

Open

Planning Committee

Agenda

6pm
Tuesday, 17th September 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.

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

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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, 17th September 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 13th August 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.	91
7.	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.	

8.	Exclusion of the Press and Public To consider passing the following resolution: “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

9.	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.	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

13TH AUGUST 2019 (6PM)

Present:

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

Observers:

There were no members present as observers.

PL.24 Apologies for Absence

Apologies for absence were received from Councillors: C J Barnett and S J Chambers.

PL.25 Appointment of Substitutes

Councillor G W Ballinger was a substitute for Councillor C J Barnett.
Councillor I Hardiman was a substitute for Councillor S J Chambers.

PL.26 Declarations of Interests by Members

Councillor C Edginton-White declared a Disclosable Pecuniary Interest (DPI) in agenda item number 10 and informed the Committee that she would leave the room for this item and that Councillor J Aston would Chair the meeting in her absence.

PL.27 Minutes

Decision: The minutes of the meeting held on 9th July 2019 be confirmed as a correct record and signed by the Chairman.

PL.28 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 576 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 576 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.29 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.30 Exclusion of the Press and Public

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

PL.31 New Enforcement Case

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

Decision: The Solicitor of the Council receive delegated powers to serve or withhold an Enforcement Notice for the reasons detailed in the confidential report to the Planning Committee.

Councillor C Edginton-White left the meeting at this point (6:25pm). Councillor J Aston Chaired the meeting in her absence.

PL.32 Outstanding Enforcement Case Schedule

The Committee received a report from the Corporate Director: Economic Prosperity and Place which provided Members with a summary report on outstanding enforcement matters.

Decision: That the contents of the report be noted.

There being no further business the meeting ended at 6:26pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

13th August 2019 Schedule 576 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.

Application Reference: 19/0243/RESE

Site Address: VICTORIA CARPET SPORTS GROUND, CHESTER ROAD SOUTH, KIDDERMINSTER, DY101XH

APPROVED subject to the following conditions:

1. Approved plans
2. This approval constitutes a consent of reserved matters under condition 2 of 17/0511/OUTL
3. Materials in accordance with details submitted
4. Boundary Treatment in accordance with details submitted
5. Planting in accordance with approved scheme
6. Landscaping establishment and management plan
7. Access, parking facilities including cycle parking and footway provision
8. Residential Welcome Pack
9. Construction Environmental Management Plan
10. Require recommended noise mitigation measures for garden area of Plot 1 to be provided.
11. Approved glazing and ventilation specification to be provided.
12. Tree Protection Plan
13. Pre-Start site meeting to ensure the tree protection fencing is correct on site.
14. Details of the provision of appropriate facilities to enable the installation of an electric vehicle charging points.

Notes

- A. Drainage -
- B. Section 38 Agreement Details -
- C. Streetlighting -

Application Reference: 19/0043/FULL
Site Address: LAND OFF LONGBANK, BEWDLEY
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A11 (Approved plans) 2. No part of the application site hereby approved for the keeping of horses as indicated on the submitted location plan shall be occupied by horses not owned by or leased to the owner Miss S Hopkins and it shall not be used for any commercial purpose(s) whatsoever 3. A scheme of soakaway drainage shall be submitted and approved 4. A full lighting assessment shall be submitted and approved 5. J35 (Manure storage/disposal)

Application Reference: 19/0296/FULL
Site Address: SION LODGE, HILLPOOL, KIDDERMINSTER, DY10 4PG
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. External materials to match existing building

Application Reference: 19/0356/FULL
Site Address: OLD HALL FARM, TENBURY ROAD, CLOWS TOP, KIDDERMINSTER, DY14 9HE
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. Details of walls, fences and other means of enclosure to be submitted 5. Details of hard and soft landscaping to be submitted 6. Drainage 7. Drainage 8. Gas protection measures – verification report shall be submitted and approved in writing by the Local Planning Authority 9. A pre site clearance walk over by an ecologist. 10. All excavations works to be covered and provide a means of escape for inadvertently trapped animals. 11. Removal of permitted development rights for future outbuildings 12. Obscure glazing to side facing first floor windows 13. Site and finished floor levels
Notes
A Land Drainage Consent required
B Avoid works during bird nesting season

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

17/09/2019

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
19/0080/FULL	LAND ADJACENT TO WALNUT COTTAGE BLISS GATE ROAD ROCK KIDDERMINSTER	APPROVAL	12
19/0242/FULL	DRAKELOW TUNNELS KINGSFORD LANE KIDDERMINSTER	DELEGATED APPROVAL	25
19/0268/FULL	55 HIGH CLERE BEWDLEY	APPROVAL	47
19/0312/FULL	CHERRY HILL HOUSE DOWLES ROAD BEWDLEY	APPROVAL	53

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
19/0435/FULL	32 CLAUGHTON STREET KIDDERMINSTER	APPROVAL	59
19/0451/FULL	WEST MIDLAND SAFARI PARK SPRING GROVE BEWDLEY	APPROVAL	66
19/0458/FULL	6 CHURCH WALK KIDDERMINSTER	APPROVAL	76
19/0465/FULL	BURLISH GOLF COURSE CAR PARK ZORTECH AVENUE KIDDERMINSTER	APPROVAL	84

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
17TH SEPTEMBER 2019

PART A

Application Reference:	19/0080/FULL	Date Received:	31/01/2019
Ord Sheet:	374710 272614	Expiry Date:	28/03/2019
Case Officer:	Julia McKenzie-Watts	Ward:	Bewdley & Rock

Proposal: Erection of 5No. dwellinghouses, with associated access, parking and works

Site Address: LAND ADJACENT TO WALNUT COTTAGE, BLISS GATE ROAD, ROCK, KIDDERMINSTER, DY149XU

Applicant: MATTHEWS CONSTRUCTION (MR DEELEY)

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 Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is a triangular shape piece of land which measures 0.48 ha. It is situated on the western edge of the village of Bliss Gate with Walnut Cottage located within the Southern point of the triangle. The majority of the site slopes

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from west to east with the gradient increasing along the site boundary with Bliss Gate Road. Gorst Hill Road runs along the south-western boundary of the site which links Bliss Gate to Pound Lane. The current access to Walnut Cottage is via a private driveway accessed off Gorst Hill, immediately adjacent to this driveway is a separate wooden gated access into the wider field. There is an existing hedgerow boundary to the site boundary which is intermittent in its coverage, there are also a series of trees within this hedgerow which are mainly located along the eastern boundary of the site. There are further trees within the site including two walnut trees in the north-west corner and a sycamore and ash along the northern boundary, there are also a small number of former orchard trees. To the east of the site there are predominantly two storey semi detached residential properties with off road parking. Immediately to the north and the south of the site there are large detached properties.

- 1.2 The application seeks for full planning permission for the erection of a two three-bedroom dwellinghouses, two four bedroom dwellinghouses and one two bedroom bungalow and detached double garage. The properties would be constructed using comparable materials to those already seen in village such as red brick and dark roof tiles with contemporary finishes such as timber cladding and render included to add an improved aesthetic appearance. The existing site access and driveway to Walnut Cottage will be closed with a new singular access point provided to serve the entire application site. This is to be situated further north-west along the site's south-western boundary and allows for a visibility splay of 2.4m by 43m. The proposal would provide an internal private estate road from which all properties will be accessed.
- 1.3 The proposal seeks to deliver new and enhanced soft landscaping features within the site which included infilling gaps in the hedgerow with new native planting, retention of the walnut trees and category A trees on the northern boundary, whilst category B and C trees are to be removed. Replacement planting will take place and will comprise of local varieties of fruit trees.
- 1.4 With regards to drainage, it is not appropriate for surface water drainage to be discharged into the sewer network and therefore surface water will be channelled to individual surface water soakaways within each plot. Foul water will be connected to the existing sewer system.

2.0 Planning History

- 2.1.1 No planning history for this site.

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection and Recommend Approval. The Parish Council is supportive of the Applicant's approach to the site and understand the reasons for the reduction in numbers. It is hoped that the applicant will consider the addition of an additional bungalow at a future stage.

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- 3.2 Highway Authority – Recommend Refusal. The site on land adjacent to Walnut Cottage is in an unsustainable location and as such, future occupants will be solely reliant on private car use. Whilst there is a bus stop within 100m of the site, as above, there is no footway provision to the junction with Heightington Road and Bliss Gate Road and there is no street lighting in the area which will deter journeys on foot. The 291 bus service is a limited service which does not support commuter trips to and from employment or education, for example. Other staple services and facilities are beyond acceptable distances for sustainable modes. For example the nearest primary school in Far Forest is 3.4km; Bewdley Medical Centre in the town centre is 5.6km (6.3km by car); the nearest Tesco Superstore is in Stourport which is 11km; town centre facilities in Kidderminster are 12.7km and the railway station in Kidderminster is 13.4km by car. The failure to provide opportunities for sustainable transport, failure to provide safe and suitable access for all users and the failure to give priority first to pedestrian and cycle movements are contrary to national policy in Paragraphs 108, 109 and 110 NPPF.

The revised plans to show a reduction to 5 new dwellings (6 in total served off the proposed access), the proposed site could be designed as a private shared drive in accordance with the Streetscape Design Guide and different criteria apply (see attached). If the road remains private the refuse vehicle would not enter the site so tracking details would not be required and refuse collection points must be provided within 25m of the highway.

The plan as submitted (Rev F) is acceptable however the site would be unlikely to be adopted by the Highway Authority. The applicant should be requested to clarify whether they want to make any further amendments in the light of the above (*Officer comment – agent has stated that they will not be looking to have the road adopted*)

- 3.3 Countryside Manager – I feel this is a good improvement from the initial submission and from a biodiversity perspective feel we have been shown sufficient mitigation. It would be good see all these measures translated onto a plan for us to approve. However should this not be received suitable conditions can be imposed to require submission of details prior to commencement on site.
- 3.4 North Worcestershire Water Management - I have reviewed the information and it is my understanding that no further information has been submitted in relation to drainage. The most recent drainage strategy that I have seen is from WSP, 6 June 2019, and is obviously for the original proposal, so 6 dwellings. Information regarding the future maintenance responsibility, which was the topic of my email on 11th June 2019, was to my knowledge never imbedded.

Although I assume the principles underlying the drainage strategy (WSP, 6 June 2019) will not alter (method of discharge, return period etc), I do believe that we now have to condition the submission of a surface water drainage strategy.

- 3.5 Arboricultural Officer Although I am a little concerned by the long term sustainability of T3 due to its proximity to plot 2 and the real possibility of post development pressure, I am largely satisfied with the mitigation and compromise on the site. A detailed landscaping plan will be required.

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I'm happy with the new layout for the above application and the measures agreed with the agent to mitigate for the felling of some of the fruit trees, subject to the following:

1. Revised Tree Protection Plan to reflect the change in the layout.
2. The landscaping plan should include details of the agreed actions which were as follows:
 - Only four of the protected trees, on the site, now need to be removed to facilitate the proposed development. These include a Pyrus, Damson and two Cherry. Damson (T3) can now be retained as the dwelling on that plot is to be moved forward. Plus the Malus in G1 has always been included for retention.
 - The trunks of the removed Damson and Pyrus trees would be attached to trees in the 'nature areas' to act as standing deadwood and allow any Noble Chafer within the trees to continue their life cycle. The trunks of the two Cherry trees could be left on-site to act as laying deadwood in as larger sections as possible.
 - Additional fruit trees are to be planted within the existing hedge line. These will need to be 20-22cm girth trees, at time of planting, and will need suitable irrigation installed to assist establishment. The species of these trees could be decided later, but a mixture of Damson, Cheurry and Malus would be ideal.
 - Smaller growing fruit trees with the correct rootstocks would be planted within the gardens of the dwellings to increase the size and age range of the tree population.
 - The TPO would be modified to include all the new trees planted and the retained trees on the site.
 - Two 'nature areas' are to be installed outside of the garden spaces in the north east and north west corners of the site. I feel these could be fenced off with post and rail or post and wire fencing and then plant a native mix hedge, of 1m plus sized whips, along the boundaries of those areas. Small interpretation signs would be good to allow the future owners to understand why they are not within their gardens and to prevent them from being used for garden waste.
 - Green roofs to be installed on two of the garages and where possible, shed/bike stores could also have green roofs on too.

Although the plans highlight some of these measures, more detail is required in a landscaping plan to ensure all the measures are adhered to.

- 3.6 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to a condition to safeguard against potential risk of contamination land.
- 3.7 WRS (noise)- No objection to the application in terms of road traffic noise adversely impacting future residents. In order to minimise any nuisance during the construction phase from noise, vibration and dust the applicant should refer to

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the WRS Demolition & Construction Guidance (see attached) and ensure that its recommendations are complied with.

3.8 Natural England - No comments to make on this application.

3.9 Severn Trent Water – No objection subject to the inclusion of a drainage condition.

3.10 Neighbour/Site Notice – Three letters of objection have been received from nearby occupiers which raise the following points:

- The site is outside the settlement boundary
- It fails to address housing needs – the site is too small to have a significant impact on the need for rural housing or affordable housing, none of the houses are likely to be in an economy price range.
- Nature of the site – site was previously used to graze sheep and before that it was a small orchard. Council's long standing practice not to develop such land but to use brownfield sites first. What makes the site attractive is that it is a virgin green field more or less flat or slightly sloping where everything can go in new with no demolition or old services to sort out.
- Minimal impact on increased local expenditure and direct employment – proposals claim this development will help float the local economy but no examples were given except the comment that it will be good for the building trade. Very few retail opportunities exist nearby. The development is more likely to create an increase in delivery traffic and the movement of additional traffic on a small rural road.
- Lack of amenities – there is no shop, no pub, no school, no village hall, no church. Every other part of the district has at least one of these. Whatever a household needs its a four mile round trip to Far Forest. There is no defibrillator and no telephone box to put one in. There is no bus stop.
- Traffic dangers – all traffic for the new houses and the existing Walnut Cottage will use the 'estate road' access onto Gorst Hill which is scarcely wide enough for two modern cars. The proposal includes places for 14 cars, apart from 3 at Walnut Cottage. The junction with Bliss Gate Road at the crossroads is blind for anyone attempting to turn left and traffic coming away from Bliss Gate crossroads intending to turn right into the 'estate' will be close to the brow of the hill in the face of on-coming traffic.
- It will not protect existing assets – the proposals make this claim on the grounds that bird boxes, bat boxes and fruit trees will be introduced and some trees saved. It does not require the building of an estate to achieve this. Existing assets are better protect by not building six houses, it appears entirely cynical to me to claim that the estate will be a 'net gain' for the development of flora and fauna.
- Visual impact – the position of one of the proposed properties close to Bliss Villa is particularly unpleasant, directly impinging on the only neighbour involved. Another large building is directly along the roadside hedge making it intrusive.

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- Rubbish – arrangements for rubbish collection are not clear. At present bins are put out onto the boundaries as there are no footpaths. It is proposed that refuse collection vehicles drive down this 'estate road' and turn? On recycling days there will be potentials 14 green and brown bins on the roadside

4.0 Officer Comments

- 4.1 The main issues to be determined in this application are whether the proposal would be acceptable in principle, the sustainability of the location, impact of the development on ecology and trees, potential impact on landscape and visual character and 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 Bliss Gate. 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.
- 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

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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. The nearest primary school in Far Forest is 2.1 miles or St Annes in Bewdley 3.4 miles; Bewdley Medical Centre in the town centre is 3.47 miles away and the nearest petrol station in Bewdley is 4.4 miles. The nearest Tesco Superstore is in Stourport which is 6.83 miles, town centre facilities in Kidderminster are 7.89 miles and the railway station in Kidderminster is 8.32 miles by car. There is a bus stop within 100m of the site with the number 291 bus providing a limited service. The agent has confirmed that a school bus service also operates from the bus stop.
- 4.8 The Highway Authority have recommended refusal on the grounds that the site is not within a sustainable location and as such 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. The proposed site plan shows the provision of a new footpath between plot 5 and Walnut Cottage which will provide access onto the Blissgate Road in order to access the existing bus services. I do agree with the Highways authority that the nature of the roads and distance from services and facilities means that future residents are likely to travel by their private vehicle as a preferred choice of travel and I 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 but the new footpath provides an alternative option to utilise the bus service.
- 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). There is a limited bus service that operates from a bus stop within 100 metres of the new development which will offer pick up / drop off for the local school and provide links to Bewdley Town Centre with a range of shops and services including bus services to other towns and cities.
- 4.10 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 and that where there are a group of smaller settlements, development in one village may support services in a village nearby. 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 Walnut Cottage, and is not considered to be an isolated location and due to the proximity with other nearby smaller settlements would be considered to be in accordance with the NPPF.

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- 4.11 The National Planning Policy Framework highlights a presumption in favour of sustainable development and a need to ensure the location allows a strong economy to be built and supports a vibrant healthy community with accessible local services.
- 4.12 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 for a small development of 5 dwellings 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 Bliss Gate which would add to the benefits of the scheme.

IMPACT ON ECOLOGY AND TREES

- 4.13 There are no ecological or landscape designations associated with this site. The site relates to a field which was once an orchard and more recently used for sheep grazing. Various amendments were made to the location of the plots due to concerns raised by the Council's Arboricultural Officer and Countryside Manager. The changes to each plot are set out below:

Plot 1: The proposed property has been moved further south-east within the plot which maximises the separation distance from the proposed property to the retained walnut tree in the site's north west corner and in addition there is a now biodiversity area within the plot's north west corner which will be fenced off from the garden. Within the fenced area, a hibernacula area will be created using the trees that are to be removed from the centre of the site and further tree planting is now proposed along the northern boundary of this plot. A final amendment has been to include low level lighting to the property's elevations.

Plot 2: The proposed property has been moved south so that the existing fruit tree in the rear garden can be retained. Additional tree planting is also contained along the northern boundary and the detached garage roof will have a green roof. A final amendment has been to include low level lighting to the property's elevations.

Plot 3: A second biodiversity area is proposed in the north east corner of the plot which will be fenced off from the rest of the garden. Within this area, the trunks of two fruit trees that are moved from another part of the site will be placed here. The trunks will provide potential habitat. A further tree is also proposed along the plot's northern boundary (adjacent to the existing tree to be retained) and the single garage will have a green roof. A final amendment has been to include low level lighting to the property's elevations.

