

Open

Planning Committee

Agenda

6pm
Tuesday, 9th July 2019
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor C E E Edginton-White
Vice-Chairman: Councillor J Aston

Councillor C J Barnett

Councillor S J Chambers

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J W R Thomas

Councillor V Caulfield

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor L Whitehouse

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

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

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

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday, 9th July 2019

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 18th June 2019.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
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.	56
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.	62

8.	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.	
9.	<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

10.	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.	
-----	--	--

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

18TH JUNE 2019 (6PM)

Present:

Councillors: C E E Edginton-White (Chairman), J Aston (Vice-Chairman), C J Barnett, V Caulfield, S J Chambers, I Hardiman, P Harrison, M J Hart, L J Jones, F M Oborski MBE, J W R Thomas and L Whitehouse.

Observers:

There were no members present as observers.

PL.10 Apologies for Absence

Apologies for absence were received from Councillor C Rogers.

PL.11 Appointment of Substitutes

Councillor I Hardiman was appointed as a substitute for Councillor C Rogers.

PL.12 Declarations of Interests by Members

Councillor M Hart informed the Committee that, in regards to application 19/0157/FULL he had received several email communications from the objector Mr Green but had not passed comment or judgement. He had no pre-determined view and would judge the application on the information put forward at the meeting.

Councillor Sally Chambers informed the Committee that she, as other Members, had received correspondence from the Parish Council on application 18/0585/FULL.

The Principal Solicitor clarified that these matters did not need to be declared as interests and that, in this instance, the comments received had been reproduced on the addenda and update sheet provided.

Councillor John Aston declared an Other Disclosable Interest (ODI) in respect of application 19/0157/FULL that he undertakes work for the applicant and would leave the room whilst the application was determined.

PL.13 Minutes

Decision: The minutes of the meeting held on 23rd May 2019 be confirmed as a correct record and signed by the Chairman.

PL.14 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 574 attached).

Agenda Item No. 4

Councillor J Aston left the meeting at 6:04pm whilst application 19/0157/FULL was determined and returned at 6:51pm for consideration of the remaining applications.

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 574 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.15 Planning and Related Appeals

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

Decision: The details be noted.

PL.16 Land at Saddlers Cottage, The Village, Chaddesley Corbett

The Committee considered a report to determine whether the Tree Preservation Order No 436 (2019) relating to a mature Lime tree, within the rear garden of Saddlers Cottage, Chaddesley Corbett should be confirmed or not.

Decision:

That the tree Preservation Order (TPO) be confirmed without modification:

TPO to include:

1 x Lime tree

As the tree contributes to the amenity of the locality and is considered worthy of protection.

There being no further business the meeting ended at 7:02pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18th June 2019 Schedule 574 Development Management

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

Councillor J Aston left the room at this point (6:04pm)

Application Reference: 19/0157/FULL
Site Address: TALBOT INN, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SA
REFUSED for the following reason: The proposal has failed to adequately demonstrate that reduction in the number of car parking spaces, as a result of this development, will not cause highway congestion and inconvenience within the village that would result in an unacceptable and severe impact on highway safety. The proposal would therefore be contrary to Policy SAL.CC2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, Policy CC12 of the Chaddesley Corbett Neighbourhood Plan and Government Guidance in section 9 of the National Planning Policy Framework.

Councillor J Aston re-entered the room at this point (6:51pm)

Application Reference: 18/0585/FULL
Site Address: LAND TO WEST, TREACLE HALL, LYE HEAD, BEWDLEY, DY12 2UP
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B1 (Samples/details of materials) 4. B11 (Details of enclosure) 5. C6 (Landscaping – small scheme) 6. C8 (Landscape implementation) 7. Workspace to be provided prior to first occupation 8. Workspace not to be sold/let separately 9. Highway – Access and Parking 10. Vehicle Charging Point to be provided 11. Construction Management Plan to be provided 12. E2 (Foul and surface water) 13. No Advertisements without formal consent <u>Notes</u> A. No PD rights B. Public Right of Way C. Severn Trent

Application Reference: 19/0032/OUTL

Site Address: LAND AT ARLEY LANE, POUND GREEN, ARLEY, BEWDLEY, DY12 3LL

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. Visibility Splays to be provided and maintained
10. Landscaping scheme (including retention of hedgerows)
11. Landscaping scheme to be implemented
12. Scheme for Surface Water Drainage
13. Scheme for external lighting
14. Ecological Mitigation and Enhancement Measures

Note

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

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

09/07/2019

PART A Report

Ref.	Address of Site	Recommendation	Page No.
19/0242/FULL	DRAKELOW TUNNELS KINGSFORD LANE KIDDERMINSTER	REFUSAL	12

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
19/0049/FULL	UPPER NORCHARD FARM NETHERTON LANE DUNLEY STOURPORT-ON-SEVERN	APPROVAL	31
19/0279/FULL	49 CRUNDALLS LANE BEWDLEY	APPROVAL	43
19/0299/FULL	20 EASTCOTE COTTAGES BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	46

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH JULY 2019

PART A

Application Reference:	19/0242/FULL	Date Received:	26/04/2019
Ord Sheet:	381951 280740	Expiry Date:	26/07/2019
Case Officer:	Helen Hawkes	Ward:	Wyre Forest Rural

Proposal: Change of use to B8 storage use, including erection of 2 portacabins and boundary treatment, parking provision, refurbishment of metal structure to form canopy and creation of alternative bat habitat.

Site Address: DRAKELOW TUNNELS, KINGSFORD LANE, KIDDERMINSTER, DY115SA

Applicant: London City Bond Ltd

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP08, CP10, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

1.1 The application site is known as Drakelow Tunnels and covers an area of approximately 16 hectares in size. It comprises a former underground military complex and substation buildings, which were built into the hillside and originally were used as a Second World War shadow factory. During the Cold War it was intended that the Tunnels would be a fall-back government centre. Since then the site has been decommissioned and sold into private ownership. The site is located on the east side of Kingsford Lane, close to the road junction with Sladd Lane and Drakelow Lane. The site also comprises a range of buildings and a steel frame canopy that are used for forestry purposes as part of the existing agricultural holding.

19/0242/FULL

- 1.2 The site lies in the rural area of the district within the Green Belt. There are some dwellinghouses nearby, which are located immediately adjacent to the site at the road junction, and to the west on the opposite side of Kingsford Lane and to the south, on the opposite side of a private road. A public right of way adjoins the site along its southern boundary. To the northwest, on the opposite side of Kingsford Lane and beyond a field is Kingsford Caravan Park, which has accessed off Sladd Lane. The surrounding area is characterised by open countryside with dispersed housing along the road frontages. The land above the Tunnels comprise a hill top fort which is designated as a Scheduled Monument, however the Tunnels have recently been removed from the designation. The site lies 1.0 mile from the B4189 Wolverley Road via Sladd Lane.
- 1.3 The proposed development seeks to reuse part of the Tunnels (approximately 285,000 sq feet of floor space) for B8 warehousing and distribution of wine (approximately 10,000 tonnes) and other alcoholic drinks. The site would be operated by London City Bond Limited, a bonded warehousing business that has 10 other warehouses across the UK.
- 1.4 No physical works are proposed to the interior of the Tunnels except for minor works to bolt storage racking to the floor of the Tunnels.
- 1.5 Other associated works would include the demolition of all existing buildings, except for the substation buildings and the canopy steel frame structure which would remain and refurbished to be used as a HGV reception canopy for deliveries. One of the substation buildings would be internally altered to provide an alternative bat habitat. It is intended to install two temporary buildings that would be used to provide office and security accommodation and new boundary fencing, gates and a close boarded acoustic fence would be erected to provide security and noise mitigation.
- 1.6 The existing entrance gates off Kingsford Lane would be relocated approximately 20 metres into the site to provide sufficient roof for any heavy good vehicles (HGVs) that are waiting to enter the site.
- 1.7 The site is proposed to operate during normal business hours on Mondays to Fridays (0730 – 1800) and on Saturdays (0700 – 1400). There would be up to 3 HGVs movements into/out of the site, which would be restricted to between the hours of 0900 – 1700 Mondays to Fridays and until 1400 on Saturdays. Deliveries will be scheduled within a booking system in that no HGV arrives at the site within 30 minutes of another HGV leaving. The applicant has prepared a draft S106 agreement to enable the Council to secure the routing of HGVs to and from the site from Kingsford Lane, via Sladd Lane.

19/0242/FULL

- 1.8 The development would create 40 new full time job opportunities comprising 32 warehouse staff and 8 administration staff. 40 staff car parking spaces and 5 visitor car parking spaces would be provided, including 2 spaces with electrical charging points and 3 disabled parking spaces. Cycle and motorcycle parking is also proposed. The applicant has offered to provide a minibus to transport staff members from Kidderminster Train Station to the application site if considered necessary by the Local Planning Authority.
- 1.9 The underground Tunnels complex are considered by the applicant to be suitable for wine storage, as they would provide optimal temperatures and low sunlight and UV rays which can be extremely detrimental to fine wine maturation. It is noted in the submission documents that the applicant, London City Bond, have other bond warehouse sites at Burton upon Trent ('Vinotheque', which is 200,000sq ft), Burton upon Trent ('Global', which is 100,000sq ft), Barking (272,000 sq ft), Tilbury (490,000sq ft), Hillington (100,000sq ft) and at Melksham (120,000sq ft).
- 1.10 A Planning Statement, Design and Access Statement, Alternative Site Analysis, Flood Risk Assessment, Ecological Appraisal, Bat Survey and Mitigation Strategy, Bat Survey and Mitigation Strategy, Landscape and Visual Assessment, Landscape and Ecological Management Plan, Transport Assessment, draft Travel Plan, HGV Routing Agreement and Routing Plan, Heritage Assessment and Acoustic report have been submitted with the application.

2.0 Planning History

- 2.1 13/0405/FULL – Museum, museum gift shop, coffee shop and visitor parking and construction of 6 dwellings to facilitate costs of establishing museum and museum building : Refused 25.02.2014
- 2.2 06/0033/FULL – Extension & alterations to existing Drakelow tunnels to provide skills training centre with residential accommodation together with associated parking & landscaping works : Withdrawn 12.01.2006
- 2.3 WF/0444/97 - Change of use of part of tunnel complex to rifle ranges : Approved 19.08.1997
- 2.4 WF/0629/94 – Use of Part of Underground Tunnel Complex for Storage Purposes (80,000sq ft – Achieve Documents, paper files etc) : Approved 5.09.1994

19/0242/FULL

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Recommend refusal, due to a total lack of infrastructure to support access to the site and detrimental impact on the neighbourhood due to the number and movements of heavy vehicles and increase in traffic.
- 3.2 Highway Authority – Recommend refusal. The proposed development for a B8 wine storage and distribution use is located at the 'Old Rover Works' on Kingsford Lane, Wolverley and the proposed site operation involves the long term storage of approximately 10,000 tonnes of wine with daily movements of 2,000 cases of wine in and out to include HGV movements no more than 12 two-way trips per week plus smaller vehicles and a total of 40 staff will be required to service the site.

Whilst the site layout, access and parking arrangements are generally acceptable in policy terms and it is noted that HGV movements have been reduced to a maximum of 3 two-way trips per day, the site location is not sustainable and future staff members will be solely reliant on private car use. Moreover the conditions are such that the applicant is not able to put forward any effective means of mitigation for the lack of accessibility by sustainable modes. The roads in the vicinity of the site are not conducive to walking being narrow reducing to single width in parts and the national speed limit of 60 mph applies. There is no footway on Kingsford Lane and on Sladd Lane the footway is narrow and not continuous. Also, there is no street lighting and the lack of provision will act as a deterrent to walking particularly in the winter months and hours of darkness. Moreover, staff recruitment is unlikely to be from the local area.

