

Open

Planning Committee

Agenda

6pm
Tuesday, 11th December 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor J A Hart
Vice-Chairman: Councillor D Little

Councillor J Aston
Councillor N Harris
Councillor M J Hart
Councillor N Martin
Councillor C Rogers

Councillor S J Chambers
Councillor P Harrison
Councillor N Knowles
Councillor F M Oborski MBE
Councillor S J Williams

Information for Members of the Public:-

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

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email sian.burford@wyreforestdc.gov.uk

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

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

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

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

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

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

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

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

WEBCASTING NOTICE

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

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday, 11th December 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 20th November 2018.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	87
7.	Section 106 Obligation Monitoring To consider a report from the Corporate Director: Economic Prosperity and Place that gives details of the most current Section 106 Obligations which require monitoring.	92

8.	<p>Land at 451 Stourport Road, Kidderminster</p> <p>To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether Tree Preservation Order No 433 (2018) relating to a group of three Common Lime trees, within the front garden at 451 Stourport Road, Kidderminster, should be confirmed or not.</p>	112
9.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
10.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

11.	<p>New Enforcement Case</p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement Case.</p>	-
12.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

20TH NOVEMBER 2018 (6PM)

Present:

Councillors: J A Hart (Chairman), D Little (Vice-Chairman), J Aston, S J Chambers, P Harrison, N Harris, M J Hart, N Martin, F M Oborski MBE, C Rogers, J A Shaw and S J Williams.

Observers:

Councillor N Knowles.

PL. 42 Apologies for Absence

There were no apologies for absence.

PL. 43 Appointment of Substitutes

No substitutes were appointed.

PL. 44 Declarations of Interests by Members

Councillor Fran Oborski declared an Other Disclosable Interest (ODI) in respect of 18/0523/S73, that she has a small shareholding in Severn Valley Railway.

Councillor John Hart declared an Other Disclosable Interest (ODI) in respect of 18/0523/S73, and he would leave the room whilst the application was determined.

Councillor Marcus Hart declared a Disclosable Pecuniary Interest (DPI) in respect of 18/0523/S73, that he owns residential property in Primrose Way and as many of the objections have come from Primrose Way he would leave the room whilst the application was determined.

PL. 45 Minutes

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

PL. 46 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 569 attached).

Councillors M Hart and J Hart left the room at 6:34pm whilst application 18/0523/S73 was considered and re-entered the room at 6:46pm. Councillor Little Chaired the meeting in Councillor J Hart's absence.

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 569 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL. 47 Wyre Forest Local Validation List

The Committee considered a report into the need and benefits of having a Local Validation List for the Wyre Forest District.

Decision: The Local Validation List, as set out in the appendix to the report, be adopted and published on the Council's Website to take effect from 1st January 2019.

PL. 48 Planning and Related Appeals

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

Decision: The details be noted.

There being no further business the meeting ended at 6:50pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20th November 2018 Schedule 569 Development Control

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

Application Reference: 18/0285/OUTL

Site Address: CHURCHFIELDS BUSINESS PARK, UNIT 3B, CHURCHFIELDS KIDDERMINSTER, DY10 2JL

Delegated authority to **APPROVE** subject to the following:

- a) a 'no objection' response from the Highway Authority;
- b) the signing of a **Section 106 Agreement** to secure:
 - i) Affordable Housing Provision;
- c) the following conditions:
 1. A1 (Standard outline)
 2. A2 (Standard outline – Reserved Matters)
 3. A3 (Submission of Reserved Matters)
 4. A5 (Scope of Outline Permission and include updated HIA)
 5. A11 (Approved plans)
 6. No demolition until submission of Phasing Plan
 7. Design Code including parameter plans
 8. Scheme for design details and maintenance plan of public open space
 9. B1 (Samples/details of materials)
 10. B11 (Details of enclosure)
 11. External Lighting Scheme
 12. B13 (Levels details)
 13. Landscaping Large Scale
 14. Landscape Implementation
 15. Tree Protection Plan
 16. Arboricultural Impact Assessment
 17. Submission of Access Details
 18. Cycle parking
 19. Travel Plan
 20. E2 (Foul and Surface Water)
 21. Site surface water drainage strategy
 22. Additional Ecological Surveys if commencement of works do not start before 30 September 2019
 23. Scheme of Ecological Enhancement Measures
 24. Programme of archaeology work
 25. Programme of archaeology work to be completed

26. Scheme of Works to the Locally Listed 1902 Building
27. Restrict the gross internal retail floorspace to no more than 280sq.m
28. Contaminated land
29. Level 4 Building Recording
30. Low Emission Boilers
31. Electric vehicle charging points
32. Construction Environmental Management Plan (CEMP)
33. Revised Noise Assessment to be submitted for layout Details

NOTES

- A SN2 (Section 106 Agreement)
- B Section 278 Agreement
- C Section 38 Agreement Details
- D Drainage Details for Section 38
- E Protection of Visibility Splays
- F Construction Environmental Management Plan (CEMP)
- G SN6 (No Felling – TPO)
- H Demolition in accordance with Worcestershire Regulatory Service Code of Practice
- I Comments from Cadent Gas Limited

Application Reference: 18/0408/FULL

Site Address: THE HOLLIES, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY12 1RL

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. To restrict residential curtilage to the area outlined on the plan
4. Samples of the building materials
5. Removal of Permitted Development Rights for enlargements and outbuildings
6. Landscaping plan to show retention of front boundary hedgerow
7. Details of boundary treatment
8. Method Statement of Works to protect roosting bats
9. Implementation of agreed bat mitigation and enhancement measures
10. Access, Turning and Parking Facilities
11. To require septic tank to be removed

NOTES

- A Severn Trent Water advises that they have an apparatus within the site.
- B The publicly maintained highway adjacent to the existing access should remain free of obstruction at all times.

**Councillors Marcus Hart and John Hart left the room at this point (6:34pm).
Councillor Little Chaired the meeting in Councillor J Hart's absence.**

Application Reference: 18/0523/S73

Site Address: SEVERN VALLEY RAILWAY, SEVERN VALLEY RAILWAY
CARRIAGE SHED, STATION APPROACH, KIDDERMINSTER, DY101QZ

Following discussion and consideration of this application, particularly in relation to expressed concerns by Members regarding disturbance to neighbouring residential properties, Members approved the addition of a condition limiting hours of work.

APPROVED subject to the following conditions:

1. To require doors to be kept closed when activities hereby approved are being undertaken.
2. To require doors to be fitted with new acoustic seals.
3. To require agreed acoustic barrier to be installed to the north western elevation.
4. To prevent maintenance activities being undertaken further than 73 metres from the mid-point of the carriage shed (on the south eastern area of the carriage shed) without the agreed acoustic barrier being installed first to the south elevation.
5. To secure approved plans.
6. To require building to be used for the storage, cleaning, inspection and limited repair, servicing and maintenance works as specified in the submitted details, and to only operate in the specified locations as shown on the submitted Site Layout Plan.
7. Any compressor, generator, motor or other noise emitting plant or machinery situated on the application site and any ventilation or extract system to be suitably attenuated in accordance with a scheme to be submitted and agreed by the local planning authority.
8. To require any facilities for the storage of oils, fuels or chemical to be sited on impervious bases and surrounded by impervious bund walls.
9. No discharge of foul or contaminated drainage from the site.
10. The maintenance and repair activities and jet washing use hereby approved shall only take place between the hours of 08:00-17:00 Monday to Friday only in order to define the permission and safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Paragraph 180 of the National Planning Policy Framework.

Councillors Marcus Hart and John Hart re-entered the room at this point (6:34pm) and Councillor J Hart resumed the Chair.

Application Reference: 18/0529/FULL

Site Address: FORMER SION HILL MIDDLE SCHOOL, SION HILL,
KIDDERMINSTER, DY102XT

Application **DEFERRED** at the request of the Development Control Officer

Application Reference: 18/0595/FULL

Site Address: OAK TREE FARM, POUND GREEN, ARLEY, BEWDLEY, DY12 3LG

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. J1 (Removal of Permitted Development – Residential)
5. J3 (Restriction on separate use)

Application Reference: 18/0613/FULL

Site Address: 34 LOWER LICKHILL ROAD, STOURPORT-ON-SEVERN, DY13 8RH

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. Obscure glazing
5. The development hereby approved shall not be occupied until the access including the boundary walls on the frontage no higher than 600mm and parking facilities for all 3 dwellings shown on Drawing No. 18-3107/05 have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
6. The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.
7. The development hereby permitted shall not be first occupied until sheltered, secure and accessible cycle parking to comply with the Council's adopted Streetscape Design Guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

NOTE

Highway works

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

11/12/2018

PART A Report

Ref.	Address of Site	Recommendation	Page No.
18/0446/FULL	SITE PARCEL P FORMER BRITISH SUGAR SITE LAND OFF STOURPORT ROAD KIDDERMINSTER	DELEGATED APPROVAL	14

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
18/0160/FULL	LAND NORTH OF BALDWIN ROAD STOURPORT-ON-SEVERN	REFUSAL	30
18/0529/FULL	FORMER SION HILL MIDDLE SCHOOL SION HILL KIDDERMINSTER	DELEGATED APPROVAL	44
18/0577/FULL	STOURPORT HIGH SCHOOL & SIXTH FORM CENTRE MINSTER ROAD STOURPORT-ON-SEVERN	APPROVAL	62
18/0649/OUTL	164 & 165 SUTTON PARK ROAD KIDDERMINSTER	APPROVAL	67
18/0654/FULL	BEWDLEY TOWN HALL BEWDLEY MUSEUM 12 LOAD STREET BEWDLEY	APPROVAL	75
18/0655/LIST	BEWDLEY TOWN HALL BEWDLEY MUSEUM 12 LOAD STREET BEWDLEY	APPROVAL	75
18/0675/FULL	LAND ADJOINING LITTLE OAKS COMBERTON ROAD KIDDERMINSTER	APPROVAL	78
18/0683/FULL	140 BEWDLEY HILL KIDDERMINSTER	APPROVAL	82

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
11TH DECEMBER 2018

PART A

Application Reference:	18/0446/FULL	Date Received:	06/07/2018
Ord Sheet:	382755 274885	Expiry Date:	05/10/2018
Case Officer:	Helen Hawkes	Ward:	Foley Park & Hoobrook

Proposal: Residential Development of 58 dwellings and associated development

Site Address: SITE PARCEL P, FORMER BRITISH SUGAR SITE, LAND OFF STOURPORT ROAD, KIDDERMINSTER

Applicant: Bovis Homes Ltd and St Francis Group

Summary of Policy	DS01, DS05, CP01- CP05, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.SK1, SAL.SK2 (SAAPLP) Design Guide SPD Parking Standards (2016) Planning Obligations SPD (2017) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

1.1 The application site comprises 1.14 hectares of previously developed land located to the south of Silverwoods Way and was previously part of a wider site (24 hectares) occupied by the former British Sugar site. The former British Sugar Site is highlighted within the Adopted Core Strategy as part of the vision for the District, with the Development Strategy advising that it is, *"Possibly the most important site to be allocated under this DPD with regard to the regeneration of Kidderminster..."*

18/0446/FULL

- 1.2 Vehicular access to the site would be gained from the roundabout off Silverwoods Way and from the adjoining housing development via Wigse Avenue and Weir Crescent. The site is relatively flat apart from a small earth mound and there are no existing trees. There is currently a post and rail fence to the north and east boundary of the site and a close boarded fence to the south boundary.
- 1.3 Immediately adjoining the site to the south and west is a new housing development (known as Stour Valley Estate) and comprises 92 dwellings including 6 affordable units. This development also includes children's play area. To the east of the site is an area of open space and beyond is the Staffordshire and Worcestershire Canal, a designated Conservation Area and the River Stour. The Wilden Marsh and Meadows Site of Special Scientific Interest (SSSI) lies to the southeast of the site beyond the canal and river.
- 1.4 Full planning permission is sought for the erection of 58 dwellinghouses comprising 9 x 2-bed, 38 x 3-bed, 2 x 4-bed and 2 x 5-bed, with a density of 51 dwellings per hectare. Of this total, 7 would be affordable (5 x 2-bed and 2 x 3-bed) representing 12%.
- 1.5 The dwellinghouses would be mainly sited in perimeter blocks with frontages facing either Silverwoods Way, the open space to the east of the site or the internal roads, and back to back relationships would be formed between dwellinghouses. There are some dwellinghouses that would be sited behind other houses to provide natural surveillance of the rear parking courts and to make effective use of the land. All dwellinghouses would have private outdoor amenity space measuring on average 9 metres in depth and separation distances between rear facing elevations would measure at least 19 metres. The dwellinghouses would have a traditional design with architectural features and materials that would respond well with the local character. Landscaping would be provided in the form of front gardens and on corner plots to help soften the built environment.
- 1.6 Vehicular access would be gained from the existing roundabout on Silverwoods Way and through the adjoining housing estate, mainly along Weir Crescent, Kirby Road and Wigse Avenue. Car parking would be provided either on plots or within shared parking courts and the parking level would comply with the Adopted Parking Standards.
- 1.7 Amended plans have been received during this application to address concerns raised by Officers and consultees in relation to: Design and Layout; Landscaping and Boundary Treatment, Highway Safety and Parking; and Drainage.

18/0446/FULL

2.0 Planning History

2.1 The most relevant applications relating to the redevelopment of the former British Sugar Site are:

Planning Ref.	Details	Number of dwellings	Decision and Date
18/0339/FULL	Erection of an amenity restaurant/drinking establishment (use class A3/A4) with access, car parking, landscaping, servicing and associated work	-	Approved 17.07.18
16/0698/FULL	Provision of a new Electricity Sub-Station and walled enclosure to serve proposed approved Retail Food Store	-	10.01.17
15/0352/FULL	New A1 class food retail store with associated car parking and landscaping	-	8.01.16
15/0015/RESE	Construction of leisure centre with associated parking, service area and external floodlit sports pitches with boundary fencing; reserved matters approval for appearance, layout and landscaping following outline consent ref. 14/0095/OUTL	-	Approved 20.04.15
14/0377/RESE	Redevelopment of Development Block DEVA (v) within Phase 1 of the Former British Sugar Site for 100No. Residential Units of Extra Care (Class C2) and 12No. Residential Units for Adults with Learning Difficulties Extra Care (Class C2); Associated Ancillary Facilities & Accommodation, Parking, Waste Storage & Garden Areas. Reserved Matters Approval for Scale, Appearance, Landscaping & Layout and Internal	(100) (12)	Approved 26.9.14
14/0250/RESE (same as 14/0025/RESE)	Redevelopment of part of Development Blocks DEV B(iii) and DEV C within Phase 1 of the former British Sugar site for 92no. dwellings including 6no. affordable units. Reserved Matters approval for scale, appearance, landscaping, layout and internal access within the Development Blocks following outline approval 12/0146/EIA	92	Approved 3.09.14
14/0095/OUTL	Outline Application for a New Leisure Centre and Associated Works with some Matters Reserved	-	Approved 9.05.14
14/0025/RESE (same as 14/0250/RESE)	Redevelopment of part of Development Block B(iii) and part of Development Block C within phase 1 of the Former British Sugar Site for 75No. Residential dwellings including 9No. affordable units and children's play area. Reserved Matters approved for scale, appearance, landscaping, layout and internal access within the Development Block following Outline approval 12/0146/EIA	75	Approved 14.04.14

18/0446/FULL

13/0418/RESE	Redevelopment of part of Development Block B(iii) within Phase 1 of the Former British Sugar Site for 19 no. residential dwellings and children's play area. Reserved Matters approval for scale, appearance, landscaping and layout and internal access within the development block following outline approval 12/0146/EIA	19	Approved 28.01.14
13/0227/RESE	Redevelopment of development block A(iii) within Phase 1 of the Former British Sugar Site for 29no. Residential dwellings including 9no. Affordable units. Reserved matters approved for scale, appearance, landscaping and layout including internal access within the development block following outline approval 12/0146/EIA	29	Approved 31.07.13
13/0110/RESE	Redevelopment of part of development block A(ii) within phase 1 of Former British Sugar Site for 4no. residential dwellings, Reserved matters approval for scale, appearance, landscaping and layout and internal access with the development block following outline approval 12/0146/EIA	4	Approved 3.07.13
13/0111/RESE	Redevelopment of part of Development Block A(ii) within Phase 1 of the Former British Sugar Site for 30no. residential dwellings including 6no. affordable units. Reserved Matters approval for scale, appearance, landscaping and layout and internal access within the development block following outline approval 12/0146/EIA	30	Approved 3.07.13
12/0146/EIA	Outline application for the redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space	OUTLINE	Approved 7.12.12

18/0446/FULL

3.0 Consultations and Representations

3.1 Kidderminster Town Council – Recommend Approval.

3.2 Highway Authority – (*First Comments*) – Defer comments until further details are provided in relation to forward visibility to the roundabout on Silverwoods Way and levels information. Amendments to the road layout and car parking provision is also required. It is also noted that it would be necessary for the development to provide electric vehicle charging points within garages, sheltered and secure cycle parking and a Welcome Pack detailing sustainable travel options for future occupiers.

(*Second Comments*) – Further to the previous deferral comment, further plans have been submitted which are acceptable in terms of parking provision and internal layout. However a condition is required to ensure and protect the provision of the 50 metre forward visibility splay on the road connecting to the roundabout on Silverwoods Way. Additional conditions are recommended to ensure: access, turning and parking areas are provided; and details on cycle storage, residential welcome pack and a Construction Environmental Management Plan are submitted to and approved in writing by the Local Planning Authority, and for the approved details to be implemented.

3.3 Canal & River Trust – (*First Comments*) - No objection subject to a condition in relation to the provision of a robust barrier to the eastern site boundary. It was also recommended that conditions should be imposed in relation to drainage, contaminated land assessments, lighting and Construction and Environmental Management Plan and Lighting.

(*Second Comments*) – Following amended plans, it does not appear to significantly alter the impact to the character or setting of the canal and therefore no objection is raised subject to conditions previously recommended in their initial response. It was also requested that further clarification should be provided about the proposed eastern boundary prior to determination or for the details to be required by condition.

3.4 Conservation Officer – (*First Comments*) – Defer comments until a Heritage Statement is submitted.

(*Second Comments*) – Following the submission of a Heritage Statement, no objection is raised and it is noted that there would be no harm to the Staffordshire and Worcestershire Canal Conservation Area.

3.5 Worcestershire County Council Archive & Archaeology Service - No objection and advises that the site has very low archaeological potential.

3.6 North Worcestershire Water Management Officer – (*First Comments*) – Defer comments until a Surface Water Drainage Strategy has been submitted.

18/0446/FULL

(Second Comments) – Following discussions with the applicant, it has been agreed that a condition should be recommended to require a site surface water drainage strategy for the proposed development, which should include how discharge from the site will be limited to the values included in the overall drainage strategy for the Silverwoods development (12/0146/EIA) up to the 1 in 100 year plus 30% climate change allowance event.

- 3.7 Severn Trent Water – No objection subject to the inclusion of a suitable drainage condition and it is advised that there are public sewers located within the site.
- 3.8 Countryside Manager – No objection subject to conditions to require details of external lighting adjacent to the eastern boundary and amendments to be made to the landscaping scheme to require native planting and to the boundary treatment to prevent vehicles driving onto the adjoining open space. It is also recommended that a construction and environmental management plan is required by condition to prevent construction traffic using the adjacent open space for access and to ensure good working practices during the construction phase to ensure all trenches are kept covered and means of escape are provided.
- 3.9 Planning Policy – No objection.
- 3.10 Arboricultural Officer – No objection and it is suggested that amendments are made to the landscaping scheme to incorporate additional tree planting and a good mix of native species.
- 3.11 Worcestershire County Council's Education Officer - No education contribution will be sought for this development.
- 3.12 NHS – The Worcestershire Acute Hospitals NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare and their annual agreed contract only includes predicted population growth and not ad-hoc housing developments and therefore there would be a short term funding gap. The proposed development will therefore have a direct affect upon the ability of the NHS to provide the health service required to those who live in the development and the community at large. Without a financial contribution to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable.

