

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 10th December 2019  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Planning Committee

### Members of Committee:

Chairman: Councillor C 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](mailto: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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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, 10th December 2019

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 15 <sup>th</sup> October 2019.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	<b>Planning and Related Appeals</b>  To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	104
7.	<b>Land at 44 Turton Street, Kidderminster</b>  To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 444 (2019) relating to a Birch and Sycamore, within the rear garden of 44 Turton Street, Kidderminster, should be confirmed or not.	114

8.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
9.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

15TH OCTOBER 2019 (6PM)

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**Present:**

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

**Observers:**

Councillor G W Ballinger.

**PL.39 Apologies for Absence**

There were no apologies for absence.

**PL.40 Appointment of Substitutes**

No substitutes were appointed.

**PL.41 Declarations of Interests by Members**

Councillor C E E Edginton-White declared a Disclosable Pecuniary Interest (DPI) in agenda item 11 and informed the Committee she would leave the room for this item and Councillor J Aston would chair the meeting in her absence.

**PL.42 Minutes**

**Decision: The minutes of the meeting held on 17th September 2019 be confirmed as a correct record and signed by the Chairman.**

**PL.43 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 578 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 578 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.44 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.45 Section 106 Obligation Monitoring**

The Committee considered a report from the Corporate Director: Economic Prosperity & Place that gave details of the most current Section 106 Obligations which required monitoring.

**Decision: The details be noted.**

**PL.46 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.47 New Enforcement Case**

The Committee received a report from the Corporate Director: Economic Prosperity & 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 E E Edginton-White left the meeting before consideration of the following agenda item. Councillor J Aston Chaired the meeting in her absence.

**PL.48 Outstanding Enforcement Case Schedule**

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

**Decision: That the contents of the report be noted.**

Councillor C E E Edginton-White returned to the meeting and resumed the Chair at this point.

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



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

15<sup>th</sup> October 2019 Schedule 578 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:** 19/0150/FULL

**Site Address:** FORMER MIDLAND INDUSTRIAL PLASTICS SITE, STEATITE WAY, STOURPORT-ON-SEVERN, DY13 8PQ

**Application DEFERRED**

**Application Reference:** 19/0080/FULL

**Site Address:** LAND ADJACENT TO WALNUT COTTAGE, BLISS GATE ROAD, ROCK, KIDDERMINSTER, DY14 9XU

**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
16. Submission and approval in writing of a welcome pack

Notes

- A. Highways
- B. Details of refuse provision

**Application Reference:** 19/0484/FULL

**Site Address:** LAND OFF MAYFLOWER CLOSE, STOURPORT-ON-SEVERN,  
DY13 9RR

The Committee received representation from Paul Yeomans – objector

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

- a) the signing of a **Section 106 Agreement** to secure £10,000 for Public Open Space provision or enhancement; and
- b) the following conditions:
  - 3. A6 (Full with no reserved matters)
  - 4. A11 (Approved plans)
  - 3. B1 (samples/details of materials including hard surfacing)
  - 4. Site Levels and Finished Floor Levels
  - 5. Obscure glazing to all side facing windows
  - 5. Access, turning and parking facilities to be provided
  - 7. Details of walls, fences and other means of enclosure
  - 8. Details of soft landscaping scheme to include hedgerow planting
  - 9. Landscaping scheme to be implemented
  - 10. Removal of Permitted Development Rights for extensions, roof alterations and outbuildings
  - 11. Removal of Permitted Development Rights for any front boundaries or enclosures
  - 12. Scheme for surface water drainage
  - 13. Contamination Land condition
  - 14. Further works in the event of any further contamination being present
  - 15. External Lighting Scheme
  - 16. Retention of Hedgerow, located in the southwest part of site
  - 17. Ecological Mitigation & Enhancement Strategy

Notes

- A. Vehicle crossing information
- B. Public sewer information
- C. WRS 'Code of Best Practice for Demolition and Construction'
- D. SN2 (Section 106 Agreement)

**Application Reference:** 19/0448/OUTL

**Site Address:** SHAWHILL, HEIGHTINGTON, BEWDLEY, DY12 2YH

**APPROVED** subject to the following conditions:

1. A1 (Standard outline)
2. A11 (Approved Plans)
3. A2 (Standard outline – reserved matters)
4. A3 (Submission of reserved matters)
5. B1 (Samples/details of materials)
6. B11 (Details of enclosure)
7. Parking Provision to be provided
8. Visibility Splays to be provided and maintained
9. Landscaping scheme (including retention of hedgerows)
10. Landscaping scheme to be implemented
11. Scheme for Foul and Surface Water Drainage
12. Scheme for external lighting
13. Scheme of Temporary and Permanent Bat Roost
14. Ecological Mitigation and Enhancement Measures

## EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

10/12/2019

<b>PART A</b>		<b>Reports</b>	
<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
19/0308/FULL	14 LENCHVILLE KIDDERMINSTER	APPROVAL	13
19/0565/FULL	LAND ON THE CORNER OF HAROLD DAVIES DRIVE AND DUNLEY ROAD STOURPORT-ON-SEVERN	DELEGATED APPROVAL	24
<b>PART B</b>		<b>Reports</b>	
<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
19/0150/FULL	FORMER MIDLAND INDUSTRIAL PLASTICS SITE STEATITE WAY STOURPORT-ON-SEVERN	DELEGATED APPROVAL	42
19/0283/PIP	LAND REAR OF CLOWS TOP GARAGE TENBURY ROAD CLOWS TOP KIDDERMINSTER	APPROVAL	56
19/0466/FULL	LAND ADJOINING 16 THE SERPENTINE KIDDERMINSTER	APPROVAL	65
19/0516/FULL	LAND ADJ. 131 REDSTONE LANE STOURPORT-ON-SEVERN	APPROVAL	71
19/0521/FULL	FORMER SCHOOL AT COMBERTON ROAD KIDDERMINSTER	DELEGATED APPROVAL	78
19/0566/FULL	UNIT 12 RIVERSIDE BUSINESS CENTRE WORCESTER ROAD STOURPORT-ON-SEVERN	APPROVAL	96
19/0683/FULL	5-6 WESTBOURNE STREET BEWDLEY	APPROVAL	101