Equally, the road conditions including the gradient in places and lack of street lighting will deter cycling particularly as a commute nonetheless, it is noted that cycle parking is to be provided.

Whilst the nearest bus stop to the site is less than 500m away, there is a very limited service which is not adequate for staff members to get to work on a daily basis.

The applicant refers to car sharing in the submitted travel plan, however a site specific target for reducing single occupancy car use has not been identified and the Department for Transport generic target of a 15% reduction is unlikely to be achieved particularly where there is a high turnover of staff as is typical of manual work such as warehousing.

Finally, the applicant makes reference to running a minibus service to pick up and drop off staff from further afield however this is also unlikely to be effective logistically as a long term means of transport for staff.

19/0242/FULL

Contrary to Paragraph 108 NPPF, the lack of infrastructure to support access by sustainable modes mean that safe and suitable access to the site cannot be achieved for all users. Moreover the lack of sustainability of the site location means that priority has not been given first to pedestrian and cycle movements which is contrary to Paragraph 110 NPPF.

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 contrary to Paragraph 109 NPPF, there would be a severe impact and therefore recommends that this application is refused.

- 3.3 Worcestershire Regulatory Services (Noise) – No objection subject to a condition to restrict the operating times for HGV movements, loading and unloading to between 9am and 5pm and to require the acoustic fencing to be installed. It is advised that the Noise Impact Assessment predicts that with appropriate mitigation there would be a moderate, but not significant, impact at the nearest noise sensitive receptors from HGV movements, loading and unloading but given the proposed operating times for these activities (0900 – 19:00) and the stated number of daily / weekly HGV movements (maximum 5/day, 12/week) I consider the potential impact to be acceptable.
- 3.4 Worcestershire Regulatory Services (Contaminated Land) – No objection.
- 3.5 Arboricultural Officer – No objection subject to a condition to require a more detailed planting plan.
- 3.6 West Mercia Police Designing Ou Crime Officer – No objection providing the doors are properly secured and appropriate security fencing is installed.
- 3.7 North Worcestershire Water Management Officer - I believe that the supplementary FRA and Drainage Strategy has set out the intentions regarding the intended drainage strategy more clearly and the tests undertaken support the appropriateness and deliverability of the proposals. I therefore believe that there would be no reason to withhold approval of this application on water management grounds, subject to a condition to require a suitable site drainage strategy to be submitted and approved in writing by the Local Planning Authority.
- 3.8 Natural England – No comments to make on this application and that the Local Planning Authority should refer to the standing advice published by Natural England when assessing the impacts on protected species.

19/0242/FULL

- 3.9 Historic England - No objection to the application for change of use, or any objection in principle to the external alterations. There would be a change to the setting of the scheduled Hillfort and the Tunnels, however based upon the current design we would not consider this to result in harm to the significance of these designated heritage assets. We have not assessed the impact of any of the internal alterations which may be required for this change of use and would recommend waiting for the results of the designation review before proceeding with the next stage of planning permissions or Consents for these works. The conclusion of this review is expected in the very near future. We would also recommend you ensure you seek the advice of your Conservation Officers and the archaeological advisors at Worcestershire County Council.

(Second response) – Advises that the Secretary of State for Digital, Culture, Media and Sport has agreed with Historic England’s recommendations that the hillfort on Drakelow Hill, which sits on the top of the application site, should continue to be protected as a Scheduled Ancient Monument but that the Tunnels complex should be expressively excluded from the scheduling. In the report it was concluded that the former Second World War site and Cold War facility does not survive well and does not meet the non-statutory criteria for scheduling

- 3.10 Countryside Manager – It is advised that the site is one of the only Hibernation sites for Lesser Horseshoe Bats. No objection subject to the implementation of the ecological mitigation measures for both the hibernating bats and summer roosting bats, and for these measures to be monitored for 5 years. Conditions will also be required for external lighting and to ensure a site inspection is carried out by a ecologist to check for any protected species before any site clearance works is undertaken.
- 3.11 Conservation Officer – No objection and agree with the conclusions of the heritage impact assessment at paragraphs 4.10 to 4.13: *“The evidence of the heritage significance attributable to the Drakelow Tunnels and the scale and character of the wine racking development indicates that it will not constitute harm to the historic environment of the Drakelow Tunnels”*. It is also noted that the development would not result in any harm on Baxter Cottage (locally listed) and Drakelow Hilltop. It is therefore considered that the proposals would comply with the requirements of Policy SAL.UP6.
- 3.12 Worcestershire County Council Archive & Archaeology Services – No objection and there is no need to recommend a condition for any historic recording or watching brief.
- 3.13 Neighbour/Site Notice – 39 letters of objection have been received from local residents and one letter of objection has been received from Eldnar Limited Consultancy on behalf of a local resident, which also includes a plan showing the lane widths of Sladd Lane (ranging between 4.5 and 5 metres) and a record of log processing at the site.

19/0242/FULL

The grounds for objecting are as follows:

- Access is unsuitable for regular heavy goods vehicles, due to the lanes being narrow with several blind acute bends;
- Highway safety risk to horse riders, bike riders, ramblers and dog walkers;
- Increased heavy traffic will ruin a beautiful beauty spot;
- Increase in traffic and road accidents;
- Vehicular and pedestrian conflict;
- Lack of capacity on the local rural roads to safely carry this increase in traffic;
- The Transport Assessment does not consider large vans that will be used for distribution of wines;
- The traffic incident map fails to show incidents such as cars going through hedges on the Sladd Lane section between the caravan park and Shatterford Lane.
- It will be difficult to restrict the number of heavy goods vehicles from increasing in the future;
- Additional industrial activity would cause noise disturbance;
- The proposed travel plan is non committal as it simply states that a staff minibus could be funded and that they would facilitate car sharing arrangements wherever reasonably achievable. However, the proposed site layout shows 40 parking spaces which demonstrates that sustainable travel movement is unlikely to be utilised or promoted;
- Impact on residential amenity;
- Loss of historical site for existing and future generations;
- The site should not be closed to the public and instead opened to the public as a tourist attraction and this would be a benefit to the community;
- Loss of the history tours, would deprive locals and visitors from learning about history;
- Impact on bats, rare wild plants and ancient trees.
- Site lies within the Green Belt and is a of great landscape beauty, contiguous with the Kinver Edge site of Special Scientific Interest.
- The Council should say no to storage use;
- This area should be protected from any kind of industrial or commercial development and preserved for future generations to enjoy;
- The submitted Heritage Statement is full of inconsistencies and inaccuracies within the report and the methodology is confusing. It also fails to consider the undesignated assets identified in the HER;
- The proposed scheme would fail to protect what survives of the Tunnels and would further erode its significance;
- The yard is not previously developed land and the proposal would conflict with the purposes of including land within the Green Belt as it would not assist in safeguarding the countryside from encroachment or to assist in urban regeneration by encouraging recycling of derelict and other urban land;

19/0242/FULL

- The parking of 40 vehicles will impact upon the openness of the Green Belt;
- Lighting would both urbanise the Green Belt but also impact on the amenity of neighbouring properties; and
- The fencing will have a negative visual impact for road users and users of the public rights of way as well as local residents.

4.0 Officer Comments

4.1 The main considerations are whether the proposed development for a B8 storage and distribution use is acceptable in principle given its proposed use and location within the Green Belt and whether there would be any detrimental impact on highway safety, the amenity of residents, on the character of the rural area and upon biodiversity.

WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

4.2 The site is located within the Green Belt. Section 13 of the National Planning Policy Framework (NPPF) covers 'Protecting Green Belt Land' and 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. Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan also seeks to protect the Green Belt from inappropriate development.

4.3 Paragraph 146 of the NPPF describes what forms of developments are not inappropriate, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. Policy SAL.UP1 applies a similar approach. As such, the re-use of the Tunnels complex and the re-use and refurbishment of the steel frame canopy for unloading/loading of HGVs is considered to be an appropriate form of development in the Green Belt.

4.4 In terms of the open yard area adjacent to the Tunnels complex, it is understood that this has been used for forestry operations in connection with the agricultural and forestry holding. The definition within Annex 2: Glossary of the NPPF, excludes land that is or was last occupied by agricultural or forestry buildings from the definition of previously developed land. I therefore agree with the applicant (as stated within the submitted Planning Statement) that the two temporary buildings would be sited on non-previously developed land (away from the Tunnels' entrances) and would therefore comprise inappropriate development in the Green Belt and would be contrary to the NPPF and Policy SAL.UP1.

19/0242/FULL

- 4.5 In term of the impact on openness, I note that the submitted Planning Statement refers to the comparative impact of the existing buildings and structures, and of the proposed buildings to the openness of the Green Belt. The proposed temporary buildings would have a footprint of only 14.7sqm compared to the existing buildings and structures which have a cumulative footprint of 321.58sqm and are to be removed. On this basis, the development would lead to a significant reduction in the coverage of the site by built structures as suggested by the applicant. However, the existing buildings and structures are part of the existing forestry operation and are therefore not considered to be inappropriate development in the Green Belt compared to the proposed temporary buildings. As such, the proposal would have a greater impact on the openness of the Green Belt than the current situation.
- 4.6 The question now is whether there are any 'Very special circumstances' that would outweigh the substantial harm to the Green Belt. I note that the proposed temporary buildings are necessary for staff accommodation (including night staff to allay security issues) and are directly needed for the proposed warehouse use. They are also temporary buildings which could be removed and the land restored when they are no longer required. Nevertheless, they would be sited on non-previously developed land, and I do not consider that the need for the buildings is sufficient to amount to 'Very special circumstances' in order to overcome the inappropriateness of the development.
- 4.7 Local residents and Eldnar Limited Consultancy have also expressed concern about the impact of lighting, fencing and car parking on the environment, the Green Belt and on residential amenity. In respect to the concerns raised about the impact on the Green Belt, it is first considered that external lighting at night would have minimal impact as I would anticipate that the use would only require low level security lighting which could be set to a timer and designed to ensure limited light spillage. Secondly, I do not consider that the proposed security and acoustic fencing would result in harm to the openness or cause visual intrusion into the Green Belt, as the new fencing would be set back into the site from the road frontages and would be well screened by existing and proposed planting. I do, however, agree with the concerns raised about the level of parking on the openness of the Green Belt, and this combined with the additional traffic generation to the site, would have an adverse impact on the Green Belt, which weighs against the development in the planning balance.