18/0446/FULL

It is therefore requested that a financial contribution of £113,769.00 is required to support the health services needed by the occupiers of the new development, and without the contribution, the development is not sustainable and should be refused.

(Officer Comments – The application site is an allocated site for housing and therefore does not represent an ad-hoc housing development. A robust viability assessment has been submitted by the applicant and independently reviewed.

3.13 Neighbour/Site Notice - 1 letter of comment and 5 letters of objection have been received from nearby occupiers, raising the following concerns:

- Residents of Wigse Avenue and Kirby Road will be subject to dangerous living conditions due to: increased traffic flow; heavy plant vehicles in the 2-3 year construction period; dangerous to pedestrians; and increased carbon emissions
- Lack of visitor parking
- Disruption to residents during construction phase.
- Increase traffic flows
- A through road from the roundabout is not proportionate to the size of the estate and would increase the risk of an accident
- Breach personal safety of residents
- Impact privacy
- Devalue properties and make existing properties difficult to sell.
- Existing residents of Stour Valley Estate wouldn't have brought their houses if they knew this development was going to happen
- Increase noise and pollution
- Plans are inaccurate due to incorrect road names
- No common sense to have the majority of houses accessed through Wigse Avenue and this is an indication that the site would be over developed
- Existing roads have not been built in accordance with the approved plans as they are not wide enough to hold 2 vehicles coming through the estate. Phase 1 is a typical example of poor planning, site management and build finalisation as the existing road layout creates a 'rat run' around the estate and the traffic calming measures cause near misses
- The current Stour Valley development is not completed and parking is already a problem for residents, and this development will exacerbate the problem
- The development needs an overflow parking area for visitors and deliveries
- Not in keeping with the existing housing estate as the development comprises mainly 2 and 3 bed dwellings compared to existing properties, which are all 4 bed dwellings
- Where will the site office and show homes be based as this could have a massive impact on existing residents

18/0446/FULL

All nearby occupiers were re-consulted for 14 days on the amended plans, in which 2 letters of further comments have been received from nearby occupiers, stating the following:

- Revised layout is more acceptable with a mixture of different house sizes spread across the estate
- Not happy about the proposed large tree in the front garden of plot 163 (*Officer's comment - this tree has now been omitted*)
- The road layout is still unacceptable, as the development will still be accessed from Wigse Avenue and it cannot be acceptable to have over 30+ houses having to exit out of the estate through Wigse Avenue in the event of a fire or emergency
- Concern that changes will be made to existing boundary fences (*Officer's comment – a condition is recommended to agree boundary treatment details*)

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be acceptable in principle and whether there are any detrimental impact on local character, residential amenity, biodiversity, drainage and highway safety.

BACKGROUND INFORMATION

- 4.2 The application site comprises 1.14 hectares of vacant land that lies adjacent to Silverwoods Way (the new Hoo Brook Link Road) and forms part of the 24 hectare former British Sugar site. It is highlighted within the Adopted Core Strategy that the former British Sugar site is "*possibly the most important site to be allocated under this DPD with regard to the regeneration of Kidderminster*".
- 4.3 In 2012, the former British Sugar site was subject of a permission (12/146/EIA) for a mixed-use development including outline planning permission for a maximum of 250 dwellings along with 4 hectares of employment development, retail development, a restaurant/ café/ drinking establishment, hot food takeaway, care home, extra care facility, crèche, a new railway halt, and open space. All matters including layout and design were reserved for subsequent approval with the exception of the means of access into the site from Stourport Road. The Outline Consent lapsed in December 2015 and no further applications for reserved matters can be submitted under this consent.
- 4.4 A total of 249 dwellinghouses (C3) have been approved and are now occupied on the former British Sugar site (excluding the extra care unit (Berrington Court) and the 12No. residential units for Adults with Learning Difficulties Extra Care).

18/0446/FULL

PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

- 4.5 Paragraphs 7 and 8 of the National Planning Policy Framework (Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 4.6 Paragraph 11 of the Framework explains that decisions on planning applications should apply a presumption in favour of sustainable development, which means that when there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council's adopted housing numbers are based on superseded figures and, therefore, its policies for the supply of housing are now considered to be out of date in accordance with the Framework and paragraph 11 is now fully engaged in the decision of this application.
- 4.7 Paragraph 12 of the Framework also makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 4.8 Policy DS01 of the Core Strategy and Policy SAL.DPL1 of the Site Allocations and Policies Local Plan seek to concentrate new housing development on previously developed land within Kidderminster and Stourport-on-Severn first before applying a sequential test when considering other sites within urban and other settlement areas of the District. Although these policies are considered to be out of date, they are consistent with the National Planning Policy Framework, which seeks to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.9 The application site is located on previously developed land within the urban area of Kidderminster and has been identified within the Council's Five Year Housing Land Supply Report, September 2017, as site '*FPH/10 – deliverable HELAA site included in 5 year housing land supply*'; and being able to accommodate 70 units. Although the proposed development would deliver slightly less residential units than the HELAA envisaged, I am of the view that the proposed density of 51 dwellings per hectare is acceptable and would reflect the character of this location and allow for the provision of a wider mix of house types, including larger family units, to meet the needs of different groups in the community.
- 4.10 The principle of residential development on this site is therefore considered to be acceptable and in accordance with national and local planning policy, subject to the consideration of the following site specific issues.

18/0446/FULL

DESIGN AND LAYOUT

- 4.11 The National Planning Policy Framework attaches great importance to the design of the built environment as a key part of sustainable development. Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan accord with the Framework in requiring development to have the highest design quality and to have regard to the local character and distinctiveness of a place.
- 4.12 The proposed development would provide a strong and legible built frontage to Silverwoods Way and the proposed houses adjacent to the roundabout junction and to the west of this junction would be sited close to the back of the footpath with a tighter built arrangement than the remaining site to reflect the existing housing development adjoining the site to the west and alleviate noise disturbance to their rear gardens. The proposed houses to the east of the roundabout junction would be sited further back from Silverwoods Way, behind a private road, and would appear more spacious within their plots due to the parking layout creating gaps between the properties. This approach to the site layout helps to create different character styles within this relatively large development site, and also responds well with the adjacent open space and canal environment.
- 4.13 Amended plans have been received which have responded to Officers concerns in terms of building siting, design style and house type to ensure the proposed houses appear as an integrated part of the existing housing development to the south and west of the site. Effort has also been made to ensure no garages are forward of the front building line of those houses adjacent to the open space to ensure an open aspect and high quality public realm is provided to the canal frontage. Amendments have been achieved to ensure the proposed houses on corner plots address the turning heads in the road and three additional houses are sited along the eastern boundary of the site, in order to take advantage of the adjoining open space, which would provide a high quality outlook for future occupiers.
- 4.14 The development has been designed to accommodate the required parking standards, and whilst some parking spaces would be located in rear parking courts, these areas would be well overlooked by houses ensuring surveillance and soft landscaping is proposed in key areas to balance the visual impact of parked cars and to soften the outlook for houses.
- 4.15 The proposed dwellinghouses would have a traditional design style and would be constructed in either Ibstock Mercia Weathered Orange brick or Ibstock Mercia Antique brick with slate grey or Tuscan sand coloured roof tiles, which matches closely with the building materials used in the adjoining housing development. Whilst details of bricks, roof tiles and a site layout showing the mix of materials to be used across the site have been provided, I still consider it necessary to recommend a condition to secure the details for windows, doors and window header/cill features in order to ensure a satisfactory development of the site.

18/0446/FULL

- 4.16 The proposed development will be set back from the canal embankment and the existing landscaping would largely screen the development from the canal. The impact therefore to the character and setting of the canal is considered marginal and the Canal & River Trust have raised no objection on this basis, subject to a condition to ensure the 1.2 metre high timber post and rail fence to the east boundary is installed prior to the first occupation of any dwellinghouse in order to ensure no vehicles enter the waterway corridor. I concur with this view and have recommended a condition accordingly. I also consider that the proposed 0.9 metre high black metal estate fencing to parts of Silverwoods Way frontage and within the development site would be appropriate boundary treatment and would be in keeping with the boundary treatment that has been used across the wider site.
- 4.17 Overall, the proposed development would provide a good mix of house types and sizes to create a sustainable neighbourhood. The development would provide a strong built development to Silverwoods Way frontage and has been sympathetically designed to integrate well with the existing housing development and the adjoining open space/canal. I therefore consider that the development would accord with Policies CP11 and CP12 of the Core Strategy, Policies SAL.UP7 and UP9 of the Site Allocations and Policies Local Plan, the Design Guide SPD and Section 12 of the National Planning Policy Framework, which all seek to achieve well designed places.

RESIDENTIAL AMENITY

- 4.18 Paragraph 127 of the National Planning Policy Framework advises that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.19 As part of the revised plans, the plots have been rearranged to ensure the relationship between the rear windows of houses is sufficient to achieve privacy and some of the houses have been slightly angled away from each other to ensure they are not directly face to face. It is noted that there are some houses that would directly face houses across the access roads (for example between plots 145 and 153, plots 154-156 and 175-177 and between 166 and 172) at a distance of about 11 to 13 metres. This would clearly result in some overlooking, however, it is generally expected that privacy to windows facing onto a public street is normally reduced in any event, and as such I do not consider that this is a reason to justify a refusal. The proposed houses would have an acceptable internal size and layout and would provide adequate gardens that would be useable and private.

18/0446/FULL

- 4.20 In regards to the impact on existing residents, the proposed houses have been carefully sited to ensure no overlooking of existing gardens or properties. A good separation distance of at least 10 metres would be provided between the rear elevation of the house on Plot 146 and the existing rear garden belonging to 7 Kirby Drive and between the rear elevations of the houses on Plots 126-129 and the rear garden belonging to 31 Weir Crescent. The development would also accord with the 45 Degree Code in relation to the nearest habitable room windows of neighbouring properties and would therefore cause no loss of light.
- 4.21 I therefore consider that the impact of the proposed development on the living conditions of existing residents within the adjoining housing development (Stour Valley Estate) and on future occupiers would be acceptable.

BIODIVERSITY

- 4.22 The site is largely bare ground with scattered tall vegetation and a number of small earth mounds. There are no hedgerows, trees or other nesting habitats on the site. However, the site is situated in close proximity to the Staffordshire and Worcestershire canal and there are two waterbodies located approximately 340 metres and 430 metres southeast of the site, within the Wilden Marshes and Meadows Site of Specific Scientific Interest (SSSI).
- 4.23 A Preliminary Ecological Appraisal has been submitted in support of the application which concludes that the site has a very limited ecological value, with only small areas that could potentially support protected/notable fauna species, such as reptiles within the rubble piles and great crested newts within the small areas containing tall vegetation. It is also noted within the survey report that the site could potentially be used for foraging by badgers and that lighting could potentially have an adverse impact on bat activity within the area. Although no further surveys are recommended, it is identified that a variety of good practice mitigation measures are required to negate against potential ecological impacts and enhancement measures are also recommended, such as native planting to be incorporated into the landscaping scheme and for bat and bird nesting boxes to be provided, to enhance the biodiversity value of the site.
- 4.24 The Countryside Manager has raised no objection subject to a condition to secure these recommended mitigation and enhancement measures. I concur with this view and subject to the imposition of this condition, I consider that the development would accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework (paragraph 170), which both seek to minimise impacts and to provide net gains for biodiversity.

18/0446/FULL

HIGHWAY SAFETY AND PARKING

- 4.25 The site lies to the south of Silverwoods Way which serves as the Hoobrook Link Road connecting Worcester Road (A442/A449) with Stourport Road (A451). The primary means of access to the site is proposed to be via an access road from the southern side of the roundabout junction on Silverwoods Way. The main access will then continue into Kirby Road to Wigse Avenue to form a loop road serving the majority of the new houses within the proposed development. Plots 125-128 would have vehicular access off Weir Crescent. Additional pedestrian and cycle access would be provided at two points onto Silverwoods Way.
- 4.26 The main concerns to this application have been raised about highway safety and how the existing housing development adjoining the site has narrow roads and is already congested with traffic and on-street parking and that this development would only exacerbate the existing situation, and increase the risk of a road accident.
- 4.27 I note that the proposed development would provide a through road from the roundabout junction which is currently closed up and prevents access into the adjoining housing estate. However, the Highways Authority have agreed with the submitted Transport Statement which has suggested that the development proposed would only result in an additional car every two minutes at the roundabout junction access to Silverwoods Way and that the level of traffic generated by the proposed development would not be substantial and would not have a significant adverse impact on the highway network.
- 4.28 The Highway Authority have also advised that the parking provision and the internal road layout of the development is acceptable and that conditions can be recommended to ensure protection of the 50 metre forward visibility splay on the road connecting to the roundabout on Silverwoods Way. I therefore consider that the proposed development would be acceptable in terms of highway safety. Paragraph 109 of the National Planning Policy Framework also makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

VIABILITY AND PLANNING OBLIGATIONS

- 4.29 The application is supported by a viability appraisal that has been independently reviewed by the Council's Consultants, Cushman & Wakeman (C&W). C&W consider that the adopted land value used in the appraisal is in line with the land transaction and reflects the nature of the development. It also takes into account the long-term agreement to make a payment of £452,971 to the County Council, as a contribution to the costs of Hoo Brook Bridge, which was a key element of enabling infrastructure for the former British Sugar site.

18/0446/FULL

- 4.30 The proposed development would provide 7 affordable housing units. This represents 12% of the dwellings proposed and would be below the 30% required by Policy CP04 of the Adopted Core Strategy. As part of the negotiations it has also been agreed that the development can provide a contribution of £56,651.40 towards the provision and maintenance of off-site public open space at Burlish Nature Reserve and the former Burlish Golf Course.. Given the independent review of the submitted viability appraisal, I consider that the proposed affordable housing provision and the financial towards off-site public open space meets the policy requirements as set out in Policy CP04 and the Adopted Planning Obligations SPD, which requires decision maker to take into consideration the viability of the scheme.
- 4.31 I acknowledge the comments from the NHS and their request for a planning obligation to support a short term funding gap for providing health services as a direct impact of the proposed development, however, it is questioned whether this planning obligation is directly related to this development and if it would meet the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Furthermore, the requested planning obligation would not wholly provide for infrastructure, and to the extent it does, it is considered that the priority should be given for affordable housing to meet an identified local need and for off-site public open space, which both provide long term benefits to the district rather than filling a short term funding gap in NHS finances. It is my opinion, that the planning balance supports the available monies being used for affordable housing and off-site public open space.

5.0 Conclusions and Recommendations

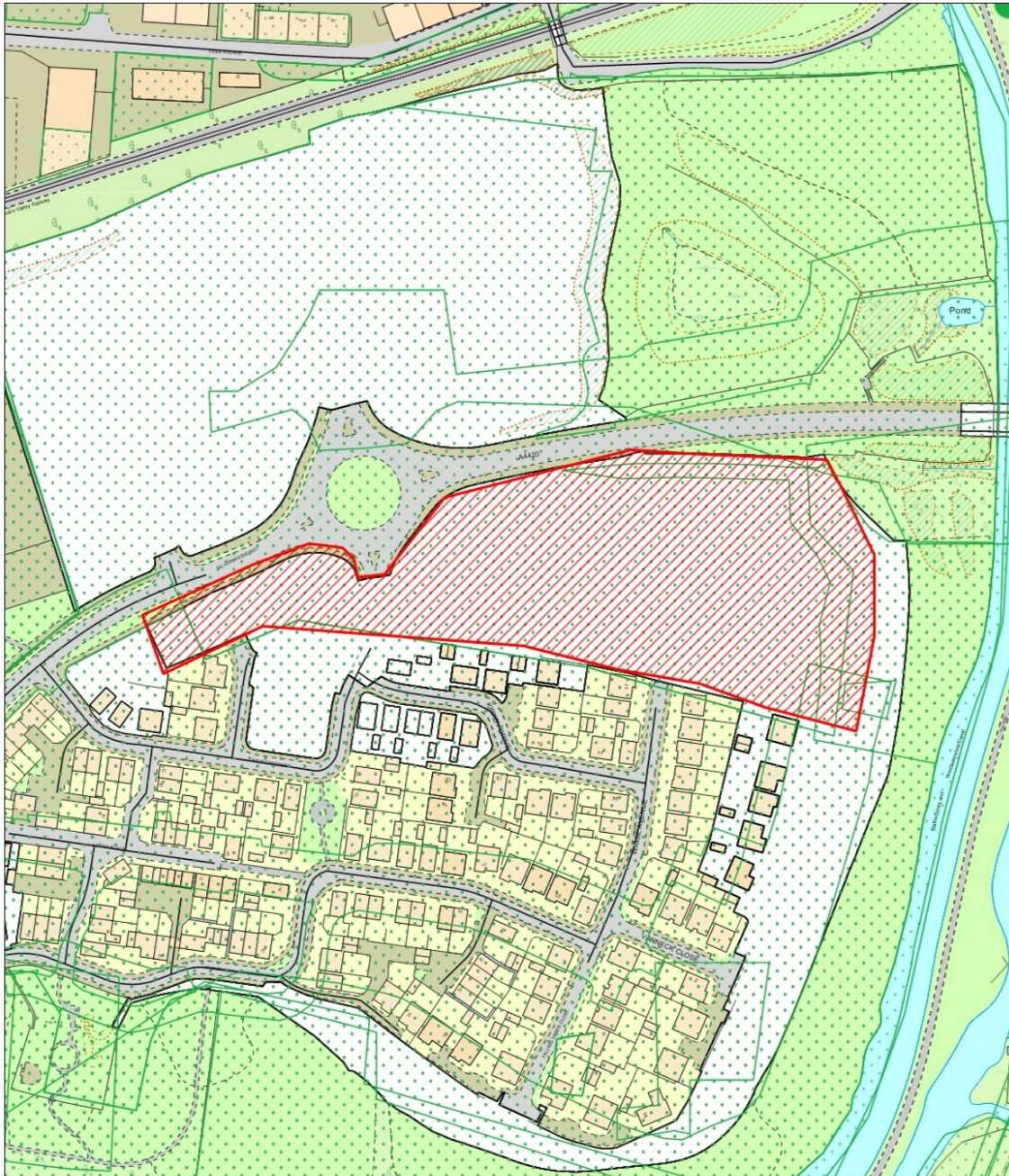
- 5.1 The proposed development would deliver a choice of 58 homes through the effective reuse of this brownfield site that has been identified as being suitable for housing in the Housing and Employment Land Availability Assessment and within the site specific policy SAL.SK2 for the redevelopment of the former British Sugar site. The proposed scheme would integrate well with the adjoining housing development and would not result in an adverse impact on the local highway network, the amenity of existing and future residents or upon biodiversity.
- 5.2 I note that the key principle in the National Planning Policy Framework is the presumption in favour of sustainable development and this is identified as having three overarching objectives of economic, social and environmental. As the proposed development would provide new houses which, would in turn, provide economic and social benefits to existing and future residents, as well as job creation during construction and contribute to protecting and enhancing our natural and built environment, it is considered that the proposals would represent sustainable development.