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10<sup>TH</sup> DECEMBER 2019

**PART A**

<b>Application Reference:</b>	19/0308/FULL	<b>Date Received:</b>	22/05/2019
<b>Ord Sheet:</b>	384026 278097	<b>Expiry Date:</b>	17/07/2019
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Broadwaters

**Proposal:** Erection of 1 dwellinghouse, including associated parking and vehicular access from Pitt Street

**Site Address:** 14 LENCHVILLE, KIDDERMINSTER, DY102YU

**Applicant:** Mr Tom Gallagher

<b>Summary of Policy</b>	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
<b>Reason for Referral to Committee</b>	Planning application represents departure from the Development Plan Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site relates to a rectangular shaped plot of land within a residential area of Kidderminster. The site contains a garage and forms part of the communal rear garden to Nos. 13 and 14 Lenchville although has been separated recently by a fence and a new vehicular gateway entrance has been created within the side boundary fence to provide access from Pitt Street.
- 1.2 The site rises from south to north and is mostly overgrown with dense scrub with a few scattered trees present. The ground level is approximately 2 metres higher than the terrace properties in Lenchville and is at the same level as the semi-detached dwelling at 1 Pitt Street.

19/0308/FULL

- 1.3 Pitt Street consists of a residential cul-de-sac with two road ends, which is accessed from Chapel Hill via Stourbridge Road and comprises a mixture of bungalows, semi-detached and detached dwellings as well as two Churches.
- 1.4 The current application has been the subject of a number of amendments since it was originally submitted and has been reduced from a pair of semi-detached dwellings to a detached dwelling. There have been further changes made to the built form, scale and design of the proposed dwelling to reflect the appearance of Nos. 1 and 3 Pitt Street and the parking layout has been amended to show one standard parking space and one parking space for people with disabilities. Details of cycle/bin storage have also been submitted.
- 1.5 The proposed dwellinghouse would be positioned adjacent to No. 1 Pitt Street and would be accessed via a new footway crossing off Pitt Street. The density of the development would equate to 15 dwellings per hectare and 200% parking provision is proposed.
- 1.6 The application is supported by a Design and Access Statement and a Preliminary Ecological Appraisal.

## **2.0 Planning History**

- 2.1 There is no relevant planning history for this site

## **3.0 Consultations and Representations**

- 3.1 Kidderminster Town Council - Awaiting comments.
- 3.2 Highway Authority– No objection subject to a condition to require the access, turning and parking facilities to be provided prior to first occupation of the proposed dwellinghouse. An informative is also recommended to make the applicant aware that works within the publicly maintained highway can only be carried out by Ringway Infrastructure Service.
- 3.3 Countryside Manager – No objection subject to conditions to require: the landscaping scheme to include native planting and the provision of nectar and fruit bearing species; a minimum of 2 bird and bat boxes to be installed; details of external lighting; and for a ecological clerk of works to carry out a site inspection for the presence of wildlife before any site clearance works commence
- 3.4 Arboricultural Officer – No objection. It is advised that there are no trees with high amenity value directly affected by this development.
- 3.5 Worcestershire County Council Archive & Archaeology Services – Awaiting comments.

19/0308/FULL

- 3.6 Conservation Officer – No objection. It is advised that the development would not have any impact on the significance of any nearby undesignated heritage assets (including Nos. 75 Sion Hill and 2 – 5 Lenchville, which are included on the Local Heritage List for Kidderminster). It is also advised that the brick wall along the East boundary of the site, which is shared with No. 1 Pitt Street is of some age and local interest and should be retained as much as possible, provided that it is safe to do so.
- 3.7 Worcestershire Regulatory Services – No objection in respect of contaminated land.
- 3.8 North Worcestershire Water Management Officer – No objection subject to a condition to require a scheme of surface water drainage to be submitted and agreed in writing by the Local Planning Authority.
- 3.9 Natural England – No comments to make on this application and advise that the Local Planning Authority should refer to their published Standing Advice when assessing the application on the impacts of protected species.
- 3.10 Severn Trent Water – No objection and do not require a drainage condition to be applied. An informative is recommended to advise that there may be a public sewer located within the site.
- 3.11 Wildlife Trust - Awaiting comments.
- 3.12 Neighbour/Site Notice - 16 letters of objection and two Petitions (with a combined total of 36 signatures) against the development have been received raising the following issues and concerns:
- Unacceptable access.
  - Lack of parking.
  - Additional traffic will exacerbate the parking problems, which will obstruct access for emergency and refuse vehicles and cause a hazard for pedestrians, children playing and household pets.
  - Increase road accidents.
  - Loss of a turning area at the end of the cul-de-sac, which will result in people having to reverse the whole length of Pitt Street as far as Chapel Hill.
  - Junction of Chapel Hill is substandard to take any further development.
  - The new access point would prevent existing residents parking in front or on part of the driveway of No. 1 Pitt Street, as they would be blocking access to this proposed dwellinghouse.
  - Lack of space for bin collection on Pitt Street.
  - No drop kerb to access the site.
  - Set a precedent that leads to Lenchville and Pitt Street being joined, which would cause a rat run from Sion Hill through to Stourbridge Road.
  - Loss of open natural space between Lenchville and Pitt Street.
  - Impact protected species and other wildlife, namely badger and fox populations.

19/0308/FULL

- Unacceptable to remove the existing tree to allow access into the site for construction vehicles as it provides shade to the front windows of 1 Pitt Street, and provides privacy and a valuable wildlife habitat.
- Damage to the roads and older buildings on Pitt Street from the constant weight of the Lorries transporting goods up and down both roads.
- Loss of privacy.
- Loss of light.
- Question whether it is legal to access land on Lenchville from Pitt Street.
- No planning permission has been granted for No. 14 Lenchville to erect a garage or to remove part of side boundary wall.
- Impact on the structural stability of the side boundary/retaining wall, which if collapsed would damage the property and sole access to No. 1 Pitt Street. No structural or assessment of the wall has been undertaken.
- Noise, dust, nuisance and health hazard during construction phase.
- Reduce water pressure to neighbouring houses.