Plot 4: The existing tree on this plot close to the east boundary will be retained in the rear garden of the plot. A final amendment has been to include low level lighting to the property's elevations.

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Plot 5: No changes to the plot except for the inclusion of low level lighting to the property elevations.

- 4.14 Concern was raised over the impact that tree T4 will have on the rear of the garden of plot two. It is situated along the northern boundary and the garden will be north facing. The rear elevation of plot two has been designed to contain a high level of glazing to maximise natural light and includes two Juliette balconies on the first floor as balconies allow far greater natural light than standard windows with two sets of large bi-fold doors at ground floor level to again maximise light. Alongside this, the garden is north facing; therefore, there will be little shadowing as result of T4.
- 4.15 The Council's Arboricultural Officer has requested the submission of a revised Tree Protection Plan to reflect the change in the layout. and a revised landscaping plan to include details of the agreed actions as whilst it is acknowledged that a plan has been received, further details i required to ensure that all of the measures are adhered to.
- 4.16 The Countryside Manager is satisfied with the findings of the submitted Biodiversity Enhancement and Landscape Management Scheme which shows the retained trees as well as the proposed biodiversity areas, the position of new replacement trees and the wider document details the various biodiversity enhancements that will be delivered as part of the proposal. However, he has requested that the recommended mitigation and enhancement measures are secured by condition as these have not been shown on a detailed landscaping plan and he has also requested five further conditions to be attached to any approval. Subject to the conditions suggested by the Arboricultural Officer and the Countryside Manager, 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.UP5 of the Adopted Site Allocations and Policies Local Plan.

LANDSCAPE AND VISUAL CHARACTER

- 4.17 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 was a historic orchard but is currently being used to graze sheep with Walnut cottage located in the south corner.
- 4.18 The siting of the proposed dwellings are shown in a disperse form with additional planting to soften the impact. The number of dwellings has been reduced from what was initially proposed at the pre-application stage in order to provide a more spacious development with greater levels of soft landscaping to be included. The smaller development will also allow the retention of the existing hedgerows and mature trees that exist along the northern boundary.
- 4.19 Within Bliss Gate there is no overarching singular house type, design style or material. Properties on the edge of Bliss Gate are traditionally detached in nature with prominent materials consisting of dark colour roof tiles, red brick and UPVC windows and doors. These features have been taken into account when

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designing the development whilst also proposing a light coloured render which mirrors the streetscene along Heightington Road. The proposed dwellings have been simplified in terms of design and reduced in scale and massing to ensure they utilise 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.

- 4.20 Full details of building materials, including hard surfacing, boundary treatment and landscaping can be controlled by suitably worded conditions.

DRAINAGE, FLOOD RISK AND CONTAMINATED LAND

- 4.21 An indicative surface water drainage strategy has been submitted which sets out that surface water from the development will discharge to individual soakaways plus a soakaway to take road runoff. Infiltration drainage is the preferred method of discharge where ground conditions are suitable. A permeability test has already been undertaken which confirms the suitability of this site for infiltration drainage.

Calculations have been made to provide an indicative sizing of the proposed soakaways, using a design return period of 1:100 years, a 40% allowance for climate change and an urban creep factor of 10%. North Worcestershire Water Management has confirmed that the proposed drainage method and design criteria are acceptable, although the use of green SuDS that provide amenity and biodiversity benefits is always encouraged. A revised location plan was requested in order to show that the proposed soakaways will sit comfortably within the proposed landscaping plan but this was not received.

Therefore whilst the method of drainage is considered to be acceptable, NWWM has suggested that a condition be attached to any approval which requires the submission of a surface water drainage strategy which to be approved in writing by the Local Planning Authority, implemented prior to the first use of the development and thereafter maintained.

- 4.22 No 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.

PLANNING BALANCE

- 4.23 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.

- 4.24 I have considered the proposed development against the economic, social and environmental roles of sustainable development set out in Paragraph 8 of the

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National Planning Policy Framework. The development would provide some economic benefits during the construction work and economic activity of those occupying the dwellings, which would help to enhance and maintain the viability of shops, services and facilities within the rural community of Blissgate and other local areas. All construction materials for the project are from local sources which ensure the vitality and employment opportunities within the wider supply chain. The development would add to the housing land supply which would provide some planning benefits. In terms of the environment, all plots will be provided with vehicle electric charging points which will facilitate a move towards a low carbon future. As part of the development the construction company will deliver new habitat areas to enhance the biodiversity and ecology present on the site and within the wider locality. There would be no significant harm to the character and appearance of the surrounding area, or landscape and there would be no detrimental impact on protected species or biodiversity.

- 4.25 The provision of a new footpath will allow residents to use the local bus service if required although it is acknowledge that in reality there may be more reliance on the private car to travel to shops, services and facilities. The development would not result in isolated homes and instead would support the rural community of Bliss Gate.
- 4.26 Notwithstanding the harm that has been identified through conflict with the development plan and the degree of the lack of sustainable access, it is concluded that such harm would not significantly and demonstrably outweigh the benefits of the proposal. 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 It is clear that the proposal is in conflict with the development plan and that the Highway Authority have identified the development would not be in a sustainable location. 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 Far Forest and Bewdley and the site is in close proximity to other dwellings.

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.

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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. Tree Protection Plan
12. Electric vehicle charging points
13. Removal of Permitted Development Rights for outbuildings and new boundary treatment.
14. Implementation of Ecological Mitigation and Enhancement Measures
15. Details of external lighting to be submitted

NOTES

- A. Highways note
- B. Details of refuse provision



Economic Prosperity and Place Directorate

Land adjacent Walnut Cottage

Bliss Gate Road, Rock

Kidderminster, DY14 9XU



Crown Copyright 100018317 28 August 2019

Scale 1:1000

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

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 of approximately 225,000 sq feet of floorspace within the Drakelow Tunnels for the storage of wine and other alcoholic drinks (Class Use B8), erection of 2 portacabins and new boundary treatment, refurbishment of metal structure to form reception canopy, alterations to disused sub-station to provide alternative bat habitat and the change of use of part of the Tunnel space to provide a Museum

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 Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL subject to a Section 106 Agreement

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 operations as part of the forestry business. The tunnels are currently used for public and events on an ad-hoc basis.

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- 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 Ancient Monument, however the tunnels have recently been removed from this designation. The site lies one mile from the B4189 Wolverley Road via Sladd Lane.
- 1.3 The proposed development seeks to reuse part of the tunnels (approximately 225,000 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 (LCB); a bonded warehousing business that has a number of warehouses of varies sizes across the United Kingdom. LCB intend to operate the proposed warehouse operation for a minimum 25 year period.
- 1.4 Other associated works would include the demolition of all existing buildings, except for the substation buildings and the canopy steel frame structure which would be refurbished to be used as a 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 modular buildings that would be used to provide office, canteen and security accommodation and new 3 metre high boundary fencing, 2.5 metre high gates and a 2 metre high close boarded noise attenuation fence would be erected to the south and west boundaries of the site. Additional semi-native and ornamental planting is proposed to the south and west boundaries of the site to help screen the proposed development from views of neighbouring properties, the road and public footpaths.
- 1.5 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 and to separate part of the tunnels for use as a public museum.
- 1.6 40 new full time jobs would be created by the development.
- 1.7 Proposed operating hours for the LCB warehouse would be from Mondays to Fridays (0730 – 1800) and Saturdays (0700 – 1400), with no working on Sundays. It is proposed that all heavy commercial vehicles movements in/out of the site would be between Mondays to Fridays (09:00 – 17:00) and Saturdays (09:00 – 14:00).

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- 1.8 It is proposed that deliveries/collection will be undertaken by a maximum of 3 heavy commercial vehicles (HCV), with no more than 12 a week and a maximum of 10 light delivery vans a day would access the site. All delivery vehicles would be managed through a booking system, which would ensure that no more than 1 HCV is on site or travelling along the immediate roads at any one time. Also, during the construction and fitting out phase of the development there would be a maximum of 3 HCVs a day, with no more than 12 per week.
- 1.9 The proposed number of car parking spaces has been reduced from 45 to 22 and the layout has been amended during this application to address concerns raised by officers. The amended site layout shows 22 car parking spaces including 2 parking spaces with electric vehicle charging points, 2 disabled parking spaces and 2 visitor parking spaces.
- 1.10 The application has also been revised to provide a public museum within part of the tunnels, approximately 30,000sq ft, which would operate only on Saturdays and Sundays. It would have its own car park off Kingsford Lane for up to 40 cars and admission fees would be controlled by the local planning authority.
- 1.11 It is proposed that the existing forestry operation on this part of the site would cease and all redundant forestry buildings on this site would be removed. It is understood that the use may be relocated, however this does not form part of this application.
- 1.12 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, HCV 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 – Archive Documents, paper files etc) : Approved 5.09.1994

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3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – (Initial response) - 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.

(Second response following amendments to car park layout and provision of a public museum) - The Parish Council still feel very strongly that the site location is not sustainable for this application and will result in a detrimental impact on the neighbouring residents and on the character of the area due to heavy goods vehicles and increase in traffic, which the addition of a museum will only add to. The lack of infrastructure does not support safe and suitable access.

- 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.

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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.

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 Out 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.

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- 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.
- 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 have 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 a few 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.

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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.

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;

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- 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;
- 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 additional letters of objection have been received from local residents following re-consultation on the amendments to the car parking layout and the provision of a museum. The following comments were made:

- Inappropriate development in the Green Belt and no very special circumstances exist to outweigh the harm to the Green Belt.
- Harmful impact on the open rural, and undeveloped character of this area of the Green Belt.
- Detrimental to local character and amenity of existing occupiers
- Highway safety risk
- The proposed wine storage and museum would lead to increased traffic which is not appropriate for these roads, given that they are narrow and there are 90 degree turns and junctions that are used by agricultural and farm vehicles.
- Drakelow Tunnels is not a major tourist attraction as identified within Policy SAL.GPB5 and has never acquired any planning status to be such, so proposing that to maintain this status will only happen if this application is approved is untrue.
- Common reptile species are protected under the Wildlife and Countryside Act. This includes slow-worm, common lizard, grass snake and adder, all of which are present on site along with the European hedgehog which is listed as species of principal importance under the Natural Environment and Rural Communities Act (2006).

4.0 Officer Comments

- 4.1 I consider that the main considerations for this application are whether the proposed warehouse would be acceptable in principle taking into account its location outside of an allocated employment area and within the rural area of the Green Belt and whether there would be any detrimental impact on residential amenity, local character, highway safety, biodiversity and on the historic environment.

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NATIONAL PLANNING POLICY

- 4.2 The National Planning Policy Framework (the Framework) sets out three objectives to achieving sustainable development: economic, social and environmental. It advises that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It advises that the three objectives of sustainable development consist of:
- **an economic objective** – 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;
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.3 At the heart of the Framework is a presumption in favour of sustainable development, which for the purposes of decision making means “approving development proposals that accord with an up to date development plan without delay” (paragraph 11).
- 4.4 The Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80).
- 4.5 Development within Green Belt is specifically restricted by the Framework. Chapter 12 of the Framework sets out the Government’s guidance with respect to Green Belts. Paragraph 133 states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

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- 4.6 Paragraphs 145 of the Framework set out that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, subject certain specific exceptions. One of these exceptions is listed in Paragraph 145(g), which advises that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is not inappropriate development in the Green Belt, providing the development does not have a greater impact on the openness of the Green Belt than the existing development.
- 4.7 The Framework also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making (paragraph 12).

DEVELOPMENT PLAN POLICY AND PRINCIPLE OF DEVELOPMENT

- 4.8 The application site is located in the countryside, outside of allocated areas for new employment development (as shown on the Policies Map) and is washed over by West Midlands Green Belt, where policies SAL.GPB1, SAL.UP1 and SAL.PDS1 of the adopted Site Allocations and Policies Local Plan applies.

Location of Development

- 4.9 Policy SAL.GPB1 (*Economic Development outside of Allocated Areas*) advises that 'Proposals for economic development outside of the allocated areas will be assessed on their merits.
- 4.10 The proposed development is for a relatively large scale warehouse, which would require the use of approximately 225,000 sq feet of floor space within the existing tunnels for the storage of wine and other alcoholic drinks. It is considered by the applicant that there are no alternative employment sites that could deliver a warehouse of this size immediately or with the optimal storage conditions that are required for the storage of wine within the District. I accept that there are no alternative employment sites readily available that would be of a similar size or have the same internal conditions as Drakelow Tunnels.
- 4.11 It is also stipulated by Policy SAL.GPB1 that proposals for economic development outside of the allocated areas will need to be on Previously Developed Land, be in conformity with the Adopted Core Strategy and should have no adverse effect on any of the following:
- i. The amenity of adjacent occupiers
 - ii. The character of the area
 - iii. The surrounding environment'
- 4.12 Policy DS01 of the Adopted Core Strategy seeks to concentrate new development on brownfield sites within the urban areas of Kidderminster and Stourport-on-Severn first before applying a sequential approach in the assessment of other sites within the District. I have assessed matters concerning

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the impact on residential amenity, local character and the surrounding environment below in this report.

Whether the Development would be on Previously Developed Land

- 4.13 During the course of the application, the applicant has provided photographic evidence to demonstrate the extent of the curtilage of the former factory use. The photos show the factory buildings within the open yard area adjacent to the tunnel entrance and in the locations of the proposed office and security staff modular buildings and the car parking area.
- 4.14 The definition of 'Previously Developed Land' in the National Planning Policy Framework is "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by ... forestry buildings ...".
- 4.15 Whilst the open yard has been used for forestry operations in connection with the existing forestry business, it is evident on site that there have been no forestry buildings erected in this part of the open yard. I therefore consider that the proposed development would fall within the curtilage of the previously developed land.

Appropriateness of Development/Impact on the Openness of the Green Belt

- 4.16 Policy SAL.UP1 (*Green Belt*) permits development (amongst others) on previously developed land providing they are in accordance with site specific policies contained in Part B of the Adopted Site Allocations and Policies Local Plan.
- 4.17 Within Part B, Policy SAL.PDS1 (*Previously Developed Sites in Green Belt*) states that 'In order to protect the openness of the Green Belt, development proposals for Previously Developed Sites in the Green Belt should:
- i. Contribute to the achievement of the objectives for the use of land in Green Belts.
 - ii. Not exceed the height of the existing buildings and other structures and trees.
 - iii. Not give rise to off-site infrastructure problems.

Design and landscaping of development should seek to minimise the impact on the Green Belt through:

- a) Using sensitive materials and colours.
- b) Providing extensive landscaping and tree planting to screen boundaries, where appropriate.

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For other previously developed sites in the Green Belt, applications for development will be considered against this policy framework and the rest of the policies in the plan’.

- 4.18 Policies SAL.UP1 and SAL.PDS1 reflect the Government’s Guidance as stated in Paragraph 145(g) of the Framework.
- 4.19 In applying the assessment on openness as advised in Policy SAL.PDS1, the proposed modular buildings and reception canopy structure would not exceed the height of existing buildings or trees within the site, would use sensitive materials and colours and the proposed site layout plan illustrates that extensive landscaping and tree planting is proposed to help screen boundaries.
- 4.20 The proposed security and boundary fencing would not detract from the openness of the Green Belt given that the new fencing would be set back from the road frontages and would be well screened by existing and proposed planting. I also note that Baxter Cottage has a similar 1.8 metre high close boarded fence along Kingsford Lane frontage, which immediately adjoins the site. Also, the proposed car parking area has been reduced from 45 to 22 spaces, which would be on the existing hardstanding and would not result in a significant adverse impact on the openness of the Green Belt.
- 4.21 In terms of infrastructure, the Highways Authority have raised no objection to the road infrastructure including the access to the site.
- 4.22 I also note that the Planning Practice Guidance has recently been revised (22 July 2019), which advises that ‘In the assessment of the impact on the openness of Green Belt that it requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to, the degree of activity to be generated, such as traffic generation’.
- 4.23 I acknowledge that there would be additional traffic generated to the site compared to the existing forestry business which only processes logs from its forestry and provides kindling and logs to local shops and the tunnels are currently only used for small group tours by arrangement, 28 days a year.
- 4.24 During this application, the applicant has reduced the number of heavy commercial vehicles from 5 to 3 per day (with a maximum of 12 per week), agreed a routing plan for all delivery vehicles including light delivery vans and agreed to restrict heavy commercial vehicle movements into and out of the site to between the hours of 09:00 - 17:00 Mondays to Fridays and 09:00 – 14:00 hours Saturdays, in response to concerns raised by officers.

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- 4.25 The submitted Transport Assessment has confirmed that Kingsford Lane already carries a daily total of 587 vehicle trips (including 78 Heavy Goods Vehicle trips) in a northerly direction and 595 vehicle trips (including 95 Heavy Goods Vehicle trips) in a southerly direction. The addition of a very low number of heavy commercial vehicles and light delivery vans associated with the proposed development would therefore only result in a very modest increase in vehicle movement on the local highway network, given the existing level of traffic.
- 4.26 I am therefore satisfied that the proposed number of heavy commercial delivery vehicles together with the proposed booking system and delivery hours, would ensure that the delivery arrangements of the development are not highly noticeable by neighbouring residents. On this basis, I do not consider that delivery vehicles would result in any harm to the openness of the Green Belt.
- 4.27 The number of on-site staff car parking spaces has also been significantly reduced from 45 to 20 in order to reduce traffic generation and I am of the view that this level of vehicle movement would only result in moderate harm to the openness of the Green Belt, due to the regular occurrence of staff cars travelling along the road at a similar time each day which apart from existing residents travelling to work, is generally not a characteristic of this area. However, I consider that any harm would be mitigated by measures that have been recommended by condition or would be secured through the S106 Agreement, which would overcome any harm, these measures would include:
- A maximum of 20 staff car parking spaces for staff;
 - To implement fully and comply with the Travel Plan;
 - To implement fully and comply with the Car Parking Management Plan; in order to prevent employees and visitors to park in the Museum car park; and
 - To require the additional tree planting, as proposed.
- 4.28 The traffic generated to the proposed museum would have a negligible impact on openness given that it would generally be a low number of visitors and the museum would only be open during the weekends when the proposed warehouse is only open on Saturday mornings. The museum would also have its own car park that would be independent from the proposed warehouse.