19/0242/FULL

WHETHER APPROPRIATE LAND USE IN THE RURAL AREA

- 4.8 The Adopted Core Strategy (2010) sets out a strategy approach for new provision and location of employment opportunities within the District and seeks to concentrate new employment development on brownfield sites within urban areas in order to drive urban regeneration and to ensure jobs are accessible to all and that rural areas, in particular the Green Belt are safeguarded from inappropriate developments. The Core Strategy has allocated 44 hectares of land for employment/economic development to support economic growth over the plan period (up to 2026). There has been a recent update on the provision of employment land that was carried out in the Employment Land Review (ELR) 2018. In this review it was identified that additional sites are required to be allocated for employment/economic development within the emerging Local Plan to support economic growth in the right places. The application site is not an existing allocated employment site and is not being considered for employment development in the emerging Local Plan.
- 4.9 The applicant has considered alternative sites for the proposed use, which includes an assessment of all preferable and allocated employment sites within the Local Plan. The Council's Planning Policy and Monitoring Officer has reviewed the applicant's Alternative Site Analysis Report and has advised that the applicant has not convincingly demonstrated that these alternative sites are unsuitable.
- 4.10 I consider that there are other sites which the applicant has not considered fully, for example, within Bewdley Business Park (i.e. the land to the rear of the units, approximately 1ha, which could be redeveloped for B8 use). The applicant also discounted the former VOSA site due to it being fully occupied and that the site could not accommodate the proposed warehouse business as it would be inappropriate in planning terms. I disagree with this, as the testing station closed at the end of 2013 and limited uses remain. The VOSA site could also potentially be large enough to be redeveloped for the proposed warehouse business. Also, the applicant has not considered Unit 2 Haynes Point, at the former Brinton warehouse site, which is currently vacant and approximately 69,000sq ft, or Unit 2 at the Cursley Business Park. I therefore consider that the applicant has not undertaken a robust study of all other alternative sites which have been allocated for new employment development.
- 4.11 Aside from the allocated employment sites identified by the Local Plan, it is recognised within the Development Plan that small scale employment development should be supported, providing they are not at the expense of environmental protection and any application for new economic development in the rural areas must be balanced by the pressure to regenerate nearby urban areas. Paragraph 83 of the NPPF also supports the sustainable growth and expansion of businesses in rural areas.

19/0242/FULL

- 4.12 Policy SAL.GPB1 of the Adopted Site Allocations and Policies Local Plan applies to proposals for new employment development outside of the allocated areas and advises that these proposals will be assessed on their own merits, but that they also need to be on Previously Development Land and be in accordance with the Adopted Core Strategy and have no adverse effect on any of the following:
- i. The amenity of adjacent occupiers;
 - ii. The character of the area; and
 - iii. The surrounding environment.
- 4.13 The application site falls within land designated as Green Belt and outside of allocated employment sites where new employment development is to be focused. The proposed warehouse use would be a relatively large-sized business (utilising approximately 285,000 sq feet of floor space for the long term storage of approximately 10,000 tonnes of wine, the equivalent of 850,000 cases).
- 4.14 The submitted Transport Assessment predicts that the worst case proposed site trip generation scenario for a weekday would comprise of 32 warehouse staff arriving between 0700-0730 and leave between 1730-1800; 8 admin staff arriving between 0730-0800 and leave between 1800-1830; and up to 3 HGVs arriving and departing between 0900-1700.
- 4.15 From my site visits, it is evident that this is a rural area and that Sladd Lane and Kingsford Lane are both quiet country lanes with low traffic movement and have a general absence of heavy goods vehicles.
- 4.16 I have taken into account the existing traffic movements to the site which relates to the forestry use and tours through the Tunnels. However, I consider that the existing HGV movements associated with the forestry operation would be very limited and only occasional. I also note that the Tunnels are now only used for irregular Ghost tours that occurs monthly and Open visitor tours that occur every three months and have up to 180 people, split into groups over the day. I would anticipate that most of these visitors would travel to the site by car. I also acknowledge that there are occasional horse trucks that travel along Sladd Lane and Kingsford Lane, however, these are not frequent.
- 4.17 Given the nature of the existing use of the Tunnels and the rural character of the site, I am of the view that the additional traffic generation as a result of this development in terms of both staff traffic and HGV deliveries would have a significantly greater impact on the character of the area compared to the existing forestry operation at the site.

19/0242/FULL

- 4.18 Residential properties (known as Drakelow Grange, Baxter Cottage, Fair Acre and Drakelow Views) are located in close proximity to the site, and either adjacent to the entrance or directly opposite the site. The site is located within the countryside where you would normally expect low ambient noise levels. As the development would result in additional traffic generation including HGV traffic, I am of the view that it would have a detrimental impact on the amenity of existing residents and on the character of the area. I note concerns have been raised by local residents about noise and light pollution, however, Worcestershire Regulatory Services have raised no objection and consider that the proposed acoustic fence would ensure no noise nuisance and the use of any new external lighting could be restricted by a planning condition.
- 4.19 I note that in 1994, planning permission was granted (under application WF/0629/94) for the use of part of the underground tunnel complex for storage purposes. In this previous application, only 80,000sq ft of floor area was to be used for storage and a planning condition was imposed that restricted the use to 'repository' only and for no other use within Class B8. In the officer report for this previous application it was advised that "The use of the whole of the underground area available could, for example, lead to a level of traffic generation which, given the limitations of the road network, would be unacceptable in both environmental terms and for reasons of road safety. The low key storage use proposed will, it is said, provide employment for a maximum of 10 persons and, apart from private cars, will generate only two transit vans per day which, it is felt, will not cause highway safety problems, nor will it do visual harm to the Green Belt ...". In comparison, the proposed development in this application would use approximately 285,000sq ft for the storage of wine, although this is said to be long term storage by the applicants, and the delivery and distribution of wine by HGVs. The proposed use would also employ 40 full time staff members, which on the whole, appears to be a large scale warehouse and one that is substantially larger than the previous storage use that was granted permission in 1994.
- 4.20 I am therefore of the view that the rural location of the site is unacceptable for a large scale warehousing business, due to its adverse impact on the character of the area, on the amenity of nearby residents and upon the integrity of the Green Belt, contrary to Policy DS04 of the Adopted Core Strategy and Policy SAL.GPB1 of the Adopted Site Allocations and Policies Local Plan.

19/0242/FULL

ACCESSIBILITY OF THE SITE

- 4.21 Paragraph 103 of the NPPF recognises that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Although, it recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Policy CP03 of the Adopted Core Strategy and Policy SAL.CC1 of the adopted Site Allocations and Policies Local Plan also seek to ensure developments are located in sustainable locations to ensure they promote and encourage sustainable modes of transport and major developments are accessible to all.
- 4.22 The application site is located within a rural unsustainable location within the District and does not relate to an existing rural employment site. It is noted in the submitted Transport Assessment that there is one public bus (No. 580) that travels north towards Kinver along Kingsford Lane and Sladd Lane, however, as the daily frequency of this bus is limited (approximately 2 buses a day on Tuesdays, Thursdays and Fridays between 9-10am and 1-2pm on these days), it is considered that employees are unlikely to use this service.
- 4.23 Also, due to the relatively remote location and limited accessibility on foot, by cycle and public transport it is likely that staff members (in this case 40 employees) are likely to prefer to travel by private vehicles to the site. The applicant has submitted a Travel Plan which seeks to monitor staff travel and set targets to reduce single occupancy car trips. The Travel Plan refers to car sharing, however it is considered unlikely that the development would achieve a 15% reduction in single occupancy car use as recommended by the Department for Transport given that the roads are not suitable for walking or cycling and the lack of regular bus services. It is also considered by the Highways Authority that it would be difficult to reduce single occupancy car use given that there is likely to be a high turnover of staff which is typical of manual work such as warehousing. I also consider it unlikely that a minibus service would be beneficial from Kidderminster railway station as many local employees would not be travelling by train.
- 4.24 The Highway Authority also recommend refusal on the grounds that it is not a sustainable location and that employees would be reliant on cars to travel to the site.
- 4.25 I therefore consider that the proposed development would have poor accessibility by public transport services and due to its rural location would also fail to promote sustainable travel, which would go against the objective of the Adopted Core Strategy which requires new employment sites to be accessible for all employees. I also consider that the provision of 40 parking spaces would negate the need to commit to the Travel Plan objectives and reduce single occupancy car use. The application is therefore contrary to Policies CP03 and CP08 of the Adopted Core Strategy and Policies SAL.CC1 of the Adopted Site Allocations and Policies Local Plan.

19/0242/FULL

HIGHWAY SAFETY

- 4.26 The Highways Authority have carefully considered the submitted Transport Assessment and comments raised by local residents and for the reasons given in the conclusion of the Transport Assessment agrees that the issues relating to highway traffic flow and highway safety would be acceptable given that the route for heavy goods vehicles would be from the B4189 Wolverley Road, then along Sladd Lane and via a short section on Kingsford Lane. The Highways Authority had concerns with regards to the proposed 5 HGVs initially. However, the number of HGVs has been reduced to 3 a day. The Highways Authority consider that there would be no highway safety issues with only 3 HGVs accessing the site per day and that HGV movements can be managed through a booking system to ensure no more than one HGV is on site at any one time. I recognise that there are sections along Sladd Lane that are narrow and that there are a series of blind bends in the road, however, the submitted Transport Assessment concluded that the local highway network would comfortably be able to accommodate the additional vehicle movements and given the no objections raised by the Highways Authority, I am satisfied that the proposed development would not result in an unacceptable impact on highway safety or that the impacts on the road network would be severe. The development is therefore in accordance with Paragraph 109 of the NPPF and Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan.

ECOLOGY

- 4.27 A comprehensive Bat Survey Report and Mitigation Strategy has been submitted in support of this application which has identified appropriate mitigation measures. I agree with the Countryside Manager that the proposed bat mitigation comprising a section of the Tunnels being retained for roosting bats and a dedicated alternative bat roost being formed within two disused substations would successfully alleviate any harm to bat species and would outweigh the loss of the area of Tunnels to be used for wine storage. The proposed development therefore would have no detrimental impact on protected species or trees with the Kingsford Heath Local Wildlife Site. Any new external lighting could also be designed to ensure no adverse impact on protected species. I therefore consider that the proposed development would accord with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraph 175 of the NPPF.

HERITAGE ASSETS

- 4.28 The application site is very unique and astonishing in terms of the scale of the Tunnels and the reason they were built. Although the Tunnels are no longer used for their intended purposes as a factory, they do hold a lot of value in terms of their historic interest and are considered to be important locally. The Tunnels are locally listed undesignated heritage assets included on the Local Heritage List for Wolverley and Cookley (ref: LLWC36).

19/0242/FULL

- 4.29 The applicant has submitted a detailed Heritage Statement which confirms that the structures to be demolished relate to the recent use of the site and are not of historic value. The heritage statement also confirms that there is likely to be little survival of pre-20th century below ground remains in the areas of the new office buildings. It also states that there is no need to remove any historic fabric from within the Tunnels to facilitate their use for wine storage.
- 4.30 Baxter Cottage which sits at the corner of the site on Kingsford Lane is locally listed. The proposed development does not impact directly on this undesignated heritage asset. Although the erection of additional timber acoustic fencing within the site may have a slight visual impact on the setting of this asset, it is not considered to harm the asset.
- 4.31 In terms of the impact on the Scheduled Ancient Monument, Drakelow Hillfort, it is advised within the submitted Heritage Statement that ...*“Visually and perceptually the development will not disrupt any existing appreciation of relationships between the hillfort and other possibly important elements in the landscape such as Kinver Edge. Consequently the construction of the new facilities at Drakelow Tunnels will not have an adverse effect on Drakelow Hillfort through development within its setting”*.
- 4.32 I am therefore satisfied that the proposed development would have no detrimental impact on the historic interest of the locally listed undesignated heritage assets. No objection has been raised by Historic England, the Conservation Officer and the Worcestershire County Council’s Archaeologist. The proposed development therefore accords with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 192 and 197 of the NPPF.