1 letter of comment was received from a nearby occupier stating that they are concerned that construction vehicles will damage Lenchville Road, which is an unadopted road and not in good repair and also all the services run underneath it.

3 additional letters of objection have been received in relation to the amended development proposal. The majority of issues raised in these additional letters have already been identified above, except for the following issues:

- The area is already well provisioned for new dwellings (i.e. Lea Castle and the former Sion Hill totalling 1547 additional dwellings) which are sustainable and have less of an impact on neighbouring properties than the proposed development. A single dwelling would do little to increase WFDC's housing targets but have a greater impact on neighbouring properties.
- The amended single dwelling is almost the same size as the previously proposed two dwellinghouses, resulting in loss of light and privacy to adjacent dwelling (1 Pitt Street).
- 1 and 1a Pitt Street are not 3 storey dwellings, they are 2 storey dwellings above garages, which have been converted into useable rooms.
- A three bed dwelling could potentially have 4 adults, each likely to own a car each, however only 2 spaces are proposed, resulting in inadequate parking and causing additional parking pressure on street.
- Lack of visibility when leaving the site which would danger the residents at 1 Pitt Street and the new development.
- The Ecological Survey did not assess the northern section of the site which prevented the surveyor from seeing the badger sett. It also does not address the presence of dormice and bats, which are protected species.



19/0308/FULL

#### 4.0 Officer Comments

- 4.1 The main considerations in this application are whether the development would be acceptable in principle and the likely impacts on highway safety, existing residential amenity, local character and ecology.

#### POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.2 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.
- 4.3 In respect of the Development Plan, Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at that time housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. This policy is therefore out of date.
- 4.4 Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG* [2019] and *Peel Investments (North) Ltd v SSHCLG* [2019], it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policies is that of location, in this case Policy SAL.DPL1. This policy is considered to be consistent with the Framework.
- 4.5 In addition, the Council have now undertaken a comprehensive assessment of housing need for its Local Plan Review which has taken in account the Government's Standardised Methodology and includes additional growth. Furthermore, the Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date. It is appreciated that this stance differs from that which has previously been reported. Officers are satisfied that this position represents the most current legal position when considered under current Development Plan policies.

#### PRINCIPLE OF DEVELOPMENT

- 4.6 The application is for the erection of one dwelling on a site that currently forms part of the communal garden to Nos. 13 and 14 Lenchville, albeit separated by a fence. As the site comprises non-previously developed land (PDL), the proposed development would be contrary to Policy DS01 of the Adopted Core

19/0308/FULL

Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan, which seek to concentrate new residential development on PDL and therefore the application represents a departure of the Development Plan.

- 4.7 Notwithstanding this conflict, Members should note that Policies DS01 and DS02 of the Adopted Core Strategy and SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan also seek to concentrate new housing development on sites within the urban areas of Kidderminster and Stourport-on-Severn first before applying a sequential approach in the assessment of other preferable locations within the District.
- 4.8 This later approach to location is consistent with paragraph 68 of the Framework, which states that ‘small and medium sized sites can make an important contribution to meeting the housing requirement in an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst other things): support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’.
- 4.9 The application site lies within an area allocated for residential on the Adopted Policies Map and is accessible to local shops, schools and services. I am not aware of any physical site constraints that would prevent development on this site, in terms of flood risk, contamination and land stability. The plot is of a sufficient size to accommodate one dwellinghouse without resulting in an over development of the site.
- 4.10 I therefore consider that the principle of residential development, in terms of location, use and amount, is acceptable subject to the following assessment of site specific issues.

#### DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.11 The proposed dwelling would be positioned adjacent to No. 1 Pitt Street and would be in line with the front and rear elevations and height of this adjacent property. It would include architectural features and similar building materials to respond well with the appearance of Nos. 1 and 3 Pitt Street and would include a two-storey side element to reflect the scale of Nos. 2 – 4 Pitt Street. Overall, I am satisfied that the development has an acceptable design that would reflect the scale, appearance and layout of existing housing development adjoining the site in Pitt Street.
- 4.12 Issues have been raised about the historic importance of this site and that it forms a natural break between the historic terrace housing in Lenchville and the more modern housing in Pitt Street. The historic maps show that Nos. 1 and 3 Pitt Street and the bungalows opposite were constructed in the late 20<sup>th</sup> century and that they had enclosed the gap between Lenchville and the Victorian cottages at Nos. 2–4 Pitt Street. Whilst the proposed dwelling would further enclose this gap, I do not consider that this would make the development unacceptable. The properties in Lenchville sit on a different

19/0308/FULL

building line compared to housing in Pitt Street and the site is not in a visually prominent location. I therefore do not consider that there would be any harm to the character and appearance of the surrounding area and no objection has been raised by the Conservation Officer, in regards to the impact on the setting of Nos. 2 – 5 Lenchville, which are on the local heritage list for Kidderminster.

- 4.13 I note that concerns have been raised about the stability and retention of the brick boundary wall that forms the East boundary of the site and is shared with No. 1 Pitt Street. The applicant has confirmed that this wall will remain and I am satisfied that this can now be achieved because the proposed dwelling would be sited 2 metres from the wall.
- 4.14 I therefore consider that the proposed dwelling would reflect the scale and architectural form and appearance of Nos. 1 and 3 Pitt Street and would be an acceptable addition to the streetscene. I therefore consider that the development would be in accordance with Policy CP11 of the adopted Core Strategy, Policies SAL.UP6 and SAL.UP7 of the adopted Site Allocations and Policies Local Plan and paragraph 127 of the Framework.