Conclusion on the Principle of Development

- 4.29 I therefore consider that the proposed development would involve the partial redevelopment of a previously developed site and although some harm to the openness of the Green Belt would occur from an increase in activity, in terms of traffic generation by mainly staff vehicles, it is considered that this harm is much lessened than under the original scheme with a key change being the reduction in on-site staff parking provision. I am also of the view that this harm to openness can be acceptably mitigated by the suggested Planning Conditions and Heads of Terms in the draft s106 Agreement which sets out how the Council would control the level and movement of traffic associated with the proposed warehouse use.

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- 4.30 The principle is therefore established in favour of the development, subject to further considerations on the impact on residential amenity, local character and upon the surrounding environment (including biodiversity).

IMPACT ON RESIDENTIAL AMENITY

- 4.31 In terms of the impact on residential amenity, it is acknowledged that the main site entrance is off Kingsford Lane and that the open yard which would be used for unloading and loading by forklifts is located adjacent to the rear boundary belonging to Baxter Cottage and that there are residential properties (Brookfield Farm, Drakelow Views and Fair Acre) located on the opposite side of Kingsford Lane and a further residential property (Drakelow Grange) which is located to the south of the site and would be approximately 25 metres from the proposed car parking area. I also recognise that there are residential properties and a Caravan Park located along Sladd Lane.
- 4.32 The application site is well screened by existing vegetation and the screening along Kingsford Lane to the west, behind Baxter Cottage and along the southern boundary of the site would be enhanced with new planting and boundary fencing, as part of the proposed development, further mitigating any views of the development from neighbouring properties. I am satisfied that there would be no adverse impact on residential amenity in terms of loss of outlook and privacy.
- 4.33 The updated Noise Assessment has advised that in a worst case scenario where a forklift is used to transfer goods from the reception canopy to the tunnels for an hour could give rise to a difference of 5dB between the noise rating level generated by those activities and the background sound level, which the assessment identifies as *adverse but not significant*. The proposed 2 metre high close boarded fence to the west boundary of the site and around the rear boundary to Baxter Cottage would achieve the necessary noise attenuation. The Noise Assessment also concludes that traffic to and from the proposed warehouse will have a negligible impact on noise levels in the surrounding area.
- 4.34 Worcestershire Regulatory Services are satisfied that the potential impact of the development in relation to noise from heavy commercial vehicle movements into and out of the site and the unloading/loading and transferring of goods by forklifts) to be acceptable and raise no objection to the application subject to conditions to ensure the proposed barrier fence is installed prior to the first use of the site and to restrict the hours of deliveries to those applied for by the applicant. I have recommended these conditions accordingly.
- 4.35 Overall, the evidence contained within the Noise Assessment demonstrates that the noise impact on residential amenity would be acceptable, subject to the noise mitigation measures. I therefore consider that noise and disturbance would not be to such a level to warrant a refusal of the application.

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IMPACT ON THE LOCAL CHARACTER

- 4.36 Paragraph 170 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 4.37 In terms of the visual impact, as previously mentioned above, the site is well screened by existing vegetation and the proposed planting scheme, boundary and noise barrier fencing which would help to enhance the screening. The submitted plans show that sufficient space would be provided for soft landscaping to the front of the close boarded fence along Kingsford Lane and I note that there is already a 1.8 metre high close boarded fence to the rear garden belonging to Baxter Cottage along this road frontage. I also consider that any external lighting required for security can be appropriately designed to ensure it is minimal and does not have a detrimental impact on the character of this part of the countryside.
- 4.38 I also note that the open yard within the site which would be used for unloading/loading and transferring goods into the tunnels and for staff parking is visually contained within the site and would be well screened by the existing and proposed trees and fencing. I also note that the proposed development would result in a reduction in built volume when compared to the existing forestry buildings on site, which means that there would be an improvement to the visual amenity of the site and surroundings. For these reasons, I do not consider that the development would result in any visual harm to the site or surroundings. I have recommended a condition to ensure the modular buildings are removed and the land restored once the warehouse use ceases.
- 3.39 Furthermore, the proposed scheme would include the removal of the redundant forestry buildings (which have a footprint of 321.58sqm) and the redevelopment of the site with two new modular buildings (with a footprint of only 14.7sqm), which would make a positive improvement to the visual amenity and character of the site.
- 4.40 With regards to increase traffic generation to the site, I have already concluded above, that any harm to the rural character would be acceptably mitigated by restricting the number and routing plan of delivery vehicles, and ensuring there is a delivery booking arrangement in place, as well as, limiting the number of staff parking spaces on site and ensuring the staff travel plan is implemented.

HIGHWAY

- 4.41 I acknowledge the strong concerns raised by local residents about the suitability of Sladd Lane for Heavy Commercial Vehicles (HCV) given that it is very narrow in places; has perceived poor visibility; and has many access points serving local farms and houses. The Highways Authority have raised no objection to the proposed number and routing of HCVs associated with the proposed

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warehouse/distribution use. They consider that this activity would not result in any significant impacts on the local highway network and that the road junction of Sladd Lane and Kingsford Lane and the site access point is suitable for HCVs, and would not require any mitigation measures.

- 4.42 The submitted Transport Assessment has assessed the impact on Sladd Lane and Kingsford Lane. It shows in Table 5.2 that the existing local road network already accommodates HGV traffic during the AM and PM peak hours and it is highlighted within the Transport Assessment that no accidents have been recorded at the site access junction or in the immediate vicinity.
- 4.43 As mentioned above, the level of additional traffic generated by the proposed warehouse would not have a significant impact on the free flow of traffic or traffic movement in the local area. Overall, it is considered that the proposed warehouse would not result in an adverse impact on highway safety subject to conditions to restrict the number and routing of delivery vehicles. It is also considered by the Highways Authority that the proposed museum would have a negligible impact on the local highway network.
- 4.44 However, objection has been raised by the Highways Authority in terms of the rural location of the site, which they consider to be an unsustainable location for a new employment development because of poor accessibility by foot, cycle and public transport services.
- 4.45 Paragraph 103 of the Framework 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.
- 4.46 In response to the objection raised by the Highways Authority, the applicant has amended the site layout plan to show a reduction in the number of on-site parking spaces from 45 to 22, in order to encourage car sharing and non-car travel to work. The implementation of the proposed Staff Travel Plan will also ensure that opportunities for employees to share car journeys are maximised. In addition, the applicant have suggested a car parking management scheme to ensure LCB take all necessary steps to ensure that employees and visitors only park within the site. I consider that this condition is necessary and reasonable to help limit the parking on site and to prevent parking on nearby road, within the museum car park and on public bridleways.

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- 4.47 Within the staff travel plan, it is also proposed that LCB will endeavour to provide a mini-bus service for staff, which would act to reduce single occupancy vehicle transport to and from the site. The proposed mini-bus service would run AM and PM and would stop at various locations in the District to maximum opportunities for sustainable travel by staff. These locations could include Kidderminster railway station, bus stops and town centres within the District depending on the staff demand.
- 4.48 I agree with the Highways Authority that the site is not in a sustainable location and that it would not be accessible by all. Also, staff members would be more reliant to travel by private car if the mini-bus is not convenient or accessible. I acknowledge that in rural areas, it is more difficult to promote sustainable travel, however, in this instance, I consider that the proposed new employment use would not be accessible by all and would therefore not accord with the social and environmental objectives of sustainable development. This harm weighs against the development in the planning balance.

BIODIVERSITY

- 4.49 A Bat Survey Report and Preliminary Ecological Appraisal have been submitted with the application which found that the areas outside the Tunnels had low ecological value. The Survey Reports have advised that bats were found to be utilising the tunnels for roosting, in particular as a maternity roost for horseshoe bats, and recommended that a section of Tunnel 2 should be isolated as a roosts for bats with a bat access point being added to the external wall of this tunnel. It is also recommended that one of the disused substation buildings should be converted into a roost with alterations being made to the building to make it more suitable for use as a day roosts and maternity roosts for bats.
- 4.50 It also advised that bat sensitive lighting should be used during the construction and operational phases of the development. Also, that any modification of the tunnels will need to be undertaken under a European Protected Species Licence issued by Natural England. The Survey Reports have also recommended a number of precautionary measures during construction and ecological enhancement measures, which includes the provision of bird boxes to be installed around the site to provide additional nesting sites and that log piles should be provided around the boundary of the site in order to provide additional habitats for reptiles. It is concluded in the Survey Reports that 'It is likely that if mitigation recommendations are followed that there will be an overall neutral or minor positive effect on biodiversity on this site as a result of the proposed development' and '...that all known roosts and any roosts possibly within the tunnels or substation(s) can be mitigated for'.
- 4.51 The Council's Countryside Manager agrees with the findings of the Bat Survey Report and Preliminary Ecological Appraisal and recommends a condition to secure the Ecological Mitigation and Enhancement Measures and the submitted Landscape and Ecological Management Plan, which sets out how the landscaping and ecological measures would be maintained long term. I am

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satisfied that if these measures are followed then it is likely that the proposals would result in a net gain in biodiversity and would accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Chapter 15 of the National Planning Policy Framework. I have recommended the conditions accordingly, as well as a condition to require details of a lighting scheme to be agreed which takes into account bats.

MUSEUM

4.52 Local residents have raised objection to the loss of the tunnels and consider that the current public access to the tunnels should remain. The applicant has highlighted that the current public access is achieved without any element of public subsidy and continuing to maintain the tunnels in a suitable condition to allow public access and providing the necessary organisation to allow tours of the historic areas is no longer financially sustainable in the absence of a commercial use for the tunnels.

4.53 In response to these concerns, the applicant now seek to enter into a S106 Agreement with the Council to ensure that part of the tunnels are maintained for the 25 year life of the LCB operation as a museum to which the public will have access. The area of tunnels that would be dedicated as a museum contains historic items relating to both the Rover operation and the nuclear bunker operation. It is intended that the museum will operate on a non-profit basis and would be open on Saturdays and Sundays. All visits to the museum would be controlled by an advance booking system and a separate car park from the LCB operation would serve the museum. I consider that the proposed museum would be a significant benefit to the public and would help to preserve a site, which in my opinion, has historic importance.

HISTORIC ENVIRONMENT

4.54 Historic England have noted that there would be a change to the setting of the scheduled Hillfort, however based upon the current design they do not consider this to result in harm to the significance of these designated heritage assets. The Council's Conservation Officer has also raised no objection to the application and considers that the development would accord to Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan which seek to preserve the significance of heritage assets. I concur with the views of Historic England and the Conservation Officer.

PLANNING OBLIGATIONS

4.55 The applicant has offered to enter into a Section 106 Agreement to achieve the following objectives:

1. Control the routing of Heavy Commercial Vehicles and Light Commercial Vans travelling to and from the site;
2. To require a booking system for all Heavy Commercial Vehicles;
3. To implement fully and comply with the Travel Plan;

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4. To implement fully and comply with the Car Parking Management Plan in order to prevent employees and visitors to park in the Museum car park; and
5. Maintenance of and public access to a Museum.

4.56 The above Heads of Terms in the draft s106 Agreement are considered to meet the tests sets out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

PLANNING BALANCE

4.57 The applicant has made significant changes to this application and submitted additional supporting information in an attempt to address the concerns raised by officers, the Highway Authority and local residents. These amendments and additional information have included the following:

- Photographic evidence to demonstrate the curtilage of previously developed land;
- A local recruitment agency (Hewett Recruitment) have confirmed that they have 272 people seeking work within the 'Operative' job sector and 156 people seeking work within the 'Administrators' job sector who live within 1 mile of DY11;
- Provision of a public museum;
- Reduced the number of heavy commercial vehicles from 5 to 3 per day, with no more than 12 Monday to Saturday;
- Reduced the number of staff car parking spaces from 45 to 20.
- Agreed to limit light delivery vans to a maximum of 10 per day;
- Agreed a suitable routing plan for all delivery vehicles to reduce HCV traffic on local roads;
- Agreed a staff parking management plan to prevent staff parking outside of the dedicated parking area; and
- Provided additional soft landscaping around the site boundaries, which included the relocated the proposed boundary fence further into the site.

4.58 Policy SAL.GPB1 does allow proposals for economic development outside of the allocated areas to be assessed on their merits'. Subject to appropriate mitigation, no harm has been identified on residential amenity, the local character and the surrounding environment. Furthermore, no identified harm is likely to arise from the development on visual amenity, highway safety, biodiversity or on the significance of heritage assets.

4.59 The site is located in an unsustainable location for employees and I agree that it would not be accessible by all due to its rural location and poor accessibility by foot, bicycle and public transport. As such this element of the development is

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contrary to Development Plan Policy, namely Policy DS01 and CP08 of the Adopted Core Strategy and Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan and Paragraph 108 of the National Planning Policy Framework.

- 4.60 In favour of the application, the development would see the creation of 40 new full time job opportunities and it has been pointed out by a local recruitment company that they have a high number of people seeking work in this job sector who live within DY11.
- 4.61 Approval of this application would also see the retention of part of the Tunnels being retained as a public museum, which would create a new local tourist attraction. These benefits would be consistent with the economic and social objective of sustainable development.
- 4.62 This is a balanced judgement, and it is considered that the agreed mitigation would overcome the potential harm to openness of the Green Belt, residential amenity (in terms of noise impact) and on local character (due to increase in traffic generation) and it is considered that the economic and social benefits associated with the development (job creation and provision of museum) would outweigh the harm caused by the unsustainable location of the site in terms of local and national planning policy seeking to ensure all jobs are accessible to all.

5.0 Conclusions and Recommendations

- 5.1 I have carefully considered the application and taken into account the comments received from local representations and consultees, and following additional information and significant changes being made to the proposals, I now consider that the proposals would involve the redevelopment of a previously developed site and that the reduction in the proposed number and routing plan of delivery vehicles, together with the reduction in staff car parking spaces and the additional landscaping would ensure no harm on openness of the Green Belt, subject to adequate mitigation. I have also identified no harm to residential amenity, local character and the surrounding environment. Whilst I note parts of Sladd Lane are narrow, no objection has been raised by the Highways Authority in relation to highway safety and capacity. I also consider that the relatively low number of heavy commercial vehicles to and from the site each day would have a negligible impact on local highway network. In addition, ecological mitigation through planning conditions is recommended in terms of bats and no other harm to biodiversity has been identified.
- 5.2 I have balanced all issues and have concluded that there are economic and social benefits associated with the proposed development in terms of the creation of 40 new local job opportunities and the provision of a museum, which would outweigh any harm associated with the unsustainable location of the site in terms of the aspirations of the Development Plan and the National Planning Policy which seek

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to make all new developments accessible for all. Measures are recommended to secure an appropriate Staff Travel Plan including the possibility of a mini-bus service for staff to promote sustainable modes of travel for staff members. As such, I consider that there are sufficient reasons to recommend approval of the application.

5.3 It is therefore recommended that the application be given **delegated APPROVAL** subject to:

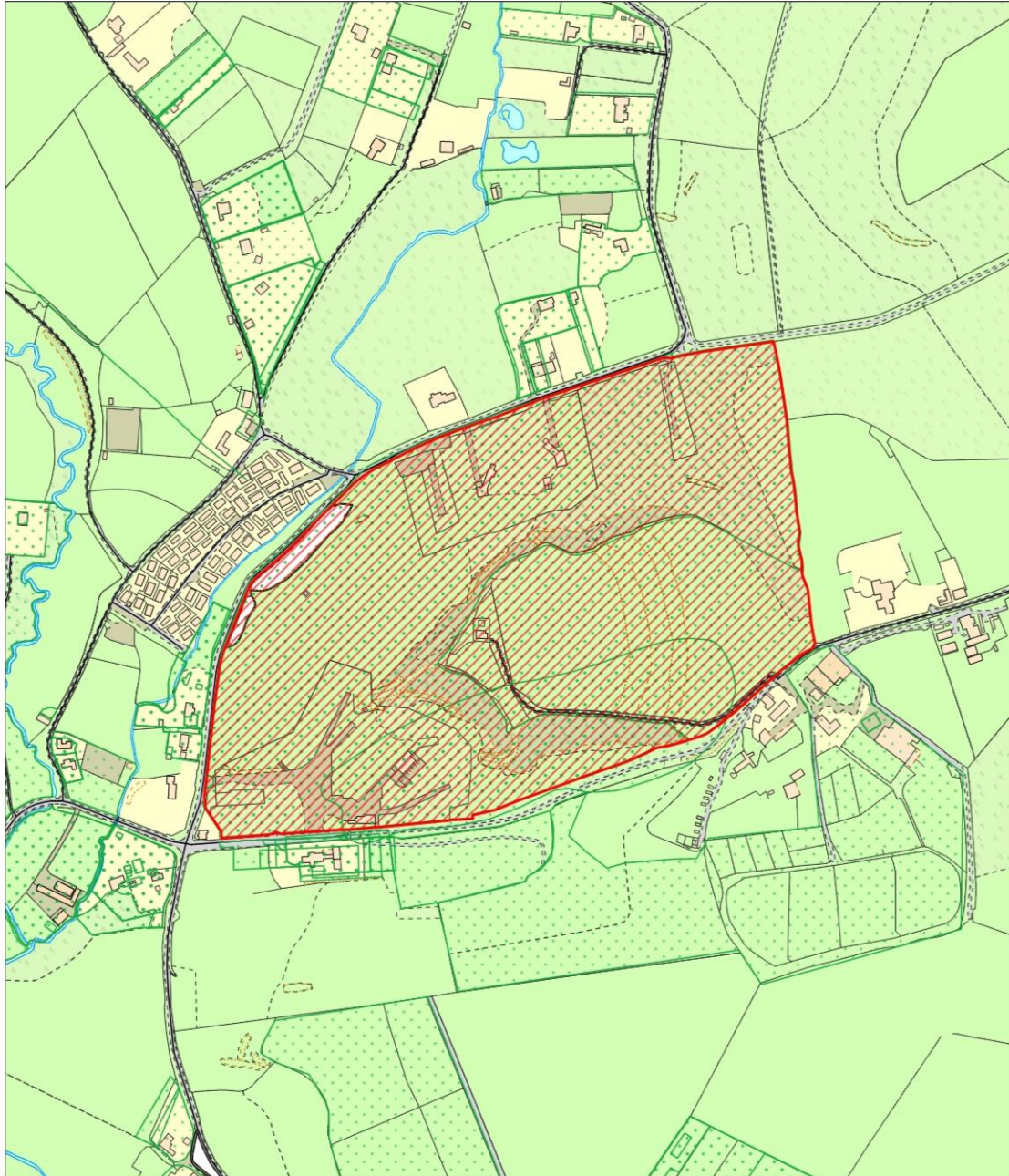
- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:

1. 3 Year Time Limit
2. Approved Plans
3. Restrict hours of operation of warehouse to between Mondays to Fridays (7:30 – 1800) and Saturdays (07:00 – 14:00), with operations on Sundays.
4. Restrict hours of heavy commercial vehicle movements into and out of the site to between Mondays to Fridays (09:00 – 1700) and Saturdays (09:00 – 14:00), with no deliveries on Sundays
5. To secure Noise Attenuation fencing
6. To secure Boundary treatment
7. To secure Landscape scheme Building Materials to be submitted and agreed
8. To require removal of modular buildings (office and staff welfare buildings) within one month of use cease and land restored
9. To secure Ecological Mitigation and Enhancement Measures
10. To secure Landscape and Ecological Management Plan (LEMP)
11. To require a External Lighting Scheme
12. To require a Site Drainage Strategy
13. To secure Parking Layout
14. To require Cycle Storage Details
15. To require details of Electrical Vehicle Charging Points
16. To limit HCVs (3 per day and up to 12 per week)/light vans (10 per day)
17. To prevent outside storage of goods, plant, materials or waste

NOTE

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S106 Agreement



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

Application Reference:	19/0268/FULL	Date Received:	02/05/2019
Ord Sheet:	378268 274825	Expiry Date:	27/06/2019
Case Officer:	Kelly Davies	Ward:	Bewdley & Rock

Proposal: Erection of one detached split level house with integral garage

Site Address: 55 HIGH CLERE, BEWDLEY, DY122EX

Applicant: L Bridges

Summary of Policy	DS01, CP01, CP02, CP03, CP11, CP12 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents departure from the Development Plan Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to a parcel of garden land to North of 55 Highclere, Bewdley. The site is garden land for 55 Highclere and would appear to have an historic access of Hernes Nest. The site lies between two dwellings, one fronting onto Highclere and the other Hernes Nest. The surrounding area is predominantly residential in character and comprises similar house types which are set on a linear building line behind front gardens and parking areas. The ground is steep, typical of the location with many of the houses being split level within the immediate surrounding area.