LOSS OF A TOURIST ATTRACTION

- 4.33 I note a number of concerns have been raised by local residents about the loss of this site as a tourist attraction. I recognise that tourism contributes significantly to the local economy and that the existing open public tours through Drakelow Tunnels highlight the historic importance of the Tunnels. Policy CP10 of the Adopted Core Strategy and Policy SAL.GPB5 seek to support sustainable tourism in the District by maintaining the role of major tourist attractions in the District and supporting new tourism proposals. Drakelow Tunnels is not a major tourist attraction as identified within Policy SAL.GPB5 and the existing tours do not generate a high number of jobs. There are no national or local planning policies that seek to safeguard existing tourist attractions. The proposed warehousing use would retain part of the Tunnels as existing, including historic features/equipment, which could be viewed again in the future once the proposed use ceases operation. I therefore do not consider that the loss of the Tunnels as a tourist attraction should be included in the reasons for refusal.

19/0242/FULL

PLANNING BALANCE

- 4.34 The National Planning Policy Framework sets out the Government's economic, environmental and social planning policies for England. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states in paragraph 8 that achieving sustainable development means that the planning system has three over-arching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 4.35 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development (paragraph 11), which means for decision-taking to approve development proposals that accord with an up-to-date development plan without delay.
- 4.36 Weighing in favour of the proposal are benefits of 40 new jobs being created and supporting economic growth in the District, which would contribute to prosperity in the rural economy and the quality of life for local residents. There are also benefits of re-using the locally listed Tunnels which is also a brownfield site and that the development would lead to an enhancement of the site through removal of derelict forestry buildings and new planting. The loss of bat habitat would be acceptably mitigated and the proposed landscaping would also mitigate the visual impact of the proposed fencing. I also acknowledge that the underground Tunnels complex is considered by the applicant to be suitable for wine storage, providing optimal temperatures and low sunlight and UV rays which can be extremely detrimental to fine wine maturation.
- 4.37 However, in terms of the planning negatives, the proposed temporary buildings, although small in floor area, would amount to inappropriate development in the Green Belt and would cause harm to Green Belt openness. I have also concluded that the rural location of the site would be inappropriate for a large scale warehouse due to the additional traffic generation to/from the site, which would adversely affect the amenity of local residents and detract from the character of the countryside. The site is also considered to be an unsustainable location due to its poor accessibility for employees.
- 4.38 Balancing all the relevant factors including the economic benefits, I consider that the proposal would not represent sustainable development as the harm to the local amenity and the rural inaccessible location of the site would significantly and demonstrably outweigh the benefits.

19/0242/FULL

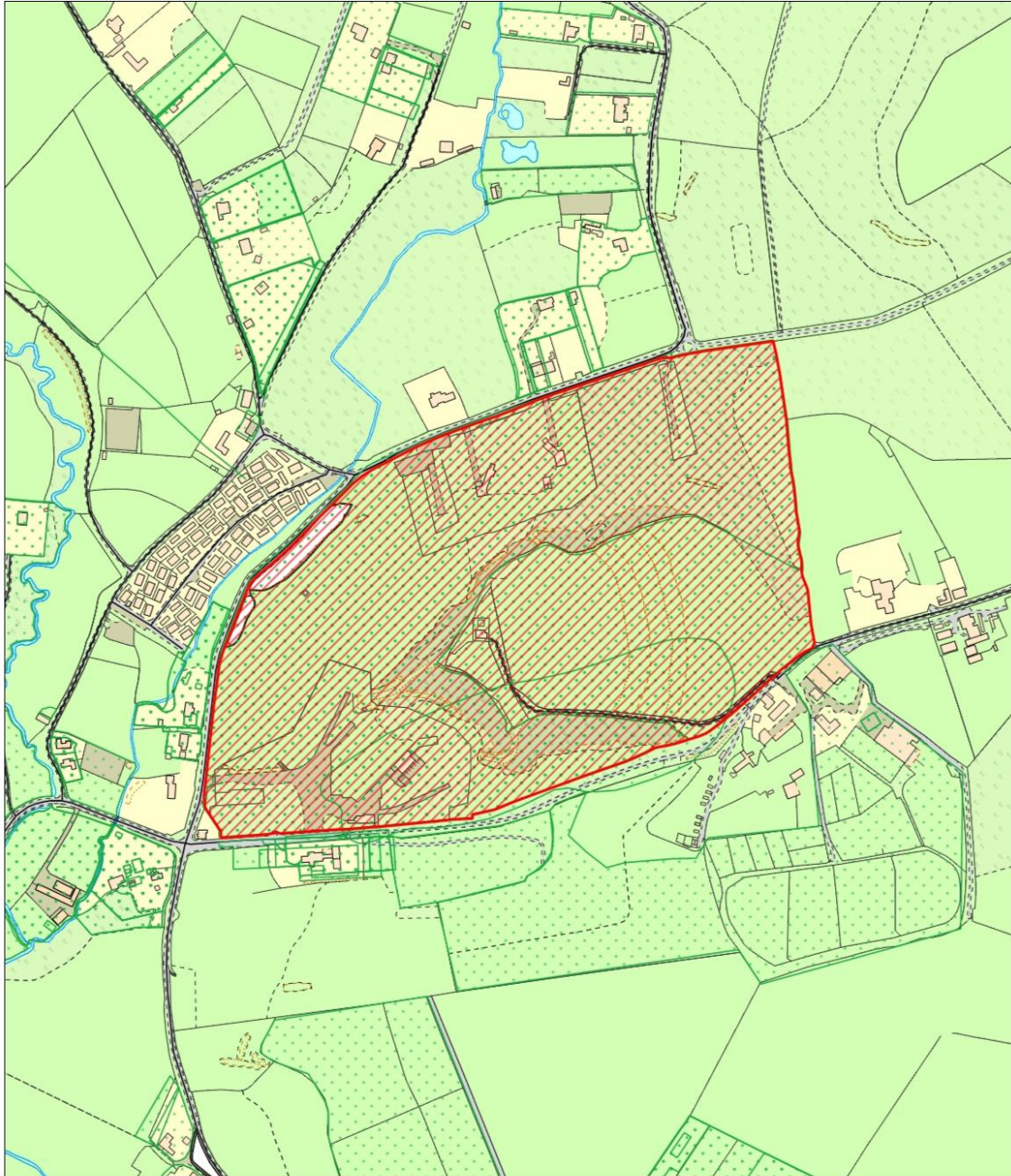
5.0 Conclusions and Recommendations

- 5.1 There is no doubt that the former Drakelow Tunnels would provide ideal conditions for wine storage and would secure the preservation of the undesignated Tunnels for up a number of years. The proposal would also generate up to 40 new jobs and help to widen local employment opportunity. However, on balance the proposal is locationally not in accordance with Policies CP08 and DS04 of the Adopted CS and due to the frequent movement of HGVs daily (between Mondays and Saturdays) would have an adverse effect on the amenity of adjacent occupiers and the character of the area, contrary to Policy SAL.GPB1 of the Adopted Site Allocations and Policies Local Plan. The development would also have poor accessibility for its proposed employees which would result in the reliance of private car to travel to work. The applicant has not convincingly demonstrated that other alternative sites that have been allocated for new employment/economic development cannot be used.
- 5.2 The associated temporary buildings to be used for offices, canteen and security would not be located on previously developed land and would amount to inappropriate development in the Green Belt, which by definition, would cause substantial harm to the Green Belt and I do not consider that any very special circumstances exist.
- 5.3 The proposal is therefore contrary to Policies CP01, CP03, CP08 and DS04 of the Adopted Core Strategy and Policies SAL.CC1, SAL.GPB1 and SAL.UP1 of the Adopted Site Allocations and Policies Local Plan. I do not consider that any of the planning benefits mentioned are sufficient to outweigh the presumption in favour of determining planning applications in accordance with the Development Plan.

19/0242/FULL

5.4 It is therefore recommended that the application is **REFUSED** for the following reasons:

1. The application site lies within the West Midlands Green Belt. The proposed temporary buildings would be sited on non-previously developed land and together with the additional traffic generation to the site and level of parking for 40 vehicles, would constitute inappropriate development in the Green Belt, which causes harm by definition. Additional harm is caused to the openness and appearance of the Green Belt. It is considered that there are no very special circumstances to justify this inappropriate development and as such the proposed development is contrary to Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the National Planning Policy Framework.
2. The application site falls within land designated as Green Belt and outside of allocated employment sites where new employment development is to be focused. The proposed development would amount to a large scale warehouse, which would result in significant increase in traffic generation, including heavy good vehicle movements, to the detriment of the local character and the amenities of existing occupiers of neighbouring properties. The proposed development would be contrary to Policies DS04 and CP10 of the Adopted Wyre Forest Core Strategy and Policy SAL.GPB1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the National Planning Policy Framework.
3. The application site is located within an unsustainable location within the countryside and due to the lack of infrastructure to support access by sustainable modes it is considered that suitable access to the site cannot be achieved by all users – placing further reliance on the private motor-vehicle contrary to the aims and objectives of Policy CP03 of the Adopted Core Strategy, Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the National Planning Policy Framework.



Economic Prosperity and Place Directorate

Drakelow Tunnels

Kingsford Lane

Kidderminster, DY11 5SA



Crown Copyright 100018317 24 June 2019

Scale 1:5000

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH JULY 2019

PART B

Application Reference:	19/0049/FULL	Date Received:	17/01/2019
Ord Sheet:	376827 269750	Expiry Date:	14/03/2019
Case Officer:	Helen Hawkes	Ward:	Bewdley & Rock

Proposal: Erection of dwellinghouse and garages, together with new access and parking

Site Address: UPPER NORCHARD FARM, NETHERTON LANE, DUNLEY, STOURPORT-ON-SEVERN, DY130UJ

Applicant: Mr & Mrs F D’Aniello

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP11, CP12, CP14 (CS) SAL.PFS1, SAL.DPL1, SAL.DPL2, 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	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to an agricultural field that is bounded by Netherton Lane to the east and north, by agricultural fields to the west and Ivy House Cottage to the south. An element of the ‘Worcestershire Way’ and a bridleway (Rock parish bridleway RK-797) follows Netherton Lane, adjacent to the site. In addition, footpaths RK-831 and 817 pass close to the North West and North East boundaries of the site respectively. The site is currently being used for sheep grazing and there is a gated access in the east corner of the site. A mature hedgerow provides the boundary treatment to the road frontage and to the shared boundary with Ivy House Cottage boundary and there is a field fence to the north boundary. There are also existing overhead power lines that cross the site within the southeast corner. The site is located within open countryside and has access off a private track (known as Netherton Lane) via Netherton Road.

19/0049/FULL

- 1.2 The application is for full planning permission for the erection of a three-bedroom dwellinghouse and detached double garage. The dwellinghouse would be two-storeys in height with a single storey side element and would have a traditional design. External materials would consist of off-white render, blue brick plinth/chimney and timber cladding to the walls and roof slate tiles. The existing gate entrance would be utilised and would provide vehicular access to the proposed dwellinghouse, via a newly created driveway. It is proposed that a new hedgerow would be provided to the west and north boundary of the site and the existing hedgerows along the road frontages would be enhanced.
- 1.3 The dwellinghouse and garage have been separated into two buildings during this application to reduce the built form and massing of the proposed dwellinghouse. The design of the dwellinghouse has been simplified and reduced in scale with the incorporation of a single storey element to the site in order to help reduce its prominence in the landscape. The garage has been reduced from a triple to a double garage and the proposed dwellinghouse and garage have been repositioned further to the south of the site, to form a cluster of buildings with the existing dwellinghouse at Ivy House Cottage.

2.0 Planning History

- 2.1 No planning history for this site.