18/0446/FULL

- 5.3 No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the development.
- 5.4 It is therefore recommended that this application be granted **delegated** authority to **APPROVE** subject to the following:
- a) the signing of a **Section 106 Agreement**; and
 - b) the following conditions:
 - 1 Full time limit
 - 2 To secure approved plans
 - 3 To secure brick and roof tile materials
 - 4 To require details of windows and doors
 - 5 To require details of hard surfacing materials
 - 6 To require details of site and finished floor levels
 - 7 To secure boundary treatment details
 - 8 Except for the details agreed under Condition 6, no other fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway (including a shared surface or footpath)
 - 9 To require details of external lighting
 - 10 To secure landscaping scheme
 - 11 To secure landscape management and maintenance plan
 - 12 To require details of a 50 metre forward visibility splay on the road connecting to the roundabout on Silverwoods Way
 - 13 Access, turning and parking facilities to be provided.
 - 14 To require details of cycle storage
 - 15 To require details of 'Residential Welcome Pack' to promote sustainable forms of access
 - 16 Construction Environmental Management Plan for highway safety during the construction phase
 - 17 Construction and Environmental Management Plan for the protection of waterways and nature conservation
 - 18 To require details of a surface water drainage scheme
 - 19 To require details of foul and surface water drainage
 - 20 To secure recommended ecological mitigation and enhancement measures
 - 21 To secure the glazing specification details for all dwellinghouses

Notes

- A Severn Trent Water advises that there are public sewers located within this site.
- B The applicant/developer is advised to contact the Canal & River Trust's works engineering team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".



Economic Prosperity and Place Directorate

Site Parcel P, Former British Sugar Site

Land off Stourport Road

Kidderminster



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Scale 1:2000

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
11TH DECEMBER 2018

PART B

Application Reference: 18/0160/FULL **Date Received:** 04/07/2018
Ord Sheet: 381654 271647 **Expiry Date:** 03/10/2018
Case Officer: Helen Hawkes **Ward:** Mitton

Proposal: Erection of 19 dwelling houses together with new access off Baldwin Road and car parking, following demolition of existing buildings

Site Address: LAND NORTH OF BALDWIN ROAD, STOURPORT-ON-SEVERN, DY139AU

Applicant: Biran Homes

Summary of Policy	DS01, DS05, CP01- CP05, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.EA5 (SAAPLP) Design Guide SPD Parking Standards (2016) Planning Obligations SPD (2017) National Planning Policy Framework Planning Practice Guidance Circular 06/2005 The Conservation of Habitats and Species Regulations 2017 Streetscape Design Guide (2018)
Reason for Referral to Committee	'Major' planning application
Recommendation	REFUSAL

1.0 Site Location and Description

1.1 The application site lies to the north of Baldwin Road, Stourport-on-Severn and the majority of the site comprises inaccessible open space that has been recently cleared of all vegetation and trees and is bounded to the northwest by a steep wooded embankment that rises up from the site to the Staffordshire and Worcestershire Canal. The remaining part of the site relates to brownfield, which would provide the internal access road into the site from Baldwin Road through the adjoining housing development that has been granted planning permission for 9 dwellinghouses (and is subject to a Minor Material Amendment application (Section 73) to reconfigure house types in Plots 1, 2 and 9 and omit 2 houses in the approved application 15/0429/FULL, in order to create a wider internal access road to serve the proposed development in this application.

18/0160/FULL

- 1.2 The surrounding area is characterised by a mix of residential and industrial uses. To the west of the site are two cottages at 7 and 9 Baldwin Road and a tyre workshop and to the south, on the opposite side of Baldwin Road, are industrial premises within Riverside Business Centre. To the southeast and east of the site is an area of derelict land, which has been cleared of all buildings and there are extant planning permissions to redevelop this brownfield land for 11 dwellings in total under applications 15/0716/FULL and 16/0603/FULL. Beyond this land, is housing development on Baldwin Road and within Baldwin Gardens and to the northeast, are the rear gardens belonging to two cottages and the Bird In Hand Public House, which are accessed off Holly Road. To the north, is the canal and River Stour and to the west, beyond an area of open space and vacant brownfield land (which has extant planning permission for 36 dwellings under application WC/0481/05) is a row of terrace houses that face onto the Gilgal and form part of the Gilgal Conservation Area.
- 1.3 The proposed development is for the erection of 18 dwellinghouses, together with a new access road and associated works. The development would provide a mix of dwellings across the site, comprising of 2, 3 and 4 bedroomed houses. A total of 5 dwellinghouses would be affordable (comprising 3 social rent units and 2 as intermediate units), which represents 27% in total with a 70/30 tenure split. The applicant has also agreed to provide a contribution of £19,174.32 towards the provision and maintainance of off-site public open space (in line with the Adopted Planning Obligations SPD) and a contribution of £36,237.00 towards health services (as requested by the NHS) although no specific 'project' has been demonstrated and further evidence would be need to progress this matter.
- 1.4 The site layout would comprise a terrace of 5 dwellinghouses, ranging in scale from two-storey to three storey, on both sides of a landscaped area at the head of the new cul-de-sac. A further terrace of 3 dwellinghouses would be sited to the west of the access road, with frontage parking and rear gardens backing onto the retained open space. To the east of the access road, there would be five dwellinghouses, comprising a mix of detached and semi-detached houses that would all front onto a parking courtyard.
- 1.5 A revised site plan has been submitted with 'Pedestrian Prioritised Street' indicated on the plan, which shows a road measuring 4.8 metres in width to allow two way traffic and a 2 metre wide footpath provided to one side of the road. A total of 39 car parking spaces would be provided, which equates to 200% parking provision.

2.0 Planning History

- 2.1 18/0447/S73 - Minor material amendment to planning approval 15/0429/FULL for alterations to access road, substitution of house types and omission of 2 dwellings : Awaiting decision.

18/0160/FULL

- 2.2 16/0603/FULL - Demolition of existing garage/workshop premises and erection of 4no. New residential dwellings with associated access and other works : Approved 14.07.17
- 2.3 15/0716/FULL - Demolition of existing office/workshop building and erection of 7no. New residential dwellings with associated access and other works : Approved 04.10.16
- 2.4 15/0429/FULL - Construction of 9 residential dwellings with associated access and other works : Approved 10.05.16
- 2.5 WF/0481/05 – Development of thirty-six dwellings with new vehicular access, parking and associated landscaping (resubmission of WF.203/04) : Approved 4.05.05

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval.
- 3.2 Highway Authority – Recommends that this application be refused.

Whilst the applicant has submitted a revised plan (Drawing No. 0218/P/15) with 'Pedestrian Prioritised Street' indicated, the applicant has failed to demonstrate a consistent design and the estate road as proposed does not conform to the criteria of the Pedestrian Prioritised Street as detailed in the adopted Streetscape Design Guide.

A 2m wide service margin / footway has been shown around the turning head but there is no such provision on the proposed estate road on the left hand side (plan view). Moreover there is no scope to make this provision as it would be outside the red line and therefore it cannot be achieved via condition. The footway not only provides for pedestrians, but also caters for statutory undertakers plant and the implications of the absence will restrict the ability to service the site. Furthermore, future residents particularly of Plots 1 – 5 and 16 – 18 will be required to cross the carriageway and the location of the proposed crossing point does not accord with the desire line.

The lack of appropriate footway provision means that the needs of the pedestrians are not being met which is contrary to the Road Users Hierarchy in the Streetscape Design Guide which states that pedestrians should be considered first.

Moreover, the lack of safe and suitable access for all is contrary to Paragraph 108 of the NPPF and the failure to prioritise pedestrian movements in contrary to Paragraph 110 of the NPPF.

18/0160/FULL

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would be a severe impact and therefore recommends that this application is refused.

- 3.3 Environment Agency – No objection and it is advised that all of the dwellinghouses would be located within Flood Zone 1, which has the lowest risk of flooding. They also do not pre-empt the development to be at risk of fluvial flooding as a result of climate change. It is also advised that they do not comment on the safety of the access in the event of a flood or object on this basis. It is recommended that the local planning authority consults their Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG). They also note that the access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.
- 3.4 Council's Emergency Officer – Raise no objection to the application.
- 3.5 Canal & River Trust – No objection subject to conditions in relation to boundary treatment and landscaping; Construction methodology; removal of permitted development rights; drainage details; Construction Environmental Management Plan; and lighting details. Informatives should also be attached to make the applicant aware that they necessary consents maybe need in order to comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" and to make the applicant aware that there are restrictive covenants in place on the land.
- 3.6 Countryside Manager – Objects to the application as further surveys are required in relation to badgers present in order to ascertain whether the development would result in significant harm to this protected species and whether an alternative scheme is needed or whether appropriate mitigation measures can be provided. It is also considered that due to the site clearance works a lot of wildlife habitat has been destroyed or displaced, which will require a strong element of mitigation for the loss of habitat.
- 3.7 Natural England – No objection in terms of the impact of the proposal on statutorily protected sites or landscapes. However they advise that they have not assessed this application in terms of the impact on protected species and that the local planning authority should apply Natural England's Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- 3.8 Arboricultural Officer – No objection and it appears that the current site layout can provide sufficient space for tree planting.

18/0160/FULL

- 3.9 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to a condition to ensure risks from contamination are adequately investigated and mitigated where necessary.
- 3.10 North Worcestershire Water Management – Objects to the application on the grounds that no safe 'dry' access route is provided. It is considered that the only route in/out the site is at risk of flooding, which means that in a flood event the development would become a so called 'dry island'. It is requested that a safe access/egress route should be provided to allow occupants of the site to safely exit and enter the buildings via a 'dry' route above 1 in 100 year flood level to reach land outside the flooded area (e.g. Flood Zone 1) using public rights of way without the intervention of the emergency services or others.
- In terms of drainage, the surface water strategy sets out two options for the site. I have strong preference for option 1 providing the ground conditions are suitable as this proposes the use of infiltration (which reduces the amount of runoff leaving the site) and provides sufficient water quality treatment. I believe that a detailed drainage design can be conditioned.
- 3.11 West Mercia Police Designing Out Crime Officer – No objection subject to a condition to secure appropriate boundary treatment details.
- 3.12 NHS – No objection and request that a financial contribution of £36,237.00 is provided towards additional services to meet patient demand and the short term funding gap for health services as a result of this ad-hoc housing development.
(Officer Comment – The contribution needs clarified in respect of the amount and the exact project to ensure CIL Regulations are met)
- 3.13 Worcestershire County Council's Archive & Archaeology Service – No objection subject to conditions to require an appropriate programme of archaeological work including a Written Scheme of Investigation is submitted to and agreed by the local planning authority and implemented.
- 3.14 Conservation Officer – No objection.
- 3.15 Severn Trent Water – No objection subject to a condition to require drainage details.

18/0160/FULL

3.16 Neighbour/Site Notice – 7 letters of objection have been received from nearby occupiers stating the following concerns:

- Impact on privacy
- Over dominant properties in Baldwin Gardens
- Presence of Japanese Knotweed and spread of this invasive plant species
- Loss of trees and wildlife
- Noise and Dust during construction work
- Additional traffic in the area
- Impact on pedestrian safety
- Noise from additional cars and people
- Conservation area would be reduced significantly
- Loss of a quiet, peaceful and secluded environment
- Impact on neighbouring business as the new access road would be directly opposite where multiple vehicles await to load and unload goods

4.0 Officer Comments

4.1 The main considerations are whether the proposed development would be acceptable in principle taking into account the impact on badgers, the local character and appearance of the area and on highway safety.

BACKGROUND INFORMATION

4.2 The site forms part of a wider regeneration site measuring 2.03 in hectares, which also comprises the petrol filling station and workshop at the junction of Baldwin Road and Worcester Road; the former coach depot adjacent to 1 Baldwin Road, which is subject to an extant planning permission for 36 dwellinghouses under application WF/0481/05; and the land east of 7-9 Baldwin Road, which has been cleared and is subject to extant planning permissions for 20 dwellinghouses in total, approved by applications 15/0429/FULL, 15/0716/FULL and 16/0603/FULL.

4.3 This wider site is identified as 'Baldwin Road' within the site specific policy SAL.EA5 of the Adopted Site Allocations and Policies Local Plan and is allocated for predominantly residential with small-scale commercial uses. In total, 56 dwellinghouses have been approved under various consents, and whilst the necessary conditions have been discharged and demolition has occurred, no dwellinghouses have been constructed and the land remains derelict. Under this policy, it was indicated that the wider site could provide in total 50 dwellinghouses over the period of 2016-2021, and therefore the total provision of dwellings as approved under the various consents have already exceeded the threshold of this policy in terms of housing numbers.

18/0160/FULL

- 4.4 Notwithstanding this policy, this wider site is also referred to as ‘Land at Baldwin Road, Stourport-on-Severn’ within the Housing and Economic Land Availability Assessment Report (HELAA) 2016, where it estimates that the site could deliver 84 dwellinghouses (at a density of 63 dwellings per hectare) within 5 years. However, it notes that this would require land assembly as there are still several owners involved.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.5 The National Planning Policy Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.6 The National Planning Policy Framework explains in paragraph 11 that decisions on planning applications should apply a presumption in favour of sustainable development, which means that when there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.7 The Council’s adopted housing numbers are based on superseded figures and, therefore, its policies for the supply of housing are now considered to be out of date in accordance with the Framework. The application is to be considered under this policy context.
- 4.8 Paragraph 12 of the National Planning Policy Framework advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Policy DS01 of the Core Strategy and Policy SAL.DPL1 of the Site Allocations and Policies Local Plan seek to concentrate new housing development on previously developed land within Kidderminster and Stourport-on-Severn first before applying a sequential test when considering other sites within urban and other settlement areas of the District. Although these policies are considered to be out of date, they are consistent with the Framework, which seeks to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.9 Whilst I note that the majority of the site is Greenfield and that up until recently was densely covered in trees and vegetation, it is a site that has been allocated for housing and therefore I consider that the principle of residential development is acceptable subject to whether the proposed development of the whole site would represent sustainable development.

18/0160/FULL

IMPACT ON BADGERS

- 4.10 Badgers and their setts (tunnels and chambers where they live) are protected by the Protection of Badgers Act (1992), which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. The legislation advises that a licence can be obtained from Natural England if you can't avoid disturbing badgers in their sett or damaging their sett for the purposes of development where there is suitable justification.
- 4.11 Natural England provides a standing advice for local planning authorities to help assess planning applications that affect badgers. The National Planning Policy Framework in paragraph 175 states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 4.12 Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan also advises that *'Development which would have an adverse significant impact on the population or conservation status of protected species or priority species or habitat, as identified within a Biodiversity Action Plan, will be refused permission unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations'*.
- 4.13 The application site comprises land for the new access road and a wider rectangular block of land, which comprised extremely dense scrub and secondary woodland vegetation up until summer of this year when nearly all trees were felled and the site was cleared of all vegetation. The application site is adjoined to the north by the Staffordshire and Worcestershire Canal and to the west by a large overgrown area of open space. Badger Surveys were carried out in November 2007, March 2008 and May 2008 as part of application WF/0485/05 where it was found that there was a main breeding sett and an annex sett within the adjoining open space. A badger licence was subsequently sought in 2008 to permit construction activities within 30 metres of the setts, however, the development work covered by the badger licence application did not proceed and the brownfield land to the west of the open space remains vacant.
- 4.14 The local planning authority was made aware by local residents about the site clearance works that occurred over the summer months and involved tree felling, timber extraction. It is the view of the Council's Countryside Manager that these activities may have caused significant harm to badgers. It is also not clear whether the necessary licence was obtained from Natural England to carry out these works in close proximity of the badger setts.

18/0160/FULL

- 4.15 This planning application was accompanied by a Badger Survey and Assessment report (dated July 2017 by Wilkinson Associates). This found that there were two setts within the adjoining open space to the west of the site and that the entrances they observed were well used by badgers, with strongly marked paths between the two setts. The applicant's ecologist advised that it was not possible at the time of their survey to fully consider the badger setts because of the dense scrub and that some clearance of scrub and undergrowth would be required, which should be carried out very selectively, by hand, under the supervision of a suitably qualified ecologist to avoid any disturbance to badgers. The ecologist went on to note that once the sett entrances have been accurately plotted it will be possible to carry out a more comprehensive assessment of the impacts of the development on the badger setts and enable an appropriate mitigation scheme to be designed.
- 4.16 During the course of this application, it has been requested by the Council's Countryside Manager that a further badger survey is required in order to allow the local planning authority the ability to assess the impacts of the proposed development on the protected species and to have an accurate plan showing the badger setts and whether an alternative scheme or mitigation is needed in order to avoid any significant harm. I consider that this is a reasonable request given that the site has been cleared of all vegetation. It is also advised by Natural England and within the Planning Practice Guidance that an ecological survey will be necessary for development projects that could affect protected species, as part of getting planning permission or a development licence. Natural England further note that surveys of badgers will be required when there are signs of setts or badgers in the development site or nearby; or when there are historical or distribution records show that badgers are active in the area or there is suitable habitat for sett building.
- 4.17 In response of this request the applicant advised that '*further survey work and mitigation strategy can be adequately addressed by a planning condition*' and that '*even with an approval no work can proceed without the appropriate licence which will condition the methodology and mitigation acceptable to Natural England and would by definition establish the need or otherwise for 'implantable avoidance, mitigation and enhancement'*'.
- 4.18 Badgers are a protected species and I do not consider that it would be appropriate to recommend approval of this application without knowing the potential impact of the proposed development on badgers.
- 4.19 The applicant has recently submitted a Badger Mitigation, Compensation and Enhancement Plan (dated November 2018, by Star Ecology), which contains a strategy to be followed if planning permission is approved, which includes the need to undertake a badger survey once the proposed construction timetable has been formulated and then outlines a number of 'what if' scenarios if a badger is found to be present during the construction works. It also provides general mitigation and enhancement measures which could be implemented.

18/0160/FULL

- 4.20 In addition, a Wildlife Management Plan (dated November 2018, by Star Ecology) has been submitted which includes a number of ecological mitigation and enhancement measures. Whilst these are all to be supported, it is still not clear whether they are suitable measures to adequately mitigate the harm to the protected species and no landscaping plan has been submitted to show that the mitigation scheme can be fully implemented given the limited opportunities for additional tree planting within the site.
- 4.21 The proposed houses on Plots 16, 17 and 18 would be within 10 metres of the main badger setts and I believe that there is a high probability that the development of these houses would result in a significant impact on badgers that are present and active within this sett. Natural England's interim guidance document states that *'Badger tunnels can extend to 20 metres from the entrance holes and are located between 0.2 and several metres deep, depending on the soil and topography. Excavation work and heavy machinery should be kept well away from where it could result in damage to the sett or disturbance to any badger occupying the sett'*.
- 4.22 As a suggestion, I consider that Plots 16, 17 and 18 should be excluded from the development to ensure the building activity associated with the remaining 13 dwellinghouses are a reasonable distance away from the main badger sett.
- 4.23 Overall, I simply do not have sufficient or adequate information on the badger setts and on the likely impact of the proposed development on badgers to enable a judgement to be made on this application. It is also uncertain whether an alternative scheme should be explored in order to avoid significant harm and whether the recommended mitigation and enhancement measures would be appropriate. I therefore consider that the proposed development is contrary to Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and paragraph 175 of the National Planning Policy Framework.