1.2 The application is for the erection of a three-bedroom split level detached dwelling on land to the side of the existing detached dwelling, 55 Highclere. Off-street parking for three cars would be provided to the front and a private rear garden measuring 257sqm would be provided for the proposed dwelling. The rear garden of 55 Highclere would remain untouched.

2.0 Planning History

2.1 No previous planning history

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3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Recommend Approval.
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Severn Trent Water – No objection and do not require a drainage condition to be applied.
- 3.4 Watercourse Officer – No objection subject to surface water drainage condition
- 3.5 Cadent & National Grid – No objection
- 3.6 Neighbour/Site Notice – 27 letters of objection received with the following points raised:
- Access to the site via Hernes Nest
 - Lack of notification to neighbours
 - Privacy – overlooking
 - Building materials unknown
 - Upkeep of road
 - Balcony and overlooking
 - Garden not building site
 - Hours of working
 - Damage to view
 - Additional traffic on Hernes Nest

4.0 Officer Comments

- 4.1 The main considerations for this application are whether the principle of development is acceptable and whether the development would have a detrimental impact on the local character, on the amenities of existing and future occupiers and upon highway safety.

PRINCIPLE OF DEVELOPMENT

- 4.2 The site lies within a residential area of Bewdley where Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan seek to concentrate new residential development albeit only on previously developed land. As the development would be on existing garden land which falls outside of the definition of previously developed land, it fails to accord with these relevant policies and is considered to be a departure from the Development Plan.
- 4.3 Whilst the Development Plan is always a starting point for decision makers, it is recognised that the relevant policies contained within the Development Plan for the supply of housing are now considered to be out of date. This is because the housing numbers within the Adopted Core Strategy (2010) were

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set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn.

- 4.4 The 'out of date' nature of the development plan results in the presumption in favour of sustainable development set out in Paragraph 11 of the National Planning Policy Framework being engaged. This requires a balance to be undertaken whereby planning applications should be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this context.

IMPACT ON LOCAL CHARACTER

- 4.5 The National Planning Policy Framework seeks (amongst other things) to ensure new developments are visually attractive, sympathetic to the local character and of good design which adds to the overall quality of the area. Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan also requires good design in all new developments and Policy SAL.UP7 specifically requires new developments to maximise the use of corner plots and to have appropriate regards to the common building line, historic street pattern and skyline.

- 4.6 The proposed split level dwelling would be sited next to 55 Highclere and would adhere to the regular building line on this side of the road. The plot size is similar in size to the neighbouring properties and large enough to accommodate the proposed dwelling. Sufficient amenity area to the rear is proposed and substantial area to the front shall be provided. The positioning of the dwelling would not lead to a cramped appearance within the streetscene and furthermore due to the split level style of property, it is considered that proposed dwelling would not result in an overbearing or incongruous addition to the streetscene.

- 4.7 I therefore consider that the proposed development would achieve a high quality design that would be in keeping with the local character and would add to the overall quality of the area in accordance with the National Planning Policy Framework, Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Site Allocations and Policies Local Plan and the Design Guidance in the Supplementary Planning Document. A condition is required to remove permitted development rights for extensions to the building in order to avoid any development having an adverse impact on adjoining residential properties.

RESIDENTIAL AMENITY

- 4.8 The proposed detached dwelling would comply with the 45 degree code in relation to the neighbouring dwellings of both Highclere and Hernes Nest. I am also satisfied that the internal layout and room sizes of the proposed dwelling, together with the size of the outdoor amenity spaces, would provide a good standard of living for future occupiers. The retained rear garden for 55 Highclere would also be of an acceptable size and in proportion to the size of the property.

19/0268/FULL

- 4.9 Objections have been received regarding overlooking to properties on the opposite site of Hernes Nest which sit at a lower level from both the proposed dwelling and associated balcony. Having considered the proposed separation distances which exceed 20 metres, it is considered that no undue overlooking or harm to the amenity will result to the existing properties opposite. Furthermore, the proposed site sits back some 2 metres from the neighbouring property at 14 Hernes Nest, so it is considered that very little impact will result from the balcony to the side.

HIGHWAY SAFETY

- 4.11 The site will be accessed from Hernes Nest, which is a narrow unadopted road off Park Lane. Objections have been received regarding the access onto Hernes Nest. The Highways Authority have raised no objection to the use of Hernes Nest and all other objections regarding the lawful use of this private road are civil matters and not a material planning consideration.
- 4.12 The proposal would provide adequate parking provision and access arrangements for the existing and proposed dwelling and no objections have been raised by the Highways Authority subject to safeguarding conditions. I therefore consider that the proposed development would have no detrimental impact on highway safety, in accordance with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

PLANNING BALANCE

- 4.13 The 'out of date' nature of the development plan results in the presumption in favour of sustainable development set out in Paragraph 11 of the National Planning Policy Framework being engaged. The National Planning Policy Framework advises that there are three roles of sustainable development; being economic, social and environmental.
- 4.14 In the case of this proposal, it is considered that the proposed development would bring positive economic and social benefits as it would lead to the creation of construction work; support local services and facilities arising from future occupiers; and would add to the housing supply. In addition the proposed dwelling would enhance an existing overgrown and unmaintained area of land.
- 4.15 In terms of the environmental role of sustainable development, the application site is located within a sustainable location within Bewdley, where new housing is encouraged. The site has good accessibility to local shops and services, and although it would result in development on non-previously developed land its loss would not be significant in terms of visual harm or impacts on ecology. I therefore consider that any adverse impacts arising from this development would not be significant or demonstrable to outweigh the planning benefits. The development therefore represents sustainable development.

19/0268/FULL

5.0 Conclusions and Recommendations

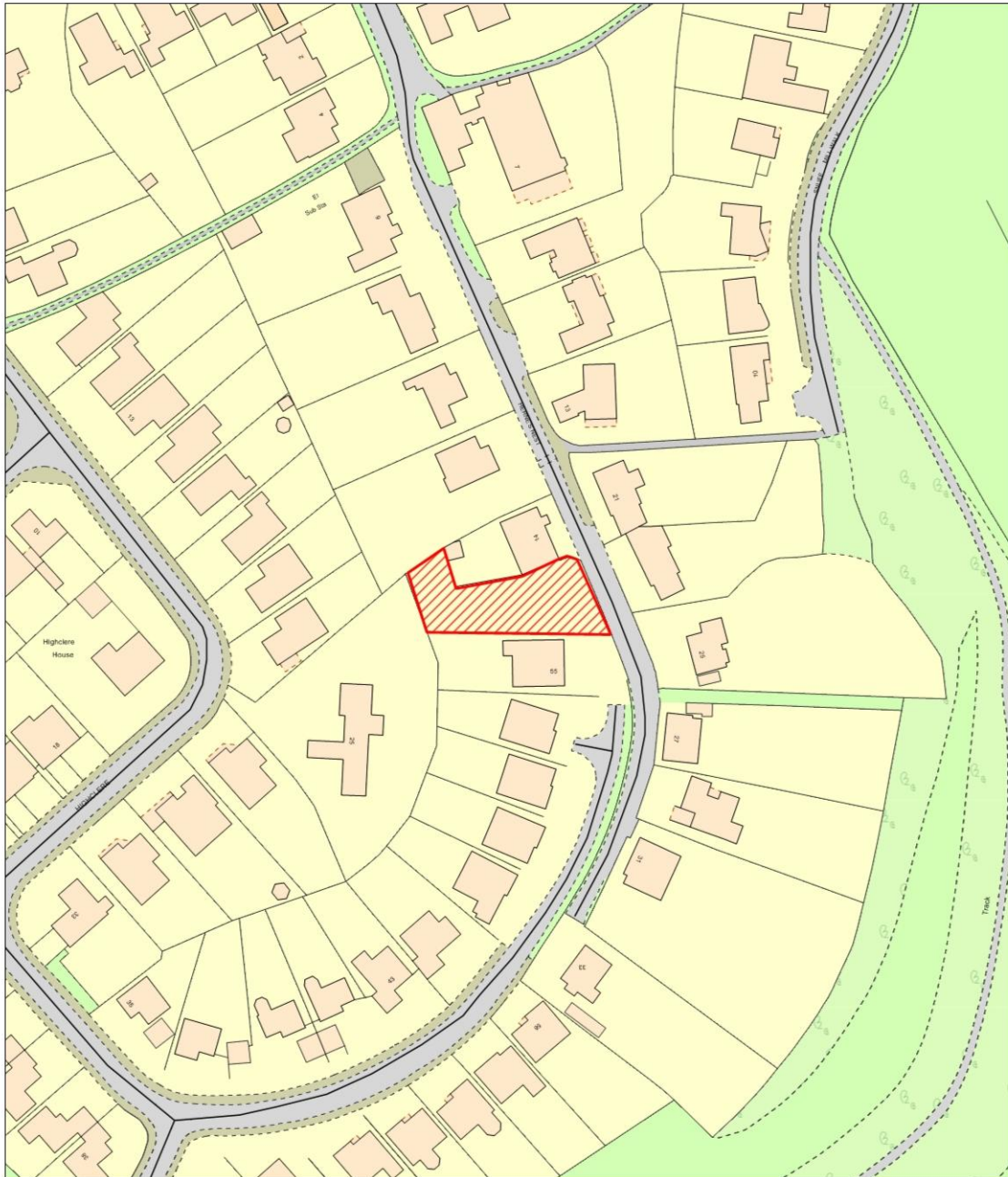
5.1 As the site relates to garden land within an urban area, which is not previously developed land, it is not of the preferred type for development as set out by the Development Plan. However, its loss would not be significant and the proposed dwelling would be located in a sustainable location, close to local shops and services where new housing is encouraged. The design and siting of the proposed split level detached dwelling would integrate well with the existing housing development in Highclere and Hernes Nest and would add to the overall quality of the surrounding built environment. No adverse impacts have been identified and the benefits in terms of the need to boost the supply of housing results in a 'tilted balance', that clearly is in favour of the development.

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. B11 (Details of enclosure)
5. B13 (Levels details)
6. Highway condition
7. Cycle Storage to be provided
8. Landscaping scheme including boundary treatments to be submitted
9. Landscaping scheme to be implemented
10. J1 (Removal of PD Rights for Alterations to Roof and Extensions)

Note

A. Private Drive



Economic Prosperity and Place Directorate

55 Highclere

Bewdley

DY12 2EX



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Scale 1:1250

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

Application Reference:	19/0312/FULL	Date Received:	24/05/2019
Ord Sheet:	377929 276036	Expiry Date:	18/09/2019
Case Officer:	Sarah Mellor	Ward:	Bewdley & Rock

Proposal: Side extension to existing dwelling and associated alterations, including provision of balcony

Site Address: CHERRY HILL HOUSE, DOWLES ROAD, BEWDLEY DY12 2RD

Applicant: Pentacom Ltd

Summary of Policy	CP03, CP11 SAL.CC1, SAL.UP5, SAL.UP7, SAL.UP8 Design Guidance, Supplementary Planning Document 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 a roughly triangular shaped parcel of land accessed off Dowles Road, Bewdley. It is host to a 3 bedroom detached dwelling which is south east facing. The site is elevated considerably above Dowles Road, such that there is no visibility of the property from the highway.

As the ground rises up from Dowles Road, the lower part of site comprises a wooded bank of Ash and Hazel Coppice. None of the trees on the site are protected however the tree survey submitted in support of the application highlights 6 of a total of 22 trees as category A, high suitability for retention.

This application seeks consent for the following scheme of works:-

- 1) Single storey side extension to form double garage and hobbies/store room to rear
- 2) Balcony above garage only
- 3) First floor front extension to existing balcony to form covered sun room
- 4) Conversion of the existing garage to form living area
- 5) Conversion of utility to form bedroom

The vehicular access to the applicant's property is shared with Public Footpath BW-518. The footpath sweeps to the west on approach to the dwelling and continues in a southerly direction ceasing at its interception with Dry Mill Lane.

19/0312/FULL

2.0 Planning History

2.1 None relevant

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection to the proposal and recommend refusal due to the impact of the proposed works on the existing visual amenity and natural surroundings, and potential for loss of trees.

3.5 Countryside Manager – *initial response*

The application has come with an appropriate ecological report. This report has recommended some further actions.

There is a possibility of great crested newt are present on site. This needs further investigation. Prior to approval we need to see the results of this investigation and if mitigation will be needed, how this will be incorporated into the development.

The report has also identified a potential for nesting birds.

If site or vegetation clearance works are to be carried out in the nesting season, 1st march to 31st august, then the services of an ecologist will be needed to prevent harm to nesting birds.

There is some potential for Bats in the mature trees. If works are planned to these trees, then the services of an ecologist will be needed prior to any physical works being undertaken to prevent harm to this protected species.

Following receipt of eDNA Analysis for Great Crested Newts –

The additional survey has concluded that Newts are no longer a concern related to this development.

Hence with the previous recommendation for condition the application is acceptable.

3.6 Neighbour/Site Notice – no comments received

4.0 Officer Comments

POLICY CONTEXT

4.1 Policy SAL.UP7 of the Adopted Wyre Forest 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;

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harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance document on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.

- 4.2 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan relates to the design of extensions. The policy requires that additions to a property are in scale and keeping with the form, materials, architectural characteristics and detailing of the original building and should be subservient to and not overwhelm the original building, which should retain its visual dominance.

DESIGN

- 4.3 The garage extension will be set back from the principal elevation of the host dwelling thereby ensuring subservience to the original dwelling. The first floor front extension would be modest and not project any further forward than the existing ground floor footprint. The pitched roof to the front extension would be an acceptable addition to the hipped roof dwelling given its modesty. These are considered to be acceptable and appropriate additions to the host dwelling, given the context in terms of design and siting. The proposal to render and clad the upper storey in horizontal weather boarding is considered acceptable, subject to confirmation of the colour of the weather boarding, which can be secured by condition.

The comments of Bewdley Town Council are noted, however, the design and impact of the proposal have been considered and found to be acceptable.

AMENITY

- 4.4 The separation distance to the nearest residential property to the north is over 80m. Given this degree of separation, it is not considered likely that the proposed balcony would result in loss of privacy to this or any other nearby residential property.

HIGHWAY SAFETY AND PARKING

- 4.6 Members will note that the application proposes the dwelling increases from 3 bedrooms to 4. The parking requirements would therefore increase from 2 parking spaces to 3. Given that the application proposes a substantial garage which could host 1 vehicle comfortably, and there is sufficient space to accommodate and turn a number of vehicles on the property's immediate frontage, this is considerable acceptable and no impact upon highway safety would arise.

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TREES

- 4.7 Having considered the Tree Survey, the Arboricultural Officer originally highlighted concerns about the proposed extension and how it will affect T10 within the survey. Tree T10 is an Oak with a B1/2 retention classification and a large Root protection Area that would likely be affected as result of the extension. The applicant subsequently submitted that he would remove the tree, and would plant two replacements elsewhere on the site. Given that it was not protected, the Arboricultural Officer raised no objection to this subject to details of the size of the trees to be planted being submitted. Amended plans showing two replacement trees have been submitted.

ECOLOGY

- 4.8 The application was supported by a Preliminary Ecological Appraisal which concluded that:-

- 1) The site provides nesting opportunities for birds within the scrub and hedgerows and trees on the site;
- 2) that a eDNA test be carried out to establish whether there are any Great Crested Newts in the surrounding habitat;
- 3) the site has suitable habitat from badgers to excavate a sett on the wooded bank to the east of the driveway and;
- 4) there is a low likelihood for the presence of bats

- 4.9 An eDNA test was subsequently submitted which concluded that Great Q Crested Newts do not pose any issues for the development or the application site. The Countryside Manager is therefore satisfied that the development is acceptable from an ecological perspective subject to a conditions to ensure; avoiding works in the bird nesting season (1st September to 1st March) and given the potential for the presence of bats in the mature trees, the services of an ecologist being sought to prevent harm to this protected species, should works be required.