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Object to this application because the proposed development is on land that has not been previously developed. The Land identified on the drawings has always been well used for agricultural use only. The land falls outside the settlement boundary. The Parish Council sees no justification in allowing Grade A agricultural land to be used for development the revised drawing for this application as no further information to enable the Parish Council to change its previous reasons for refusal and therefore recommends that Wyre Forest District Council REFUSE this application.
- 3.2 Highway Authority (*Initial comments*) – Recommend refusal. The proposed development is located on a private track accessed via Netherton Road. Whilst it is acknowledged that the site is not 'isolated' in planning terms, the site is nonetheless in a location which is not accessible by sustainable modes of travel and evidence has not been provided to counter this position. There is no public transport provision in this location with the nearest bus stop being on the A433 in Abberley which is beyond the recommended walking distance of 400m. Moreover there is no footway provision or street lighting which will deter journeys on foot particularly in adverse weather conditions and during hours of darkness. Equally the conditions are not conducive to commuter cycling on narrow lanes with high hedges and poor visibility in places.

19/0049/FULL

In addition, Netherton Road is a classified road which is subject to the national speed limit in this vicinity.

(Second comments) – Recommend refusal on the grounds of lack of accessibility by sustainable modes.

- 3.3 Worcestershire County Council's Landscape Officer – No objection subject to conditions to require the mitigation measures as set out in the Landscape and Visual Impact Assessment to be implemented and to ensure the proposed materials reflect the local vernacular.
- 3.4 Worcestershire County Council's Public Rights of Way – No objection however, please note that the applicant has a duty of care when using the route of a public bridleway and footpath as site access.
- 3.5 Countryside Manager – No objection and it is considered that the proposed Ecological Assessment is acceptable subject to a condition to ensure no disturbance to the hedgerows between 1st March and 1st September without undertaking additional ecological work to protect nesting birds.
- 3.6 North Worcestershire Water Management (Initial comments) – No objection to the application on flood risk grounds. Concern is raised about the proposed drainage strategy for surface and foul water relies upon infiltration drainage and that we currently not sure that the site is actually suitable for infiltration drainage. If it is minded to approve the application, a condition is recommended to require details of the surface water and foul water drainage to be submitted and agreed by the Local Planning Authority.
- (Second comments)* – No objection subject to the condition as previously recommended.
- 3.7 Arboricultural Officer – No objection subject to a Arboricultural Impact Assessment or reposition the dwellinghouse and garage away from the boundary trees and hedgerow and submit a Tree Protection Plan. Other conditions that would need to be secured would be a landscaping scheme and landscaping establishment and maintenance plan and there should also be some consideration given to green roofs to soften the appearance of the proposed development.
- 3.8 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to a condition to safeguard against potential risk of contamination land.
- 3.9 Conservation Officer – No objection.
- 3.10 Natural England - No comments to make on this application.
- 3.11 Severn Trent Water – No objection and do not require a drainage condition.

19/0049/FULL

- 3.12 Worcestershire County Council's Archive & Archaeology Service – No objection subject to a condition to require a programme of archaeological works to be secured and implemented, which should also comprise a watching brief on all groundworks.
- 3.13 Neighbour/Site Notice – Two letters of objection have been received from nearby occupiers stating that they are concerned about the height and nearness to existing dwellinghouses and also that the Planning Statement has been provided by the sister company of the planning agent which is owned by the applicant's son and daughter in law and part owned by the applicants themselves and therefore does not represent an independent assessment of the application and this has resulted in an unfair, biased conclusion in favour of the application.

4.0 Officer Comments

- 4.1 The main issues to be determined in this application are whether the proposal would be acceptable in principle, and whether there would be any adverse impact on ecology, landscape and visual character, on the significance of Heritage Assets, on the amenities of existing and future occupiers and upon drainage.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and it advises that there is a golden thread running through the NPPF, which is the Government's presumption in favour of sustainable development (Paragraph 11), which broadly means that developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.
- 4.3 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 4.4 The strategic objectives of the District Council seek to guide new development to brownfield sites in accordance with the settlement hierarchy as set out under Policy DS01 of the Adopted Core Strategy. The site falls outside the settlement boundary of Clows Top. Policy DS04 of the Adopted Core Strategy and Policy SAL.UP2 of the Adopted Site Allocations and Policies Local Plan provide guidance for Rural Regeneration and Rural Housing, these policies state that within rural areas the only acceptable new residential properties will be to meet local housing needs as demonstrated through local housing need surveys or for essential agricultural workers accommodation. The development would not provide for any of these needs and as such, the proposal would represent a departure from the Development Plan.

19/0049/FULL

- 4.5 Notwithstanding this, the housing numbers within the Adopted Core Strategy were set based on data derived from the Regional Spatial Strategy, which was subsequently been withdrawn. The current need is based upon Objectively Assessed Housing Need Assessment; however the Council have failed for the last 3 years to meet its assessed need. The NPPF advises that based on these circumstances relevant policies for the supply of housing are to be considered out of date. Based on the latest Housing Residential Land Availability data, whilst the Council is 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 NPPF being engaged, which provides a tilted balance in favour of granting planning permission unless any identified harm significantly and demonstrably outweighs the benefits.
- 4.6 Therefore, the principle of residential development on this site is supported by national planning policy subject to any harm being identified that would significantly and demonstrably outweigh the benefits of granting planning permission for this development.

SUSTAINABILITY OF LOCATION

- 4.7 The application site lies within a rural location and the nearest rural hamlets are Dunley and Abberley. Dunley lies approximately 1.4 miles from the site and comprises a petrol filling station with a convenience shop and a public house. Abberley is located 1.9 miles and comprises a number of services and facilities including a general convenience store, a church, village hall and primary school. Stourport-on-Severn is the nearest town to the application site and lies approximately 2.8 miles to the northeast of the site.
- 4.8 The Highway Authority have recommended refusal on the grounds that the site is not within a sustainable location and would not take up the opportunities to promote sustainable transport modes in order to minimise the reliance on the car to get to local shops and services. I agree with the Highway Authority that due to the nature of the roads and distance from services and facilities, future residents are likely to travel by their private vehicle as a preferred choice of travel. I also recognise that this represents a conflict with the general policy intention of the Development Plan to direct new development in more sustainable locations within the District.
- 4.9 Paragraph 108 of the NPPF recognises that each type of development will have different opportunities to promote sustainable transport modes and that these will also vary between urban and rural areas. It further highlights that significant developments should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (paragraph 103). As this development is only for a single dwellinghouse it is not considered to be a significant development or one that would generate a high number of car journeys.

19/0049/FULL

- 4.10 Moreover, Paragraph 78 of the NPPF advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 seeks to avoid the development of isolated homes in the countryside unless there are special circumstances. The application site is close to existing dwellings, in particular Ivy House Cottage, and is not considered to be an isolated location.
- 4.11 Overall, it is noted that there would be some conflict with Development Plan policies which seek to promote sustainable modes of travel. In addition, the relevant housing policies within the Development Plan also seek to locate new housing in sustainable locations within urban areas where there is good accessibility to local shops, services, employment and public transport. However, any harm arising from this conflict would be limited given that the development is only for a single dwellinghouse and is not within a remote or isolated location within the countryside. I therefore consider that the development would help to enhance and maintain the vitality of the rural community of Dunley and Abberley which would add to the benefits of the scheme.

IMPACT ON ECOLOGY

- 4.12 There are no ecological or landscape designations associated with this site. The site relates to an agricultural field and has been used for sheep grazing. The ecological survey report submitted with this application advised that none of the trees surrounding the site contained any features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation. Also, that it is unlikely that amphibians present in nearby ponds (approximately 70m, 153m and 161m from the site) or would be encountered on the application site, as there is abundant suitable amphibian terrestrial habitat outside of the site. In addition, that there were no signs of badgers and that most of the birds observed were moving through the hedgerows, and that no old or in use bird's nest were found on site. The report concluded that the site is considered to have low value to Wildlife and has made recommendations to mitigate against any potential impact on birds, reptiles and any small mammals during the construction works of the development and measures to enhance the biodiversity value of the site.
- 4.13 The Countryside Manager is satisfied with the findings of this report and has requested that the recommended mitigation and enhancement measures are secured by condition. Subject to this condition, I do not consider that the development would result in any harm to biodiversity and would accord with Policy CP14 of the Adopted Core Strategy and Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan.

19/0049/FULL

LANDSCAPE AND VISUAL CHARACTER

- 4.14 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The application site relates to a field which is currently being used to graze sheep and is bounded to the south by Ivy House Cottage and to the north and east by Netherton Lane. To the west is a fence that separates the field from an adjoining field. The existing houses in the surrounding countryside are either sited close to the road or directly behind an existing dwellinghouse, or are sited in an elevated position along the ridge line of the nearby hills.
- 4.15 The siting of the proposed dwellinghouse and garage has been amended to sit in the lowest part of the field and adjacent to Ivy House Cottage. In this location the proposed development would be seen within the context of Ivy House Cottage and would be absorbed within an existing cluster of development, in a similar manner as other existing dwellinghouses on Netherton Lane and Netherton Road. Any far reaching views from the surrounding countryside and from nearby public right of ways would be taken in context with Ivy House Cottage, and the proposed development would not appear as a harmful encroachment or incongruous feature in the countryside.
- 4.16 The proposed dwellinghouse and garage have been simplified in terms of design and reduced in scale and massing to ensure they work better with the contours of the site, reducing the amount of excavation works required for the development. As such, I consider that the proposed development would not have any adverse impact on the landscape and visual amenity of the surrounding countryside.
- 4.17 The orientation of the dwellinghouse would face towards the main entrance into the site and would not cause any overlooking issues with the neighbouring property, Ivy House Cottage. The existing hedgerows are to be enhanced with additional native planting and a new hedgerow would be planted along the northern field boundary.
- 4.18 No objections have been raised by Worcestershire County Landscape Officer or by the Ramblers Association in relation to the impact of the development on the rural landscape and amenity of the adjoining footpath. Full details of building materials, including hard surfacing, boundary treatment and landscaping would be requested by planning conditions which have been recommended if Members are minded to approve the application.

19/0049/FULL

IMPACT ON THE SIGNIFICANCE OF HERITAGE ASSETS

- 4.19 Upper Norchard Farm is an historic farmstead with a Grade II Listed late 17th century timber-framed farmhouse. The above application relates to land to the south east of the farmstead and lies within a field called lime kiln piece, (WSM57275 Lime Kilns). The exact location of the lime kilns is unknown, but it is likely that they lie within the development area. There are also other Grade II listed buildings nearby, including Norchard Farmhouse Barn about 20 metres west of Upper Norchard Farmhouse; Lower Norchard Farmhouse; and New House Farmhouse.
- 4.20 The submitted Heritage Statement has carefully considered any inter-visibility between the site and these designated heritage assets as well as the impact on their setting. The Conservation Officer agrees with the conclusion of the Heritage Statement that there would be no direct or indirect impact on the significance of any identified heritage assets.
- 4.21 I concur with this view as the nearest heritage asset at Upper Norchard Farm is extremely well screened by trees such that inter-visibility between this farm house and the application site would be limited and the relocation of the proposed dwellinghouse further down the slope of the hill would reduce the impact on far-reaching views from the public footpath running adjacent to the northwest boundary of the site would be minimal. I am therefore satisfied that the impact of the proposed development on the significance of heritage assets would lead to less than substantial harm and it is considered that any harm would be outweighed by the public benefits of the scheme including the need to boost housing land supply.
- 4.22 In terms of archaeology, the application site is known as ‘Lime Kiln Meadow’ as it is the possible one time location of a lime kiln associated with the construction of some of the nearby farmhouses (HER Reference: WSM57275). As the exact location of any potential remains is unknown at this point, it has been recommended by the Conservation Officer that a condition is attached to require a watching brief during the initial ground works. A condition is recommended on this basis.
- 4.23 The proposed development would therefore be acceptable, in accordance with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Paragraph 196 of the National Planning Policy Framework.