HIGHWAY SAFETY

- 4.24 Paragraph 108 of the National Planning Policy Framework advises that developments should ensure safe and suitable access for all users. Paragraph 110 also requires new developments to give priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas and to create places that are safe, secure and attractive - which minimises the scope for conflicts between pedestrians, cyclists and vehicles. Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan which requires new developments to take into account movement around the site for all members of the community and should consider the use of shared surfaces with an emphasis on pedestrians over vehicles in a way that promotes highway safety. It also advises that proposals which would lead to the deterioration of highway safety will not be allowed.
- 4.25 The application has been amended in an attempt to overcome the concerns raised by the Highways Authority. The amended layout shows an internal access road with 'Pedestrian Prioritised Street' indicated.

18/0160/FULL

- 4.26 The Highway Authority do not consider that the amended layout complies with the criteria of the Pedestrian Prioritised Street as detailed in the Adopted Streetscape Design Guide because it only shows a footpath on one side of the road, which would mean that a safe and suitable pedestrian environment would not be achieved. It would also require the occupiers of Plots 1 – 5 and 16 – 18 to have to cross the road to access the footpath. Furthermore, the location of the proposed crossing point would not accord with the desired sightline and would lead to pedestrians crossing the road at various points, and thereby creating a potential conflict between road users.
- 4.27 The proposed development is for eighteen family sized dwellinghouses and therefore it is likely that children and people with pushchairs using the access road. The lack of safe and suitable footway provision within the site would mean that the needs of pedestrians would not be met and that there could be potential danger to pedestrian safety, contrary to paragraphs 108 and 110 of the National Planning Policy Framework and Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan. It would also be contrary to paragraph 109 of the National Planning Policy Framework which indicates that developments should be refused if they would have a severe impact on highway safety.

IMPACT ON CHARACTER

- 4.28 The application has been submitted with a masterplan to show how the proposed development would integrate with the approved housing developments within the wider site. I am satisfied that the proposed mix of house types and building forms in terms of width, depth and height would relate well closely with the approved scheme under application WF/0480/05 which consisted of two rows of terrace properties and there are also terrace properties along the Gilgal. I am also satisfied with the design style of the terrace properties which include a combination of two-and-half storey and three storey properties. The various heights across the terrace also ensures the development does not appear monolithic. The proposed detached and semi-detached dwellinghouses in Plots 11 – 15 would also reflect the scale and built form of the existing houses in Baldwin Gardens.
- 4.29 The proposed development would provide a coherent site layout, with active frontages and legible public and private areas. Some of the plots would include frontage parking, however, overall the parking layout would not dominant the street scene and there would be good opportunities for some front gardens. The area of landscaping between plots 5 and 6 would also provide a pleasant break in the continuous built form of these terrace properties and help to provide a green infrastructure connection through the site and to the adjacent canal corridor as recommended by Policy SAL.EA5 of the Adopted Site Allocations and Policies Site Plan.

18/0160/FULL

- 4.30 Adequate separation distances would be achieved within the site and with neighbouring properties to ensure no overlooking or overshadowing. The proposed two-and-half storey and three storey dwellinghouses in Plots 6-10 would be sited a sufficient distance away from the existing houses in Baldwin Gardens to ensure the new houses do not have an overbearing or oppressive impact.
- 4.31 Whilst the loss of trees/woodland that has occurred is regrettable and that the Arboricultural Officer has advised that a Tree Preservation Order would have been served on the trees, it is not considered that a refusal on this basis could be successfully sustained on appeal, especially at a time when there is an identified need for housing and the site has been identified as being suitable to contributing towards meeting that need by the HELAA. The Arboricultural Officer therefore raises no objection on the basis of loss of trees, subject to a suitable landscaping scheme being agreed. I concur with this view.
- 4.32 The Conservation Officer has raised no objections to the development in terms of its impact on the character and appearance of the adjoining Staffordshire and Worcestershire Canal and no objection has been raised by the Canal & River Trust in terms of the impact on their waterway. The application site is located on lower ground level than the canal towpath and existing trees on the canal embankment would help to screen the proposed development. I therefore do not consider that the proposed development would cause any harmful intrusion into the canal environment or harm the visual amenity of the area.

FLOOD RISK AND DRAINAGE

- 4.33 I recognise that the access road nearest to Baldwin Road falls within flood zone 2 and the remaining part falls within flood zone 1. The submitted Flood Risk Assessment (dated September 2018, by Ambiental Environmental Assessment) has demonstrated that the site itself is not at risk of flooding from the Stour. The North Worcestershire Water Management (NWWM) Officer has advised that the only route in/out the site via Baldwin Road is at risk of flooding, which means that in a flood event the development would become a so called 'dry island'. The NWWM officer has objected to the application on the grounds that a safe access/egress route is not provided to allow occupants of the site to safely exit and enter the buildings via a 'dry' route above 1 in 100 year flood level to reach land outside the flooded area (e.g. Flood Zone 1) using public rights of way without the intervention of the emergency services or others.
- 4.34 During this application, the applicant first amended the application to include a dry access route through the adjoining open space to new steps to access the canal as the route. However, they have subsequently omitted the dry access route as it was considered that it would cause disturbance to the badger sett and that they would need to enter into a Section 106 agreement in order to provide and maintain the steps.

18/0160/FULL

- 4.35 The applicant also advised that *“The Environment Agency have confirmed the 1in100yr flood level for the area to be 20.05mAOD (nearest in channel water level node). It can be seen from the topographic survey levels that much of the site is above this level. Topographic levels on Baldwin Road (in the road channel) drop to 19.87mAOD but back of footpath levels are 20.06mAOD therefore the footpath would remain mainly dry in the 1in100yr event specified. Even if the worst case 19.87mAOD level is considered this depth is 180mm and therefore using FD2320 this would still be in the low hazard depth category therefore would be acceptable for access/egress. Therefore access along the footpath east along Baldwin Road is feasible for the 1in100yr flood event specified by the NWWM Officer”*.
- 4.36 Given that no objection has been raised by the Council’s Emergency Officer and on the basis that the National Planning Policy Framework only requires a safe access and escape route to be included where appropriate, as part of a emergency plan (paragraph 163), I consider that it is not necessary, in this instance, to provide a dry access route. A condition could be imposed on any approval to require an emergency plan to be agreed in order to ensure future residents are made aware of flood alerts and what to do in the event of a flood.
- 4.37 The NWWM Officer has also advised that the applicant has submitted a surface water drainage strategy which is considered acceptable and can be secured by condition.

PLANNING BALANCE

- 4.38 In determining whether the proposed scheme represents sustainable development, it is necessary to consider, the 3 dimensions outlined in paragraph 8 of the National Planning Policy Framework. These are the economic, social and environmental objectives of sustainable development.
- 4.39 The proposed development would deliver 18 new homes, which would bring economic benefits, both in the short term during the construction phase and in the long term, as a result of additional residents living in the area. The proposed development would provide a modest boost to the supply of housing. The proposal would deliver 28% of the 18 dwellings as affordable, which would make a valuable contribution to the identified local housing need.
- 4.40 I consider that the failure to provide safe and suitable pedestrian footway within the site or appropriate pedestrian crossing points would result in an unsafe built environment and would therefore have a social impact. Furthermore, the lack of a detailed assessment of the ecological implications of the proposed development on a protected species could result in significant harm to biodiversity and would result in an environmental impact.

18/0160/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed development would be unacceptably detrimental to highway safety as it would fail to provide safe and suitable pedestrian movements within the scheme, which could result in conflicts between road users. The proposed scheme also fails to demonstrate that full consideration has been given to the ecological implications of the development and whether any potential significant harm can be avoided or appropriately mitigated. I note that the relevant policies for the supply of housing are out of date and that paragraph 11 of the National Planning Policy Framework is fully engaged in the consideration of this application. It is considered that the adverse impact on highway safety and biodiversity significantly and demonstrably outweigh the benefits, including the boost to the housing land supply and contribution of affordable housing.
- 5.2 It is therefore recommended that the application should be **REFUSED** for the following reasons:
1. The proposal fails to demonstrate full consideration of the ecological implications of the development or provide appropriate mitigation of the impact of the proposed development on badgers, which are a protected species, contrary to Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraph 175 of the National Planning Policy Framework.
 2. The proposal, by virtue of the absence of a footway on the west side of the internal access road and appropriate pedestrian crossing points fails to provide a safe and suitable access to the site for all users and does not minimise the scope for conflicts between road users, contrary to Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 108, 109 and 110 of the National Planning Policy Framework.

Agenda Item No. 5

Application Reference: 18/0529/FULL **Date Received:** 13/08/2018
Ord Sheet: 383984 278479 **Expiry Date:** 12/11/2018
Case Officer: Helen Hawkes **Ward:** Wyre Forest Rural

Proposal: Erection of 56 new residential units of mixed tenure and scale not exceeding 2 storeys, including 8 walk-up flats, with new adoptable roads, retained trees, public open space and adoptable pumping station.

Site Address: FORMER SION HILL MIDDLE SCHOOL, SION HILL, KIDDERMINSTER, DY102XT

Applicant: Community Housing Group Ltd

Summary of Policy	DS01, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD (2015) Planning Obligations SPD (2016) Affordable Housing SPD (2014) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application Application involving proposed Section 106 Agreement
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

THIS APPLICATION WAS DEFERRED FROM THE PLANNING COMMITTEE ON 20TH NOVEMBER 2018

1.0 Site Location and Description

- 1.1 The application site relates to the former Sion Hill Middle School, which ceased operating as a school site following the Wyre Forest Review in 2007/08. It has remained vacant for over ten years and now comprises mainly bare land having recently been cleared of all buildings and hard standing following the approval of a prior notification application earlier this year to enable demolition and land restoration works. The former school site is situated on the east side of Sion Hill and lies adjacent to the development boundary of Kidderminster, within the West Midlands Green Belt.

18/0529/FULL

- 1.2 The site is rectangular in shape and is effectively self-contained and screened from Sion Hill and to the surrounding areas to the north and south, by mature trees (some protected by a Tree Preservation Order, TPO 388) and shrubs to its perimeter. The site has one vehicular access point off Sion Hill and there is a public Right of Way that runs parallel to the south boundary of the site and provides pedestrian access from Sion Hill to the housing estate to the northeast. To the south of the site, beyond the public Right of Way, is housing development and to the north, there is housing but more dispersed and in larger plots. To the northeast, are open agricultural fields and to the east, are the former school's playing fields which are owned by Worcestershire County Council. To the west and on the opposite side of Sion Hill, is a barn conversion (Tudor Barn) and Sion House, which is a Grade II listed building that has been subdivided into residential units. The character of the surrounding area immediately to the south of the site is predominantly residential and the site has good accessibility to local shops, services, parks and schools.
- 1.3 Planning permission is sought for the erection of 56 residential units, comprising: 8 one-bed flats, 1 one-bed bungalow, 4 two-bed bungalows, 15 two-bed houses, 24 three-bed houses and 4 four-bed houses. A total of 46 units would be affordable (representing 82%) and the tenure split would consist of 22 shared ownership and 24 affordable rent.
- 1.4 The proposed residential properties would be arranged in perimeter blocks with plots having a direct road frontage and private rear gardens. The one-bed flats have been positioned in the southwest and northwest corners of the site, and the existing group of trees within the northwest corner of the site would be retained, in order to achieve a relatively large communal area for the block of flats and to ensure long term management of these trees. On-site public open space would be provided to the north of the new internal road, adjacent to the main access point off Sion Hill, which would incorporate existing mature trees of high amenity value and new seating and footpath to create a 'village green' type landmark that would define the character for the development. The trees along the northern boundary of the site would be retained, with the exception of three trees, to maintain an adequate boundary to the Green Belt.
- 1.5 Two new access points are proposed on Sion Hill, with the southern access being the main access point into the site and the northern access would serve a private drive to 7 houses to the front of the site. All residential units would have off-street car parking and the parking provision would equate to 196% for the proposed development. A new pedestrian and cycle access would be provided from within the site to the adjoining public Right of Way to the south of the site. The proposed layout also indicates that cycle storage would be provided for each unit.
- 1.6 Site Area extends to 1.68 hectares of which 0.3 hectares would be laid out as public open space and 1.38 hectares would be the developable area. The density of the development would be 34 dwellings per hectare, which is considered to be appropriate for this location.

18/0529/FULL

2.0 Planning History

- 2.1 08/0710/WCCR - Proposed conversion and changes of use of the former Sion Hill Middle School into training facilities and offices : Approved 18/08/08.
- 2.2 15/0305/OUTL - Outline Planning Application for up to 46 dwellings with all matters reserved other than access : Withdrawn 17/08/18.
- 2.3 18/3002/DEM - Prior Notification of Proposed Demolition of Sion Hill Middle School : No prior approval required 18/01/18.

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Awaiting comments.
- 3.2 Kidderminster Town Council – Recommend Approval.
- 3.3 Highway Authority (INITIAL COMMENTS) - Recommend Refusal, on the grounds that the visibility splay line to the south is unacceptable as it crosses third party land and that land is not enclosed within the application "red line" plan, as such there is no ability for the necessary splay line to be provided, without control over the splay line by the applicant or highway authority the splay could be obstructed resulting in conflict between emerging traffic and those already travelling on Sion Hill. The application is therefore contrary to the National Planning Policy Framework paragraphs 108 as safe and suitable access to the site has not been achieved for all users resulting in a significant impact on Highway Safety which has not been mitigated.
(Officer Comments - A revised Site Layout Plan has been submitted to show that the land beyond the public Right of Way, to the south of the site, is within the ownership of the applicant, which includes the private road and bungalows at Nos. 34a and 34b Sion Hill).

(SECOND COMMENTS) – Recommend Refusal on the grounds that the application is contrary to the National Planning Policy Framework paragraph 108 as safe and suitable access to the site has not been achieved for all users resulting in a significant impact on Highway Safety which has not been mitigated.

(FINAL COMMENTS) - Notwithstanding the recommendation of 5th November 2018 the Highway Authority has reached agreement with the landowner of the area of land which conflicts with the visibility splay. The land is owned by the Education Authority and effectively is managed by Worcestershire County Council, but it has not highway status, this land will be dedicated to the Highway Authority, therefore with that land and the other land in control of the applicant the visibility splays can be provided and safe guarded. With this additional agreement the Highway Authority is satisfied that the proposals would not impact on highway safety.

18/0529/FULL

Conditions should be attached to require the access, parking and turning facilities to be provided; cycle storage to be provided; a residential travel plan to be submitted; and a construction environmental management plan to be submitted.

It is also noted that two minor amendments are required to the proposed internal road as the two buildouts adjacent to plots 10 and 38 are considered to be unnecessary which can be excluded at the submission of the Section 38 design check. Informatives have been recommended to inform the applicant about a Section 278 Agreement, Section 38 Agreement Details, Drainage Details for Section 38 and further information about what is expected within the Construction Environmental Management Plan (CEMP). It is also advised that the applicant will need to apply to the Department of Transport for a stopping up order in order to remove the lay-by to the front of the site.

The Highway Authority advise that a financially contribution of £22000 would be necessary to improve 3 bus stops, 1 on Sion Hill and 2 on Stourbridge Road near the Junction with Sion Hill. This will provide a shelter, raised kerbs and timetable information at each location.

- 3.4 Aboricultural Officer – No objection subject to conditions to ensure existing trees are protected during construction and to require an acceptable landscaping scheme to be implemented.
- 3.5 Countryside Manager – No objection subject to conditions to secure lighting details and to ensure the scheme of mitigation and enhancement measures as recommended in the submitted Preliminary Ecological Report are implemented.
- 3.6 Worcestershire County Council Children's, Families and Communities – Consideration has been given to the impact on education infrastructure and further assessment has been undertaken. There are currently extant permissions across Kidderminster that will impact pupil numbers however, the local authority is mindful of pooling restrictions.

In consideration, Wolverley Sebright Primary School is a popular small rural primary school that is consistently over-subscribed. Forecast numbers show intakes within the locality will meet the Published Admission Number (PAN) for the foreseeable future. It is expected that most families' resident on the proposed development will seek places at Wolverley Sebright Primary School. A further school, St Oswald's CE Primary School, is located adjacent to the development site where there is currently limited capacity in some year groups to admit the estimated number of pupils from the proposed development. However, consideration has been given to the housing type and mix as submitted at full planning stage and due to pooling restrictions a S106 contribution towards primary infrastructure will not be requested.

18/0529/FULL

Wolverley Secondary School is small high school on the outskirts of the district which following a period of being graded as satisfactory and requiring improvement from Ofsted, the school is now rated good and is popular within the district. The Published Admission Number (PAN) has recently been increased from 140 to 150 to accommodate in area pupil numbers.

Admissions over the past 2 years have been oversubscribed and exceeded the current PAN. It is expected that most families' resident on the proposed development will seek places at Wolverley Secondary School. However, consideration has been given to the housing type and mix as submitted at full planning stage and due to pooling restrictions a S106 contribution towards secondary infrastructure will not be requested.

In respect of the development proposals, the site is the former Sion Hill Middle School site previously in the ownership of the local authority. The local authority note that the development proposals show a link to the adjoining site which falls short of the adjoining land. The local authority would wish to ensure that the access to the adjoining land is maintained.

(Officer Comments – The proposed site layout plan has been amended to show the new access road extend up to the south boundary of the site to ensure access to the adjoining land can be gained in the future).

- 3.7 Worcestershire County Council Countryside Service - Awaiting comments.
- 3.8 Worcestershire Regulatory Services (Noise) – No objection to the application in terms of noise and nuisance, subject to a condition to secure a Construction Environmental Management Plan, in line with BS 5228-1&2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites' and the WRS Demolition and Construction Guidance.
- 3.9 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to further site investigations to be carried out covering the footprint of the school buildings do determine whether there is any potential of contaminated land and for the necessary remediation works to be agreed and undertaken.
- 3.10 North Worcestershire Water Management Officer – (INITIAL COMMENTS) – The principle of the proposed surface water drainage strategy is acceptable, provided that the applicant confirms as part of the current application process that:
- infiltration drainage will be designed to cope with 1 in 100 year + 30 % allowance for Climate Change event;
 - discharge of highway drainage via infiltration has been ruled out; and
 - 5l/s limit is believed to be an improvement compared to the pre-redevelopment situation.

18/0529/FULL

If this information can be incorporated within the drainage strategy then this would be welcomed as this means that we can refer to this revised document in a surface water drainage condition.

(SECOND COMMENTS) – Following the submission of the requested information, I raise no objection to the application subject to a condition to require a site drainage strategy for the proposed development, which should include details of the surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the principles set out in the drainage strategy submitted with the application (Yes Engineering, Rev B, 2018). The strategy shall also detail future management responsibilities for the drainage assets.

- 3.11 Natural England – No comments to make on the application.
- 3.12 NHS – The Worcestershire Acute Hospitals NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare and their annual agreed contract only includes predicted population growth and not ad-hoc housing developments and therefore there would be a short term funding gap. The proposed development will therefore have a direct affect upon the ability of the NHS to provide the health service required to those who live in the development and the community at large. Without a financial contribution to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable. It is therefore requested that a financial contribution of £107,088.00 is required to support the health services needed by the occupiers of the new development, and without the contribution, the development is not sustainable and should be refused.
- 3.13 The Council's Strategic Housing Officer – No objection and advise that the proposed development would deliver 82% of homes as affordable housing for social rent, affordable rent and shared ownership and will provide a range of much needed affordable housing in Kidderminster. This level of delivery is in excess of the Councils 30% affordable housing requirement and to achieve viability requires Social Housing Grant from Homes England (the Government funding agency for affordable housing) in excess of £1.5m plus a contribution from the sales income from 10 outright sale properties on the site.

18/0529/FULL

The Strategic Housing Team have worked together with the applicant to determine tenure mix on this site and support a grant application to ensure viability and would recommend that no further contributions are sought in relation to the scheme.