#### RESIDENTIAL AMENITY

- 4.15 The amended proposal now shows that the rear elevation of the proposed dwelling would be in line with the rear elevation of the neighbouring property at 1 Pitt Street and that a 2 metre gap would be provided between the proposed dwelling and the side boundary wall shared with No. 1 Pitt Street. This would ensure that there is no loss of daylight or sunlight to Pitt Street. It would also avoid a tunnelling effect being created by the side elevation of the proposed dwelling and the side of 1 Pitt Street where their main entrance door is located. Due to the change in ground levels within the site, a condition is recommended to require details of the finished site levels and a condition to prevent any raised patio/decking or balcony being constructed to the rear of the proposed dwelling to ensure no overlooking into the rear garden of No. 1 Pitt Street.
- 4.16 The distance between the front elevation of the proposed dwelling and the rear elevation of 14 Lenchville Road would be 24.8 metres, which is considered to be a sufficient separation distance to ensure no significant overlooking. In addition, the applicant owns 14 Lenchville and prior to this application. Works have been undertaken to reposition the rear facing bedroom window at 14 Lenchville to the side elevation which avoids any overlooking.
- 4.17 I note the concerns about noise and additional parking pressure during the construction phase. The applicant has advised that construction workers can park at the end of Lenchville and that they would adhere to Worcestershire Regulatory Services Construction guidelines, which includes hours of work. A condition can be imposed to require a construction environmental management plan to be submitted and agree the hours of work and parking

19/0308/FULL

arrangements during the construction phase to help alleviate any nuisance and inconvenience during this phase.

- 4.18 The proposed scheme would provide a high quality development with good amenity for future occupiers. All bedrooms and the rear garden would be sufficient in size for a three bedroom family dwellinghouse and part of the rear garden would be levelled to create a useable outdoor garden area.

#### **PARKING AND HIGHWAY SAFETY**

- 4.19 The main concern raised by neighbouring and surrounding residents is about the existing parking problems within Pitt Street, given that it is a very narrow road with many properties having nil or limited off-street parking. This is exacerbated when there are services at the two churches or when refuse or delivery vehicles are trying to access the road. Many existing residents believe that this development would cause additional parking congestion on Pitt Street, which would put pedestrians, animals and residents at risk of a road accident and would cause difficulty for emergency vehicles and existing residents to access Pitt Street.
- 4.20 The current application has been amended from two houses to one 3-bed dwellinghouse with adequate car parking spaces including circulation space plus turning facilities.
- 4.21 It is obvious that the dwellinghouse would form part of the housing development on Pitt Street and not Lenchville, and would have vehicular access off Pitt Street. As such, there is no doubt that the proposed development would add to traffic movement on Pitt Street and would require the occasional visitor parking on street. However, developments can only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109 of the Framework).
- 4.22 The Highway Authority has undertaken a robust assessment of the planning application and has concluded that the proposal is not contrary to Paragraph 109 of the Framework and that there are no justifiable grounds on which an objection could be maintained. I concur with this view and do not consider that a refusal could be defended at an appeal, given that the site can provide adequate off-street car parking, circulation space and turning facilities, which complies with County Council's Adopted Streetscape Design Guide.
- 4.23 The submitted plans also show that the proposed sliding gate is acceptable on the basis of the existing gate in situ. The applicant would need to install a footway crossing to access the site, and any amendments to the existing kerb would need to be carried out by Worcestershire County Council's contractors. A condition has been recommended to require the car parking spaces, turning area and cycle storage to be provided before first occupation and to ensure they are retained permanently for their intended purposes.

19/0308/FULL

#### ECOLOGY AND IMPACT ON EXISTING TREE

- 4.24 The site comprises overgrown garden land with a few scattered trees and lies approximately 370 metres from the nearest statutory nature conservation site, which consists of Hurcott & Podmore Pools, a Site of Special Scientific Interest, Local Nature Reserve and Local Wildlife Site.
- 4.25 Concerns have been raised about the potential presence of a badger sett, dormouse and bats in the rear section of the site. The application has been submitted with a comprehensive Preliminary Ecological Appraisal by Middlemarch Environmental, who has surveyed the entire site including the rear section that is overgrown with dense shrubbery.
- 4.26 The Ecological Appraisal found that the site had suitable habitat for commuting and foraging bats, particularly the scattered trees and linear site boundaries. It found no evidence of badger setts during the field survey, however, it is noted that the areas of trees and scrub in the northern section of the site provides suitable foraging habitat for badgers. The survey report also concluded that the site has suitable habitats for birds, hedgehogs, reptiles however, that it is unlikely that the site contains newts due to the lack of connectivity to suitable breeding ponds or dormouse, stag beetle, brown hare and white-clawed crayfish.
- 4.27 The Countryside Manager is satisfied with the submitted report and agrees with the recommendations that have been made. These would include the installation of bird and bat boxes and the requirement of a qualified Ecologist to undertake a site inspection prior to and during site clearance works to ensure no harm to any wildlife if any are found to be present. In addition, a number of ecological mitigation and enhancement measures have been recommended in the Preliminary Ecological Appraisal to minimise the impacts and ensure a net gain in biodiversity can be achieved.
- 4.28 I am therefore of the view that the proposed development would not have an adverse impact on protected species or harm their habitats and would accord with Policy CP14 of the adopted Core Strategy, Policy SAL.UP5 of the adopted Site Allocations and Policies Local Plan and paragraph 118 of the Framework, which seek to minimise the effects on ecology.
- 4.29 There is an existing tree located within the front garden of 1 Pitt Street, which overhangs the access point into the application site. The Council's Arboricultural Officer has considered the application and impact on this tree and has raised no objection. I consider that any harm to this tree during the construction phase would be a civil matter and is not a reason to warrant a refusal of the application.