4.10 OTHER MATTERS

Given the size of the property, and in acknowledgement of the size of the garage proposed, it is considered necessary to condition that the garage be retained for parking vehicles and not for conversion to residential use. Various other internal alterations and repositioning of windows would be addressed under building regulations.

5.0 Conclusions and Recommendations

- 5.1 The extension is considered to be an acceptable addition to the host dwelling having minimal impact on visual amenity within the area. The scale, massing and design of the extensions and alterations would not adversely affect character and appearance. There would be no issues in terms of loss of privacy to the nearest residential dwelling as a result of the balcony. The development would accord

19/0312/FULL

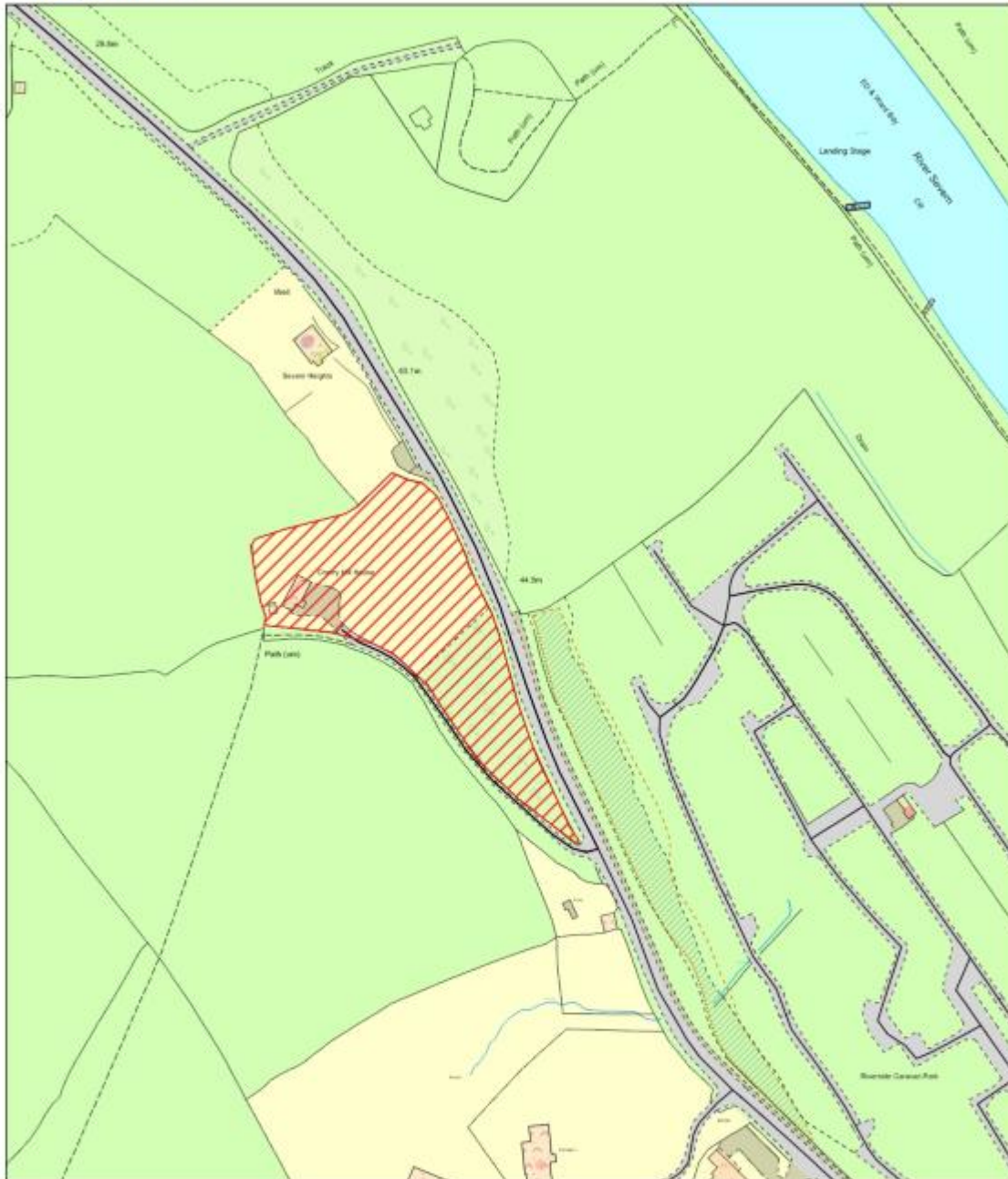
with Policy CP11 of the Adopted Core Strategy and Policies SAL.UP5, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Prevent conversion of garage
5. Details of the size of the trees at planting

Notes

- A Avoid works during bird nesting season
- B Services of an ecologist being sought to prevent harm to bats



Economic Prosperity and Place Directorate

Cherry Hill House
Dowles Road
Bewdley, DY12 2RD



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Scale 1:2000

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

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE**
17TH SEPTEMBER 2019**PART B**

Application Reference:	19/0435/FULL	Date Received:	08/07/2019
Ord Sheet:	382134 276253	Expiry Date:	02/09/2019
Case Officer:	Helen Hawkes	Ward:	Blakebrook & Habberley South

Proposal: Proposed three bed dwelling and associated car parking

Site Address: 32 CLAUGHTON STREET, KIDDERMINSTER, DY116PU

Applicant: Mr A Bennett

Summary of Policy	DS01, CP01, CP02, CP03, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7 and SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Development represents a departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site falls within a residential area of Kidderminster and comprises garden land and a detached garage belonging to 32 Claughton Street, a semi-detached dwelling. The site is situated on the corner of Claughton Street and Washington Street; the land is relatively flat and contains two trees and a hedgerow to the side boundary.
- 1.2 The application is for the erection of a three-bed dwelling on the existing garden land to the side of 32 Claughton Street. The proposed dwelling would be two-storeys in height with a single storey forward element that would be used as a store but would have a garage door. It would abut the side elevation of 32 Claughton Street but its main two storey built form would be set back 2 metres from the front elevation of 32 Claughton Street and its ridge height would be 1.4 metres lower than the existing dwelling to ensure it does not create a terracing

19/0435/FULL

effect in the streetscene. The dwelling has also been designed with a dual frontage to provide visual interest on both road frontages.

- 1.3 The proposed site layout has been amended during this application to address the concerns raised by the Highways Authority. It is now proposed that one parking space would be provided to the front of the new dwelling and a new vehicular access off Washington Street would be provided to serve three new car parking spaces comprising one space for the new dwelling and two spaces for the existing dwelling, 32 Claughton Street. A footpath would be provided to the rear of the site to access the remaining rear garden belonging to 32 Claughton Street.

2.0 Planning History

- 2.1 06/1017/FULL – Erection of attached 3 bed house with garage & new access : Approved 28.11.2006

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objection.

- 3.2 Highway Authority – The applicant has submitted a revised parking plan which shows 2 parking spaces for No. 32 Claughton Street and 1 parking space for the proposed 'new' dwelling accessed off Washington Street. Whilst this is not ideal and the spaces for No. 32 are at a distance from the 'front door' the plan is nonetheless acceptable and it is noted that circulation space has been provided on the space for the new dwelling.

Therefore, no objection to the application subject to conditions to require the first 5m of the access and parking area to be surfaced in a bound material and to require the access including pedestrian visibility splays and parking facilities including cycle parking to be provided for both dwellings.

- 3.3 Arboricultural Officer – No objection.

- 3.4 North Worcestershire Water Management Officer – No objection subject to a condition to require surface water from the development to be discharged to a soakaway drainage designed to cope with a 1 in 100 year event plus a 20% allowance for climate change. Runoff from the site including the driveway / parking area shall not discharge onto the public highway. The soakaway drainage shall be implemented prior to the first use of the development and thereafter maintained.

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It is advised that the development would increase the amount of impermeable area and therefore the amount of surface water runoff. This extra volume should be kept on site, in order to avoid increasing flood risk elsewhere. Surface water can be kept on site by using a soakaway or some other infiltration device, providing ground conditions allow. I understand from the application form that the intention is to discharge surface water via soakaways. This website: <http://www.landis.org.uk/soilscapes/index.cfm#> classifies the soils in this area as generally freely draining slightly acid sandy soils, so I have no reason to believe that infiltration would not be possible on this site.

Currently no design criteria or other details have been included. Design details will be adequately dealt with in a future Building Control application. I would ask that soakaways will be designed to take both the runoff from the roof and from the driveway / parking area and will be sized so they can cope with the 1 in 100 year event plus an allowance for climate change. The updated BRE 365 now includes the information required to straightforwardly design soakaways for this return period.

Foul water will I understand be discharged to the foul sewer. This is the preferred option and will be adequately covered by a future Building Control application and Severn Trent Water application.

- 3.5 Severn Trent Water – No objection and do not require a drainage condition to be applied. However, they note that there is a public sewer located within the site and recommend that an informative is attached to make the developer aware of this.
- 3.6 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development is acceptable in principle and whether it would be acceptable in terms of design, impact on residential amenity, trees and highway safety.

BACKGROUND INFORMATION

- 4.2 This application follows a previous application which was approved in 2006 (reference 06/1017/FULL) for an almost identical scheme in which no changes have been made to the siting, scale and design of the proposed dwelling. The only difference in this current application is the proposed parking provision and site layout.

PRINCIPLE OF DEVELOPMENT

- 4.3 Since the previous application was granted permission in 2006, there have been a number of changes made to both national and local planning policy.

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- 4.4 The national planning policy has been simplified into one document, known as the 'National Planning Policy Framework' (2019) which contains a presumption in favour of sustainable development and one of its main objective is to significantly boost the supply of housing.
- 4.5 The relevant local housing policies that are contained within the existing Development Plan are Policies DS01 of the Adopted Core Strategy (2010) and SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan (2013). Both of these policies seek to concentrate new housing development on previously developed sites within Kidderminster first before applying a sequential approach when considering other sites within the District. As the application site is located on garden land within the Urban Area, it is not a previously developed site, and is therefore contrary to the Development Plan.
- 4.6 Notwithstanding this, the housing numbers within the Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing therefore are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in Paragraph 11 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this policy context.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.7 The application site lies within a wholly residential area of Kidderminster and comprises a corner residential plot, containing an existing semi-detached dwelling and detached garage. The immediate area comprises a mixture of housing types and designs including semi-detached, terrace and detached dwellings, as well as a number of bungalows. There is a linear front building line on Claughton Street, however, the front building line on Washington Street is more varied with houses either set on a stepped building line with parking to the front or sited at the back of the footpath with no parking.
- 4.8 Under the previous 2006 application, it was considered that an attached two-storey dwelling on the application site and the subdivision of the existing plot to 32 Claughton Street would not detract from the character of the area. It was also considered that the siting of the proposed dwelling would not have a cramped appearance or result in loss of openness around the road junction. I am also of the opinion that the siting, scale and design of the proposed dwelling is acceptable and that it would integrate well with the existing built environment.

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- 4.9 In addition, I consider that the revised site layout would be acceptable and that the proposed parking spaces would not dominant the streetscene and would not be dissimilar to the parking layout at other residential properties located opposite the site on Washington Street. Overall, I consider that the proposed development would be in keeping with the general form and pattern of development in the surrounding area and would accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the guidance set out in the Design Guidance SPD, which all seek a high quality design in all new developments and to ensure they integrate well with the existing development in an area.

IMPACT ON RESIDENTIAL AMENITY

- 4.10 The proposed development would not breach the 45 Degree Code in relation to the nearest habitable room windows within the front and rear elevations of the existing dwelling, 32 Cloughton Street, and as such, would not cause any loss of outlook or sunlight to this property. The rear garden to be retained for 32 Cloughton Street would measure 71sqm and is considered to be an acceptable size for a family dwelling. The neighbouring property at 79 Washington Street only contains a first floor landing window in the side elevation facing the application site and due to the design of the proposed dwelling, with no first floor windows facing directly towards this landing window, it is considered that the proposal would not cause any undue loss of privacy to No. 79. I therefore consider that the proposed development would not result in a detrimental impact on the living conditions of existing dwellings.

LIVING CONDITIONS OF FUTURE OCCUPIERS

- 4.11 The proposed dwelling would be an acceptable size and would have an adequate rear garden measuring 69sqm in size. It would also be sited a good distance (11.4 metres) from the side elevation of 79 Washington Street to ensure it has a good outlook from the first floor rear facing bedroom window. I therefore consider that the proposed development would provide acceptable living conditions for future occupiers.

IMPACT ON HIGHWAY SAFETY

- 4.12 The Highway Authority has raised no objection to the application following amendments to the site layout. The amended application shows 200% parking provision for each dwelling and adequate pedestrian visibility splays for the proposed access off Washington Street. In addition, cycle storage has been shown on the amended plans. I am therefore satisfied that the proposed development would be acceptable and would not result in any harm to highway safety, in accordance with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan.

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IMPACT ON TREES

- 4.13 The application shows that the existing trees would be retained and that only a small section of the hedgerow would be removed to facilitate the parking spaces off Washington Street. The Arboricultural Officer has raised no objection and I concur with this view. I have recommended a condition as attached to the previous 2006 planning consent which requires the existing hedgerow to be retained as shown on the proposed site layout plan.

DRAINAGE

- 4.14 The North Worcestershire Water Management Officer has considered the application and has advised that the excess surface water arising from this development can be satisfactorily drained via soakaways and that appropriate foul water drainage would be agreed by the future Building Control application. I am therefore satisfied that the proposed development would not have any adverse impact on drainage in the surrounding area or result in any risk of flooding.

PLANNING BALANCE

- 4.15 Paragraph 11 of the National Planning Policy Framework advises that decisions should apply a presumption in favour of sustainable development.
- 4.16 Sustainability is defined in the Framework as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It further states that achieving sustainable development means that the planning system has three overarching objectives (being economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 4.17 The Framework also advises that where relevant development plan policies are out of date, planning applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 4.18 When considering the planning balance, it is clear that the development would provide a short term economic benefit, by providing employment during the construction phase and would provide a small increase in local spending power from the new occupiers of the dwelling.
- 4.19 Furthermore, the development would provide an additional dwelling which would contribute towards the Districts housing supply, and would accord with the aim of significantly boosting the supply of housing. It would also provide a new dwelling within a sustainable location and would make a contribution to the built environment.

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- 4.20 The only harm that has been identified is the development of a non-previously developed site; however, it is considered that this harm does not significantly or demonstrably outweigh the benefits that have been described in this report. I therefore consider that the planning balance is clearly in favour of this development and that it would represent sustainable development.

5.0 Conclusions and Recommendations

- 5.1 This application follows a previous 2006 planning consent for an almost identical scheme in which no changes have been made to the siting, scale and design of the proposed dwelling. The only difference relates to the proposed site layout where one additional parking space would be provided to the rear to provide 200% parking provision for both dwellings. The proposed dwelling was deemed to be acceptable in the previous application and it is considered that this revised proposal would still be in keeping with the character and appearance of the surrounding area. No additional harm has been identified in respect to existing residential amenity, highway safety and trees. A number of planning benefits would arise from this development, including the need to boost the supply of housing. It is therefore considered that the planning balance is clearly in favour of the proposed development and that there are sufficient grounds to support a departure from the Development Plan policy.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Building and hard surfacing materials)
4. B10 (Windows to be set back a minimum of 75mm of brickwork)
5. B13 (Site and finished floor levels)
6. J1 (Removal of permitted development rights for enlargements, extensions and outbuildings)
7. J5 (The store/garage not to be used for living accommodation)
8. C9 (All existing hedgerows as shown on the proposed plan to be retained)
9. Surface Water to discharge to soakaway drainage
10. Access and parking including cycle parking to be provided
11. Require first 5m of driveways to be surfaced in a bound material.

Notes

- A Vehicle crossing information
B Public sewer information

Application Reference:	19/0451/FULL	Date Received:	12/07/2019
Ord Sheet:	380248 275671	Expiry Date:	11/10/2019
Case Officer:	Helen Hawkes	Ward:	Wribbenhall & Arley

Proposal: Creation of elephant exhibit, carnivore (cheetah) exhibit, ungulates house, muck clamp, construction of 8 No. Accommodation lodges, new road links and associated landscape and infrastructure.

Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY, DY121LF

Applicant: West Midland Safari Park

Summary of Policy	DS01, CP01, CP02, CP03, CP07, CP11, CP12 (CS) SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP5, SAL.UP6, SAL.PFSD1, SAL.GPB1, SAL.GPB5, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to an area measuring approximately 5.2 hectares within the southern part of the West Midlands Safari and Leisure Park (WMSLP), which currently comprises the Safari drive-through attraction. The Safari Park covers an area of approximately 90 hectares which is bounded to the north and west by the A456; the Severn Valley Railway Line to the south and southwest and Rhydd Covert and Devil's Spittle Nature Reserve (Site of Special Scientific Interest (SSSI)) to the east and southeast. Within the northern part of the Safari Park is a Grade II listed house (Spring Grove) with associated Grade II listed farm buildings (former cow house and stable/barn buildings), gate and gate pier. From the site, you are able to view the Grade II* Listed Winterdyne House (which lies 1000 metres to the SW) and the Grade II Listed Wassell Wood House (which lies 2000 metres to the north).

1.2 The application site has an undulating landscape subdivided by fences which form a series of animal enclosures through which there is an internal access road. The land is predominantly open grassland with groupings of mature trees and within each enclosure are different animal houses and shelters. The site is washed over by the West Midlands Green Belt and falls within Flood Zone 1.

There are trees within the site that are covered by a Tree Preservation Order (TPO 375).