DRAINAGE, FLOOD RISK AND CONTAMINATED LAND

- 4.24 The site includes a ditch within the hedgerow on the southern boundary, which flows into the Dick Brook. The application site itself is not at risk of flooding however there are properties downstream of this site that are at risk.

19/0049/FULL

- 4.25 The application form sets out that the vehicle access and hardstanding will be permeably paved, which is welcomed. The application form also indicates that surface water from the development will discharge to a watercourse. The landscape appraisal sets out that this development will seek to incorporate SUDS through areas of attenuation with eventual discharge into the brook. The Worcestershire Water Management Officer has advised that discharge via soakaway would be preferred, if the ground conditions are suitable. It is further noted by the Worcestershire Water Management Officer that on site permeability testing would need to be undertaken to confirm that infiltration drainage would be possible. If soakaway drainage is not possible on this site then appropriate attenuation will need to be provided to ensure that the development would not increase the risk of flooding elsewhere in the catchment. A condition is therefore recommended to require a scheme for surface water and foul water drainage to be submitted to and agreed by the Local Planning Authority.
- 4.26 The proposed development would provide an acceptable living environment for future occupiers in terms of room layout and sizes and an acceptable outdoor living space. The site is known as 'Lime Kiln Meadow' in the supporting documents and therefore may have had a former lime kiln within the area, associated with a nearby farmhouse. Although no further concerns regarding contaminated land matters have been highlighted on WRS mapping system, however, they have recommended a condition to require reporting and appropriate remedial measures to be undertaken if any unexpected contamination land is found during the development works.

RESIDENTIAL AMENITY

- 4.27 First floor Juliette balconies are proposed on the front elevation of the building that would face towards Ivy House Cottage, however, I consider that there would be adequate separation distances to ensure no loss of privacy to the residents of Ivy House Cottage. There are also boundary trees and hedgerows which would help to screen the development from Ivy House Cottage. The garage is to be sited next to the shared boundary with Ivy House Cottage and is unlikely to cause any noise disturbance. I therefore consider that the development would not result in a detrimental impact on the living environment of existing residents at Ivy House Cottage.

LOSS OF AGRICULTURAL LAND

- 4.28 A concern has been raised by Rock Parish Council about the permanent loss of prime agricultural land. Having looked on the Natural England's Agricultural Land Classification Map for the West Midlands Region, it is noted that the application site is considered to be 'Very Good' (Grade 2) agricultural land.

19/0049/FULL

- 4.29 Policy SAL.UP14 of the Adopted Site Allocations and Policies Local Plan specifically refers to 'Agricultural Land Quality' and advises that development of the best and most versatile agricultural land will not be permitted unless it can be demonstrated that the development can be located on previously developed land, within the boundaries of existing settlements or on poorer quality agricultural land. Furthermore that development on agricultural land should not prejudice the viability of farming operations on any remaining agricultural land.
- 4.30 The development of this field would result in the loss of very good (Grade 2) agricultural land, which weighs negatively against the development in the planning balance. Although it is considered that the development would not prejudice the remaining land being used for farming operations or be contrary to Policy SAL.UP14 as it is not Grade I agricultural land.

PLANNING BALANCE

- 4.31 The purpose of the planning system is to contribute to the achievement of sustainable development. Due to the relevant housing policies contained within the Development Plan being out of date, the application must be considered under paragraph 11d of the NPPF which advises that planning permission should be granted 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.
- 4.32 I have considered the proposed development against the economic, social and environmental roles of sustainable development set out in Paragraph 8 of the National Planning Policy Framework. The development would provide some economic benefits during the construction work and economic activity of those occupying the dwellinghouse, which would help to enhance and maintain the viability of shops, services and facilities within the rural community of Dunley and Abberley. The development would add to the housing land supply which would provide some planning benefits. The development would not be in a remote or isolated location and would only result in a few additional car journeys. There would be no significant harm to the character and appearance of the surrounding area, landscape and significance of nearby listed buildings. There would also be no detrimental impact on protected species or biodiversity.
- 4.33 I note that there are no opportunities to promote sustainable modes of travel and the poor quality of the route in terms of no footpaths or street lighting provision will result in the reliance on the private cars to travel to shops, services and facilities. It is nevertheless only for a single dwellinghouse and located in a rural location where you would generally expect a lack of alternative transport modes. The development would not result in an isolated home and instead would support the rural communities of Dunley and Abberley.

19/0049/FULL

- 4.34 The harm that has been identified is the impact that would arise from the permanent loss of very good (Grade 2) agricultural land. However, I consider that any adverse impact arising from this harm would not significantly or demonstrably outweigh the benefits of the scheme, including the need to boost the housing land supply.
- 4.35 I therefore consider that the proposed development would represent sustainable development and that the planning balance would weigh in favour of the proposed scheme.

5.0 Conclusions and Recommendations

- 5.1 The only harm that has been identified is the permanent loss of very good (Grade 2) agricultural land and the lack of opportunities for promoting sustainable transport, however, any adverse impacts arising from this harm would not significantly or demonstrably outweigh the benefits of the scheme, including the need to boost the housing land supply. In addition, I do not consider that the site is so intrinsically unsustainable to justify a refusal of the application given that it is not in a remote or isolated location given that there are services and facilities within Dunley and Abberley and the site is in close proximity to other dwellinghouses. I therefore consider that the overall planning balance is clearly in favour of the development and can be supported as a departure of the development plan.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (samples/details of materials)
 4. Site and Finished Floor Levels
 5. Boundary treatments
 6. Details of hard and soft landscaping to be submitted
 7. Landscaping establishment and management plan
 8. Highway conditions
 9. Surface water and foul water drainage
 10. Reporting of Unexpected Contamination
 11. Programme of archaeological works
 12. Require implementation of agreed archaeological works
 13. Removal of Permitted Development Rights for outbuildings and new boundary treatment.
 14. Implementation of Ecological Mitigation and Enhancement Measures

19/0049/FULL

Note

As bridleway RK-797, an element of 'The Worcester Way' and part of footpath RK-817 follow the route of the development site's likely vehicular access it should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

The developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way. WCC would recommend that Public Rights of Way (PROWs), potentially affected by planned works, are clearly designated on all associated planning maps, diagrams or schematics as a matter of course.

The development must adhere to the following obligations:

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

Application Reference: 19/0279/FULL **Date Received:** 13/05/2019
Ord Sheet: 379326 276324 **Expiry Date:** 08/07/2019
Case Officer: Richard Jennings **Ward:** Wribbenhall & Arley

Proposal: Proposed side extension, including garage conversion with pitched roof over and entrance porch

Site Address: 49 CRUNDALLS LANE, BEWDLEY, DY121JN

Applicant: Mrs S Gittins

Summary of Policy	CP11, CP2 (CS) SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Section 9 (NPPF)
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The property is a semi detached dormer bungalow, occupying a large corner plot on Crundalls Lane just outside Bewdley. It is located within the open countryside and also the West Midlands Green Belt.
- 1.2 The property is generally still in its original form and is yet to be extended. It is proposed to demolish some elements and re-build others with a more useable space.

2.0 Planning History

- 2.1 Not applicable

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection
- 3.2 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The property is set on the edge of a 1960's estate forming the boundary between the estate and open countryside to the north. The row of properties in which No. 49 sits are all of similar design and materials.

19/0279/FULL

- 4.2 The property itself is located on a corner plot at the junction of Crundalls Lane and Cordlemarsh Road. The current ground floor living accommodation comprises lounge, kitchen, dining room, Hallway, WC and garage.
- 4.3 The current application proposes the construction of a single storey side and front extension and conversion of the existing integral garage, providing additional boot room and enlarged kitchen diner and living room. The replacement extension would have a pitched roof with materials to match the existing dwelling.
- 4.4 As the property is located within the Green Belt, Policy SAL.UP1 applies. The section of the policy that relates to extensions within the Green Belt states that development will not be permitted, except in very special circumstances. The extension of an existing dwelling is acceptable, provided that it does not result in disproportionate additions over and above the size of the original dwelling. Applications for extensions to existing dwellings will be considered on a case by case basis. Proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design. The proposal would create an increase in floor area of 23.2 square meters representing an increase above and beyond the original floor space of 20.2%. This conservative increase would still leave extension potential for future development with 75% generally being considered the maximum as a rule before extensions are considered disproportionate. The proposal is therefore appropriate development in the Green Belt.
- 4.5 Policy SAL.UP8 of the Site Allocations and Policies Local Plan requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Document (SPD) on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene. The extension would comply fully with parking and the SPD. It would be an acceptable addition that fits well in the street scene. Although located in a corner position, it would be acceptable, by virtue of minimal projection and well screened through existing vegetation.

19/0279/FULL

5.0 Conclusions and Recommendations

5.1 The proposed development would be in keeping with the host property which would maintain its visual dominance. As a result, the building would not have any significant detrimental impact on the openness or character of the Green Belt due to its design which would match the host property and as such avoid the creation of an incongruous feature within the locality. The extension is capable of implementation without creating an unacceptable or adverse impact upon the amenity of nearby residents or the character or appearance of open countryside and Green Belt and therefore it accords with the policies listed above.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 Finishing materials to match)

Application Reference:	19/0299/FULL	Date Received:	16/05/2019
Ord Sheet:	388533 273542	Expiry Date:	11/07/2019
Case Officer:	Helen Hawkes	Ward:	Wyre Forest Rural

Proposal: Proposed replacement dwelling and garage, and change of use of agricultural land to residential

Site Address: 20 EASTCOTE COTTAGES, BROCKENCOTE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104PU

Applicant: Brockencote House Farm

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP11, CP12 (CS) SAL.PFDL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7 and SAL.UP9 (SAAPLP) CC1, CC8, CC10, CC11, CC12 of the Chaddesley Corbett Neighbourhood Plan 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
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is situated within the Green Belt, approximately 0.4 miles southwest of Chaddesley Corbett village. The site measures approximately 0.24 hectares and comprises a two-storey detached vacant dwelling, which formerly comprised two cottages until 2017 when it was amalgamated into one single dwelling. The site also includes an existing garage and the adjoining agricultural field.
- 1.2 The site has access onto Dobes Lane, via a private drive, which is also shared with the adjacent dwelling, known as Eastcote House. Eastcote House (locally listed) comprises an 18th century two storey detached brick house with a tiled roof and lies to the east and faces away from the application site. To the southwest of the site, beyond grass fields lies Brockencote House, which is also on the locally listed and comprises a 17th century large brick house with tiled roof and includes a series of farm buildings. The A448 Kidderminster to Bromsgrove Road is located approximately 68 metres to the north of the site beyond open fields and there are further open fields to the south of the site.