#### FLOODING RISK AND DRAINAGE

- 4.30 The site falls within Flood Zone 1 (low risk) and the North Worcestershire Water Management Officer and Severn Trent Water have raised no objection to the application, subject to a condition to require a scheme for surface water drainage to be submitted. I concur with these views and have recommended a condition accordingly. The development would therefore accord with Policy

19/0308/FULL

CP07 of the adopted Core Strategy, Policy SAL.CC7 of the adopted Site Allocations and Policies Local Plan and paragraph 108 of the Framework.

## 5.0 Conclusions and Recommendations

- 5.1 The application site lies within a residential area of Kidderminster, close to local shops and services and is therefore a sustainable location for new housing development. The proposed development has been subject to a number of amendments and it is considered that one dwellinghouse can be accommodated on this land without resulting in an adverse impact on the local character or the amenities of occupiers of existing dwellings. The parking layout has been amended to ensure adequate parking provision can be provided within the site in order to ensure no additional impact on parking and traffic congestion within Pitt Street. Subject to safeguarding conditions, appropriate ecological mitigation and enhancement measures will be implemented to ensure a net gain in biodiversity can be achieved.
- 5.2 On balance, the proposed scheme is considered to represent an acceptable development of the site taking into account that the existing parking problems and congestion in Pitt Street, the spatial separation between housing in Pitt Street and Lenchville, and the benefits in terms of developing this windfall site and boosting the supply of housing land within the District. I therefore conclude that the proposal would represent sustainable development, as defined in the Framework and that a departure of the Development Plan can be justified.
- 5.3 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. Window details.
  5. Site and Finished Floor Levels.
  6. No raised patio/decking or balcony to the rear.
  7. Boundary treatments to include access for hedgehogs.
  8. Details of landscaping scheme to include wildlife friendly plant species.
  9. Implementation of Landscaping Scheme.
  10. Provision of a minimum of 2 bird and bat boxes.
  11. External lighting details.
  12. To require an ecological clerk of works to carry out a site inspection for the presence of wildlife before any site clearance works commence.
  13. Removal of Permitted Development Rights for extensions, windows and enlargements of dwellinghouse.
  14. Scheme of surface water drainage.
  15. Access, turning area and parking facilities including cycle parking to be provided.
  16. Construction Environmental Management Plan.

### Notes

- A Severn Trent Water  
 B Ringway Infrastructure Service to carry out all highway work.



Economic Prosperity and Place Directorate

**14 Lenchville**  
**Kidderminster**  
**DY10 2YU**



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Scale 1:1000

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



<b>Application Reference:</b>	19/0565/FULL	<b>Date Received:</b>	16/09/2019
<b>Ord Sheet:</b>	380682 270827	<b>Expiry Date:</b>	16/12/2019
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Areley Kings & Riverside

**Proposal:** Formation of new access onto Dunley Road and erection of two storey medical centre (D1) including Pharmacy (A1) with associated car parking, landscaping and site works.

**Site Address:** LAND ON THE CORNER OF HAROLD DAVIES DRIVE AND DUNLEY ROAD, STOURPORT-ON-SEVERN, DY130AA

**Applicant:** GB Partnership

<b>Summary of Policy</b>	DS03, CP01, CP02, CP03, CP07, CP11, CP14 (CS) SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC2, SAL.CC3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance National Design Guide
<b>Reason for Referral to Committee</b>	'Major' planning application. The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council. Town Council request to speak on application
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 The application site forms approximately 0.4ha of land on south side of Stourport-on-Severn. The land is currently owned by the District Council and is an area of open space. The application site only relates to part of the open space, being bounded by the Rough to the south-west and the Dunley Road to the north-west. An existing caravan park is situated to the south east and the remaining open space, with the Old Beams public house to the north-east.
- 1.2 The site is allocated within the Adopted Wyre Forest Site Allocations and Policies Local Plan as Natural and Semi-Natural Open Space, and contains a number of trees within the site, although they are not protected. The Old Beams Public House which lies to the north-east is a grade II Listed Building, it is also worthy of note that the site is visible from the Stourport No.1 Conservation Area. The site is at risk from flooding from the River Severn (flood zone 2) and from surface water flooding during heavy rainfall.
- 1.3 The proposal seeks for the development of the site for a new medical centre, pharmacy and associated works.



19/0565/FULL

## 2.0 Planning History

2.1 None

## 3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – No Objection and Recommend approval. Concerns were expressed about pedestrian access from the Town across the bridge.

3.2 Highway Authority – No objections subject to conditions and S.106 agreement.

### CAR PARKING

The applicant has provided several methods to consider this issue which shows a parking demand between 68 and 86 spaces, the proposal is for 76 spaces. The Highway Authority has undertaken its own analysis and concluded circa 78 spaces are needed. These approaches all reflect of historic practices and which may not reflect the future travel patterns of patients and staff. Should the most robust approach be adopted it does suggest a parking shortfall however there are parking restrictions in place to protect the Dunley Road and there are 2 public car parks available within 600m as such it is considered that should parking levels exceed the car park capacity there is suitable alternative provision available within a short walk. It is concluded that the analysis undertaken looks at a range of outcomes and that the proposed level would be acceptable based on the most reasonable likely outcome, due to parking restrictions and alternative car parks there would not be a severe impact.

### OTHER PARKING SPACES

The applicant has indicated accessible spaces and electric vehicle spaces in accordance with the adopted requirements, motorcycle provision is below that normally required, but the level of provision has been justified. The applicant proposes 20 bicycle spaces, this is not considered to be sufficient and 26 spaces are considered to be necessary given staff and visitor requirements. Therefore a condition is proposed to require 26 spaces to be provided.

Additionally the proposal includes doctors spaces and a taxi drop off area which are above the required standards.

19/0565/FULL

VEHICLE ASSIGNMENT AND IMPACT

The addendum looks to reassign vehicle trips based on the likely change in patterns compared to the existing practice locations. This is considered to be a fair representation and concludes that there will be only be an average increase in queue length of 1 to 2 vehicles on Bridge Street, this is not considered to be a severe impact.

MITIGATION

The travel plan will be secured through a suitably worded planning condition, this has the potential to reduce vehicle access particularly for staff.