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- 1.3 The proposed development seeks to upgrade the current animal buildings and management facilities by providing a new Elephant House (52m (l) x 29m (w) x 11(h)), Cheetahs House (11m (l) x 5.75m (w) x 3.25m (h with 2.45m at eaves)) and Ungulate House (32.5m (l) x 12.m (w) x 4.15m (h with 2.4m at eaves)). All animal houses would be constructed in olive green composite metal wall cladding and roof panels, olive green guttering, olive green metal doors, Green uPVC windows and clear polycarbonate rooflight panels. A new manure storage facility (known as the Muck Clamp) (measuring 43.5m (l) x 14.2m (w) x 3.1m (h)) is proposed and the existing internal roads would be reorganised and new roads provided. It is intended that the existing Ungulate House would be demolished as part of this application.
- 1.4 Associated with the scheme would be the erection of 8no. Safari Lodges. 6no. Lodges would be sited to the west of the elephant exhibit and would be single storey in height with rooms within the roof space and would measure 20m (w) x 11m (d) x 7m (h). They would be finished in timber cladding and thatched roof. The other two Lodges would be sited adjacent to the carnivore exhibit and would have a mono-pitch roof sloping towards the entrance of the buildings, allowing the maximum height to be reached towards the carnivore exhibit. Each of these lodges would have a decked area, would measure 12.8m (w) x 8.05m (d) x 4.22m (h with eaves at 2.4m) and would be finished with an African style render, timber and thatched roof. It is also intended to erect two viewing huts alongside the proposed Safari Lodges.
- 1.5 The proposal would lead to the creation of 13 FTE jobs by 2020 to increase to 37.5 FTE by 2023.
- 1.6 The application has been submitted with a supporting Design and Access Statement, Heritage Statement, Preliminary Ecological Appraisal, Planning Statement and a Flood Risk Assessment.
- 1.7 An EIA screening opinion has been undertaken, reference 19/0390/EIASC, and it was considered that a development comprising a proposed animal enclosures and buildings, provision of muck clamp, holiday lodges and associated alterations would not require an Environmental Impact Assessment.

2.0 Planning History

- 2.1 There have been numerous planning applications for this site, with the most recent being:
- 2.2 18/0499/FULL - Provide enclosures for small animals and reptiles including an outdoor teaching space and presentation area for educational use in conjunction with the safari academy : Approved August 2018.

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- 2.3 17/0515/FULL - New themed walk through area to include new paths, themed 'cave' tunnels, static and animatronic replicas of extinct animals, walk-through volcano structure, themed 'frozen' pond, planting and timber/manmade rock work screening. Partial demolition of historic garden wall to create exit through 'ice' tunnel : Approved August 2017.
- 2.4 17/0170/FULL - Proposed new elephant houses and associated works : Approved March 2017.
- 2.5 16/0481/FULL - Construction of an education, research and media centre, and associated works : Approved August 2016.
- 2.6 14/0591/FULL/OUT - Hybrid Application: Outline application for hotel (maximum 250 bed) (use Class C1) conference centre (maximum 5700m²)(use class D2) and spa (maximum 550m²)(use class D2), reprofiling of land to the east of Bunkers Hill with spoil from the development, landscaping, car parking and ancillary infrastructure, with access to be determined and all other matters reserved. Full application for water park (use class D2), reprofiling of land to the east of Bunkers Hill with spoil from the development, access, landscaping, car parking and ancillary infrastructure : Approved April 2016.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Awaiting comments.
- 3.2 Highway Authority – No objection and they note that the proposals in transport terms are considered to be ancillary to the Safari Parks existing function and will not generate any new trips in its own right. No highway alterations are proposed as part of this application.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

- 3.3 Arboricultural Officer – No objection subject to a condition to require the details of the proposed planting.
- 3.4 Worcestershire County Council Archive and Archaeology Service – No objection subject to conditions to require a programme of archaeological work including a Written Scheme of Investigation and for this Programme of archaeological work to be implemented.
- 3.5 Environment Agency – No objection.

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- 3.6 Severn Trent Water – No objection.
- 3.7 North Worcestershire Water Management Officer – No objection subject to a condition to require a detailed surface water and foul water drainage strategy.
- 3.8 Worcestershire Regulatory Services – No objection and they advise that there are no adverse comments to make in respect of noise, light or odour.
- 3.9 Countryside Manager – No objection subject to safeguarding conditions to require an updated landscaping plan to secure the retention of trees and additional tree planting around the Ungulate house and a new wet woodland area within the existing manure heap. It is also recommended that conditions are attached to secure a woodland management plan, an external lighting scheme, tree protection measures and further bat surveys to be undertaken.
- 3.10 Natural England – Awaiting comments.
- 3.11 Economic Development and Regeneration – Awaiting comments.
- 3.12 Planning Policy – Awaiting comments.
- 3.13 Conservation Officer – No objection and advises that the impacts on the setting of heritage assets to be negligible and that the application would conform to Policy SAL.UP6.
- 3.14 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be appropriate development in the Green Belt and whether it would result in a detrimental impact on the significance of heritage assets, on biodiversity and ecology in the area, on the living conditions of nearby residents, and on drainage.

GREEN BELT

- 4.2 The application site is located within the Green Belt and the land, which is the subject of this application is not considered to be Previously Developed Land compared to the northern part of the Safari Park which comprises Park rides and restaurant/visitor buildings.
- 4.3 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan advises that development will not be permitted within the Green Belt, except in very special circumstances, or unless (amongst other exceptions) the development provides 'Provision of appropriate facilities for ... outdoor recreation ...; as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, or for other uses of land which preserve the

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openness of the Green Belt, and do not conflict with the purposes of including land within it'. This policy reflects the Green Belt guidance set out within Paragraph 145 of the National Planning Policy Framework (Framework).

- 4.4 I am satisfied that the proposed Elephant, Cheetah and Ungulate Houses are an essential requirement of this outdoor visitor attraction and are required to meet the necessary regulatory requirements. I therefore consider that this element of the development falls within the above exception and would not amount to inappropriate development in the Green Belt providing they preserve the openness. The new internal roads, footpaths and fencing would comprise engineering operations, which paragraph 146 of the Framework states are also not considered to be inappropriate development in the Green Belt providing they preserve the openness of the Green Belt.
- 4.5 The proposed Safari Lodges and associated viewing huts do not fall within any of the exceptions listed within Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan or Paragraphs 145 and 146 of the Framework and therefore amount to inappropriate Green Belt development.
- 4.6 In terms of the impact on openness, the proposed Elephant, Cheetah and Ungulate Houses would be significantly larger in size and height than the houses they are to replace and would be somewhat more widely dispersed around the site. The proposed Safari Lodges and associated viewing huts would also result in some harm on the openness of the Green Belt, due to the quantum of buildings being greater than that which exists on site. For these reasons, I consider that there would be a reduction in the openness of the Green Belt and that the development would result in encroachment into the countryside, contrary to Paragraph 143 of the Framework.
- 4.7 I note, however, that the degree of harm to the openness would be considerably mitigated by the siting of the Safari Lodges and associated viewing huts together, to form a cluster of buildings. Also, additional tree planting is proposed around the buildings and the proposed Undulated House would be located within dense woodland. The design of the Elephant, Cheetah and Ungulate Houses would resemble agricultural buildings, which would make the buildings more suitable for this location than the buildings they are to replace and would not appear out of character in this rural landscape. Furthermore, the proposed Safari Lodges and associated viewing huts have been designed to have a low scale and would not appear as prominent buildings within the context of the site.
- 4.8 Overall, I consider that there would be elements of the proposed development, namely the Elephant, Cheetah and Ungulate Houses, the Safari Lodges and associated viewing huts would undoubtedly cause some harm to the openness of the Green Belt and encroachment into the countryside. This part of the development is therefore also considered to constitute inappropriate development.

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4.9 Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It further states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.10 In favour of the application, the applicant has highlighted the following:

- The existing elephant house, constructed in 1997, no longer meets the minimum DEFRA requirements for the welfare of this animal in terms of size and flooring and staff safety;
- The new elephant house would comply with these minimum requirements and would allow WMSP to increase the number of elephant cows from 3 to 4, in order to comply with the SSSMZP (Secretary of State's Standards of Modern Zoo Practice), which seeks to replicate a Matriarchal social system such as is found in the wild.
- It would also improve animal management and WMSP commitment to the conservation of endangered species through breeding programs such as the African elephant European Endangered Species Programme (EEP).
- The existing Cheetah house does not comply with the latest guidelines set by BIAZA (British and Irish Association of Zoos and Aquariums) and EAZA (European Association of Zoos and Aquaria) which stipulates that each animal should have no less than 6sqm of internal spaces and have both separate and communal pens. The new Cheetah house would exceed these minimum guidelines and therefore improve the living conditions for Cheetahs.
- The new Muck Clamp would ensure no contamination of water courses;
- A new Ungulate House is required as the existing would be removed as a result of the proposed elephant exhibit.
- Removal of two animal shelters, as well as the existing Cheetah and Ungulate Houses.
- The lodges are required to help offset the cost of the large-scale investment required to upgrade the existing animal housing and infrastructure and would also drive additional revenue streams, which is important in terms of onward investment in WMSP.
- The proposal would lead to the creation of 13FTE jobs by 2020 to increase to 37.5FTE by 2023.
- The lodges would also provide a new and unique experience for visitors which would diversify the offer at WMSP and is considered to have proved a great success at other venues, including Zoo de la Fleche in France, where the lodges are booked up months in advance.

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- 4.11 I also note that within Policy SAL.GPB5 of the adopted Site Allocations and Policies Local Plan it also advises that 'The Council will consider applications for development at West Midland Safari and Leisure Park favourably, where such development would upgrade and improve the viability of the attraction, address the potential for heathland restoration and recreation, are appropriate to its function as a major tourism destination, make a positive contribution to the local economy and are acceptable taking into account its location within the Green Belt and the need to ensure compatibility with the local infrastructure network.
- 4.12 I am satisfied that the proposed development would secure the investment required to upgrade the existing animal housing, which would make a positive contribution to the conservation of endangered species and would help to retain local employment opportunities and support the long term economic viability of this major tourist attraction. I therefore consider that these benefits as well as those highlighted by the applicant should be given significant weight in favour of the development.

BIODIVERSITY AND ECOLOGY

- 4.13 A Preliminary Ecological Appraisal (PEA) including a Phase 1 Habitat Survey was submitted with the application which advised that within the site there is existing woodland, scrub, hedgerows and scattered trees which provide suitable habitat for nesting birds, dormouse, reptiles, beetles and otters and provided foraging, commuting and roosting opportunities for bats. Also, that the lake adjacent to the northern boundary of the site was considered to be suitable for otter and water voles. It was also acknowledged in the PEA that there are 20 statutory designated sites for nature conservation value within 5km of the site, with the closest being the Devil's Spittleful SSSI, and that there are 3 non-statutory sites within 1km of the site, with the closest being Blackstone WWT Reserve.
- 4.14 During the application it was agreed with the applicant that the proposed meandering internal road that would serve the proposed lodges would be omitted from this scheme as it was within an environmentally sensitive area of the site that would have resulted in significant net loss to biodiversity. In addition, to compensate for the loss of grassland and woodland as a result of the proposed development it was agreed that the current manure heap that would be made redundant would be cleared and new woodland would be planted, which would potentially provide a net gain to biodiversity if the woodland is well managed.
- 4.15 The Countryside Manager has raised no objection subject to an updated landscaping plan being agreed by condition which shows the retention of woodland and supplementary tree planting around the proposed Ungulate House and the proposed woodland in the location of the existing manure heap. Additional conditions have been recommended to require a management plan for the new woodland; Ecological Management Plan; an appropriate external lighting scheme to protect bat species; new tree protection fencing around the Sycamore and Lime trees within the new elephant enclosure; and to require further bat surveys prior to the construction of the Ungulate House and the proposed bull

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elephant enclosure in order to check for any potential bat roosts as suggested by the PEA report.

- 4.16 I agree with the conclusions of the PEA report and the advice provided by the Countryside Manager and subject to safeguarding conditions, I do not consider that the proposed development would have an adverse impact on biodiversity or ecology. The development would therefore comply with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Section 15 of the Framework, which seek to protect and enhance sites of biodiversity value.

IMPACT ON HERITAGE ASSETS

- 4.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
- 4.18 Section 12 of the Framework refers to 'Conserving and enhancing the historic environment'. Paragraph 184 identifies that heritage assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.
- 4.19 The application site was originally a landscaped park surrounding a late 18th Century country house, known as the Grade II listed Spring Grove House. Starting in 1971, the park has been gradually developed into the West Midlands Safari and Leisure Park, which has seen a number of animal shelters, infrastructure and leisure park facilities being constructed within the former historic parkland and estate farmland. I am of the view that the setting of the Grade II listed Spring Grove House has somewhat diminished, however, the house itself still retains its historic and architectural importance and views to and from the house are extremely limited due to the presence of mature trees. The proposed development would be constructed within the historic estate farmland and would not result in any harm to the significance of this heritage asset. There would also be no harm caused to the significance of the associated Grade II listed farm buildings or the Grade II listed gates and gatepiers to the north of Spring Grove House.
- 4.20 The Grade II* Listed Winterdyne House can also be viewed from within the application site, however, due to the distance (1000 metres) from this Grade II* listed house and the design of the animal buildings having the appearance of agricultural buildings, together with the low scale and use of natural materials for the proposed lodges, it is considered that there would be no harm caused to the significance of this heritage asset. The development is also not considered to have any detrimental impact on the Severn Valley Railway Line. I note that no objection has been raised by the Conservation Officer and that they have concluded in their comments that the impacts on the setting of the heritage assets would be negligible and that the application would accord with Policy SAL.UP6 of

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the adopted Site Allocations and Policies Local Plan which seeks to preserve and enhance the significance of Heritage Assets.

- 4.21 The Worcestershire County Council's Archaeologist has also considered the application and has found the submitted Heritage Statement to be inadequate as it does not consider the archaeological potential of the site and presents this as low. The County Council's Archaeologist agrees that the potential for later sites and artefacts would be low, but considers that the early prehistoric potential could be described as moderate and as such, the development could have an impact on heritage assets of archaeological interest. On this basis, it is recommended that a condition is imposed to require a programme of archaeological works to be agreed and implemented. I concur with the views of the Conservation Officer and the County Council's Archaeologist and have recommended conditions accordingly.

LIVING CONDITIONS OF EXISTING RESIDENTIAL PROPERTIES

- 4.22 The proposed African ungulate species house would be located within close proximity of an existing lodge within the Safari Park, however, it is considered that there would be no noise and disturbance resulting from this development. The occupier of this lodge is also employed at the Safari Park. Worcestershire Regulatory Services raises no objection to the application in terms of noise, light or odour.

DRAINAGE

- 4.23 The application has been submitted with a supporting Flood Risk Assessment which includes an outline drainage strategy for both surface and foul water. The proposed development is not considered to be at risk of flooding and would not increase the risk of flooding elsewhere. It is proposed to discharge surface water via infiltration which is considered to be the preferred method by the North Worcestershire Water Management Officer. In addition, the proposed discharge of foul water generated by the proposed Safari Lodges, and wash-down areas within the Elephant House, Cheetah House and Ungulate House would be to the existing on-site foul water sewer prior to discharging to the public sewer network, which is also considered to be acceptable by the North Worcestershire Water Management Officer. The applicant has confirmed that the proposed Muck Clamp has been carefully designed to ensure all animal waste is contained within the facility. I therefore consider that suitable drainage of the site can be achieved and have recommended the condition as suggested by the North Worcestershire Water Management Officer to require the detailed surface water and foul water drainage strategy to be submitted and agreed.

5.0 Conclusions and Recommendations

- 5.1 I consider that subject to safeguarding conditions, the proposal would have no detrimental impact on biodiversity and ecology of the area, the living conditions of nearby residential occupiers or upon highway safety. There would be elements of the scheme which would result in conflict with Policies SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and the Framework, as they would result

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in a reduction in the openness of the Green Belt and would therefore amount to inappropriate development. In accordance with the Framework, this harm carries substantial weight. However, there would be a number of benefits arising from the proposed scheme including improvements to animal welfare, conservation of an endangered species, creation of new local employment opportunities and significant financial investment into an existing major tourist attraction that would help to secure its long term viability. I consider that these benefits represent very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness, including the reduction in openness.

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. External Materials as proposed for animal houses and Muck Clamp
4. Details of materials and finishes for Safari Lodges and viewing huts
5. Site and Finished Floor Levels
6. Further Bat Surveys to be undertaken
7. External Lighting Scheme
8. Ecological Management Plan
9. Updated Landscaping Plan to show new woodland by redundant manure heap area and retention of woodland adjacent to African Ungulate species house
10. Planting Plan including timing of planting
11. Woodland Management Plan
12. Tree Protection Measures for the Lime and Sycamore Trees
13. Programme of archaeological work including a Written Scheme of Investigation
14. Implementation of agreed archaeological work
15. Surface water and foul water drainage strategy
16. Require the existing Cheetah and Ungulate Houses to be demolished

Application Reference:	19/0458/FULL	Date Received:	18/07/2019
Ord Sheet:	382263 276900	Expiry Date:	12/09/2019
Case Officer:	Helen Hawkes	Ward:	Blakebrook & Habberley South

Proposal: Proposed 3 bedroom townhouse

Site Address: 6 CHURCH WALK, KIDDERMINSTER, DY116XY

Applicant: Mr J Kelly

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning Application represents a Departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site comprises the private driveway and part of the garden area belonging to an end-terrace two-storey dwellinghouse, situated on the east side of Church Walk. Church Walk is a relatively short cul-de-sac road that comprises a mixture of detached, semi-detached and terrace properties and lies within a predominantly residential area of Kidderminster. The site is bounded to the north by a terrace property and No. 6 Church Walk forms part of a row of 5 terrace properties. To the rear of the site (east) are terrace properties that front onto Crane Street and to the west, on the opposite side of Church Walk are semi-detached dwellinghouses. The majority of terrace properties in this road have no off-street parking and are set back sufficiently to provide an attractive streetscene with relatively short front gardens enclosed by a low brick wall.
- 1.2 Planning permission is sought for the erection of an end-terrace two-storey townhouse attached to No. 6 Church Walk.

2.0 Planning History

- 2.1 There is no planning history for this site.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Defer comments.

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- 3.2 Highway Authority – No objection subject to a condition to require the cycle parking to be provided before the first occupation of the dwelling and an informative to make the applicant aware that all works to the publicly maintained highway can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service.