- 3.14 Severn Trent Water – No objection and do not require a drainage condition to be applied. An informative is recommended to make the applicant aware that there may be a public sewer located within the application site.
- 3.15 Cadent and National Grid Plant - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
(Officer Comments – This information has been attached as an informative to make the applicant aware of the requirements set out by Cadent).
- 3.16 Neighbour/Site Notice – 1 letter of objection received from a nearby occupier stating that the access from Ismere Way to Sion Hill is already difficult due to a bend in the road which obstructs vision of on-coming traffic. Access down Sion Hill to Wolverhampton Road is already difficult without a further 80+ vehicles trying to access the main road. This area of infrastructure needs re-vamping with either a roundabout or traffic lights to allow vehicular access without a potential ‘wait’ of 20 minutes during rush hours.

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be inappropriate development within the Green Belt, including its effect on openness and the purposes of the Green Belt, and if considered to be appropriate; whether the design and impact on residential amenity, trees and highway safety would be acceptable.

POLICY CONTEXT

- 4.2 The National Planning Policy Framework advises in paragraph 59 that in order to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specified housing requirements are addressed and that land with permission is developed without unnecessary delay.

18/0529/FULL

- 4.3 Paragraph 11 of the Framework explains that planning decisions should apply a presumption in favour of sustainable development, which means that when there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless *“the application of policies in this Framework that protect areas, such as land designated as Green Belt, provides a clear reason for refusing the development proposal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.
- 4.4 The Council’s adopted housing numbers are based on superseded figures and, therefore, its policies for the supply of housing are now considered to be out of date in accordance with the Framework and paragraph 11 is now fully engaged in the decision of this application, subject to Green Belt policy consideration.
- 4.5 **WHETHER INAPPROPRIATE DEVELOPMENT WITHIN THE GREEN BELT**
Paragraph 133 of the National Planning Policy Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the National Planning Policy Framework establishes that certain forms of development are not inappropriate in the Green Belt, provided that the preserve its openness and do not conflict with the purposes of including land within it. The complete redevelopment of previously developed land, whether redundant or in continuing use, is identified under this paragraph.
- 4.6 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan also applies a similar exception and advises that the redevelopment of previously developed land within the Green Belt would be permitted, providing it is in accordance with Policy SAL.PDS1. Policy SAL.PDS1 refers to Previously Developed Sites in the Green Belt and requires new developments to contribute to the achievement of the objectives for the use of land in Green Belts; and to ensure they do not exceed the height of the existing buildings and other structures and trees or give rise to off-site infrastructure problems.

18/0529/FULL

- 4.7 The previous school buildings on this site consisted of single and two-storey office, classroom and leisure buildings that were positioned near to the centre of the site and a two-storey School Caretakers house within the southwest corner of the site, adjacent to Sion Hill. The proposed development would comprise bungalows as well as two-storey houses and block of walk-up flats, which would be of a similar height as the previous two-storey main school building. The site is well contained and enclosed by mature trees and hedgerows, and given the modest height of the proposed development, I do not consider that the development would result in substantial harm to the openness of the Green Belt. The development would also make a contribution to meeting an identified affordable housing need within the area and I am satisfied that it would not give rise to any off-site infrastructure problems. This part of the development would therefore accord with Policy SAL.PLS1 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.
- 4.8 With respect to the undeveloped part of the site, paragraph 145 of the National Planning Policy Framework also includes an exception for new buildings in the Green Belt when they would provide limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).
- 4.9 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan refers to Rural Housing and in particular Exception Sites and advises that planning permission may be granted for schemes which are designed to meet an identified specific affordable or local housing need providing it meets the criteria set out in the policy, which requires:
- The affordable housing to remain in perpetuity;
 - To ensure the affordable provision does not exceed the extent of the identified local need;
 - The site must be well related to the existing built up area;
 - The proposed scheme is of an appropriate scale which does not damage the character of the settlement or landscape; and
 - The site is accessible to local shops and services and facilities by sustainable modes of transport.
- 4.10 I am satisfied that the development complies with this exception criteria as set out in Policy SAL.DPL2. I have recommended a condition to ensure the proposed affordable housing provision across the site remains in perpetuity.
- 4.11 Overall, the proposed development would accord with national and local planning policy and would not represent inappropriate development within the Green Belt. On this basis the 'presumption in favour' is fully engaged with consideration taken on the tilted balance.

18/0529/FULL

IMPACT ON VISUAL AMENITY

- 4.12 Although no Landscape and Visual Impact Assessment has been submitted with this application, an assessment was carried out as part of the 2015 withdrawn application (reference 15/0305/OUTL) for 46 dwellinghouses, where it was concluded that: *“The locality benefits from a high degree of screening from vegetation and therefore views into the site from publically accessible locations are limited to very close proximity... Despite initial adverse visual effects during construction...these...would experience a long term moderate beneficial visual effect as a result of the development.”* It further noted in terms of the overall impact on the landscape and landscape features that *“[t]he worst effects of the proposed development on landscape features and landscape character are limited... In the long term, the overall effect of the proposal...is considered to be beneficial.”*
- 4.13 I agree with this previous assessment, as the application site is not readily visible from long distance views, due to the vegetation surrounding the site and other intervening features. Views can only be obtained at close range from the adjoining housing estate, public Right of Way and the adjoining playing fields to the rear of the site. I consider that the proposed retention and reinforcement of the vegetation around the perimeter of the site, and that the redevelopment of this previously developed site would significantly improve the visual amenity of the Green Belt. I therefore do not consider that the proposed development would have an adverse impact on the visual amenity of the Green Belt and character of this part of the countryside.

DESIGN AND SITING

- 4.14 The current application follows pre-application discussions where it was considered important to retain the existing mature trees adjacent to the proposed internal access road, adjacent to the new southern access point off Sion Hill. The site layout has been designed with an area of on-site public open space, which would ensure that these existing TPO trees are retained and that there would be no pressure on the Council to have these trees removed or reduced in the future by future occupiers as they would not be in any residential curtilage. I also consider that the proposed public open space would create a strong sense of place and a ‘village green’ character to the development.
- 4.15 The proposed houses have been arranged in perimeter blocks with well overlooked frontages and good relationships with other back of houses to ensure private and secure rear gardens. The proposed houses along Sion Hill frontage would be set back on a deep building line behind well landscaped areas to help soften the built form and to ensure the development integrates well with the rural setting. I have recommended a condition to remove permitted development rights to ensure the space between the houses remains, in order to protect the character of development and the amenity of future occupiers.

18/0529/FULL

- 4.16 The proposed development would be well designed and traditional materials are proposed for the development with houses to be constructed in mainly brick with some including render to help break up the visual appearance of the street scene and to add visual interest. The houses on corner plots have been carefully designed to help turn the corners and provide landmarks in order to help orientate people around the cul-de-sac. The parking areas would integrate well with the landscaping areas proposed and would not dominate the road frontages.
- 4.17 The proposed density of 34 dwellings per hectare is acceptable and would reflect the character of this location and allow for the provision of a wider mix of house types, including one-bed flats and larger family units, to meet the needs of different groups in the community, whilst still maintaining a relatively low density to respect its location on the edge of the urban area of Kidderminster.

IMPACT ON HIGHWAY SAFETY

- 4.18 The application seeks to provide two vehicular access points off Sion Hill with one requiring alterations to the existing southern access point and one being created where there is an existing road lay-by along the frontage of the site. The Highway Authority previously advised that the proposed southern access point would have unacceptable visibility splays because the splay line to the south of the access point crosses third party land, and as such there is no ability for the necessary splay line to be provided, and without control over the splay line by the applicant or highway authority the splay could be obstructed resulting in conflict between emerging traffic and those already travelling on Sion Hill. The Highway Authority has subsequently arrived at a solution where their previous concerns have been overcome following discussions with Place Partnership. The area of land outside the Applicant's ownership will be dedicated as public highway and as such the required visibility can be secured.
- 4.19 The position of the southern access point is very similar to that of the existing access point which served the former school site, where there would have been traffic movements to and from the site in terms of staff vehicles, pupil transfers as well as larger vehicle movements for servicing and refuse collections. It therefore needs to be taken into account that an existing vehicular access point has been operating with similar visibility splays that cross over third party land (in this case the public Right of Way) and there are no records of accidents on this section of the road caused by a conflict between drivers leaving the school site and those travelling on the road. The submitted Transport Assessment also concludes that there would be a reduction in the number of vehicle trips generated by the proposed residential development in comparison with the previous school use.
- 4.20 Also, the proposed southern access point has been positioned north of the existing access point in order to be further away from the slight bend in the road, which would help to improve visibility over the current situation.

18/0529/FULL

- 4.21 The public Right of Way is owned and maintained by Worcestershire Place Partnership and will be dedicated as public highway to maintain the visibility splay. It is also worth noting that it is unlawful to obstruct a public Right of Way.
- 4.22 The applicant has amended the Proposed Site Layout Plan to demonstrate that they own the adjoining land to the south of the public Right of Way, including the private road and Nos. 34a and 34b Sion Hill, which confirms that the majority of the visibility splay to the south of the proposed access point is within the control of the applicant. The land outside the applicant's ownership will become public highway and as such the whole of the visibility splay can be provided as required by the Highway Authority.
- 4.23 The revised no objection response by the Highway Authority has demonstrated that there are no outstanding issues in respect of highway safety. Paragraph 109 of the National Planning Policy Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual or cumulative impacts on the road network would be severe. I would agree with the Highway Authority's view that no adverse impact has been shown and that the development accords with Local and National policy.
- 4.24 With regards to parking provision, the proposed development would provide a total of 110 car parking spaces for residents which is 3 spaces in excess of the minimum standard set out in the Worcestershire County Council's Parking Standards (2016) and therefore it is unlikely that there would be any overspill car parking on Sion Hill as a result of the development. The site layout is considered to be acceptable for on-site servicing and refuse vehicle movements and 2 metre wide footways have been provided on both sides of the internal access road to ensure pedestrian permeability through the site. The proposed development also includes adequate cycle storage facilities for each plot to help promote cycling and the site is within walking distance of nearby local shops and facilities.
- 4.25 Overall, I consider that the proposed development would not have a detrimental impact on highway safety, in accordance with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework. Conditions are recommended by the Highway Authority in respect of a Construction Environmental Management Plan being provided before the commencement of development and to require the car parking, cycle storage, access and residential travel plan to be provided before first occupation in order to ensure an acceptable development and in the interest of highway safety.

18/0529/FULL

IMPACT ON RESIDENTIAL AMENITY

- 4.26 The nearest residential properties are located to the south of the site, beyond the public Right of Way, and to the north along Sion Hill. The proposed bungalows adjacent to the southern boundary of the site would be sited at least 8 metres away from the existing rear gardens belonging to the adjoining properties in Ismere Way. A pair of two-storey, semi-detached dwellings are also proposed adjacent to the southern boundary of the site on plots 24 and 25 and would be sited at least 10 metres from the existing rear gardens belonging to the adjoining residential properties. The proposed development also achieve good separation distances between the rear elevations of these proposed bungalows/houses and the rear elevations of the nearest houses in Ismere Way. I am therefore satisfied that the proposed development would not have an adverse impact on the amenity of existing residents.
- 4.27 In respect of future occupiers, the proposed site layout would achieve well overlooked frontages to houses and public areas and good private rear gardens that are of a sufficient size for each house type. No objection has been raised by Worcestershire Regulatory Services in terms of noise and nuisance but they have recommended that further site investigations are undertaken for potential contaminated land, and for any necessary remediation works to be completed prior to first occupation. I consider that further site investigations for contamination is necessary and have attached a condition accordingly. Subject to these safeguarding conditions, I consider that the proposed development would provide an acceptable living environment for future occupiers.

BIODIVERSITY AND TREES

- 4.28 Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and paragraphs 174 and 175 of the National Planning Policy Framework seek to ensure all new developments protect and where possible enhance biodiversity. It is also noted in the Local Plan that any development which would have an adverse significant impact on the population or conservation status of protected species or priority species or habitat, as identified within a Biodiversity Action Plan, will be refused planning permission unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations.
- 4.29 The proposal for 56 residential units would set aside 0.3 hectares of land for open space and would also include areas for different habitat and foraging opportunities, which can be secured by condition.

18/0529/FULL

- 4.30 Ecological Surveys have also been undertaken which have found that the habitats on site are largely unsuitable for species, however, the reports do recommend precautionary mitigation measures to ensure that no adverse impact is caused to any species during any further site clearance works and during the construction phase. The Council's Countryside Manager has considered the application and has raised no objection subject to a condition to require the recommended mitigation and enhancement measures to be implemented and a condition to ensure any external lighting is sited in appropriate locations to avoid any adverse impact on biodiversity. No objection has been raised by Natural England. I am satisfied that the proposed development would have no adverse impact on biodiversity subject to conditions to secure adequate mitigation measures.
- 4.31 The Council's Tree Officer has been involved in the pre-application stage and is satisfied that the development would provide adequate space around the existing mature trees to be retained. It is noted that there would be some loss of mature trees, however, most of the trees to be lost are located within the site and away from the site boundaries and have a low to medium amenity value. A condition is also attached to require a landscaping scheme with new tree planting which would compensate for the loss of the trees. I concur with this view and have recommended conditions accordingly.

FLOOD RISK AND DRAINAGE

- 4.32 The Flood Risk Assessment submitted with the application shows that the site is within Flood Zone 1, which is least likely to flood, and demonstrates that the proposed development can be achieved with no risk of flooding. The submitted drainage strategy proposes that the roof areas and hardstanding of the proposed residential units and associated parking / access roads would be drained by infiltration, using soak ways and porous paving.
- 4.33 It is also proposed that the new roads would be conventionally drained via a piped system and road gullies and discharged to Severn Trent Water's surface water sewer located in Sion Hill. The applicant has confirmed that the infiltration drainage would be designed to cope with 1 in 100 year climate change with (30% allowance) and that surface water attenuation can be provided to limit the surface water runoff from the site to an acceptable rate of 4/5 litres per second.
- 4.34 The North Worcestershire Water Management Officer has raised no objection subject to a condition to secure a final drainage strategy for the site based on the principles set out in the submitted drainage strategy. I concur with this view and have recommended a condition to ensure suitable drainage of the site.

18/0529/FULL

PLANNING OBLIGATIONS

- 4.35 Affordable housing is proposed comprising a total of 46 units. This represents 82% of the dwellings proposed and would exceed the 30% required by Policy CP04 of the Adopted Core Strategy. The Council's Strategic Housing Officer supports this provision of affordable housing and has worked with the applicant to determine the tenure mix on the site. A condition is recommended to secure the affordable housing provision.
- 4.36 Policy CP07 of the Adopted Core Strategy sets out that developer contributions would be sought for sport, recreation, youth facilities, play space and amenity space. Policy SAL.UP4 of the Adopted Site Allocations and Policies Local Plan sets out that proposals for new residential development must include adequate children's play space in accordance with the most up-to-date guidance on developer contributions. The proposed residential development would create 75 child bed spaces, which triggers a developer's contribution of £28,761.48 as set out in the Planning Obligations SPD.
- 4.37 The proposed development would provide 0.3 hectares of on-site public open space, which would be landscaped to provide a green amenity area for existing and future occupiers and provide enhancements to biodiversity. I consider that this provision of public open space is acceptable and I do not consider that it would be reasonable to seek off-site contributions given the small scale of the development. The Council's Open Space Assessment Report 2017 confirms that the site has good accessibility to public open space within Kidderminster, including Springfield Park to ensure the wellbeing of future residents.
- 4.38 The proposed site layout plan indicates new seating, footpath and landscaping enhancements within the public open space and I have attached a condition to secure further details about the design and layout, a management plan and to ensure the public open space remains in perpetuity. I also consider that due to pooling restrictions a S106 off-site contribution towards improvements and maintenance to Springfield Park should not be sought on this occasion.
- 4.39 The County Education Officer has confirmed that no education contributions would be sought for this development.
- 4.40 The Highway Authority has advised that it would be necessary for the development to provide a financial contribution of £22,000 towards improvements to 3 bus stops, with one being on Sion Hill and two on Stourbridge Road near the junction with Sion Hill. I am of the view that this planning obligation is necessary to make the development acceptable in planning terms and would be directly related to the development.

18/0529/FULL

- 4.41 In regards to the request made by the NHS for a planning obligation to meet a short term funding gap for health services that would arise from the development in terms of the unanticipated population growth and increase in demand for services. I am of the view that this planning obligation would not wholly provide for infrastructure, and to the extent it does, it is considered that the priority should be given for affordable housing to meet an identified local need with the long term benefits that it brings rather than filling a short term funding gap in NHS finances. Whilst the level of affordable housing on the previously developed part of the site is higher than policy requirement, I am of the view that it is necessary in order to obtain a Social Housing Grant from Homes England (the Government funding agency for affordable housing) and to ensure viability no further contributions should be sought in relation to this scheme.

5.0 Conclusions and Recommendations

- 5.1 The proposed development of the former school site would be appropriate development within the Green Belt as it would involve the redevelopment of a previously developed site and affordable housing on a rural exception site, with limited harm to the openness and visual amenity of the Green Belt. The development would create a visually attractive residential environment with on-site public open space and existing trees providing a feature to the site. Also, the proposals would not unduly affect residential amenity and there would be no other environmental impact.
- 5.2 Whilst the proposed vehicular access point off Sion Hill would have acceptable visibility splays, and although the splay will cross over third party land this will be dedicated as public highway..
- 5.3 This being the case, Officers conclude that the application is supported and that there would be no adverse impacts that would significantly or demonstrably outweigh the benefits of bringing this underused brownfield site back into a beneficial use, including its contribution to the supply of housing land and much needed affordable housing.

18/0529/FULL

5.4 It is therefore recommended that the application be granted **delegated** authority to **APPROVE** subject to the following:

a) the signing of a **Section 106 Agreement**; and

b) the following conditions:

- 22 A6 (Full with no reserved matters)
- 23 A11 (Approved Plans)
- 24 B1 (Samples/details of materials)
- 25 B11 (Details of enclosure)
- 26 Lighting Scheme
- 27 B13 (Levels details)
- 28 C2 (Retention of existing trees)
- 29 C3 (Tree Protection During Construction)
- 30 C4 (Protection of trees – No Burning)
- 31 C5 (Hand digging near trees)
- 32 C7 (Landscaping Large Scale)
- 33 C8 (Landscape Implementation)
- 34 C19 (Tree Protection Plan)
- 35 C22 (Tree Planting)
- 36 Access, parking and turning facilities
- 37 Cycle parking
- 38 Residential Travel Plan
- 39 Construction Environmental Management Plan
- 40 Site Drainage Strategy
- 41 Ecological Mitigation and Enhancement Measures
- 42 Contaminated Land
- 43 To secure Affordable Housing Provision
- 44 To require details of the design of the Public Open Space and to secure management
- 45 Remove Permitted Development Rights for Enlargements of Dwellinghouses
- 46 Landscape Management Plan

Notes

A Severn Trent Water advises that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

18/0529/FULL

- B Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
- C Section 278 Agreement
- D Section 38 Agreement Details
- E Drainage Details for Section 38
- F Construction Environmental Management Plan (CEMP)
- G SN6 (No Felling – TPO)

Application Reference: 18/0577/FULL	Date Received: 11/10/2018
Ord Sheet: 381322 272406	Expiry Date: 10/01/2019
Case Officer: Helen Hawkes	Ward: Mitton

Proposal: Erection of two storey Science Block

Site Address: STOURPORT HIGH SCHOOL & SIXTH FORM CENTRE,
MINSTER ROAD, STOURPORT-ON-SEVERN, DY138AX

Applicant: Stourport High School & Sixth Form Centre

Summary of Policy	CP01, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL12, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP4, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD (2013) National Planning Policy Framework (2018) Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site relates to Stourport High School located between Kingsway, Minster Road and Windermere Way in Stourport on Severn. The site comprises a number of school buildings, which front onto Minster Road, including on-site parking and vehicular access gained from Kingsway. To the west of the school buildings lies the school playing fields and there are indoor sports facilities to the north, fronting Kingsway. The Stourport Sixth Form Centre lies to the west of the school's playing fields and adjoining the Sixth Form Centre to the south is Burlish Park Primary School.
- 1.2 The surrounding area is predominantly residential in character and comprises housing development to the south and east, on the opposite side of Minister Road. Adjoining the site to the north is the former Burlish Golf Course and to the east is Stourport Sports Club. The site falls within the West Midlands Green Belt, although set within the school grounds.
- 1.3 This application seeks planning permission for the erection of a two-storey detached Science Block, which would adjoin the rear of the approved Maths & English Block (which is currently being constructed at the time of my site visit) and would be sited to the rear of the main school buildings. The proposed building would be two-storeys, with a flat roof and would have a similar external appearance as the approved Maths & English Block. Internally, the building would comprise four science labs, a staff office and toilets. Access to the building would be gained from the south elevation and via the Maths & English Block.