The applicant will also be contributing to relocate the bus stops near Harold Davies Drive to a more suitable location and to provide stops with shelters and kassell kerbs, and an uncontrolled crossing, this will ensure that public transport is a realistic means to access the site.

It is also suggested that the applicant install a real time bus stop board in the reception area. The Highway Authority has been able to secure access to these at a beneficial rate and these facilities can help provide patients with certainty on departure times, the application is invited to have a discussion with the Highway Authority

- 3.3 Environment Agency – Refer to Standing Advice and Local Lead Flood Authority
- 3.4 Cadent/National Grid – Have apparatus in the vicinity of the site. Developer to make contract before commencing works on site.
- 3.5 Worcestershire Regulatory Services (Contaminated Land) – No adverse comments; no condition required
- 3.6 Worcestershire Regulatory Services (Air Quality) - The proposed development site is within an identified area of concern in respect of air pollutant concentrations. WRS has considered the impact on local air quality from the development. Recommendations are required for a development of this size to mitigate the cumulative impact on local air quality from all development. Conditions recommended for Cycle Parking, 10% provision of Electric Charging points and Low NOx boilers
- 3.7 Worcestershire Regulatory Services (Noise) - Modelling provided by Engineering Services Consultancy Ltd indicates that the lighting scheme proposed should not cause any adverse impact upon nearby receptors. Consequently we would advise that the lighting scheme be implemented as planned, to the specifications provided within the lighting scheme as per drawing 1535-ESC-00-ZZ-DR-E-2100.

Plans for the medical centre indicate that plant will be enclosed internally. Should any plant be installed externally, or be mounted on the roof, a noise assessment in line with BS4142:2014 would be required to ensure that there are no adverse impacts upon nearby sensitive receptors.

19/0565/FULL

- 3.8 Severn Trent Water – No objection subject to condition.
- 3.9 Worcestershire County Council Archive & Archaeology Service - The Heritage Statement for this application is inadequate with regard to archaeology, simply stating "Archaeology: The creation of the new Health Centre will involve foundation excavations and the laying of services to provide electrical and drainage connections together with roads and hard standings." There is no attempt to establish the potential of the site to contain below ground archaeological remains, the likely survival and significance of any such remains, nor the probable impact of the development on those remains.

In terms of survival of archaeological remains, this is potentially good given the post medieval and modern land-use. The site has been orchard from the Early 19 century at least. In 1839, it is recorded as 'orchard next to road', in the ownership of Daniel Zachery and occupied by Margaret Beaman. As Walshe's Farm (now The Old Beams) was in the same ownership at this time, the orchard was likely associated with the farm.

In terms of potential, this is also good. Later prehistoric archaeology is focussed along the gravel terraces of the Severn throughout Worcestershire. Although sporadic, there is always some potential for prehistoric settlement alongside the river. The potential for Medieval and early post-Medieval archaeology is higher. It is unclear how ancient Dunley Road is or how early the river crossing here is, but it is probably of some antiquity. Early settlement tended to focus around river crossings, and wayside settlement could be expected within the development site from any period. The development site is also close enough to Walshe's Farm for there to be the potential for remains of earlier farm buildings or associated settlement in the eastern part of the site.

Consequently, the application site is judged to have the potential to impact heritage assets of archaeological interest that will be significantly altered or lost through the development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise an archaeological evaluation in the first instance. This may be followed by further mitigation should significant archaeology be revealed.

Conditions are therefore recommended for Archaeological evaluation.

- 3.10 Arboricultural Officer – The scheme results in the loss of substantial trees. It is acknowledged that the Willow tree in the centre of the site cannot be kept, but require assurance that there is no opportunity to enable the trees along the Dunley Road to be kept. Support the retention of the hedge but would welcome the continuation of the hedgerow around the whole of the site particularly to screen the fencing to the rear. I would also look for compensation of the loss of the trees through planting on the remaining area of open space.

19/0565/FULL

- 3.11 Countryside Manager – The application has come with an ecological report that has identified some ecological issues, that can be resolved through appropriate conditions.

**BATS**

There is a potential that some of the trees that are to be removed may support roosting bats. We have now determined that the cherry tree due to be removed has low potential for bats and is no longer an ecological concern. The willow tree has a feature that has potential form bats hence we are going to have to condition that a survey needs to be carried out immediately prior to felling to ensure that bats are not present. Further works, mitigation and a licence may be need if Bats are found to be present. It is unlikely that this will affect the nature of the application so I feel this is acceptable to be dealt with through condition.

The application has come with a lighting plan that looks to have little data associated with the lighting levels that the new lighting proposals will have on the green infrastructure of this application. I would suggest that the applicant present the lighting drawing to their ecologist so that they can work with the applicant lighting engineer to either confirm to us that the lighting being proposed is not going to harm the functionality of the land for bats and or amend the lighting plan so that this can be achieved. We could condition this for prior to any works.

**NESTING BIRDS**

Some potential exists for nesting birds so we will need to condition vegetation clearance works to take place outside of nesting season or the services of an ecologist are employed. We should also condition that 3 long life bird boxes for species such as house martin and sparrow are provided on the building to replace the loss of potential nesting habitat.

- 3.12 Planning Policy - The proposed development will help to address GP surgery needs in Stourport-on-Severn as outlined by the IDP. The application has addressed surface and flood water issues through the flood risk assessment and ecological impacts. The heritage impact of the development, located to two listed buildings will also have to be considered.

However it has to be shown that the loss of open space identified on this site will either need to be replaced by equivalent space, or to have better provision in terms of quantity or quality in a suitable location, or alternatively that an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

This is required to be consistent with the NPPF, the Site Allocations Policies Local Plan, and the Emerging Local Plan. The claim that the benefits of the provision of medical centre against the loss of the open space will not be consistent with the above as mentioned within the application's planning statement.

19/0565/FULL

Therefore further evidence will be required in the regards to the justification of the loss of open space for this application. Providing this is addressed, planning policy would recommend this development for approval.