It is advised that the Highway Authority have undertaken a robust assessment of the planning application and concludes that the proposal is not contrary to Paragraph 109 of the National Planning Policy Framework and therefore there are no justifiable grounds on which an objection could be maintained.

- 3.3 Severn Trent Water – No objection and do not require a drainage condition to be applied. They recommend that an informative should be attached to make the applicant aware that there may be a public sewer located within the application site.

- 3.4 Worcestershire Regulatory Services – No objection and have no adverse comments to make in relation to Contaminated Land.

- 3.5 North Worcestershire Water Management Officer – No objection to the application and it is noted that the proposed drainage for surface water from the development would be to soakaways, which is the preferred method and it is considered that the ground conditions of the site are suitable for the use of soakaway drainage. It is also advised by the North Worcestershire Water Management Officer that the design and installation of soakaways would be adequately dealt with in a future Building Control application. In addition, it is advised that there is a mains sewer located within the road which would be suitable for foul water drainage and that this would require Severn Trent's approval.

- 3.6 Neighbour/Site Notice – 13 letters of objection received from neighbouring residents, expressing the following concerns to the application:
- Overdevelopment, overbearing and out of character with other houses.
 - Detrimental to the character and appearance of the neighbourhood.
 - Visual impact.
 - Loss of light, privacy and views.
 - Impact on water flows, as there is low water pressure already.
 - Restrict access to neighbouring properties for maintenance work.
 - Noise, pollution, disruption and congestion i.e. Skips in the road, while the work is being carried out.
 - Additional on-street parking demand will result in loss of valuable residential amenity, present a risk to highway safety, prevent emergency and delivery vehicles access to existing properties.
 - Additional parking would make it impossible to see traffic before exiting the junction onto Mason Road.
 - Loss of two parking spaces for the existing dwelling, No. 6 Church Walk, which relieves some of the parking pressure on the road.

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- The parking survey supporting the application is factually incorrect, as it was completed at 12.30am and 2.30am on consecutive days. Several residents work shifts including nights, so the survey should have been completed over several days and at different times. It also stated that there are more parking spaces on Church Walk than there actually is, as it included parking spaces that are too narrow or parking spaces on street that front driveways, private land, and the and access to the Church yard behind 22 Church Walk. The parking survey also suggested that there is available parking on both sides of the road, which is partly true if the cars on the west side of the street park on the pavement.
- The site is not in a sustainable location, as the local bus service is unreliable, with buses breaking down and one local service has been completely removed.
- The parking survey implies that there are parking spaces available within 200 metres of Church Walk, however, if residents were made to park their vehicles away from their properties then it would invalidate their car insurance. Also, several residents have had their vehicles damaged/vandalised. Displaced parking would also impact surrounding residential roads and would be an issue if you had to carry heavy bags of shopping over a distance of 200 metres. There is also a safety issue walking at night.
- Church Walk is already congested with on-street parking due to visitors to St John's Church/churchyard, Kidderminster Hospital and Kemp Hospice.
- Kidderminster police station is the only custody cells in a wide area and when people are released from the station they use the roads and alley ways. Additionally, parking on Mason Road would potentially obstruct the police cars pulling out from the station.
- Several people in Church Walk have mobility issues and having to park 200 metres from our houses would be unacceptable.

Three writers have suggested conditions if the Council are minded to approve The planning application, which include the following:

1. Any work **MUST** commence after 8am and **MUST** be completed by 4pm.
2. **NO** skips or building materials are to be sited on the road.
3. **NO** work to be undertaken at weekends or bank holidays.
4. Any lorries/vehicles making deliveries to the site must leave the road **WITHIN** 15 minutes or make prompt deliveries.
5. All skips, lorries, building materials to be removed at the close of day (4pm).
6. Period of time for expected completion of the proposed development **MUST** be advised to local residents. Any delays that could affect this time-frame should be notified in writing, stating revised dates.

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4.0 Officer Comments

- 4.1 The main considerations for this application are whether the proposed development is acceptable in principle, and whether there would be any detrimental impact on the character and appearance of the area, on the residential amenity of existing and future occupiers and the impact upon highway safety taking into account road congestion and parking demand.

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 Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan both state that new residential development is normally allowed subject to the site comprising previously developed land. The application site comprises the driveway and part of the private residential garden belonging to No. 6 Church Walk, which is not defined as Previously Developed Land within Annex 2 of the National Planning Policy Framework. The development is therefore contrary to Policy DS01 and Policy SAL.DPL1 and represents a departure from the Development Plan.
- 4.5 The housing numbers within the Adopted Wyre Forest 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 has failed for the last 3 years to meet its assessed need. The National Planning Policy Framework advises that based on these circumstances relevant policies for the supply of housing are therefore 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 National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply.

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- 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.

IMPACT ON CHARACTER AND APPEARANCE OF THE AREA

- 4.7 Local residents have expressed concern that the proposed infill housing development would result in the loss of the gap between these two rows of terrace properties in Church Walk, which currently contributes to the attractiveness and spaciousness of the streetscene. In addition, it is considered by local residents that this development would not be in keeping with the character and appearance of the area.
- 4.8 Section 12 of the National Planning Policy Framework, Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan all acknowledge the importance of good design and require new developments to integrate well with the existing built environment.
- 4.9 The Council's adopted Design Guidance Supplementary Planning Document is particularly relevant to this application. This document provides detailed guidance for implementing the design policies set out within the District's Development Plan. It sets out design principles for residential development and for infill development it advises that consideration should be made in terms of whether the proposal would fit in with the existing scale, density, building line, eaves and ridge heights, and elevational detailing of both the immediate properties and the wider surroundings. Within the character studies of the document, it recognises that on-street parking is a characteristic of Victorian terrace properties.
- 4.10 The proposed end-terrace townhouse would reflect the scale, building line, eaves and ridge height and elevational detailing of No. 6 Church Walk and the neighbouring terrace properties. The proposed plot would also be of a similar size (measuring 4.6 metres in width by 27 metres in length) as the neighbouring terrace plots and a 0.9 metre gap would be retained between the proposed townhouse and the neighbouring property at 5 Church Walk to ensure access can be gained to and from the rear garden and for maintenance works to both properties. I am therefore of the view that the proposed end-terrace townhouse would not appear overdeveloped in this existing gap between the two rows of terrace properties. I am therefore of the view that the proposed end-terrace townhouse would fit comfortably in the streetscene and would not detract from the character and appearance of the area, in accordance with the National Planning Policy Framework, Policy CP07 and Policy SAL.UP7. I have recommended conditions to ensure the proposed building materials and boundary wall to the front are in keeping with neighbouring properties.

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IMPACT ON RESIDENTIAL AMENITY

- 4.11 The proposed townhouse would have a single storey rear wing, which would project 7 metres beyond the rear elevation of the main two-storey building. The rear wing would have a lean-to roof with its lowest height (2.7 metres) adjacent to the new side boundary shared with 6 Church Walk, to ensure no significant loss of light to this property's side facing kitchen window. No side facing windows are proposed within the single storey rear wing and the proposed side boundary fence would ensure no loss of privacy to No. 6 Church Walk. There would be no impact on the neighbouring property at 5 Church Walk as they have a high blank wall to their rear wing, which faces the application site.
- 4.12 Also, the proposed townhouse would have a first floor rear element that would project 2.5 metres beyond the rear elevation of the main two-storey building. The submitted drawings illustrate that this rear element would not breach the 45 degree code in relation to the nearest first floor bedroom window at Nos. 5 and 6 Church Walk. I am therefore satisfied that the development would not result in any loss of light to the immediate neighbouring properties.
- 4.13 I note that nearby residents have expressed concern that the development would cause an overbearing impact which would spoil their outlook and view. However, I do not consider that the development in terms of the size and extent of the first floor rear extension would be unacceptably overbearing and oppressive when viewed from the side and rear facing windows of neighbouring properties and from their rear gardens. In addition, I do not consider that there would be any loss of privacy to neighbouring properties given that the proposed townhouse would have no side facing windows and would be over 16 metres from the rear gardens belonging to residential properties in Crane Street at ground floor and 20 metres away at first floor.
- 4.14 I am also of the opinion that the proposed layout would retain a sufficient gap between the proposed townhouse and 5 Church Walk to ensure both houses can be maintained in the future.
- 4.15 I conclude that the proposed development would not have an unacceptable impact on the living conditions of occupiers of immediate and nearby residential properties in terms of outlook, privacy, light and an overbearing form of development. I have attached a condition to remove permitted development rights to ensure the proposed townhouse is not enlarged or altered which could have a detrimental impact on neighbouring residents in terms of overshadowing and an overbearing impact and I have also recommended a condition to require a Construction Environmental Management Plan to be submitted, which would agree appropriate hours for construction work and identify suitable areas for the storage of building materials and locations for on-street parking of construction vehicles.

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- 4.16 The proposed townhouse would have an acceptable internal size and layout and the proposed rear garden would be a suitable size for a three bedroom dwelling. As such, the development would provide acceptable living conditions for future occupiers.

PARKING AND HIGHWAY SAFETY

- 4.17 The Highways Authority have undertaken a robust assessment of the proposed development, including the impact on road congestion, parking demand and the free flow and safety of traffic. I also recognise the concerns raised by local residents and have visited the site and noted that Church Walk is a narrow road and that many of the existing terrace properties have no off-street parking provision.
- 4.18 The application has been accompanied by a comprehensive parking survey, which is in accordance with Lambeth Parking Survey Guidance. The results of which indicate that the parking demand of 3 spaces generated by the proposed townhouse (2 spaces plus the loss of 1 space) could be absorbed by the on street parking available within 200 metres of the site. The proposed development would also bring back an additional parking space on-street once the existing dropped kerb that provides vehicular access to the driveway to No. 6 Church Walk is reinstated as part of this development.
- 4.19 It is also acknowledged that the site is in a highly sustainable location close to Kidderminster town centre, public transport links and public car parking and is in a location where Government supports new housing.
- 4.20 The Highways Authority have raised no objection and have advised that due to the particular circumstances of this site, the proposed 'parking free' development is considered to be acceptable.
- 4.21 Whilst I have sympathy with neighbouring residents that it would not be fair to have to park your vehicle 200 metres from your house and expect to have to carry heavy shopping bags and that some residents may have mobility issues and that some may not be able to comply with their car insurance policy if they do not park within their stated postcode on their policy application. However, I do not consider that these are sufficient reasons to warrant a refusal of the application, especially as planning decisions should be promoting new housing development within sustainable locations and that in the Council's own Design Guidance SPD it advises that on-street parking is a characteristic of Victorian terrace housing. As such, I agree with the Highway Authority that the proposed 'parking free' development is acceptable.
- 4.22 I also do not consider that the addition of one three-bed townhouse would result in a significant increase in on-street parking demand or road congestion to cause a detrimental impact on highway safety.

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- 4.23 Furthermore, the National Planning Policy Framework in paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

5.0 Conclusions and Recommendations

5.1 Paragraph 8 of the National Planning Policy Framework identifies a three-stranded definition of sustainable development based on economic, social and environmental factors. The provision of new housing would represent a social benefit, albeit a modest one, and in addition there would be some support for local services and amenities, thus amounting to an economic benefit. I also accept that the site is located within a sustainable location with good accessibility to Kidderminster town centre, employment, shopping and other facilities. I also conclude that the design and layout of the proposed townhouse would be in keeping with the character and appearance of the area and would not detract from the built environment. I acknowledge the concerns raised by local residents in terms of parking demand and road congestion, however, based on the submitted parking survey results and due to the particular circumstances of the site being a terrace infill development and the close proximity of the site to the town centre, I consider that the development would not cause any significant harm that would outweigh the benefits of the proposal. On this basis it is considered that there are sufficient grounds to support a departure from Development Plan policy.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Site Levels and Finished Floor Levels
5. Cycle Parking to be provided
6. Details of walls, fences and other means of enclosure to be submitted
7. Details of hard and soft landscaping to be submitted
8. Removal of Permitted Development Rights for extensions, roof alterations and outbuildings
9. Construction Environmental Management Plan

Notes

- A Vehicle crossing information
B Public sewer information

Application Reference: 19/0465/FULL **Date Received:** 08/07/2019
Ord Sheet: 381148 273646 **Expiry Date:** 07/10/2019
Case Officer: Paul Round **Ward:** Lickhill

Proposal: Change of use to a travelling showman's site

Site Address: BURLISH GOLF COURSE, CAR PARK, ZORTECH AVENUE,
 KIDDERMINSTER, DY117DY

Applicant: MR RICHARD JENNINGS

Summary of Policy	CP01, CP02, CP03, CP06, CP11, CP12, CP14 (CS) SAL.DPL9, SAL.UP1, SAL.CC1, SAL.CC2, SAL.UP5, SAL.UP7 (ASAAP) Planning Policy for Traveller Sites (DCLG 2015) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Major Planning Application Application is made on land owned by WFDC
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site forms part of the former Bullish Golf Centre located off Zortech Avenue. The area of the site forms the former hardstanding areas utilised for car parking and access to the club house buildings. The buildings are derelict last being in use in 2016/2017. The entire area of the former golf course is within the ownership of the District Council.
- 1.2 The site is within the West Midlands Green Belt lying adjacent to Burlish Top Nature reserve to the west, industrial premises to the east and residential properties in Kinver Avenue lie approximately 130m to the north.
- 1.3 The proposal seeks for the change of use of the land to a travelling showperson's site. The submitted plans indicate six static residential caravans, two work shop buildings, and area for the storage of 4 touring caravans and an area for parking of lorries and fairground equipment.

2.0 Planning History

- 2.1 None of relevance

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3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No Objection and recommend Approval
- 3.2 Highway Authority – No Objection - Whilst minimal information has been submitted in support of this application, further investigation by the Highways Authority has shown that the number of HGV movements on any one day is likely to be low based on comparable data and there is sufficient area within the site to accommodate the vehicle manoeuvres associated with the proposal. The vehicular access onto Zortech Avenue which is a commercial estate road is adequate and there are no significant implications for the wider highway network in terms of traffic generation. Moreover, it is acknowledged that the site location has some sustainable credentials.
- 3.3 Planning Policy – No Objections subject to a temporary permission so as not to prejudice emerging allocations within the Revised Local Plan. The site is shown within the latest consultation as a proposed allocation for travelling showpeople.
- 3.4 North Worcestershire Water Management – As I understand that this will be a temporary permission no objection subject to restricting any new hardstanding areas being constructed. Concern over contamination from any areas of maintenance and HGV parking areas, but these will potentially be monitored by the Environment Agency.
- 3.5 Public Sector Housing – No Objection subject to notes on licensing arrangements.
- 3.6 Countryside Manager - The site is though immediately adjacent to adjacent to Burlish Top LNR / Burlish camp LWS. This land support rare and threatened ecology that would be negatively impacted on by lighting.

We will need either a detailed lighting plan demonstrating no light fall onto the LNR or a condition of no external lighting. I am concerned with the latter approach as I feel that the nature of this application suggests that some element of lighting for security will be needed. It would be much better if was dealt with through the planning process rather than be retrofitted.

My other concern is the proximity some of the workshops and caravans are from the boundary of the LNR. There is a considerable level difference between the LNR and the hard standing areas of the application site. I am worried that in order to locate the shown workshops and caravans excavation works could be needed to level the ground. See below sketch. The shaded area is currently a sand bank rising up from the hard standing level up to the LNR and if it was dug into there is a risk that the land forming part of the LNR could become unstable and or have its Hydrology and hence ecology negatively impacted upon.

- 3.4 Neighbour/Site Notice – No comments received

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4.0 Officer Comments

4.1 The proposal for the establishment of a site for Travelling Showpeople will be considered in line with current national and local planning policies and guidance. This application will be considered under the following headings;

- Policy Context and Principle of Development
- Highway Impact and Parking
- Neighbouring Properties and Businesses
- Ecology and Drainage
- Other matters
- Planning Balance

POLICY CONTEXT & PRINCIPLE OF DEVELOPMENT

4.2 The site is within the Green Belt where national and local policies give a clear definition of what may or may not be developed within the Green Belt.

4.3 The area of the application site falls within the area of the curtilage of the former club house buildings. As such it is within the previously developed part of the site. Members will be no doubt appreciate, that the previously developed status is limited to the immediate environs of the club house and does not extend to the wider golf course.

4.4 Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan reflects the National Planning Policy Framework in allowing the partial re-development or infilling on previously developed land. This provision is subject to the proposal having no greater impact on the Green Belt than the existing development. Both the framework and Local Plan also include material changes of use of land as being appropriate subject to the test of harm to openness.

4.5 The proposal involves a number of caravans and other moveable structures all of which are single storey in nature. The position of the structures and the level of screening results in no visual impact from outside the site. It is acknowledged that the Council's proposals for allowing increased public access, will allow for public view points of the site.

4.6 The policy as set out in SAL.PDS1 of the Local Plan clearly sets out the Council's approach to the protection of openness on previously developed sites. The policy states "In order to protect the openness of the Green Belt, development proposals for previously developed sites should:

- i. Contribute to the achievement of the objectives for the use of land in Green Belts.
- ii. Not exceed the height of the existing buildings and other structures and trees.
- iii. Not give rise to off-site infrastructure problems.

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Paragraph 141 of the framework states that one of the beneficial contributions development can make to the Green Belt is to improve damaged and derelict land. The provision of a use for this vacant site will improve its current appearance allowing a positive use to be provided. The nature of the moveable structures will not exceed the height of existing buildings or trees. Finally, the consultee responses have not raised any issues in respect of off-site infrastructure. On this basis the impact on openness is within the level set out within the policy and therefore the site is a suitable site for re-use under Policy SAL.PDS1 and constitutes appropriate development in the Green Belt.