18/0577/FULL

- 1.4 Outline Consent was granted under application 15/0583/OUTL and two other reserved matters (applications 16/0420/RESE and 17/0661/RESE) have been granted for the erection of a Maths and English classroom block, the new 6th Form block.

2.0 Planning History

- 2.1 17/0661/RESE - New Maths and English classroom block (reserved matters following permission 15/0583/OUTL, to address appearance, landscaping, scale and the disposal of foul and storm water from site) : Approved 17.01.18
- 2.2 16/0420/RESE – New two storey 6th form block and two storey classroom teaching block (reserved matters following outline permission 15/0583/OUTL, to address access, appearance, landscaping and scale) : Approved 05.10.16
- 2.3 15/0583/OUTL - Outline application for new two storey 6th Form block and two storey classroom teaching block to replace temporary classrooms. (Layout to be agreed with all other matters reserved) : Approved 05.02.16
- 2.4 13/0651/FULL – Proposed new sports hall and link to existing building : Approved 08.02.14
- 2.5 13/0641/ADVE – 2 no. proposed freestanding totem signs : Approved 22.01.14
- 2.6 13/0236/FULL - Proposed change of use of part of existing playing fields to create car parking associated with adjacent fitness suite. Rendering of south elevation, alterations to fenestration and replacement of existing entrance canopy : Approved 18.07.13
- 2.7 09/0782/WCCR [Application determined to Worcestershire County Council] – Redevelopment of Stourport High School and Burlish Park Primary School site to form a replacement High School and Primary School : Decided

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Recommend approval.
- 3.2 Highway Authority – No objection.
- 3.3 North Worcestershire Water Management – No objection. The information submitted has successfully demonstrated that the proposed scheme is in compliance with the non statutory technical standards for SuDS (Defra, 2015) and that a surface water drainage condition is not required.
- 3.4 Severn Trent Water – No objection subject to a condition to secure details of the disposal of foul and surface water flows.

18/0577/FULL

3.5 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

BACKGROUND INFORMATION

4.1 The proposed scheme is for a two-storey Science Block, which would be attached to the north elevation of the Maths & English Block, which is currently under construction. The Maths & English Block and the new Sixth Form Block were granted Outline Consent under application 15/0583/OUTL, and Reserved Matters under applications 17/0661/RESE and 16/0420/RESE. They were considered not to be inappropriate development in the Green Belt because they were for the same educational use and cumulatively resulted in a net decrease in total floorspace when compared to the former Sixth Form Block the development was going to replace.

4.2 The main considerations are whether the proposed development would be appropriate development in the Green Belt and acceptable in terms of design and siting and its likely impact on residential amenity, drainage and highway safety.

INAPPROPRIATE DEVELOPMENT IN GREEN BELT

4.3 The National Planning Policy Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open' the essential characteristics of Green Belts are their openness and their permanence. It further notes that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.4 Paragraph 145 of the National Planning Policy Framework refers to the construction of new buildings in the Green Belt as inappropriate development unless they accord with the identified exceptions. The proposed development would not fall within any of these exceptions. Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan also applies similar exceptions as the Framework.

4.5 In terms of the potential harm on openness, I note that the proposed building would be relatively large measuring 20 metres by 30 metres and at a height of 8.5 metres. However it would appear as an extension to the new Maths & English Block from Kingsway and would be seen against the backdrop of other tall buildings within the school grounds. It would also form part of the cluster of school buildings on this site and would not appear over dominant or incongruous from Kingsway. Moreover, the proposed Science Block would be sited over the footprint of two existing modular buildings which would be replaced by this development. I therefore consider that the harm on openness would be somewhat reduced due to the siting of the building and site context.

18/0577/FULL

- 4.6 In addition, the applicant has submitted a statement to demonstrate that very special circumstances exist for the proposed Science Block. In their statement they assert that the school is to expand by one form entry with places starting to be available from September 2019 and that this will be achieved through a single new block build (science focused) to increase classroom capacity across the site to ensure specialist teaching facilities. Therefore the proposed Science Block would make the accommodation at this school appropriate for a school of this size (when taking into account the additional one form entry). The applicant also advises that the proposed new Science Block would replace 2 temporary prefabricated classroom units which are not considered to be a suitable learning environment by the Education Authority.
- 4.7 I have no reason to disagree with this statement and recognise that this development would allow the school to expand and would provide a sufficient permanent building to cater for the increase in pupil numbers. Paragraph 94 of the National Planning Policy Framework advises that great weight should be given to the need to create, expand and alter schools through the decisions on applications. Policy SAL.DPL12 of the adopted Site Allocations and Policies Local Plan refers to Educational Sites and seeks to provide a positive framework to enable sites to develop to meet their educational needs.
- 4.8 I am therefore of the view that the substantial weight to be given to the harm arising from inappropriate development and its effect on Green Belt openness would be outweighed by the considerable weight to be given to the need to expand the school and provide additional classroom provision. This amounts to the very special circumstances necessary to justify the proposal.

DESIGN AND SITING

- 4.9 The proposed Science Block would reflect the design of the adjoining Maths and English Block in terms of design style and building form. It would be finished in a bright red cladding and subservient elements of render, timber cladding and steel insulated panelling, which would complement the new buildings at the school and would enhance the school environment. The proposed development would include the removal of the two modular classroom buildings, which are of poor design and detract from the built environment. I also note that there would be no loss of playing fields or sports pitches and no trees would need to be felled to facilitate the development.
- 4.10 I therefore consider that the proposed development would achieve a well designed building, which has been designed to function well and to add to the overall quality of the school environment, in accordance with paragraph 127 of the National Planning Policy Framework, Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the Design Guidance SPD.

IMPACT ON RESIDENTIAL AMENITY

- 4.11 There are no nearby residential properties that would be adversely impacted by the proposed development.

18/0577/FULL

IMPACT ON DRAINAGE

- 4.12 The application has been submitted with a surface water drainage plan that shows a scheme that would collect the surface water runoff using a conventional system, discharging this into a cellular soakaway system. The North Worcestershire Water Management Officer (NWWM) is satisfied that the proposed surface water drainage scheme would be able to deal with the runoff generated by the proposed development, without increasing flood risk elsewhere. I am therefore of the opinion that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with paragraph 163 of the National Planning Policy Framework, Policy CP02 of the adopted Core Strategy and Policy SAL.CC7 of the Adopted Site Allocations and Policies Local Plan.

IMPACT ON HIGHWAY SAFETY

- 4.13 The proposed development would not result in the loss of any on-site parking spaces or have a detrimental impact on highway safety. No objection has been raised by the Highway Authority. I concur with this view and consider that the development would comply with paragraphs 108 and 109 of the National Planning Policy Framework which advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

5.0 Conclusions and Recommendations

- 5.1 I conclude that the proposed scheme would represent inappropriate development in the Green Belt and would cause harm to the openness, however, that this harm would be clearly outweighed by the social and environment benefits arising from the development in terms of the need to expand the school to meet identified curriculum requirements and the removal of the modular classroom buildings. As such, very special circumstances exist to justify the proposals. The design and siting of the proposed Science Block would be acceptable and in keeping with the appearance of other new buildings within the school grounds. There would be no adverse impacts on residential amenity, flood risk and drainage or upon highway safety. The development would therefore accord with policies set out in the Development Plan and the National Planning Policy Framework.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. To secure building materials as proposed.
 4. To require foul and surface water drainage

Application Reference:	18/0649/OUTL	Date Received:	10/10/2018
Ord Sheet:	381660 275572	Expiry Date:	05/12/2018
Case Officer:	Helen Hawkes	Ward:	Foley Park & Hoobrook

Proposal: Outline consent for the erection of 3no. Dwellinghouses with all matters reserved

Site Address: 164 & 165 SUTTON PARK ROAD, KIDDERMINSTER, DY116LF

Applicant: Mr K Prosser & Mrs V Hardwick

Summary of Policy	DS01, CP02, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site measures 0.53 hectares and comprises part of the gardens belonging to two residential properties at 164 and 165 Sutton Park Road, which are located on the east side of Sutton Park Road.

- 1.2 No. 165 Sutton Park Road has a direct road frontage with Sutton Park Road and has an extensive rear garden measuring 30 metres wide by approximately 85 metres in length. The garden is relatively flat and there are trees and other vegetation around the perimeter of the site, with a number of specimen trees subject to a Tree Preservation Order within the garden. 164 Sutton Park Road is located in a backland position, being set back approximately 100 metres from Sutton Park Road and accessed from a long private drive. The main garden area to 164 Sutton Park Road is to the side (north) of the dwellinghouse, although it also has a rear garden measuring 20.5 metres in length. There are trees and other vegetation within the garden area, however, the trees are mainly along the east boundary which is shared with properties in Tomkinson Drive. The ground level rises from east to west across the side garden of the property.

18/0649/OUTL

- 1.3 The surrounding area is residential in character and comprises mainly detached and semi-detached houses, with some occupying large residential plots. To the north of 165 Sutton Park Road is a residential care home known as 'The Grange'.
- 1.4 The application seeks outline consent for the erection of three dwellinghouses with one to be sited in the rear garden of 165 Sutton Park Road and two within part of the garden belonging to 164 Sutton Park Road. Amended plans have been received during the application which reduced the number of proposed dwellinghouses from 4 to 3 in order to address concerns raised by Officers and the Arboricultural Officer. Access to the site would be taken from a new vehicular access point off Sutton Park Road, to the front of No 165 Sutton Park Road, and the proposed dwellinghouses would be accessed from the existing private drive. The new access would involve the loss of a street tree. No trees within the application site would need to be felled.
- 1.5 All matters associated to the means of access, layout, appearance, scale and landscaping of the proposed development are for consideration at a later stage. The application is supported by an illustrative layout to demonstrate how the site could satisfactorily accommodate the proposed three dwellinghouses. A Tree Survey and Ecological Survey have also been submitted.

2.0 Planning History

- 2.1 08/0647/FULL (No 165 Sutton Park Road) - Two storey extension to rear and double garage : Approved 11:09:08

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Refuse; this is 'back land development'.
- 3.2 Highway Authority – No objection subject to a condition to require the car parking areas to be laid out for each dwellinghouse in accordance with the County Council's parking standards. They also state that the application site can provide a safe and suitable access and that acceptable visibility splays can be achieved. It is further noted that the proposed indicative layout conforms to the Streetscape Design Guide (adopted June 2018) as being a Shared Private Drive and that the road would not be adoptable or serviced by refuse vehicles. It is recommended that alternative refuse collection arrangements are sought and that the access point will need to be amended in the reserved matters stage to show a dropped kerb crossing with tactile paving instead of a 6 metre radius. They also note that the parking provision will be determined at the reserved matters stage.

18/0649/OUTL

- 3.3 Worcestershire Regulatory Services (Contaminated Land) – No objection.
- 3.4 Countryside Manager – No objection subject to conditions to require the recommended mitigation and enhancement measures as set out in the submitted Ecological Survey to be implemented and for details of an appropriate lighting scheme which has been considered by their ecologist.
- 3.5 Arboricultural Officer – (First Comments) – Recommend refusal unless amended plans are received to show only one house to the rear of 165 Sutton Park Road.

(Second Comments) – Following amended plans showing only one house, it is also considered necessary for the applicant to submit information on how natural light accesses the house, especially at lower levels (if it is to be a two-storey house) before I can support the application.

(Third Comments) – The applicant has confirmed that the property would be *“two-storey and carefully designed to ensure that adequate natural light can enter the ground floor from above. The ground floor footprint could be larger than the first floor allowing for rooflights and light wells to be introduced to flood natural light to the lower level”*. I therefore have no objection and am satisfied that the proposed dwellinghouse to the rear of 165 Sutton Park Road can be designed to maximise internal light or reduce the need for artificial light in the house.

- 3.6 Severn Trent Water – No objection and do not require a drainage condition to be applied. An informative is recommended to make the applicant aware that there may be a public sewer within the area of the development.
- 3.7 North Worcestershire Water Management Officer – No objection subject to a condition to require a surface water drainage scheme to be submitted and agreed by the Local Planning Authority.
- 3.8 Natural England – Awaiting comments.
- 3.9 Neighbour/Site Notice - 4 letters of objection have been received from nearby occupiers and the following concerns have been raised:
- Impact on privacy
 - Overlooking if hedges are cut back or removed
 - Increase in traffic, which needs to be taken into account with all the other developments that have taken place in the area over the last few years
 - Traffic congestion

1 letter of comment has been received raising the following points:

- Broadly supporting of the application
- Difference in levels to Tomkinson Drive
- Need to ensure maintenance of boundary
- Siting needs to be ‘fixed’ to ensure no privacy issues

18/0649/OUTL

4.0 Officer Comments

4.1 The main considerations in this application are whether the proposed development would be acceptable in principle and whether there would be any detrimental impact on local character, the amenity of existing and future occupiers and on highway safety.

4.2 POLICY CONTEXT / PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT Policies DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan seek to concentrate new residential development on previously developed land within the urban areas of Kidderminster, first, before applying a sequential approach to other appropriate locations for new residential development. As the application site comprises garden land in a built up area it is not a previously developed site, and therefore is contrary to Policies DS01 and SAL.DPL1. This application therefore represents a departure of the Development Plan.

4.3 Paragraph 11 of the Framework explains that planning decisions should apply a presumption in favour of sustainable development, which means that when there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.

4.4 The Council's adopted housing numbers are based on superseded figures and, therefore, its policies for the supply of housing are now considered to be out of date in accordance with the Framework and paragraph 11 is now fully engaged in the decision of this application, subject to the following site specific considerations.

IMPACT ON LOCAL CHARACTER

4.5 The surrounding area comprises mainly two-storey houses with a direct road frontage, although development in the form of backland is evident in the area. For example the existing dwellinghouse at 164 Sutton Park Road, as well as 150 Sutton Park Road which is sited behind the rear garden belonging to 151 Sutton Park Road and Nos. 195-198 Sutton Park Road which are sited behind the rear gardens of Nos. 199 and 200 Sutton Park Road. In addition, there are a number of cul-de-sacs off Sutton Park Road including Sutton Park Gardens, The Croft and Perrins Avenue which are all in the vicinity of the application site. The plot sizes in the surrounding area are also varied with Nos. 164 and 165 Sutton Park Road having the largest plot sizes in the immediate area. As such, the surrounding area does not have a clear defined or homogeneous character.

18/0649/OUTL

- 4.6 The proposed development has been amended to a maximum of three dwellinghouses. These are indicatively shown as one to be sited in the rear garden of 165 Sutton Park Road and two within the garden of 164 Sutton Park Road. This revision has increased the plot sizes for the proposed dwellinghouse to the rear of 165 Sutton Park Road and reduced the pressure on the need to fell or prune back the existing trees now or in the future by occupiers of the new dwellinghouses.
- 4.7 Whilst matters concerning layout would be considered at a later stage, I am of the view that the indicative site layout is acceptable and that the proposed development would not appear unacceptably cramped or significantly at odds with the surrounding area, given that there is already a precedent for backland development.
- 4.8 The plot sizes would retain a spacious plot for 165 Sutton Park Road and the new position of the access point, as shown on the indicative layout plan, would not be materially harmful to the street scene or character of the area. The street tree to be removed is only a small low specimen tree and there are other trees on the footpath which would not be affected.
- 4.9 The proposed dwellinghouses would not be visible from the Sutton Park Road and the proposed density of the development would be 6 dwellings per hectare which would retain the spacious character of the area. Paragraph 122 of the National Planning Policy Framework makes clear that planning decisions should support development that makes efficient use of land, taking into account (amongst other things): the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places.
- 4.10 Overall, I consider that the proposed development would not have a detrimental impact on the character and appearance of the area, given that there are backland developments in the immediate area and the proposed plot sizes would still be spacious and in keeping with the surrounding area. I am therefore of the view that the proposed development is acceptable and in accordance with Policy CP11 of the Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the framework, which seek to secure well designed developments that do not detract from the local character.

RESIDENTIAL AMENITY

- 4.11 I am satisfied that the site can be developed for this number of dwellinghouses without resulting in a detrimental impact on neighbouring properties, or upon the existing occupiers of 164 and 165 Sutton Park Road, in terms of overlooking.

18/0649/OUTL

- 4.12 I note that there are level differences between the application site and the properties in both Tomkinson Drive and Perrin Avenue, however, I consider that the two proposed dwellinghouses in the garden of 164 Sutton Park Road can be positioned at least 12 metres from the adjoining rear gardens (when measured from their two-storey elevation) and carefully designed to ensure the new dwellinghouses do not have an overbearing impact or result in loss of privacy. Conditions are recommended to secure a landscaping scheme and landscape management plan in order to improve and maintain the existing screening along the site boundaries. I have also recommended a condition to secure details of any new boundary treatment to safeguard the amenities of existing residents, where their gardens are slightly lower in ground level than the application site.
- 4.12 I recognise that the existing residents currently have open and uninterrupted views over the garden of 164 Sutton Park Road, which adds to the quality of the residential environment, however there is no right to a view and I am satisfied that a suitable site layout can be achieved for the reserved matters application which would retain the existing screening and provide a development that would not cause any significant harm to the amenities of existing occupiers in Perrin Avenue and Tomkinson Drive.

IMPACT ON HIGHWAY SAFETY

- 4.13 Access details are to be reserved for future consideration. The Highways Authority have carefully considered the proposed development and are satisfied that a safe and suitable access is achievable and that the visibility splays as shown based on the submitted data are also achievable. I also consider that sufficient parking provision can be achieved for the existing and proposed dwellinghouses and that the additional three dwellinghouses would not have a detrimental impact on the local highway network. The proposed development is therefore in accordance with paragraph 109 of the National Planning Policy Framework and Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan.

DRAINAGE

- 4.14 The site is not at risk of flooding and subject to surface water drainage arrangements for the roofs of the proposed dwellinghouses and for the new hardstanding areas being agreed by condition, there should be no increase in flood risk elsewhere. I have recommended a condition to secure the drainage details.

IMPACT ON TREES AND ECOLOGY

- 4.15 The proposed development does not require any of the mature trees on the boundary lines to be removed, and only some tidying up of some scrub and bushes is proposed. The Arboricultural Officer has considered the submitted Tree Survey and Tree Shadow analysis and is satisfied that a new dwellinghouse can be sited in the rear garden of 165 Sutton Park Road without the need to have any existing trees removed or reduced by the future occupiers of the proposed dwellinghouse. I concur with this view.