19/0299/FULL

- 1.3 This application seeks full planning permission for the erection of a replacement dwelling and garage following the demolition of the existing dwelling and garage. It is also proposed to change the use of the adjoining agricultural field to the west of the existing dwelling into the domestic curtilage for the new replacement dwelling. The existing vehicular access serving the site would be utilised for the proposed development and a new driveway would be provided.
- 1.4 The proposed replacement dwelling would be two-storeys in height and would have a symmetrical front appearance, with pitched roof projecting front gables on both sides of the central entrance door. A lower side element would help break up the scale and massing of the building and would include a chimney breast. Building materials would consist of brickwork to the walls with elements of render in the gables, slate roof, hardwood timber painted windows with stone window surrounds and composite self-finished external doors. The new driveway would be surfaced in permeable block paving and resin bound gravel.
- 1.5 The proposed garage would be sited to the east of the proposed dwelling. There would be no change in the parking provision, which would amount to 6 car parking spaces.
- 1.6 The proposed development would incorporate the agricultural field that lies to the west of the existing dwelling into the domestic curtilage, which would enlarge the domestic curtilage from 0.159 hectares to 0.242 hectares (an increase of 0.083 ha) and enable the west (side) boundary to be straightened and create a square shaped residential curtilage.

2.0 Planning History

- 2.1 17/0502/CERTP – Proposed two storey rear extension and single storey side extension : Approved 4.08.2017
- 2.2 19/0138/FULL – Proposed Replacement Dwelling and Garage : Withdrawn 27.02.2019

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Object to the proposal and recommend refusal on the grounds that the design is architecturally disappointing and inappropriate in the current setting.
- 3.2 Highway Authority – No objection subject to a condition to require the access, turning area and parking facilities to be provided prior to the first occupation of the replacement dwelling.

19/0299/FULL

- 3.3 Worcestershire Regulatory Services (Noise) – No objection in terms of any noise and nuisance issues during the operational phase. In order to minimise any nuisance from noise, vibration and dust emissions during the demolition and construction phases the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.
- 3.4 Worcestershire Regulatory Services (Land and Air Quality) – No objection.
- 3.5 Severn Trent Water – No objection and do not require a drainage condition to be applied.
- 3.6 North Worcestershire Water Management Officer – No objection. The site falls within flood zone 1 (low risk of fluvial flood risk) and is not shown to be susceptible to surface water flooding. In addition we hold no reports of flooding in the vicinity. The area is not served by mains drainage; therefore I presume that the existing arrangements (soakaway and package treatment plant) would be utilised, and that the location and sizing of these will be considered. Since a future building regulations application will ensure appropriate storm and foul drainage, I do not require any conditions.
- 3.7 Countryside Manager– No objection. The submitted Ecological Impact Assessment is sufficient and no ecological constraints have been identified but limited ecological mitigation and enhancement measures have been recommended. I therefore recommend conditions to be attached to include provision for bat boxes/tiles and bird boxes and for no vegetation clearance to be undertaken between the months of March and September. If no works to the roof of the existing building commences before 1st August 2019 then an additional bat survey will be required to ensure no new bat roosts have developed within the application site.
- 3.8 Worcestershire Country Archive & Archaeology Services - No objection.
- 3.9 Conservation Officer – No objection subject to a condition to require a Level 1 Building Recording to be undertaken prior to demolition of the existing buildings on the site, as it is considered that the loss of this undesignated heritage asset (for that is what the building is, despite not being recorded on the Historic Environment Record (HER) or included on the local heritage list) does warrant some building recording.
- 3.10 Neighbour/Site Notice – No representations received.

19/0299/FULL

4.0 Officer Comments

- 4.1 The main considerations for this application is whether the erection of a replacement dwelling would be inappropriate development in the Green Belt including its effect on the openness and visual amenity of the green belt and the impact on protected species, neighbouring residents amenity and upon highway safety.

PLANNING HISTORY AND BACKGROUND INFORMATION

- 4.2 This current application is a resubmission of application 19/0138/FULL, which was for an identical scheme but was withdrawn because there was no viable fallback position to justify the size of the replacement dwelling. The applicant has now fully commenced lawful permitted development extensions providing a fallback position of the current built volume is 976.68 cubic metres.
- 4.3 The Council's Revenue's Visiting Officer have also confirmed that a single Council Tax Liability was raised on the property on 2nd March 2017 and that the property has remained as a single dwelling since this date.

WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 4.4 The application site is located within the Green Belt and as such any development on the site should comply with Section 13 of the National Planning Policy Framework (NPPF) and Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan. Development will not be permitted in this area unless it falls within one of the exceptions listed within the national and local policies. The Green Belt policies consider that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is appropriate development in the Green Belt.
- 4.5 In 2017, a lawful development certificate (ref: 17/0502/CERTP) was granted for a two storey rear extension and single storey extensions on both sides of the building. This permitted development would represent an increase of 88.4% over the total floor area of the existing dwelling. From my site visit, the footings for the approved permitted development have been constructed and a Building Control Notice has been submitted. I consider this to be a realistic fallback position, which is an important material consideration to be taken into account in the consideration of this application.

19/0299/FULL

4.6 The applicant has provided the following calculations:

- Total Floor Areas of Existing dwelling house = 168.1m²
- Total Floor Areas of Existing dwelling with PD extensions = 316.7m²
- Total Floor Areas of Proposed dwelling house = 280.1m²
- Total Floor Areas of Existing Garage = 34.2m²
- Total Floor Areas of Proposed Garage = 54.9m²

- Total volume of Existing dwelling with PD extensions = 976.68m³
- Total volume of Proposed dwelling = 976.55m³
- Total volume of Existing Garage = 131.5m³
- Total volume of Proposed Garage = 131.5m³

- Ridge height of Existing dwelling house = 6.827m and Garage = 2.264m
- Ridge height of Proposed dwelling house = 6.8m, Garage = 4m.

(The GIA has been measured according to RICS guidelines).

- 4.7 The existing dwelling has a floor area of 168.1 m² whereas the proposed dwelling would have a floor area of 280.1 m² (66.6% increase), however, there would be a 11% decrease in floor area compared to the existing dwelling with PD extensions. The proposed dwelling would also be the same height as the existing dwelling. I am therefore satisfied that the proposed dwelling would not be materially larger than the one it would replace, if it were to build the PD extensions.
- 4.8 I note that the floor area of the proposed garage would be 60.5% larger than the existing garage and would be 1.736 metres taller. Whilst the proposed garage would be greater size than the existing, I do not consider that it would be noticeably or materially larger, to cause it to be an inappropriate development in the Green Belt.
- 4.9 I am therefore satisfied that the proposed replacement buildings would meet criteria d) of Paragraph 145 of the NPPF and criteria iii) of Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan. Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan relates to new 'Rural Housing' and also permits larger dwelling providing they comply with Policy SAL.UP1.
- 4.10 The application also includes the material change of use of the agricultural field to the west of the dwelling into domestic curtilage to enlarge the existing curtilage, which is considered to be an appropriate form of development as set out in Paragraph 146 of the NPPF. Policy SAL.UP1 is silent on this matter and does not refer to material changes in the use of land.

19/0299/FULL

LOSS OF THE AGRICULTURAL LAND

- 4.11 From the historic maps it appears that the domestic curtilage was previously larger and extended into the agricultural field which is to be lost as part of this application. I therefore consider that the actual amount of agricultural land to be lost would equate to approximately 0.31 hectares. The reason for enlarging the domestic curtilage is to straighten the western boundary and to provide a more square shaped curtilage. The agricultural land is classified as being 'Good to Moderate' (Grade 3) as per the Natural England's Agricultural Land Classification map for the West Midlands Region. I do not consider that the loss of this agricultural land would result in adverse harm to the rural economy or for any other benefits. In order to protect the intrinsic character and beauty of this part of the countryside. Conditions are recommended to restrict permitted development rights for Class A extensions and Class E outbuildings due to the significance size of the proposed dwelling/garage buildings and the potential for further outbuildings in the extended curtilage.

SITING, DESIGN AND IMPACT ON THE LANDSCAPE CHARACTER

- 4.12 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan advises that replacement dwellings in the open countryside will be permitted providing the replacement dwelling is in the same or less prominent position as the original with curtilage only being amended if required by re-siting, landscape enhancement, vehicular safety, or neighbour amenity.
- 4.13 The proposed replacement dwelling would be resited to the south of the existing dwelling and would face north, perpendicular to Eastcote House. The proposed garage would also be sited forward of the existing garage to be alongside the proposed replacement dwelling.
- 4.14 The Worcestershire County Council's Heritage and Landscape Advisor considers that the new siting of the proposed replacement dwelling and garage would still retain a cluster of buildings near to Eastcote House. I agree and consider that the new siting would be less prominent than the position of the existing dwelling, when viewed from Eastcote House and the new siting would not erode significantly into the open countryside compared to the existing dwelling. I also consider that the amendment to the curtilage is acceptable. I therefore conclude that the development would accord with Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan.
- 4.15 I note the objections raised by Chaddesley Corbett Parish Council about design and that architecturally it would be disappointing and inappropriate in its current setting. Design and architectural styles can be subjective. The NPPF advises that the planning system should not be prescriptive in terms of design styles. Instead, the planning system should ensure high quality design that focuses on appropriate built forms, scale of buildings, building materials and proportions in terms of window openings, roof styles and main architectural features.

19/0299/FULL

- 4.16 The NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
- 4.17 Policy CP11 of the Adopted Core Strategy seeks to ensure new developments are well designed to complement the layout through the appropriate use of scale, mass, proportions and materials which are coherently brought together as part of a bespoke architectural approach. Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan requires new developments to have regard to the traditional design and materials of the locality and avoid inappropriate features and details.
- 4.18 Within the Council’s adopted Design Guidance SPD, it advises that new residential developments within the rural areas of the District should show that the key characteristics of the Worcestershire Landscape Character Type have been fully considered in the siting, design, scale and layout of any proposed change.
- 4.19 Policy CC1 of the Chaddesley Corbett Neighbourhood Plan advises that replacement dwellings should be allowed providing they meet a specific criteria. The criteria set out in Policy CC1 requires replacement dwellings to be of an appropriate scale as to ensure it does not: adversely affect the neighbour’s enjoyment of their homes and gardens; have a detrimental impact on the openness of the countryside; increase significantly the scale or size of the population of the surrounding area or adjacent settlement and its impact on local services.
- 4.20 The Worcestershire Landscape Character Assessment defines the application site as falling within the Landscape Character Type known as ‘Principal Timbered Farmlands’. In the Advice Sheet it mentions that the key characteristics of this area is brick and timber building styles of old properties but also goes onto to state that *“It is not intended that new buildings should necessarily copy such characteristic styles, although there may be opportunities to pick up certain details of scale, orientation, or finer detailing associated with doors, windows or other structures which could be reflected in new buildings”*.
- 4.21 It is further noted within the Advice Sheet that ‘small scale filtered views’ is a characteristic of this landscape type and that features such as chimneys and other roof structures should be incorporated into new builds to help reduce the uniformity of the roofscape, and that this can contribute to creating an intimacy of scale and filtering of views across this area. Whilst I note that the main roof of the proposed replacement dwelling would not have any roof features to help filter views over the building, it would, however, have a lower side element that would have a chimney.

19/0299/FULL

- 4.22 On balance, the proposed replacement dwelling in terms of its design style, scale and use of mainly brick material would respond well with buildings in this rural area. The replacement building would incorporate modern architectural features and materials such rendering to one gable and a glazed balustrade to the first floor terrace, which would add quality to its design style without eroding its overall design approach. Moreover, I am of the view that the proposed scheme, by replacing a derelict dwelling that lacks character with a well-designed replacement dwelling, would make a positive contribution to the built environment in this area and would accord with design policies contained within the Development Plan. Paragraph 130 of the NPPF also states that “... *where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development*”.