- 3.13 Canal River Trust – Outside Consultation Zone; no comments to make.
- 3.14 North Worcestershire Water Management - This site is at risk of flooding from the river Severn and a surface water flood risk has also been identified for the site. Surface water flooding is the flooding that occurs after heavy rainfall, when the volume of rainwater falling does not drain away quick enough through the existing drainage systems or soaks into the ground, but lies on or flows over the ground instead. Video footage shared in (social) media appears to validate the surface water model results.

The proposal is for a medical centre and associated car parking facilities. The NPPF classifies medical centres as ‘More Vulnerable’ development and their development is permitted in Flood Zone 2, providing that the proposal passes the Sequential Test. The aim of the Sequential Test is to demonstrate that there are no appropriate sites available for the proposed development in areas with a lower risk of flooding.

The NPPF sets out in paragraph 163 that development should only be allowed in areas at risk of flooding where it can be demonstrated that:

- a) Within the site the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient;
- c) It incorporate sustainable drainage systems (SuDS);
- d) Any residual risk can be safely managed;
- e) Safe access and escape routes are included.

In this consultation response I will try to assess the application upon these points.

**a) Within the site the most vulnerable development is located in areas of lowest flood risk**

The existing model for the river Severn was rerun to take into account the latest climate change scenarios and this was used to determine the flood depths on the site. Figure 4.3 from the submitted Flood Risk Assessment (FRA) shows that the maximum flood depths using the current site levels will reach 0.43m during the 1 in 100 year event + 35% climate change allowance. To ensure no loss in floodplain capacity or impact to third party land, it is proposed that the medical centre is built on stilts and floodplain compensation is provided to offset any loss in floodplain due to raising areas of the car park. The modelling shows that the maximum flood depths following development will reach 0.58m, in the car park, and that flood depths in the voids beneath the building reach depths of up to 0.28m (see Figure 4.6).

Modelling has also been carried out to confirm the flood depths resulting from surface water flooding and the impact of the proposal upon third party land.

19/0565/FULL

The model showed that during the 1 in 100 year even + 40% climate change allowance surface water flood depths generally vary between 0.15m and 0.60m within the site. Beneath the building, depths reach a maximum of 0.45m (see Figure 3.9 from Appendix G of the FRA). The model shows that there will be no significant increase in surface water flood depths to third party land due to the proposed development (see Figure 3.11).

I conclude that the most vulnerable development (the medical centre) has not been located in the area of lowest risk but I appreciate that there are reasons for preferring the proposed site layout.

**b) The development is appropriately flood resistant and resilient**

The proposal is that the medical centre is built on stilts and that voids are present to allow flood water to flow freely underneath the building. The FRA provides a recommended minimum soffit level for the voids underneath the medical centre of 20.80m AOD as this would provide a 300mm freeboard on top of the 100-year + 35% climate change flood level. As the modelling has indicated that the surface water flooding results in greater flood depths beneath the building than the fluvial flooding (0.45m compared to 0.28m) I do question the recommended minimum soffit level. It would be good to get the flood risk consultant to provide a response to this.

To mitigate against flooding the FRA advises that the minimum finished floor level of the medical centre should be set to at least 600mm above the 100-year plus 35% climate change water level i.e. 21.1m AOD. I note that the site plans show a finished floor level of 21.6m AOD so this will be well above the design flood levels associated with flooding from the river Severn and surface water flooding.

I conclude that using a combination of stilts, voids and raised finished floor levels should mitigate the risk of flooding for the medical centre whilst ensuring that the function that the site provides in relation to the storage/flow of flood waters (Severn and surface water) will not become compromised. I ask that an assessment will be made regarding the minimum soffit level to ensure that this caters for both fluvial and pluvial flood events and that this minimum soffit level will be conditioned. I also believe that conditions will be required regarding the voids.

**c) It incorporate sustainable drainage systems (SuDS)**

The submitted drainage strategy (SuDS Statement) details that surface water systems will be designed to cater for storm events up to 1 in 100 plus 40% climate change and that runoff rates will be limited to 2 l/s. This is quite close to the Greenfield runoff rate as this is considered the minimum practical restriction for a pumped connection. If at all possible we would want to negate the need for a pumped connection. The strategy demonstrates that the use of a wide range of sustainable drainage systems (SuDS) has been considered. As it is currently not known whether the site is suitable for soakaway drainage the SuDS statement provides three options ranging from the preferred (soakaway only) to the least preferred (pumped outfall only) to allow for different ground conditions. I am somewhat disappointed that no green,

19/0565/FULL

aboveground SuDS are being proposed for the site but do believe that the submitted strategy satisfies the requirement set out in the NPPF.

**d) Any residual risk can be safely managed and e) Safe access and escape routes are included.**

Although the building itself it not affected by flooding, the car parking area and the access to and from the site is. The FRA has assessed the hazard associated with the anticipated flood depths and velocities for surface water flooding – I have not located this information for the flooding from the Severn. The FRA concludes that during the 100-year plus 40% climate change surface water flood event the hazard to people classification reaches ‘danger for most’ for Dunley Road and parts of the site. Therefore it is recommended that a flood emergency plan is prepared, which should include moving cars from the lower car park prior to a flood event. The difficulty for a flood evacuation plan for surface water flooding is that there isn’t necessarily a clear trigger, and that the lead-time is generally much shorter than for river flooding.

I conclude that safely managing the residual risk might prove difficult in practice as the surface water flood risk that creates situations that are classified as ‘danger for most’ are hard to predict and often ‘flashy’ in character. A flood emergency plan might therefore have limited value.

**FOUL DRAINAGE**

I note that the proposal is to discharge foul water to the mains sewer and that the development will include the diversion of a sewer too. Both the new connection and the diversion will require prior approval of Severn Trent Water. I will therefore not comment upon this aspect of the application and will not require a foul drainage condition.