18/0649/OUTL

- 4.16 The submitted Ecological Appraisal concluded that no protected species were found on the site and that no bats were found to be roosting in either of the two existing dwellinghouses. It is recommended in the report that four bat boxes and six bird nesting boxes should be provided and that any new lighting should be installed in appropriate locations and away from the bat boxes. A number of other mitigation and enhancement measures have also been recommended. The Countryside Manager has raised no objection subject to conditions to secure the mitigation and enhancement measures and to require an acceptable lighting scheme to be submitted. I have recommended these conditions accordingly.

PLANNING BALANCE

- 4.17 When assessing the planning balance between benefits and any harmful impacts it is necessary to take account of economic, social and environmental factors. In terms of these factors, the development of three additional dwellinghouse would have a positive impact upon the supply of housing within the urban area of Kidderminster, which would be beneficial for the social-wellbeing of the area. The construction phase of the development would also deliver a short-term economic benefit, in terms of jobs and the purchasing of materials. The application site is accessible to local shops, services and schools.
- 4.18 Although the development would be on garden land, and would therefore result in the loss of greenery and change the outlook of neighbouring properties, it is considered that there would be only a limited impact on the environment. Furthermore, it is considered that the development would integrate well into the existing character of the area, which already includes a number of backland developments in the area, notably at 151 and 164 Sutton Park Road, and would not appear unacceptably cramped or inconspicuous. Overall, the proposed development would contribute to the housing supply and would cause no significant or demonstrable harm.

5.0 Conclusions and Recommendations

- 5.1 The application is within the urban area of Kidderminster where housing development is generally supported in principle. In this instance, the proposed development on garden land would not equate to significant or demonstrable harm. Therefore, any conflict with the relevant housing policies of the Development Plan does not outweigh the benefits associated with this windfall development in terms of increasing housing supply and when assessed against the Framework as a whole.

18/0649/OUTL

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

1. A1 (Standard outline)
2. Approved Plans
3. A2 (Standard outline – reserved matters)
4. A3 (Submission of reserved matters)
5. B1 (Samples/details of materials)
6. B11 (Details of enclosure)
7. B13 (Levels details)
8. Parking Provision to be provided
9. To require a landscaping scheme (including retention of hedgerows and trees along perimeter of site)
10. To require the landscaping scheme to be implemented
11. Scheme for Surface Water Drainage
12. Scheme for external lighting
13. Ecological Mitigation and Enhancement Measures

Note

Severn Trent Water – There may be a Public Sewer within the site.

Agenda Item No. 5

Application Reference: 18/0654/FULL **Date Received:** 15/10/2018
18/0655/LIST
Ord Sheet: 378653 275319 **Expiry Date:** 10/12/2018
Case Officer: Imogen Hopkin **Ward:** Bewdley & Rock

Proposal: Removal of the existing fire escape stair, reinstating a window to the rear elevation, and the installation of a new free-standing escape stair within a rear yard and the formation of a new door opening at first floor level.

Site Address: BEWDLEY TOWN HALL, BEWDLEY MUSEUM, 12 LOAD STREET, BEWDLEY, DY122AE

Applicant: Liz Cowley

Summary of Policy	CP07, CP11 (CS) SAL.UP6, SAL.UP7, SAL.DPL11 (SAAPLP) Sections 12, 15 (NPPF)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site refers to Bewdley Museum. This is located within the heart of Bewdley Town Centre and lies within the designated Conservation Area for the town. The property is a Grade II Listed Building.
- 1.2 The proposal seeks permission for the removal of the existing fire escape and the provision of a new free standing escape stair along with the formation of a new door opening at first floor level. The proposal includes the installation of a window into the rear elevation.

2.0 Planning History (recent)

- 2.1 WF.0166/03 – Internal alterations to existing textile craft workshop and alterations to elevation to The Shambles : Approved 15.4.03
- 2.2 08/0118/LIST – Alterations to create cafe; disabled toilets and new workshops, including replacement roofing and hardstading : Approved 02.04.08
- 2.3 09/0187/LIST – Alterations to fenestration & creating of new doorway and block up existing doorway : Approved 26.08.09

18/0654/FULL &
18/0655/LIST

- 2.4 15/0547/LIST – Alterations to existing glazed timber screen to Shambles Craft Studio by insertion of new timber glazed doors and adjustment to brick paving to enable level access : Approved 19.11.15
- 2.5 17/0489/LIST – Alterations to existing storage areas to create 2 new toilets in The Shambles : Approved 22.09.17
- 2.6 18/0349/LIST – To install two antennas onto external walls: Approved 21.09.18

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection and recommend approval subject to any conditions and recommendations by the Conservation Officer.
- 3.2 Conservation Officer – No objections subject to conditions.
The applicant has provided a heritage statement to accompany this application and in this respect it is compliant with the NPPF and WFDC Policy SAL.UP6.

The proposal comprises several elements of works:

- 1. The removal of the existing metal fire escape from the rear of the wing building. This will better reveal the significance of the listed building as viewed from the shambles and will provide the opportunity to reinstate a timber sash window into the opening, as well as carrying out repairs to the stone lintel above.
 - 2. Construction of a new metal fire escape to run along the side of the wing building. This will provide an improved means of escape from the first floor of the building into the rear service yard.
 - 3. The new fire escape will require the formation of a new doorway opening in the side wall of the wing building. Whilst this will undoubtedly impact upon the existing historic brickwork the level of harm caused to the building overall is less than substantial, and the improved means of escape is a tangible public benefit which outweighs this harm in my opinion.
- 3.3 Neighbour/Site Notice – No representations received

18/0654/FULL &
18/0655/LIST

4.0 Officer Comments

- 4.1 The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering Heritage Applications to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocation and Policies Local Plan also states the installations of fixtures and fittings should not have a detrimental impact on a heritage asset, should be inconspicuously sited and proportioned and designed sympathetically.
- 4.2 In this case, the Conservation Officer has raised no objections to the amendments of the re-siting of the fire escape, subject to the imposition of a condition relating to the style and materials that will be used.
- 4.3 The NPPF states that where a proposal, as in this case, will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. Bewdley Museum represents an important visitor attraction for the town and a valuable community facility, the enhancement of which is supported under Policy CP07 of the Adopted Wyre Forest Core Strategy and Policy SAL.DPL11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. The harm to the building is less substantial and the public benefit outweighs the harm in this instance.

5.0 Conclusions and Recommendations

- 5.1 The proposed siting of the fire escape stair, window and new door is deemed acceptable from the Conservation Officer's perspective and this will ensure minimal disturbance to the listed building. The proposal is therefore deemed to accord with Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and the Council obligations under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 It is recommended that the application **18/0654/FULL** be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. G1 (Details of works to Listed Buildings)
- 5.3 It is recommended that the application **18/0655/LIST** be **APPROVED** subject to the following conditions:
1. A7 (Listed Building/Conservation Area Consent)
 2. A11 (Approved plans)
 3. G1 (Details of works to Listed Buildings)

Application Reference: 18/0675/FULL
Ord Sheet: 384501 275930
Case Officer: Julia McKenzie-Watts

Date Received: 24/10/2018
Expiry Date: 19/12/2018
Ward:

Proposal: Four bedroom detached house with detached 2-car garage with revised vehicular access to site of Little Oak

Site Address: LAND ADJOINING LITTLE OAKS, COMBERTON ROAD, KIDDERMINSTER, DY10 3DS

Applicant: S & S Jordan Properties Ltd

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site comprises garden land belonging to Little Oak which is a large detached property sitting in an extensive plot on Comberton Road in a residential area of Kidderminster. The surrounding area is characterised by large dwellings within large plots. A large attached garage has been demolished to make space for the proposed new dwelling.
- 1.2 The application seeks for the erection of detached 4 bedroom property with detached double garage to the front.

2.0 Planning History

- 2.1 18/0238/FULL – Single storey front and rear extensions : Approved 25.05.18

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend approval
- 3.2 Highway Authority - No objection subject to conditions. The proposed 4no. bedroom dwelling requires 3 parking spaces with turning facilities within the curtilage in line with standards and these spaces have been shown. It is noted that the parking and turning for the existing dwelling has been retained and was dealt with under a previous application 18/0238/FULL.

18/0675/FULL

- 3.3 Severn Trent Water – As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 3.4 Planning Policy - Given its location within Kidderminster and proximity to public transport it could be considered that this development would meet the overall aim of sustainable development as outlined in the revised NPPF (paragraphs 7-14). This plan meets paragraph 68 in *'small and medium sized sites can make an important contribution to meet the housing requirement of an area'*. However paragraph 122 in relation to achieving appropriate densities; it must be taken into account the *'desirability of maintaining an area's prevailing character and setting (including residential gardens)'*.

The Local Plan Pre-Submission Publication contains an updated policy on infill development - Policy 18B, which states:
'Infill development is defined as residential development of up to 6 dwellings in an otherwise built up frontage. Residential developments on infill plots within the settlement boundaries of the three main towns and the villages will be encouraged provided that they contribute to the existing character of the area in terms of design, density and layout.'

CONCLUSION:

It is not clear in the revised NPPF if garages within built up areas can be classified as previously developed land. The definition excludes *'land in built up areas such as private residential gardens, parks, recreation grounds and allotments'*, but garages are not explicitly referenced. Since the publication of the Adopted Core Strategy however the Local plan Pre-Submission Publication has been in development. The quantum of development is expected to increase from 4,000 (or 200 homes per year) in the 2006-2026 plan period, to 5,520 (or 276 homes per year) in the 2016-2036 new plan period.

The application meets these criteria for Policy 18B in the emerging local plan, provided the development takes account of the design principles in the Design Supplementary Planning Document and the Government's Nationally Described Space Standards. The application is in a sustainable location given its proximity to Kidderminster Railway Station and the town centre. Given the amount of Brownfield / previously developed land, it is likely that development will also be required in other land types in order to meet the district's housing needs, and this application should be considered positively.

- 3.5 North Worcestershire Water Management – No objection subject to a condition "Surface water from the development shall discharge to infiltration drainage (such as soakaways, permeable surfaces etc) designed to cope with a 1 in 100 year event plus 30% allowance for climate change. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. The drainage shall be implemented prior to the first use of the development and thereafter maintained. "

18/0675/FULL

- 3.6 Neighbour/Site Notice – 1 letter received raising the following comment:
I have no objection however the south elevation on the plans indicate two windows on the first floor of the development. It is highly likely that this will be intrusive to both myself and prospective residents in the development. These windows will provide visual intrusion directly into my driveway and also into my own hose and from my house I will also have full view through the windows proposed. This can of course be resolved by the developed to put in frosted glass windows or if there is no direct necessity for the windows, to not have windows at all.

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.1 The application site relates to an existing residential garden belonging to The Oaks on the site of an attached garage within a residential area of Kidderminster. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises garden land it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.

- 4.2 Housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years failed to meet its assessed need. Relevant policies for the supply of housing are therefore out of date. Based on the latest Housing Residential Land Availability data, whilst the Council may be able to demonstrate a 5 year supply of deliverable housing sites there still is a need to maintain and boost this supply. In any case, the 'out of date' nature of the plan results in the presumption in favour of sustainable development set in paragraph 11 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this context.

DESIGN

- 4.3 The proposed two storey dwelling would be constructed in materials to match the adjacent property (Little Oaks) which are brick, part render and a tiled roof. The accommodation would consist of an entrance hall, WC, utility, family kitchen / Dining area, sitting room and study / snug at ground floor level and four bedrooms each with en-suite at first floor level and a detached double garage (5.5m x 5.9m x 4.5m) located to the front. In design terms the dwelling is sympathetic in scale and character to the adjacent properties sitting 0.2m lower and slightly further back into the site than Little Oak in order to accommodate the new detached double garage to the front.

18/0675/FULL

- 4.4 The dwelling would be separated by a gap of 3 metres from little Oak with a gap of 2.5m to the side boundary fence with Half Acre on the other side of the proposed dwelling and a 30 metre gap from the rear elevation of the new dwelling to the rear elevation of the property located at the rear of the site in Barnetts Grove. This provides an acceptable appearance in the streetscene, filling in a noticeable gap within the frontage.
- 4.5 The erection of a dwellinghouse on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot size and degree of separation from the neighbouring properties to the side and rear. All side facing windows are to be obscurely glazed in order to further minimise impact on neighbours.

HIGHWAYS AND ACCESS

- 4.6 The Highways Authority has raised no objection to the scheme subject to the inclusion of two conditions and a note. The plans show that the development would be capable of providing adequate parking provision for the proposed and existing dwellinghouse. I therefore consider that the proposed development would not have any detrimental impact on highway safety in the area.

OTHER MATTERS

- 4.7 North Worcestershire Water Management has offered no objection to the scheme subject to the inclusion of a condition.

5.0 Conclusions and Recommendations

- 5.1 Having assessed the principle of the development and identifying no harm, it is considered acceptable. The proposed dwellinghouse will, along with other similar windfall sites, boost the supply of housing, which is also considered to be a benefit in favour of the development. On this basis it is considered that there are sufficient grounds to support a departure from Local Plan policy.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Highways
5. Highways
6. Details of walls, fences and other means of enclosure to be submitted
7. Details of hard and soft landscaping to be submitted
8. Drainage
9. Obscurely glazed side windows

Notes

Highway

Agenda Item No. 5

Application Reference: 18/0683/FULL **Date Received:** 29/10/2018
Ord Sheet: 381883 276317 **Expiry Date:** 24/12/2018
Case Officer: Paul Round **Ward:** Blakebrook & Habberley South

Proposal: Proposed detached dwelling

Site Address: 140 BEWDLEY HILL, KIDDERMINSTER, DY116BT

Applicant: Mr J Atkinson

Summary of Policy	DS02, CP01, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a prominent gap within the existing street frontage of Bewdley Hill situated on the west side of Kidderminster. The site is surrounded by residential properties with the Gainsborough House Hotel lying opposite the site. The existing properties whilst fronting Bewdley Hill have vehicular access from single access tracked accessed from Pineridge Drive.
- 1.2 The site forms part of the garden of 140 Bewdley Hill, although being allocated within an area within the Local Plan for residential purposes as garden land within a built up area it constitutes non previously developed land.
- 1.3 The proposal seeks to provide a single dwelling to the side of the dwelling. Access and parking will be provided to the rear.

2.0 Planning History

- 2.1 10/0205/FULL - Erection of a detached dwelling, creation of rear access with garage : Refused; Appeal Dismissed
- 2.2 12/0729/FULL- Erection of a detached double garage : Approved
- 2.3 16/0739/FULL – Detached Dwelling : Withdrawn
- 2.4 18/0683/FULL – Detached Dwelling : Refused

18/0683/FULL

3.0 Consultations and Representations

3.1 Kidderminster Town Council – Defer. Not enough information available to assess the full impact of the proposed development.

(Officer Comment – It has been established that additional information in respect of Access arrangements was sought. This has been provide to the Town Council).

3.2 Highway Authority – No objection subject to conditions.

The parking provision of 2 spaces per dwelling for both the existing dwelling (No. 140) and the proposed new dwelling is in line with standards and it is noted that the turning area and access will be shared, for use by both dwellings.

3.3 Severn Trent Water – As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advises that there is a public sewer located within this site.

3.4 Neighbour/Site Notice – 1 letter of objection received raising the following concerns:

I wish to strongly object to the development on the following grounds:-

- Road access - the access to the site is an undeveloped road with vehicular access for existing properties only. It is poorly maintained and sited next to playing fields. Heavy plant and extra traffic are dangerous where children play and dogs are exercised.
- Adequacy of parking, loading and turning - there is insufficient area for lorries to turn without using playing fields with disastrous results.

4.0 Officer Comments

4.1 The proposed development seeks for the construction of a single detached dwelling with access and parking to the rear. A previous application was refused in 2010 due to the design of the property and the principle of development on non-previously developed land. A further application was refused earlier this year purely on design grounds. This application is a resubmission which attempts to address the previous concerns.

18/0683/FULL

- 4.2 Housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years failed to meet its assessed need. Relevant policies for the supply of housing are therefore out of date. Based on the latest Housing Residential Land Availability data, whilst the Council may be able to demonstrate a 5 year supply of deliverable housing sites there still is a need to maintain and boost this supply. In any case, the 'out of date' nature of the plan results in the presumption in favour of sustainable development set in paragraph 11 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this context.
- 4.3 The application submitted earlier this year addressed many of the concerns of the Inspector when he dismissed the 2010 appeal. However, concern was still expressed that the width and the rhythm of design resulted in a property that was out of character with the area. This revised application now proposes a narrower dwelling which mirrors the typical width of the adjoining traditional semi-detached properties. The fenestration matches the style of the adjoining Victorian properties, including provision of bay windows, string course, headers, cills and window/door positions. The rear of the property includes a projecting gable that has the appearance of a typical extension to as traditional property, being in scale and proportional primary part of the dwelling. The ridge height of the dwelling is set down from No.140, providing a suitable step between the two existing properties.
- 4.4 Garden space is provided to the rear of the dwelling of the same length as the adjoining properties. Due to the size of the existing garden adequate space can be provided to allow large garden areas for both existing and proposed properties of a similar size to surrounding properties.
- 4.5 The layout and design of the dwelling has adequately overcome all previous concerns and results in a quality design that enhances the character of the streetscene by completing the gap in the frontage. The development has fully taken account of the context of the site and provided a design that accord with the Local Plan and the aims of the National Planning Policy Framework (2018).

18/0683/FULL

- 4.6 Access to the property will utilise the existing access used for No.140 Bewdley Hill. This is provided from Pineridge Drive via a single track access road. The existing double garage will be retained from the new property along with the provision of two car parking spaces. There is also adequate space to provide two car parking spaces for the existing property. I acknowledge the comments made by the objector, however the ownership of the access road, its suitability for construction vehicles or any covenants placed upon it are not planning matters that carry any material weight. The Highway Authority has raised no objections to the proposal recommending suitable conditions be imposed. I consider that access and parking to the property is wholly acceptable.
- 4.7 The position and scale of the property results in little or no impact on the Applicant's property or the neighbouring property. Indeed no objections have been received in connection with this issue. Adequate separation exists between the properties, with any side facing windows being high level or obscure glazed. On this basis I conclude that the proposal will not result in the adverse loss of amenity to residential properties.
- 4.8 Drainage will be connected to the existing drainage system to the extent that Severn Trent Water is satisfied that no conditions are required to be imposed. On this basis it is concluded that adequate drainage can be provided to the site.
- 4.9 When taken in the 'tilted balance', whilst there is harm by virtue of the contrary nature of the proposal to the existing Development Plan policy, due to the development of non-previously developed land, there are no other matters of harm. The benefits that would arise from the scheme in economic, social and environmental aspects, including the need to maintain and boost housing supply, would add significant further weight in favour of the development. The harm of not complying with existing policy is not sufficient to significantly and demonstrably outweigh the benefits of allowing the scheme. The proposal therefore is sustainable development as defined by the National Planning Policy Framework (2018).

5.0 Conclusions and Recommendations

- 5.1 The proposal provides a new dwelling that provides a suitable design and massing to accord with the character of the streetscene and no adversely impact on residential properties. Adequate access and parking can be provided along with appropriate amenity space. Whilst the proposal would be built on garden land, contrary to the development plan, the benefits of the scheme when taken in the 'tilted balance' result in a planning balance clearly in favour of the proposal.

18/0683/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B10 (Window details)
5. J9 (Open plan frontages [obscure glazed windows])
6. Highways – Access, turning and parking

Notes

- A. Private access – Developer to ensure ownership/rights of access have been established
- B. STW – Sewer within the site.