IMPACT ON TREES AND ECOLOGY

- 4.23 The application site includes three significant Oak trees along the northern boundary and other trees of low amenity value close to the east and south boundaries of the site. The Arboricultural Officer has considered the Arboricultural Impact Assessment and is satisfied that the existing hedgerow trees and Oak trees can be appropriately protected and retained during and after development. I also consider that this application allows for greater protection of the trees compared to any permitted development that could proceed under the lawful development certificate, which includes a side extension in close proximity to the northern hedgerow boundary.
- 4.24 The submitted Ecological Report concludes that there are no bats using the existing dwelling as a roost and that there are no signs of other protected species, such as birds nesting or other species on the existing dwelling or in any shrubs close to the dwelling. The Ecological Report has made a number of recommendations to secure biodiversity mitigation and enhancement measures which the Countryside Manager would like to secure by planning condition. I consider this request to be reasonable as it would ensure that no protected species are disturbed during the proposed works and to try to enhance the general biodiversity of the area by requiring bat roost ridge tiles/boxes and bird nesting boxes to be provided following the completion of the new dwelling. Given the time that this elapsed since the bat survey was completed, a further survey will be required before any demolition takes place. I am therefore satisfied that the development would accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

IMPACT ON HERITAGE ASSETS

- 4.25 The Conservation Officer has advised that the total loss of an undesignated heritage asset does warrant some building recording. Given the lack of obvious features of significance I think the minimum level 1 recording will suffice in this instance and that the development would not result in any harm to the significance of any nearby heritage assets. I concur with this view. The development would, subject to an appropriate condition, accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan.

19/0299/FULL

IMPACT ON RESIDENTIAL AMENITY

- 4.26 The nearest neighbouring property is Eastcote House, which lies appropriately 1.2 metres from the eastern boundary of the site. The development has been carefully positioned and designed (with only high level roof lights) as to not cause any overlooking or overshadowing to Eastcote House and, as such, there would be no amenity issues in this case.
- 4.27 With respect to the living environment for future occupiers, it is noted that the dominant noise source at this site is road traffic from the A448, which lies approximately 68 metres to the north of the site. A noise impact assessment has been submitted which has confirmed that due to the distance from the A448, the occupiers of the new dwelling will not be adversely effected by traffic noise and that no specific glazing or ventilation is required. Worcestershire Regulatory Services are satisfied with this finding and raise no objection on noise grounds. I also consider that the internal layout and room sizes of the proposed dwelling is adequate and that a good living environment would be provided.

PARKING AND HIGHWAY SAFETY

- 4.28 The Highway Authority have advised that there is ample parking available within the application site and that the development would accord with the Adopted Parking Standards and therefore would be in line with Policy SAL.CC2 of the Site Allocations and Policies Local Plan. As the development would not result in a new increase in dwellings there would be no greater increase in traffic movement or generation. The development would therefore accord with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

FLOOD RISK, DRAINING AND CONTAMINATED LAND

- 4.29 The North Worcestershire Water Management Officer has confirmed that the site is in flood zone 1 and is unlikely to be at risk of flooding and that the existing drainage arrangements would be suitable for the proposed replacement dwelling and would be subject to building controls. Worcestershire Regulatory Services have also confirmed that the site would not be affected by contamination issues.

19/0299/FULL

5.0 Conclusions and Recommendations

5.1 The proposed replacement dwelling and garage are considered to be appropriate development in the Green Belt given that they would not be materially larger and would be in the same use as the buildings to be replaced. Also, the material change of use of the agricultural land to enlarge the existing domestic curtilage is considered to be an appropriate form of development. I note that the Parish Council raises objection to the design of the replacement dwelling, however, it is considered that the building follows a consistent design approach and that the scale, design features and materials are in keeping with the character of this landscape type. No other harm has been identified and the site would provide adequate parking provision and a living environment for future occupiers. Conditions are recommended to mitigate and enhance biodiversity and to ensure hedgerows are provided along the new western boundary line and the existing Oak trees are retained, which is considered to be a key characteristic of this area. I therefore consider that the proposed development would represent sustainable development and would accord with relevant national and local planning policies.

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

3. A6 (Full with no reserved matters)
4. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Details of walls, fences and other means of enclosure to be submitted
5. B13 (Levels details)
6. Details of hard and soft landscaping to be submitted
7. Landscaping to be implemented.
8. Removal of permitted development – Class A extensions and Class E outbuildings
9. Level 1 Building Recording
10. Retention of existing hedgerows
11. Tree protection during construction
12. No dig specification for section of driveway
13. Pre commencement tree site meeting
14. Ecological Mitigation and Enhancement Measures
15. Provision for bat boxes/tiles and bird boxes
16. New bat survey required before any demolition takes place
17. Access, turning area and parking facilities to be provided.

Notes

- A No vegetation clearance to be undertaken during bird nesting season.
- B In order to minimise any nuisance from noise, vibration and dust emissions during the demolition and construction phases the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.

WYRE FOREST DISTRICT COUNCIL

Planning Committee

9 July 2019

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
WFA1517 18/0566/FULL	APP/R1845/W/1 9/3223931	MRS PATRICIA PAYNE	HOBRO CHALET HOBRO WOLVERLEY KIDDERMINSTER DY115SZ Replacement chalet and associated works including cellular mesh to driveway	WR 01/04/2019	06/05/2019			
WFA1518 18/3077/PNRE	APP/R1845/W/1 9/3222905	Mr B Connolly	BARN 5 WOODSIDE FARM TANWOOD LANE CHADDESLEY CORBETT Change of use of agricultural building to a dwellinghouse	WR 01/04/2019	06/05/2019			

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
WFA1519 19/3001/PNRE	APP/R1845/W/1	MR A 9/3225708	BARN AT BINE FARM BREAKWELL BLISS GATE, ROCK KIDDERMINSTER DY149YD	WR 09/04/2019	14/05/2019			Dismissed 21/06/2019
WFA1520 19/0218/ENF	APP/R1845/C/18 /3216916	Mr Robert Dyke	EASTER COTTAGE NORTHWOOD LANE HILL FARM BEWDLEY DY121AS	WR 12/04/2019	17/05/2019			Unauthorised two storey extension to a bungalow (Enforcement case 16/0049/ENF)

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
WFA1521 19/0112/FULL	APP/R1845/D/19 /3227534	Mr Fereday	40 AUDLEY DRIVE KIDDERMINSTER DY115NE Proposed single storey front extension	WR 15/05/2019	19/06/2019			
WFA1522 19/0078/FULL	APP/R1845/W/1 9/3227454	MR AND MRS JONES	28 CHURCH WALK KIDDERMINSTER DY116XZ Single storey rear extension	WR 16/05/2019	20/06/2019			

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
WFA1523 19/0132/FULL	APP/R1845/D/19 /3228442	Mr M Nock	NAROK BIRDS BARN LANE WOLVERLEY KIDDERMINSTER DY115SG Proposed car port and rear balcony	WR 24/05/2019	28/06/2019			
WFA1524 18/0615/FULL	APP/R1845/D/19 /3228800	Catherine May	35 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TH Increase in main roof ridge height to allow for loft conversion plus dormer	WR 04/06/2019	09/07/2019			



Appeal Decision

Site visit made on 10 June 2019

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2019

Appeal Ref: APP/R1845/W/19/3225708

Barn at Bine Farm, Bliss Gate, Rock, Kidderminster DY14 9YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr A Breakwell against the decision of Wyre Forest District Council
 - The application Ref 19/3001/PNRES dated 24 December 2018, was refused by notice dated 25 February 2019.
 - The development proposed is conversion of barn to form 3 bed dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The site, as referred to in my Decision, is the area within the red line on the submitted location plan¹. The red line is drawn around an area of land immediately beside the appeal building. This land is the curtilage to the building and along with the building itself, is the subject of the appeal proposal.

Main Issues

3. The main issues are: whether the proposed development would be permitted by the GPDO, with regard to the provisions of Part 3, Class Q, paragraph Q.1(a) and, if so, whether prior approval should be granted for the proposed development.

Reasons

Agricultural use

4. Paragraph Q.1 of Part 3 of the GPDO provides that development is not permitted by Class Q if (a) the site was not used solely for an agricultural use as part of an established agricultural unit—(i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
5. There is no dispute that the building stands within a holding which is in agricultural use. I am satisfied that the building is or was part of an established agricultural unit. The dispute between the main parties is whether the site was solely used for agriculture on the relevant date.

¹ 'Correct Site Plan' Document 8 of the Appellant's appeal submission.

6. The site was purchased by the appellant in the early 1990's and formed part of a larger area of land associated with Bine Cottage. The evidence before me confirms that this larger area of land was rented out by the appellant for grazing and mowing purposes. This evidence dates from the early 1990's and includes a grazing and mowing agreement made on 1 September 2018 which confirms a grazing period of a maximum eleven months.
7. There is no conclusive evidence from either party that on 20th March 2013, the site was not used solely for an agricultural use as part of an established agricultural unit. However, in light of the evidence which confirms use of the land for grazing and mowing purposes from the early 1990's until current day, I am satisfied that in all likelihood, the site was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.
8. As the Council concluded differently it did not consider the proposal according to Q.1(b) to (m). However, I am required to do so, having found that the proposal would satisfy Q.1(a)(i) and to be permitted development, the other criteria in Q.1 must be discounted.
9. Q.1(d) states that development is not permitted by Class Q if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained. The grazing and mowing agreement made on 1 September 2018 confirms the use of the site for these purposes, in return for a rental payment and until 1 August 2019. The appellant maintains that the site does not form part of this agreement, but I have no evidence of this, nor do I have evidence of the express consent of both the landlord and the tenant to this effect. Therefore, on the basis of the information before me, the proposed development would not satisfy criterion Q.1(d) and as a result would not be permitted under Article 3, Schedule 2, Part 3, Class Q of the GPDO.
10. Having found that the development would not be permitted development, it is not necessary for me to assess the proposal against the other criteria in Q.1, nor make a determination on prior approval matters.

Other matters

11. The Class Q permitted development right does not apply a test on sustainability of location. Therefore, notwithstanding the appellant's points on this matter, it is not a matter that informs the appeal.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

R Walmsley

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"> Highway contribution of £22,000 towards improvement of 3 bus stops 	Prior to commencement of development	Completed 4.6.19
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) 	Prior to first occupation	Completed 30.4.19
18/0306/FULL	The Old Grammar School The Village Chaddesley Corbett	<ul style="list-style-type: none"> Affordable Housing 		Draft agreement in circulation
18/0285/OUTL	Churchfields Business Park Unit 38 Churchfields Kidderminster	<ul style="list-style-type: none"> Affordable Housing (18 units) 	From commencement of development	Completed 5.6.19

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
18/0160/FULL	Land North of Baldwin Road Stourport on Severn	<ul style="list-style-type: none"> • A total of 5 units to be affordable, comprising 3 social rent units and 2 as intermediate units. • A off-site public open space financial contribution of £19,174.32 towards the project defined as the Circular route at Stourport Riverside, which would create a new 1.5m wide footpath around the northern and western perimeter of the meadows off Severn Way including a link to Moorhall Nature reserve. 		Draft agreement in circulation

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
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
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>Up to £194,237 contribution towards existing GP surgeries -final amount determined by reference to number of dwellings</p> <p>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</p> <p>Refurbishment of sports changing facilities</p> <p>Affordable housing 15% minimum, 20% maximum</p>		Draft agreement in circulation

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

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

Agenda Item No. 7

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.

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
13/0494/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