1.1 To seek support for the Council to acquire a vacant parcel of land at Market Street in Kidderminster, using its compulsory purchase powers if necessary, to enable the bringing forward of a redevelopment of a vacant eyesore site at a prominent gateway position within Kidderminster town centre, should the current owner of the land fail to bring the site forward for redevelopment within a reasonable time period.

#### 2. BACKGROUND

- 2.1 The land to be redeveloped by the Owner or, failing that, to be included in the CPO (“the Order Land”) extends to approximately 0.07Ha and is located to the south of Kidderminster town centre, bounded by Market Street and Bridge Street. The Order Land was the site of the former British Heart Foundation retail store and is described in paragraph 5 of this report, and a plan illustrating the land is provided as Appendix 1
- 2.2 The Council wishes to facilitate the redevelopment of the Order Land, which is located on a key gateway into Kidderminster from the south and has lain vacant for many years since the retail unit that previously occupied the site burned down in October 2011. The land has remained an eyesore since the fire and undermines the aesthetics of the area and depresses the economic viability of this part of the town. The adjoining site, the former Levines retail unit, was also destroyed by the fire and is also vacant and an eyesore, but that parcel has been purchased by Kidderminster College for use as part of their expansion plans and it forms part of a proposal which the Council has agreed in principle to swap with part of its Market Street car park where the College would like to build an extension to its current building. If the Order land is not addressed it will become sandwiched between the redevelopment of the former Levines site and the existing Iceland foodstore.
- 2.3 The Corporate Director: Economic Prosperity & Place has written to the registered owners of the land on 21<sup>st</sup> March 2018 to enquire about their intentions but did not receive a reply. A further letter was sent on 29<sup>th</sup> May 2018 which has prompted a telephone response from the owner in which it was indicated that there had been a delay with bringing forward plans for the

redevelopment of the site due to the negotiations on the adjoining former Levine's site, but that now plans for a mixed use commercial and residential development are in the course of preparation and it was his intention to instruct local architects to prepare a scheme.

- 2.4 Due to the length of time that the property has remained vacant since the fire damage was caused and save the recent telephone conversations, with no active promotion of the site since, there is concern that redevelopment proposals for the Order Land suggested in the telephone conversations by the present owner may not happen in a timely manner. Ideally a comprehensive redevelopment including the College's adjoining land holding would be the preferred outcome and the owner has indicated that they have an open dialogue with the College regarding their extension proposals. However, given that the Council has already agreed the principle of swapping part of the
- 2.5 Market Street car park for the former Levines site (Cabinet 19<sup>th</sup> December 2017), the Council is aware that the College's preferred plan is to extend their existing building rather than construct a standalone building on the former Levines site which may prevent terms being agreed for a combined development of the 2 sites. Until plans are available from the owner of the Order land it is unclear how their stand alone proposal will work, although it is acknowledged that the site would appear large enough to accommodate some form of development.
- 2.6 It is important for the proper planning and comprehensive redevelopment of this key gateway site into the town that both the former Levines site and the Order land are redeveloped. The Council is already fully engaged with the plans the College has for the former Levines site, but much less so in terms of the Order land. Whilst the recent telephone conversations have indicated promise that there are plans being developed for the Order land, there is no certainty regarding the commitment to these plans and the timing of their delivery. For those reasons it is suggested that the Council proceeds to consider the proposal to compulsorily acquire the land if satisfactory progress is not made with the owner's plans for redevelopment in order to encourage continued momentum, and that the Corporate Director: Economic Prosperity & Place to continue to closely monitor and liaise with the owner but also be given delegated authority to commence CPO if there is no satisfactory progress. It is suggested that the owner be given a period of six months to make progress with plans for redevelopment, which should allow sufficient time to demonstrate by way of the submission of a planning application that the redevelopment intentions are genuine; and once planning permission is granted that the owner be given a further 12 months to commence the development on site; if these milestones are met then there will be no need for the Council to use its CPO powers.
- 2.7 Although the Order Land does not have an individual site allocation within the adopted Local Plan the land is within the area the Kidderminster Central Area Action Plan where it is designated as part of the Traditional Town Centre and part of the secondary retail frontage where policy KCA.GPB2 of the Local Plan applies. This policy allows for a mixture of retail and other town centres uses on such secondary retail frontage sites.

- 2.8 The Council remains committed to driving the redevelopment of this and the adjacent sites. Whilst it is encouraging to hear that the owner has redevelopment plans there is concern as to the commitment to see them through. In order to provide certainty this report proposes the authority to exercise the Council's compulsory purchase powers if demonstrable progress is not made to redevelop the Order Land. This report outlines what the Council needs to have regard to when making a Compulsory Purchase Order (CPO).