WYRE FOREST DISTRICT COUNCIL

Planning Committee

11 December 2018

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1508 17/0673/FULL	APP/R1845/W/1 8/3208869	Mr G Skidmore	BARROW HILL COTTAGE BARROW HILL BELBROUGHTON Conversion of former stables and apple store to 1no three bed bungalow	WR 17/09/2018	22/10/2018			Dismissed 16/11/2018
WFA1509 18/0318/CERT	APP/R1845/X/18 3209785	Plant & Cheeseman	TANGLE TREE BUNGALOW WOLVERLEY ROAD KIDDERMINSTER Proposed detached garage	WR 27/09/2018	01/11/2018			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1510 17/0081/CERT	APP/R1845/X/17 3192591	Mrs A Thomas	ALTON PIECE DARK LANE BLISS GATE ROCK KIDDERMINSTER The operation of an unrestricted full time riding school and all related equine activities	HE 30/10/2018	04/12/2018		12/02/2019	
WFA1511 18/0373/FULL	APP/R1845/W/1 8/3210105	Mr A Willets	BEECH ELM FARM CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NG Conversion of agricultural building to a dwellinghouse, including external alterations and parking provision	WR 07/11/2018	12/12/2018			



Appeal Decision

Site visit made on 30 October 2018

by R A Exton Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2018

Appeal Ref: APP/R1845/W/18/3208869

Barrow Hill, Barrow Hill Lane, Drayton, Belbroughton DY9 0BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Skidmore against the decision of Wyre Forest District Council.
 - The application Ref 17/0673/FULL, dated 21 September 2017, was refused by notice dated 5 June 2018.
 - The development proposed is described as conversion of former stables and apple store to 1no. three-bed bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The new National Planning policy Framework ('The Framework') was introduced in July 2018. Both the Council and the appellant have been given the opportunity to comment on its relevance to this appeal. I have taken account of any comments in my reasoning below.

Main Issues

3. The main issues are:
 - Whether or not the appeal proposal would be inappropriate development in the Green Belt, having regard to the development plan and the Framework;
 - Whether or not there are any other considerations; and,
 - If the appeal proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons

4. Although the Local Plan¹ pre-dates the Framework the aim of its Policy SAL.UP1 in safeguarding the Green Belt from inappropriate development is consistent with it. I therefore afford it significant weight in this respect. Criterion iv of Policy SAL.UP1 is permissive of the re-use or conversion of buildings that are in

¹ The Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 adopted in 2013.

- accordance with Policy SAL.UP11 of the Local Plan. This policy sets out 6 criteria that need to be met. These relate to the re-use and adaptation of all rural buildings, not just those in the Green Belt. In this case the majority of the criteria will only be relevant if the appeal proposal meets the requirements of the Framework and criterion ii of Policy SAL.UP11 by being of permanent and substantial construction and capable of conversion without significant building works or complete reconstruction. These are different tests to those applied when assessing the level of re-building in prior approval cases.
5. The appeal site is formed of a group of 3 interconnected buildings. Although there are some areas of masonry within these they are of substantially timber and profiled sheet construction. As noted in the appellant's structural reports some areas are more substantially constructed than others and there are some areas of unorthodox construction. In many places the wall or roof is formed of a single skin of timber or profiled sheet material. There are open gaps both within and at the junctions of horizontal and vertical surfaces in many places. One area has no roof covering behind the vertical external elevation. Whilst some areas of the building are either sat upon or have a concrete surface within them there are a number of areas where the floor is earth or rubble.
 6. I note the appellant's comments on how the Council has arrived at its decision regarding the suitability of the buildings for conversion. However, I have arrived at my own conclusion based on my observations on site and all the evidence before me. In doing so I accept that the buildings as a whole have a degree of permanence but consider that overall they are not of a substantial construction and would require significant building works to enable conversion to a dwelling. I therefore conclude that their re-use would represent inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt.

Other Considerations

7. The appellant considers that the Council cannot currently demonstrate a 5 year housing land supply and as a result paragraph 11 of the Framework is triggered. I do not have sufficient evidence to conclude on the Council's housing land supply situation. Even if I were to conclude that the Council could not currently demonstrate a 5 year housing supply paragraph 11 d) i of the Framework says that planning permission should not be granted where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Land designated as Green Belt is identified as such an area. In any event, the contribution the appeal proposal would make to boosting housing supply in the district would be minimal. I therefore afford this matter minimal weight.
8. I note the appellant's personal reasons for the appeal proposal. However, development generally long outlasts any personal reasons to justify it. This matter therefore also carries minimal weight.
9. I also note the Council's and Parish Council's lack of objection to the appeal proposals compliance with the majority of the criteria of Policy SAL.UP11 and matters including design, provision of amenity space for the proposed dwelling and Barrow Hill Cottage, effect on nearby properties, heritage assets, landscape character and features, biodiversity, highway matters and flood risk. However, lack of objection is a neutral matter.

Planning Balance

10. I have concluded above that the appeal proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition harmful, and should only be approved in very special circumstances. I afford substantial weight to this harm.
11. The minimal weight of the other considerations set out above does not clearly outweigh the substantial weight I attach to the harm by reason of inappropriateness. Very special circumstances do not therefore exist. Consequently, the appeal proposal would conflict with Policy SAL.UP1 of the Local Plan and also the Framework in respect of their aims of controlling inappropriate development in the Green Belt.

Other Matters

12. I note Council's contention within its reasons for refusal that the appeal proposal would represent the construction of a new dwelling in the Green Belt. However, in light of my conclusion that the appeal proposal would represent inappropriate development and there are no very special circumstances that justify its approval, I do not need to consider this matter further.

Conclusion

13. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR

SECTION 106 OBLIGATION MONITORING

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

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

Application Number	Site	Provisions	Triggers for Compliance	Performance
18/0529/FULL	Former Sion Hill Middle School Sion Hill Kidderminster	<ul style="list-style-type: none"> • Affordable Housing (46 units) • Highway contribution of £22,000 towards improvement of 3 bus stops 		
18/0446/FULL	Site Parcel P Former British Sugar Site Land off Stourport Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £56,651.40 • Affordable Housing (7 units) 		
18/0285/OUTL	Churchfields Business Park Unit 38 Churchfields Kidderminster	<ul style="list-style-type: none"> • Affordable Housing (18 units) 		

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
18/0163/FULL	Land off Stourbridge Road (adj. Hurcott Lane) Kidderminster	<ul style="list-style-type: none"> • Education contribution of £373,356 • Public Open Space Contribution of £101,714 • Highway contributions of <ul style="list-style-type: none"> - £20,000 for Bus Stop Provision - £4,905 for Promotion of Speed Limit Extension - £18,200 for Personal Travel Planning • Affordable Housing 	<ul style="list-style-type: none"> • Occupation of 1/3 of dwellings • Prior to 1st occupation • Prior to commencement 	Agreement completed 9 th August 2018
18/0034/FULL	Stourport Road Kidderminster	Highways contribution of £15,405 to provide traffic signals on Stourport Road so that the approach from the Emergency Services Hub can have its own 'green wave' to enable clear passage and to provide a Traffic Regulation Order to protect the access for the emergency vehicles	Prior to commencement	Agreement completed 18 th July 2018

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0780/FULL	Blakebrook School Bewdley Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space of £19,174.32 • Biodiversity contribution of £5,000 	First occupation	Completed 26 th March 2018
17/0511/OUTL	Land off Spennells Valley Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution based on bedspaces • Contribution of £20,000 towards creation of bus stops • £1500 towards pedestrian crossing • Affordable Housing 29.8% 	First occupation Prior to commencement Prior to commencement	Completed 1 st May 2018

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0325/S106	Deasland Farm Deasland Lane Heightington	Variation of S.106 agreement associated with Planning Permission WF.0642/98 to allow Deasland Farmhouse to be separated from the farm holding and removal of agricultural tie		Agreement completed 10.7.18
17/0269/FULL	Kidderminster Market Auction Site Market Place Kidderminster	Public Open Space contribution of £6,682		Agreement completed 23.10.17

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0205/OUTL	Former Lea Castle Hospital Park Gate Road Kidderminster	<p>£194,237 contribution towards existing GP surgeries Education</p> <p><i>Primary Level</i> £2,476 per open market 2 or 3 bed dwelling; £3,714 per open market 4 or more bed dwelling; £990 per open market 2 or more bed flat.</p> <p><i>Secondary Level</i> £3,230 per open market 2 or 3 bed dwelling; £4,845 per open market 4 or more bed dwelling; £1,292 per open market 2 or more bed flat.</p> <p>Calculated by reference to the number of dwellings in each phase Refurbishment of sports changing facilities Affordable housing 15% minimum, 20% maximum</p>		

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0168/FULL	Doveleys Worcester Road Clent	S.106 agreement required to prevent the previously approved Planning Permission being implemented		Agreement completed 18.7.17
17/0102/FULL	1 and 2 Barretts Farm Cottage Rectory Lane Rock	S.106 agreement required to prevent any further work under the previously approved and implemented Planning Permission 10/0434/FULL		Agreement completed 20.4.17
17/0090/FULL	Barrow Hill Farm Bournes Green Kidderminster	S.106 agreement required to ensure that existing property must be demolished within 3 months of the occupation of the new property		Agreement completed 22.5.17

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0006/S106	Land off Mill Lane Stourport on Severn	Variation of S.106 agreement attached to WF.472/98 to allow a financial contribution in lieu of on-site provision of play area		Agreement finalised. Just resolving land transfer documents.
17/0001/OUTL	Alton Works Long Bank Bewdley	<ul style="list-style-type: none"> • Public Open Space contribution of £23,242 • Education contribution of £48,282 • Affordable Housing 		Draft agreement in circulation
16/0740/S106	14-36 (evens) Gala Drive Stourport on Severn	Variation of S.106 attached to Planning Permission 10/0321/OUTL to define and amend disposal and mortgage exclusion clause		Agreement completed 23.10.17
16/0688/FULL	Rifle Range Community Centre Dowles Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £3,384 • Affordable Housing – to be secured by condition 		Agreement completed 22.6.17
16/0480/S106	Tesco Stores Ltd Castle Road Kidderminster	Variation of existing S106 regarding car parking management		Draft being finalised

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
16/0096/FULL	Eagles Nest Coningsby Drive Kidderminster	£10,000 to provide new bus shelter	First occupation	Agreement completed 2.3.17
16/0089/FULL	Corner of Castle Road and Park Lane Kidderminster	Public Open Space contribution of £6,878 towards St George's Park 'Bandstand' project'	Prior to first occupation	Agreement completed 19.4.16

Agenda Item No. 7

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

Agenda Item No. 7

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

Application Number	Site	Provisions	Triggers for Compliance	Performance
		<ul style="list-style-type: none"> • Education Contributions : Will be based on the following <ul style="list-style-type: none"> - 1 bed dwelling of any type = £0 - 2 bed house = £2119 - 3 bed house = £2119 - 4+ bed house = £3179 - 2+ bed flats/apartments = £848 - Affordable Housing = £0 (To be payable to one of the following: <ul style="list-style-type: none"> - Wolverley Sebright Primary School - St Oswald's C of E Primary School - Wolverley High School) • Affordable Housing - Total 9 units (19.5%) - 79% / 21.5% in favour of Social Rented <ul style="list-style-type: none"> - 1 bed social rented = 28.5% - 2 bed social rented = 36% - 2 bed shared ownership = 21.5% - 3 bed social rented = 14% • Highway Contribution of £22,000 for bus shelters 	<ul style="list-style-type: none"> • Prior to first occupation • Prior to occupation of one third of GMD • Commencement of development 	

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
14/0591/FULL/OUT	West Midland Safari Park Spring Grove Bewdley	Highway Contribution of £87,000 to provide additional Sunday bus services on Sundays and Bank Holidays routing between Kidderminster Railway Station and Bewdley Town Centre.	Prior to the commencement of development	Agreement completed 19.4.16
14/0358/FULL	Land adjacent 29 Mitton Street Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £43,656.00 • Public Open Space provision of £6,877.92 (allocation of funds to be confirmed) 	<ul style="list-style-type: none"> • First residential occupation • First residential occupation 	Agreement signed and completed.
14/0105/FULL	Stone Manor Hotel Stone Chaddesley Corbett	<ul style="list-style-type: none"> • Education contribution of £9,810 • Open Space provision of £2,862.72 	<ul style="list-style-type: none"> • Commencement of development • First residential occupation 	Agreement signed and completed
14/0056/FULL	Land at Sebright Road Wolverley	Open Space provision of £6,679.68	First residential occupation	Agreement signed and completed

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

Agenda Item No. 7

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

Agenda Item No. 7

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

Agenda Item No. 7

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

Agenda Item No. 7

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

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

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

Agenda Item No. 7

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

11th December 2018

Land at 451 Stourport Road, Kidderminster

OPEN	
CORPORATE DIRECTOR:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Alvan Kingston - Extension 2548 Alvan.Kingston@wyreforestdc.gov.uk
APPENDICES:	Location Map

1. PURPOSE OF REPORT

- 1.1 To determine whether Tree Preservation Order No 433 (2018) relating to a group of three Common Lime trees, within the front garden at 451 Stourport Road, Kidderminster, should be confirmed or not.

2. RECOMMENDATION

- 2.1 That the Tree Preservation Order (TPO) be confirmed with the following modification:

TPO to only include:

G1 consisting of 2 x Common Lime.

as these trees contribute to the amenity of the locality and are considered worthy of protection.

- 2.2 For reasons given in this report, the following tree should be removed from the original Schedule 1 of the TPO:

1 Common Lime within G1.

3. BACKGROUND

- 3.1 In late September Officers were contacted by a local Arborist, who was enquiring about the protective status of three Common Lime trees, located in the front garden of 451 Stourport Road, as the trees were to be felled. On confirmation that the trees were not covered by a TPO, he expressed surprise as he felt they were sound trees in a prominent location.
- 3.2 Following a brief inspection, from the highway, to ensure the trees were in a healthy condition, there were no obvious defects from the highway, and the trees played an important role in the amenity of the area. It was therefore decided to progress with making a provisional TPO, consisting of three Common Lime trees, to prevent their removal.
- 3.3 The Tree Preservation Order was served on 28 September 2018.

4. KEY ISSUES

- 4.1 One objection to the making of the TPO has been received from the owner of the trees, dated 29 September 2018.
- 4.2 A meeting was arranged for the 26 October 2018, in order to discuss the owner's concerns and undertake a closer inspection of the three Lime trees.
- 4.3 During the inspection it was evident that deadwood is present within the canopies of the Limes and the crowns from two of the trees are a little low over the carriageway. The tree on the boundary with 452 Stourport Road is a poor specimen which is suppressed and has decay present within its main stem.
- 4.4 Following this meeting, it is proposed that the group, G1, is reduced to two trees, removing the Lime on the boundary with 452 Stourport Road.
- 4.5 The objections are summarised below:

The Lime trees are apparently notoriously brittle and according to the tree surgeon they are suffering from rot in the upper branches where they have been badly pollarded in the past. Roots are exposed on two of the three trees, which will make them unstable as they grow even taller. They would more than block the whole road should one fall. New growth on lower branches are constantly knocked off by the larger trucks driving beneath.

The three trees overhang the pathway and the roadway (the A451 Stourport Road) a main arterial road in and out of Kidderminster.

Enquiries were made two years ago when we first moved into the property, and again around six weeks ago by the tree surgeon, regarding whether there was a preservation order for the trees in this postcode and were told there were none.

I consulted my neighbours on either side and they were delighted at the prospect of the removal of the trees and also shared our concerns over the safety of pedestrians and traffic passing beneath.

I understand that a near neighbour had trees in a similar situation removed by the Council some years ago due to the overhanging safety issues. Trees of the same variety have been felled in recent weeks at an address nearby on the same road.

Following the verbal checks on any Preservation Orders being in place, arrangements were made with a local tree surgeon to carry out the work as soon as possible due to the deteriorating condition of these trees. We have had branches fall recently, luckily onto the garden and not onto the highway. In my and the tree surgeon's opinion they should be felled.

We are not removing the trees (at considerable expense) for any aesthetic reasons, or to landscape our garden. It is on safety grounds. We do not object to trees, we moved to this house because it overlooks the park with numerous trees of various varieties. I am also disappointed that whoever came to assess the situation did not speak to me to ascertain my reasons for the removal.

If the Council were to confirm this Preservation Order, I must assume they are taking responsibility for the management of these trees and any subsequent damage caused by falling branches or indeed a whole tree onto the public footpath and roadway.

- 4.6 The trees have been inspected as detailed above.
- 4.7 There are some dead branches within the crowns, but most mature trees will have some dead or damaged branches present. Complete removal of the trees seems an extreme option, given that the only works required would be to have the deadwood removed.
- 4.8 Limes are a commonly used street tree and although they do drop deadwood and smaller branches, it is not agreed that they are 'notoriously brittle' like maybe willow, ash or poplar. The roots are not exposed and there looks to be plenty of space for them to have developed over the years to be strong and functional.
- 4.9 Whilst two of the Limes are overhanging the carriageway, minor crown lifting would solve this issue with the trees, and reduce the risk of branchdrop.
- 4.10 It is appreciated that the owner may have made enquiries in regard to the trees and at the time of enquiry there were no orders on the trees. However, the Local Planning Authority (LPA) has powers, under Section 198 of the Town and Country Planning Act 1990, to make new orders when it is "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area".

- 4.11 Members will note that apart from the owner, no objections, to the making of the order, have been received from neighbours.
- 4.12 In respect of the current condition of the trees, it should be noted that no formal report has been submitted from an Arborist to support any assertions of risk.
- 4.13 The presence of deadwood does not automatically render trees unsafe or unsound, although dieback in the crown can be an indicator of decay or dysfunction within the roots and stem. However, from the visual inspection that was undertaken, the base and stems of the two lime trees, to be included within G1, looked to be in good condition. No decay, damage or fungal fruiting bodies were present, at the time of the inspection, that may explain for the deadwood within the crown. As a result, the deadwood would be most likely a result of branches shading each other out and/or wind damaged branches that then die and get hung up in the trees' canopies.
- 4.14 The owner's concerns in respect of the trees and the process were discussed at the aforementioned meeting of 26 October 2018. The trees have been pruned poorly in the past, however the two trees to be included within the order, have developed a well-balanced crown. Some minor defects, resulting from historic pruning were identified. However, these would be sufficient reason not to protect the trees, and, if managed correctly in the future, they could remain *in-situ* for many years to come.
- 4.15 The making of a TPO does not transfer the responsibilities of the management of the trees in question to the Authority. That stays with the owners. The TPO does allow the LPA a level of control as to what can and can not be undertaken to the tree in the future. If an application for works is refused, and the Council are found to have been negligent in deciding the application, compensation could be awarded to the owner of the trees, if they fail.

5. FINANCIAL IMPLICATIONS

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

6. LEGAL AND POLICY IMPLICATIONS

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

7. RISK MANAGEMENT

- 7.1 There are no risk management issues arising directly as a result of this report.

8. EQUALITY IMPACT ASSESSMENT

8.1 There are no equality impact implications to be considered.

9. CONCLUSION

9.1 **Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be confirmed with a modification to reduce the group, G1, from three to two trees, due to the reasons given above.**

10. CONSULTEES

10.1 None

11. BACKGROUND PAPERS

11.1 Tree Preservation Order No. 433

Planning Committee

TPO 433



Economic Prosperity and Place Directorate

Land at 451 Stourport Road

Kidderminster

DY11 7BD



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