- 4.7 I am aware of the Governments advice within Policy E of the Planning Policy for Traveller Sites (DCLG 2015), which states that such site are inappropriate development in the Green Belt. However, the policy does not include advice for sites that are proposed on previously developed land. I am satisfied that the assessment of the Policy Context in respect of previously developed land as set out above is correct and leads to the conclusion that the proposed development is appropriate.
- 4.8 As part of the Council's Local Plan Review full consideration has been given to establishing a new site for travelling showpeople. The former Burlish Golf Course has been indentified for such a site and the current consultation shows the proposed allocation on the footprint of the existing buildings and the existing car park. Small parts of adjoining land being released for employment purposes. This emerging allocation does carry weight. The area proposed for the use as part of this application differs from that of the proposed allocation for Travelling Showpeople and does encroach on the proposed employment allocation. Whilst it may be acceptable in the short term, any permission should only be given on a temporary basis to avoid prejudicing the implementation of other allocations within the emerging plan. It is considered that a temporary 2 year period should be the maximum allowable in these circumstances. Once the revised Local Plan has been adopted, a permanent permission can be sought on the allocated site.
- 4.9 The Local Plan contains a specific policy (SAL.DPL9) for sites for Travelling Showpeople. This sets out eight considerations in order to allow approval on non-designated sites. The following comments are relevant to these considerations;
- i. Established Need – paragraph 4.55 of the Local highlights the need for a Showperson's site due to the existing site at Long Bank no longer being available. A new site is now urgently required.
 - ii. Flood Risk – the site is not at risk of flooding
 - iii. Sequential approach to sites – Although in the Green Belt, the site is previously developed land within Stourport which is the priority for site locations. As such the site is sequentially preferable.

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- iv. Storage – the site is of adequate size and provides suitable screening so that the storage, testing and maintenance of equipment can take place with out visual impact or loss of amenity to nearby residents or businesses.
- v. Impact on Landscape – The nature of the use and the size of the caravan’s and mobile structures will not result in a wider impact on the landscape than that of the immediate surroundings. There will no be no adverse visual intrusion
- vi. Highway Access - The existing access is considered to be suitable for vehicles that will use the site including HGV’s.
- vii. Accessibility and Services – the site is well connected to local services by a choice of transport modes. Existing provision of mains sewage, electricity and water can be utilised without the need for additional provision.
- viii. Landscaping – Given the nature of the temporary nature of the proposal, it is not considered that a landscaping scheme is required at this time.

The proposed site fully meets the criteria of Policy SAL.DPL9.

- 4.10 The proposed use of the site is acceptable both in policy context and in principle. There are no policy matters that would resist this application.

HIGHWAY IMPACT AND PARKING

- 4.11 Access would be provided via Zortech Avenue utilising the existing access point. The applicants utilise a number of vehicles including HGV’s. The nature of the access point and the construction of Zortech Avenue is suitable to accommodate these vehicles without difficulty. The road capacity around the site is also suitable to take any additional traffic associate with the use. The highway authority has no objections with the proposal. Parking will take place wholly within the site, there is adequate land available to accommodate all parking requirements.

NEIGHBOURING PROPERTIES AND BUSINESSES

- 4.12 The nearest residential properties are approximately 130m away on Kinver Avenue and are screened by existing vegetation. It accepted that some controls will be required to avoid testing of equipment during unacceptable times. However, with suitable conditions in place there will be no adverse impact on residential amenity.
- 4.13 The nearest industrial unit is located on Zortech Avenue. The proposed site will be located close to but not directly adjacent to the boundary. The unit is has been extended and refurbished and is currently in the process of being occupied by Bepco UK Limited. Officers have discussed the proposal with the company, who have expressed some concerns over the level of activity, security and maintenance of boundaries. At the time of writing no formal comments have been received. The nature of the activity is essentially a storage operation, although it does include residential occupation. There is nothing within this application that suggests the proposed Travelling Showpeople’s site will prejudice the commercial/industrial activity on the adjacent property. In addition, it should

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be noted that the application site does not directly adjoin the commercial site. The Council therefore will retain full control of the boundaries, access road and entrance. Matters of security and maintenance of boundaries will be a matter for the Council as owners and not the applicants.

DRAINAGE AND ECOLOGY

- 4.14 The site already provides services such as electricity, water and drainage. The Applicants propose to connect to the existing sewage system, this is acceptable and falls to be considered and approved by Severn Trent Water. A condition requiring connection to the main system can be imposed. The applicant does not intend to provide any additional areas of hardstanding, relying on the existing provision. On this basis there is no increase in surface water run-off. In view of the requirement for any approval to be on a temporary basis, it would be unreasonable to require any further works to create more permanent sustainable urban drainage. I consider that matters of drainage are acceptable.
- 4.15 The site lies adjacent to Burlish Top Local Nature Reserve. It is accepted that the use of the hardstanding areas will not cause any harm to ecology within the site. The Countryside Manager has expressed some concerns over the clearance of materials adjacent to the Nature Reserve and external lighting. I agree entirely with these comments. However, conditions can be imposed to address these concerns to ensure that works do not negatively impact on the embankment and that any lighting is strictly controlled.

OTHER MATTERS

- 4.16 The application is accompanied by a layout out plan that shows the positioning of caravans, workshop buildings and storage. The layout is ordered and allows for the residential area to be separated from the main storage areas. Suitable space is provided for amenity for the residents. Overall I consider that this is conducive environment for both the residential and commercial activities associated with the proposal.

PLANNING BALANCE

- 4.17 It has been established that the proposal is fully in conformity with national and local policies on Green Belt and Travelling Showpeople. Any issues that have been raised from a technical perspective can be addressed through the imposition of suitable conditions. It has been established that there is no harm that would be created by this proposal. There are a number of positive aspects that flow from this development that provide support for the proposal. The planning balance is clearly and fully behind the proposed use of the site. Taking account the weight of the emerging plan and proposed allocations, it is considered that any approval given should be for a 2 year period to avoid prejudicing these allocations.

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5.0 Conclusions and Recommendations

5.1 The proposed use of the site for travelling showpeople is appropriate development in the Green Belt due to the redevelopment of a site that is previously developed. Any harm that will be caused to openness is within acceptability of impact as set out within SAL.PDS1 and is judged as not having any greater impact than the existing development. The access to the site is suitable for the level of traffic associated with the development and the type of vehicles that utilising the site. The proposal will not adversely impact on neighbouring properties or businesses. There are no technical matters that would result in any harm being indentified.

5.2 I therefore recommend **APPROVAL** subject to the following conditions;

1. A9 – 2 Year Temporary Condition
2. A10
3. Occupation of Caravans by Travelling Showpeople and dependants.
4. A11
5. Maximum of 6 residential caravans at any one time
6. External Lighting Details and hours
7. No excavations adjacent to Nature reserve
8. No new areas of hardstanding without provision of surface water drainage.
9. Restrictive hours for testing and maintenance of equipment
10. Connection to main drainage

Notes

- A. Foul Drainage
- B. Site Licence
- C. Provision of Waste Collection

WYRE FOREST DISTRICT COUNCIL

Planning Committee

17 September 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			

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
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			Dismissed 01/08/2019
WFA1520 19/0218/ENF	APP/R1845/C/18 /3216916	Mr Robert Dyke	EASTER COTTAGE NORTHWOOD LANE HILL FARM BEWDLEY DY121AS Unauthorised two storey extension to a bungalow (Enforcement case 16/0049/ENF)	WR 12/04/2019	17/05/2019		16/09/2019	
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			Allowed 08/08/2019

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
WFA1525 19/0135/FULL	APP/R1845/D/19 /3229190	Mr G Randhawa	27 STANKLYN LANE TORTON KIDDERMINSTER DY104HR Two storey extensions to side and	WR 05/07/2019	09/08/2019			
WFA1526 19/0222/FULL	APP/R1845/D/19 /323055	Mr M Dearlove	8 SWALLOW DRIVE KIDDERMINSTER DY104DG First floor side extension	WR 09/07/2019	13/08/2019			
WFA1527 19/0207/CERT	APP/R1845/X/19 /3230693	MR FINNEGAN	HARBOROUGH FARM BARN BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER Proposed side extension, porch, detached garage and changes to external fenestrations	WR 24/07/2019	28/08/2019			

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
WFA1528 19/0056/CERT	APP/R1845/X/19 3227384	RLS ASSOCIATES (MR & MRS R SMITH)	HODGE HILL FARM BARN 3) BIRMINGHAM ROAD KIDDERMINSTER Certificate of Lawfulness Development for existing use: Domestic use of caravan	WR 26/07/2019	30/08/2019			
WFA1529 19/3030/AG	APP/R1845/W/1 9/3235133	MR R COLE	OLD HOUSE FARM HEIGHTINGTON BEWDLEY DY122XT Hay and storage building	WR 21/08/2019	25/09/2019			
WFA1530 19/0380/FULL	APP/R1845/W/1 9/3234813	Chloe Butler	CHAMPSON RISE 1 ROXALL CLOSE BLAKEDOWN KIDDERMINSTER DY10 Change of use of existing dwelling to a mixed use of residential dwelling and aesthetic clinic	WR 21/08/2019	25/09/2019			

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
WFA1531 19/3017/PNRES	APP/R1845/W/1 9/3234909	Miss and Mr Elizabeth and Nicholas Willetts	FRUIT FARM BARN BOURNES GREEN KIDDERMINSTER DY104PA Change of use of agricultural building to a dwellinghouse (Class C3)	WR 21/08/2019	25/09/2019			



Appeal Decision

Site visit made on 28 May 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/R1845/W/19/3222905

**Barn 5, Woodside Farm, Tanwood Lane, Chaddersley Corbett,
Worcestershire DY10 4NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development Order)(England) Order 2015 (as amended)
 - The appeal is made by Mr Barry Connally against the decision of Wyre Forest District Council.
 - The application Ref 18/3077/PNRES dated 14 November 2018 was refused by notice dated 9 January 2019.
 - The development proposed is prior notification for a change of use from an agricultural building to a dwelling house.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 dwelling house of the Schedule to the Use Classes Order. Class Q (b) permits any building operations reasonably necessary to convert the building.
3. Development is permitted under Class Q subject to a number of conditions, limitation or restrictions which are set out under paragraph Q.1 (a) to (m). The Council's case is that Class Q.1(a) is not met because the site was not used solely for agriculture as part of an established agricultural unit on 20 March 2013 or in the case of a building which was last in use before that date but was not in use on that date, when it was last in use.

Main Issue

4. The main issue in this appeal is therefore whether the appeal site was used solely in agricultural use, as part of an established agricultural unit, on 20 March 2013 or when last in use in accordance with Schedule 2, Part 3, Class Q.1(a).

Reasons

5. The appeal building is a barn adjacent to four barn conversions within the former Woodside Farm complex. The barn lies to the northeast of the original farmhouse and has an access off a shared vehicular track that serves the farm house and the other barn conversions.
6. An established agricultural unit is defined in paragraph X of Part 3 of the GPDO as agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013. The GPDO also provides interpretation in Paragraph X that an agricultural building is a building used for agriculture and which is so used for the purpose of a trade or business.
7. The Council accepts that there was an established agricultural unit on the land in the past but does not consider that the barn was necessarily being used solely for agriculture on the 20 March 2013 as the barn had not been in a good state of repair for some time and was not therefore suitable for agricultural use. A photograph taken in 2004 shows the building in a poor state of repair with a hole in the roof and no farm track leading to the building. A later photograph taken in 2013 shows the same hole in the roof and the Council therefore doubts that the building was suitable for use as a pen for cattle or a lambing pen or use as a feed store. The photographs taken by the Council in November 2014 also show the poor state of repair of the barn with part of the roof missing and also show the very open middle section which would provide limited animal shelter.
8. The appellant's evidence includes a statutory declaration by Mr Kim Wells, the son of the previous owner, Mr Bernard Wells who worked the farm from 1961 until January 2014. A photograph of a separate feed store marked at point B on a plan is provided and the barn is separately marked at point A. The red line of the plan identifying buildings A and B shows a farm of some considerable size and there is limited information with regard to the barn itself. No evidence of the extent or details of the operation of the farm have been supplied.
9. The declaration includes a letter from Steve Morris & Co Limited Agricultural dated the 17 October 2018 which states that the company supplied pig, poultry and cattle feeds to Woodside Farm. However, the letter refers only to the supply of feed during the 1980s and the 1990s and does not therefore assist in assessing whether the barn was part of an agricultural unit at the relevant date of 20 March 2013.
10. The Council believes that the site may have been used for the keeping of horses for exercising and riding since 2005 with a horse lunge area and horse walker and dressage area to the northeast of building and some of those facilities are still present. The photographs supplied by a local resident do illustrate the proximity of the barn to equestrian uses particularly the ménage. Whilst, the proximity of equestrian facilities does not, by itself show that equestrian use has taken place at the barn, there is evidence that an equestrian business operated from Woodside Farm. Local residents also refer to previous planning applications that suggest that equestrian use was being pursued on the farm.
11. There is a brief email from to the appellant from tenants who state that they rented stables at Woodside Farm from Bernard Wells, the previous owner of

Woodside Farm from October 2013 until May 2015 and that the Dutch barn was never used for equestrian purposes. No plans or further information is provided. However, the statutory declaration of Kim Wells states that the whole of the red line plan attached was where cattle and sheep grazed up until 2014. The relationship between the equestrian use and the farm use at Woodside Farm up until Mr Bernard Wells' death in January 2014 is therefore not clear.

12. The appellant's evidence largely relies upon the statutory declaration and the email from the tenants. Class Q requires that the use of the building on 20 March 2013 was solely for agriculture as part of an established agricultural unit and I am not satisfied that this has been demonstrated. Aspects of the evidence before me, including the condition of the building particularly in 2014, the operation of an equestrian business from Woodside Farm, and comments in previous applications are factors which raise significant doubt in that regard.

Other Matters

13. The appellant has referred to an appeal decision Ref APP/X1545/W/3198348 in support of its case. All appeals will be assessed on their own particular facts and merits. The facts of the previous appeal decision are materially different from the facts of this appeal and I note in that appeal, it was not disputed that agricultural use was taking place at the relevant date. The issues in that appeal included whether a previous use had been abandoned as it was agreed that the agricultural use ceased in 1988.
14. A number of other matters have been raised by objectors that do not directly relate to the issue of this appeal.

Conclusion

15. Based on the evidence before me, I am not satisfied that the use up to or on 20th March 2013 was for solely agricultural purposes as part of an established agricultural unit. For those reasons, I conclude that the change of use would not satisfy the requirements of Schedule 2, Part 3, Class Q(a) of the GPDO and therefore is not development permitted by it.
16. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR



Appeal Decision

Site visit made on 9 July 2019

by S Shapland BSc (Hons) MSc MILT

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/R1845/D/19/3227454
28 Church Walk, Kidderminster DY11 6XZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Jones against the decision of Wyre Forest District Council.
 - The application Ref 19/0078/FULL, dated 24 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 28 Church Walk, Kidderminster DY11 6XZ in accordance with the terms of the application, Ref 19/0078/FULL, dated 24 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3362 Rear extension dated January 2019, block plan 1:500 and location plan 1:1250 (undated).
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The appellants have submitted an additional plan as part of the appeal, reference drawing 3362Addition dated April 2019. The purpose of the plan is to provide clarification in respect of the positioning of windows at the adjacent property. As such this additional plan does not represent an evolution of the appeal scheme, and I do not find that any party would be prejudiced if I take this additional plan into account. I shall therefore determine the appeal on the basis of the plans submitted as part of the application, as well as the additional plan submitted as part of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of No 29 Church Walk, with particular regard to outlook and light.

Reasons

4. The appeal site is a semi-detached dwelling in an established residential area within Kidderminster. The proposal is for a single storey rear extension which would extend approximately 4.7 metres along the boundary with No 29 Church Walk. The proposal would be approximately 2.5 metres high at the boundary, with a mono pitch roof rising in height towards the host building.
5. There are a number of windows on the rear and side elevations of No 29 which would look out on the development proposal, including a large set of windows at the rear of the property. The current outlook from this property is of a close board timber fence which is approximately 1.8 metres in height, and stretches for the length of the garden along the boundary of the two properties.
6. The Council's adopted Supplementary Planning Guidance (SPG) on Design Quality sets out guidelines including a 45-degree code to help preserve the level of outlook and light enjoyed by occupiers of adjoining properties. The appellants have submitted an additional plan in support of the appeal which shows the positioning of the windows within No 29. It is evident from this plan that a 45-degree line from the mid-point of the windows at the rear of No 29 would be breached by the proposed extension. However, given there is a reasonable separation distance from the windows of No 29 and the proposed extension I do not find that the breach of this guideline would render the appeal proposal as a whole unacceptable.
7. The proposal would represent a relatively small increase in height when compared to the existing fence along the boundary. Given the separation distance of the properties and the proposed height of the extension, I do not find that this would lead to an overbearing impact. As such it would not harm the living conditions of the occupiers of No 29, with particular regard to outlook.
8. From the plan submitted it is evident that No 29 benefits from an open plan kitchen, breakfast room and dining room on the ground floor which is served by a number of windows. This includes a window on the side elevation which faces No 28, two windows which look into the rear garden and an additional side window. Given this open plan space is served by a number of windows which would not be impacted by the planned extension, I find that there would not be significant harm to the living conditions of occupiers at No 29 in respect of light.
9. The appellants have indicated that the host property benefits from permitted development rights, which would allow for a scheme to be built which is larger than the one proposed as part of this application. Moreover, since the Council refused planning permission for the appeal scheme, the appellants have submitted an application for prior approval for a scheme which is identical to the appeal scheme. As such it is reasonable to assume that the appellants would pursue their intentions for a rear extension. Whilst I am required to determine the appeal in front of me, I have taken this into account in my assessment of this case.
10. Accordingly, the appeal proposal would not conflict with Policy SAL.UP8 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006 - 2026, which seeks, amongst other things, that extensions should not have serious adverse effect on the amenity of neighbouring residents. Whilst the

proposal breaches the 45-degree code of the SPG, the proposal overall accords with the amenity protection and design aims of these policies.

Conditions

11. The Council and appellants have suggested 3 standard conditions in the event that the appeal is allowed. It is necessary to amend the Council's condition requiring the development to be carried out in accordance with the approved plans, to reference the correct submitted plans. I have imposed the standard time limit condition and a condition requiring the use of matching materials. These are necessary as these provides certainty and protects the character and appearance of the area.

Conclusions

12. Having regard to all matters raised, it is concluded that the appeal proposal would not be contrary to the development plan when taken as a whole. Therefore, the appeal should succeed, and planning permission should be granted subject to conditions.

S Shapland

INSPECTOR