### **3. THE DEVELOPMENT PROPOSALS**

- 3.1 The adjacent College owned land comprises a parcel of undeveloped land which fronts New Road, Market Street and Bridge Street and comprises 0.06 Ha. The two land parcels comprise a small vacant site which extends in total to 0.13 Hectares (0.32 acres).
- 3.2 There is significant merit in being able to consider a comprehensive approach to development encompassing both sites. The principle of a proposed land swap with the College was agreed by Cabinet in December 2017; the premise of this agreement is that the Council will agree to swap part of its public car park on Market Street for the former Levines site to enable the College to extend their existing building, in exchange the College will re-provide public car parking on the former Levines site. In isolation that proposal can be achieved without the Order land, the risk is though that if the Order Land remained undeveloped it would then render the land a continued eyesore and sandwiched between what would be a car park and the existing Iceland store. It is important in the Council's view to ensure that the redevelopment of the Order Land is followed through and ideally that it be included in a comprehensive proposal including the former Levines site, but at least if it is developed in isolation that it is done so in a manner to coincide with the development of the former Levines site. If the College failed to progress its extension plans then further discussions will be required with the College about their intentions for the former Levines site and whether it can be joined to the Order Land for comprehensive redevelopment. If the owner of the Order Land fails to bring forward any redevelopment and the Council proceeds with compulsory purchase this would enable a more direct negotiation with the College regarding comprehensive redevelopment.
- 3.3 Depending on the progress the College make with their plans it is open to the Council's to bring forward proposals through the Council's Capital Portfolio Fund for the Council to undertake the redevelopment of the site and the intention would be that during the period which the Council maintains a liaison with the owner of the Order land that it progresses its own proposals for viability testing redevelopment of the Order land through the Capital Portfolio Fund, reporting any proposals separately to Overview and Scrutiny and Cabinet for consideration in the usual way .

**4 THE ORDER LAND**

- 4.1 The proposed CPO is to include all of the land edged in black on the indicative CPO Boundary Plan appended to this report as Appendix 1
- 4.2 In addition, if any other rights not referred to in the report come to light that impact development of the Order Land, the CPO will need to extinguish those rights.
- 4.3 The Order Land is located to the south of Kidderminster Town Centre. The land is bounded to the west by Market Street and to the east by Bridge street, to the north by the Iceland retail store and the south by the former Levines retail store site, now cleared and vacant.
- 4.4 The Order Land does not contain any statutorily listed buildings or locally listed buildings.
- 4.5 There are no existing residential uses within the Order Land.
- 4.6 A market valuation of the Order Land was prepared by Bruton Knowles in May 2018 (Exempt Appendix 2). The valuation basis was the comparable method taking the 'Market Value' of the land as existing and with redevelopment potential.
- 4.7 The owner of the Order Land was approached in March 2018 without reply and again in May 2018 which did elicit a reply by way of two telephone conversations and established that the owner was preparing plans for redevelopment; but the Council has concerns regarding the commitment to these proposals given the length of time the site has remained undeveloped since the fire.
- 4.8 Given the nature of the telephone conversations no offer has been made for the purchase of the Order Land yet and it is proposed to set milestones for the owner to demonstrate commitment to their redevelopment plans by way of the submission of a planning application and the commencement of development on site.
- 4.9 Based on previous lack of engagement, there remains concern the land owner may not make satisfactory progress with their redevelopment plans and that the Council may need to negotiate the purchase of the land or resort to the CPO process. The Council's commitment to use its CPO powers by the passing of a CPO resolution at this stage of the negotiations will show the seriousness of the Council's intentions and provide added focus to the owners development intentions.

**5 THE COUNCIL'S POWERS AND USE OF COMPULSORY PURCHASE**

- 5.1 The Council has the power under Section 226(1) of the Town and Country Planning Act 1990 to acquire land compulsorily for planning purposes. The relevant tests are set out in Section 226(1)(a). First, the local authority must think that the acquisition will facilitate the development, redevelopment or

improvement of the land. The Council considers that this first test will be met by the implementation of the Scheme which will facilitate the development and improvement of the land.

- 5.2 Further Section 226(1A) requires local authorities utilising the powers under Section 226(1)(a) to show that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area. The Council should also have regard to the CPO Guidance published by the Government- currently the “Guidance on Compulsory purchase process and The Crichel Down Rules 2018” (“the Guidance”)
- 5.3 The Council’s preference is that if at all reasonably practicable, the interests will be acquired through private treaty negotiation and attempts to do this are being made and will continue to be made throughout the CPO process. The signalling of its intentions to use compulsory purchase powers if within three months of this report no satisfactory progress has been made will demonstrate that the Council is committed to the proposal. With a CPO timetable, meaningful negotiations will be easier to undertake.

## **6 REASONS FOR THE DECISION AND THE JUSTIFICATION FOR MAKING THE PROPOSED CPO**

- 6.1 Paragraph 1 of the Guidance states “Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”
- 6.2 Paragraph 2 of the Guidance goes on to state “Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest” and that authorities “should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected”.
- 6.3 Compulsory purchase is intended as a last resort to secure land assembly. However, the CPO Guidance does acknowledge that given the length of time it can take to secure a CPO, it can be sensible to plan for and initiate the formal CPO process alongside the negotiation process.
- 6.4 A CPO requires confirmation from the Secretary of State unless no objections are made or are not withdrawn, in which event the Council can confirm the CPO itself. In the event that the CPO is made and objections are made and not withdrawn, it is likely that a public inquiry will be held and a planning inspector appointed to consider the case and to make a recommendation to the Secretary of State who will decide whether or not to confirm the CPO.

- 6.5 The key matters that the Secretary of State will have regard to when considering whether to confirm a CPO and what an acquiring authority will need to demonstrate are, in particular:
- 6.5.1 whether the purpose for acquisition fits with the planning framework for the area;
  - 6.5.2 the extent to which the scheme will contribute to the achievement of the economic, social and/or environmental well being of the area;
  - 6.5.3 whether the necessary resources are available to achieve the purpose of the Order within a reasonable timescale;
  - 6.5.4 that the scheme is unlikely to be blocked by legal or physical impediments
  - 6.5.5 whether the purpose for which the Order land is to be acquired could be achieved by any other means.
- 6.6 The Council will need to demonstrate having regard to the above, and having particular consideration to the impact of the proposed CPO on Human Rights, and Section 149 of the Equality Act 2010, that there is a compelling case in the public interest for the making and confirmation of the CPO.

These matters are addressed in the balance of this report.

- 6.7 The Order Land comprises a prominent site, previously occupied by a retail unit forming part of the shopping frontage to Market Street. The building was destroyed by fire in 2011 and the site has remained cleared and derelict ever since. The site is a under-utilised brownfield town centre site.
- 6.8 There is concern that the present owner of the Order Land may not follow through plans to redevelop the subject site, having held the subject property as a derelict site for a considerable period of time and not having undertaken any works to redevelop it.
- 6.9 It is the Council's view that the significant public benefit which will be derived from these proposals outweighs the interference caused by the CPO with the human rights of those parties affected by the CPO.
- 6.10 The Council is content that there are no financial impediments to the Scheme proceeding. Funding of any proposed scheme can be by means of the Council's Capital Portfolio Fund budget. There are no physical impediments to the redevelopment of the site. The Council is satisfied that if the CPO is made and confirmed there is a good prospect that a redevelopment will proceed within a reasonable timescale.
- 6.11 A proposed re-development of the site will deliver a significant number of improvements for the benefit of the area. The existing site comprises under-utilised brownfield land with little architectural merit. The regeneration benefits are summarised as:



6.11.1 Redeveloping a prominent town centre site, which since fire damage has detracted from the wider retail area of Kidderminster.

6.11.2 Provide new town centre use(s) that serves the local area.

6.11.3 Enables comprehensive redevelopment of the site with the adjoining also fire damaged, cleared, vacant site.

6.12 In the event that the owner does not progress with their redevelopment plans in a timely manner the Council will need to step in with proactive measures to ensure the site does not remain vacant for any longer period than necessary. Although (depending on the owner's plans) it appears that the site has the potential to be developed in isolation, the development of the Order Land has enhanced deliverability prospects if the wider site encompassing the adjoining Council land is developed.

## **7. HUMAN RIGHTS ACT 1998 AND EQUALITIES ACT 2010 CONSIDERATIONS**

### **Human Rights Act considerations**

7.1 In reaching their decision, Members should take account of the provisions of the Human Rights Act 1998. As a public authority, the Council must not act in a way which is incompatible with a Convention right protected by the Human Rights Act 1998. As outlined above, in officers' view there are strong grounds on which to conclude that there is a compelling public interest sufficient to justify interfering with the human rights of those with an interest in the Order Land, in compulsorily acquiring the third party interests.

The proposed CPO does not include the acquisition of any residential properties.

7.2 The key provision of the Guidance is paragraph 2, quoted in section 5 above. This not only summarises the national policy and the need for there to be a "compelling case in the public interest" for compulsory acquisition, but also meets the requirements of the Convention. In relation to Article 1 of the First Protocol of the European Convention, a fair balance is required to be struck between the public interest and private rights and in relation to Article 8, any interference with the right to respect for a person's private and family life and home must be proportionate.

7.3 Human rights protected by the 1998 Act of particular importance to the decision on compulsory purchase are those under Articles 6 and 8 and Article 1 of the First Protocol of the Convention.

### **Article 6 provides:**

*"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."*

The statutory procedures require that all those likely to be affected by the Order are notified and given an opportunity to object. If there are objections the Secretary of State will arrange a public local inquiry so that their objections can be heard (unless all parties agree to the written representations procedure). The legislation provides for statutory review in the event of challenge to the decision of the Secretary of State on confirmation of the Order. Disputes over compensation can be referred for hearing by the Lands Chamber of the Upper Tribunal. Taken together, the availability of these procedures satisfies the requirements of Article 6.

**Article 1 of the First Protocol provides:**

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

Article 1 of the First Protocol again indicates that compulsory purchase must strike a fair balance between the public interest and the private rights protected by Article 1, equivalent to proportionality under Article 8. For the reasons set out above, it is considered that there is a compelling case in the public interest for the Order to be made and this satisfies the requirements of proportionality and fair balance.

**Equality Act Considerations**

- 7.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. In particular the Council must pay due regard to the need to:
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.5 The Council considers that the Scheme is fully compliant with the Equality Act. The Order required to facilitate the Scheme is not anticipated to have any additional effects. The Council will undertake an Equality Impact Assessment before making the CPO.

**8. Options**

Overview and Scrutiny Committee are asked to either:

- 8.1 Recommend to Cabinet that the Council makes a Compulsory Purchase Order ('CPO') to acquire 'The Order' land as detailed if the owner does not advance redevelopment of the site in a timely manner.

Or

To make any alternative recommendation they might agree.

**9. Wards affected**

- 9.1 Blakebrook & Habberley South Ward

**10. Appendices**

- 10.1 Appendix 1 – Order Land  
10.2 Appendix 2 (Exempt) – Valuation

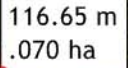
**11. Background Papers**

None.

**Officer Contact Details:**

Name: Mike Parker  
Title: Corporate Director: Economic Prosperity & Place  
Contact Number: 01562 732500







**WYRE FOREST DISTRICT COUNCIL  
FEEDBACK FROM CABINET MEETING HELD ON  
TUESDAY 12<sup>th</sup> JUNE 2018**

<b>Agenda Item No.</b>	<b>Decision</b>
<b>8.1</b>	<p><b>Wyre Forest District Local Plan Review: Revised Local Development Scheme (Project Plan 2018 – 20)</b></p> <p><b>Decision: In line with the recommendations from the Overview and Scrutiny Committee, 7th June 2018;</b></p> <p><b>1.1 The proposed revised Local Development Scheme Project Plan 2018 – 2020 as set out in Appendix 1 of the report be adopted.</b></p> <p><b>1.2 The proposed pre-application standing advice for housing as set out in Appendix 2 of the report be adopted.</b></p>

**2018-2019 Work Programme**

**June 2018**

“How are we doing?” Q4 update (Housing and Planning)  
Wyre Forest District Local Plan Review: Revised Local Development Scheme (Project Plan 2018-2020)  
Recommendations from the PACT Review Panel  
Tracking Recommendations 2017/2018

**July 2018**

The Environmental Offences (Fixed Penalties) (England) Regulations 2017  
Affordable Housing Review Panel – Conclusions and Recommendations  
Domestic Abuse Pledge “Make a Stand”  
Lion Fields Future Phases Development  
South Kidderminster Enterprise Park: Revised Local Development Order, August 2018  
Council Tax Reduction Scheme Review 2019/20  
Acquisition of Land in Market Street, Kidderminster (Appendix 2 EXEMPT)  
Nominations for the Treasury Management Review Panel  
EXEMPT Industrial Unit Investment Business Case

**September 2018**

“How are we doing?” Performance update  
Annual Report on Treasury Management Service and Actual Prudential Indicators 2017/18  
Cookley Neighbourhood Plan Designation

**November 2018**

“How are we doing?” Performance update  
Treasury Management Mid Year Report  
Asset Transfer of Spennells Changing Rooms and adjacent parcel of public open space

**February 2019**

“How are we doing?” Performance update  
Treasury Management Report for 2019/20

**Review Panels**

June – July 2018: Review of service standards for highways maintenance inc grass cutting / weed control

September – November 2018: Review of civil enforcement issues - PSPO

October – December 2018: Review of civil enforcement issues - Parking