**CONCLUSION**

The site is at risk of flooding from the Severn and from surface water and therefore the proposed development should only be considered if there are no appropriate sites available for the proposed development in areas with a lower risk of flooding. The assessments have demonstrated that despite the vicinity to the river Severn, the most significant flood risk might actually be the surface water flood risk. The reason for this is that the modelled flood depth is larger. Surface water flooding is also more flashy and localised and therefore harder to predict accurately. This will make writing a meaningful flood emergency plan more challenging and less meaningful. Again, this does not make this site an ideal site for a public building, especially given the vulnerable nature of its users and the importance of the service it provides. The assessments have demonstrated that, providing the flood waters are allowed to flood the void underneath the building on stilts, the flood risk for third party land owners will not increase as a result of this development. I ask that an assessment will be made regarding the minimum soffit level of the proposed void to ensure that this caters for both fluvial and pluvial flood events, and that this minimum soffit level gets conditioned. The submitted information has also demonstrated that the site can be adequately drained with the SuDS statement providing three

19/0565/FULL

options to allow for different ground conditions, which will become apparent in a future ground investigation.

I hope the above has made it clear that I do have reservations about the proposed development from a flood risk perspective but I am aware that there might be overriding reasons to nevertheless approve this application.

- 3.15 Conservation Officer - The development site occupies a part of the former orchard fronting the Dunley Road. In 1839 this was owned by Daniel Zachary and tenanted by Margaret Beaman who was also the tenant of Walshe's Farmhouse (now the Grade II listed Old Beams Public House). The area marked blue on the 1839 tithe map (below) was a garden for the house. This area is still defined as the beer garden for the pub.

Very little appears to have changed over the next 100 years as the orchard is still evident on the 1926 map. As can be seen from the photo below the site remains open, except for the hedged boundary to the Old Beams.

The proposal introduces the building to the south west corner of the site which is probably the least intrusive location either into the setting of The Old Beams or the approaches to the Stourport No. 1 Conservation Area from the west along Dunley Road.

The applicant has produced a very detailed Heritage Impact Assessment (HIA) which considers the impact of the proposals on three designated heritage assets: Arley House (a Grade II listed building set in its own grounds opposite), The Old Beams PH (a Grade II listed building immediately adjacent to the site) and Stourport No.1 Conservation Area which is visible from the site along Dunley Road.

The existing mature hedge screening immediately adjacent to the Old Beams will reduce the impact of the building considerably as viewed from the Old Beams itself and its beer garden, although there will inevitably be co-visibility in the view (above) from the junction of Dunley Road and Harold Davis Drive. However I agree with the HIA that the impact of the new development upon it will be minimal.

The dense hedged boundary to Dunley Road which screens Areley House from the main road will also serve to remove all but glimpses of the new development from Areley House. There is very little opportunity for co-visibility whilst this screen remains in place.

I agree with the HIA that the positioning of the proposed development will not intrude or project into key views to the [town] centre, and thus its impact is very low.

Whilst the building itself is large the overall design and materials selected are not incompatible with the neighbourhood and the use of brick and timber elevations is to be welcomed. The colour of the brick can be subject to a



19/0565/FULL

planning condition – the local brick used historically in Stourport being a little redder than that found in Bewdley.

Because the development will have little detrimental impact to the designated heritage assets I have no objections and it appears to comply with Policy SAL.UP6.

The creation of a large car park will in some ways retain the degree of openness within the space, however to better retain that degree of openness the material for the car park should be carefully selected. I suggest a grass and gravel paving system would reduce the visual impact of the car park and retain a hint that this was formerly a green open space and before that an orchard. This surface will contribute positively to the setting of The Old Beams, as well as being very porous and reducing run-off.

The introduction of some specimen fruit trees on the remaining open space could re-establish the link with the historic orchard on the site and again improve the setting of the Old Beams.

3.16 West Mercia Police Designing Out Crime Risk Officer - No objections to the scheme

3.17 Neighbour/Site Notice – 26 letters of objection raising the following issues:

- Loss of Public Open Space
- Will hide the Beams PH a Listed Building
- Remove an attractive entrance to Stourport
- Will increase traffic on an already congested part of town
- Turning right out of the site will be virtually impossible
- Other more suitable brownfield sites are available.
- Impact of wildlife
- Site is prone to flooding – evidence of flooding of the site in September 2019
- Will block line of Stourport Relief Road
- Not sustainable location, will encourage people to drive and not walk
- Not in walking distance from the Town – too far for most people who will use the surgery – unsuitable path across the bridge to suit all uses
- Parking for the surgery will be abused by shoppers seeking free parking

#### **4.0 Officer Comments**

4.1 The application proposes a new two storey medical centre on the site with a associated pharmacy and 76 space car park. The proposed medical centre will provide a new home for the existing Stourport Health Centre and York Street Medical Centre, which have a combined patient list of approximately 21,000. Both current practices have existing issues with their existing building due to proposed redevelopment of the 'County Buildings' and 'not fit for purpose' position of York Street. The new medical centre will support 9 GP

19/0565/FULL

partners, 8 salaried GP's, 5 health care practitioners and 40 non-clinical support staff. The building will consist of 1,956 sq m of space, providing 34 clinical rooms with various additional rooms, and 150 sq m of pharmacy space. The access to the site will be directly from the Dunley Road.

#### POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 Both the National Planning Policy Framework and Development Plan provide positive support for the creation of new development of services to support local communities. Paragraph 8 of the Framework encourages development that provides "...accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being" with paragraph 20 putting the onus on Local Planning Authorities to ensure there is sufficient provision of community facilities, which includes health provision.
- 4.3 It is noted that the site is within a designated area of open space. Policy SAL.UP4 of the Adopted Wyre Forest Site Allocations and Policies Local Plan seeks to safeguard open space that is identified on the proposals map and shown as being required with the Council's Open Space, Sport and Recreation Assessment. Within the 2008 assessment it is noted that Stourport-on-Severn has a provision of 2.85ha per 1000 population, this is in excess of the recommended levels of 2.3 ha. The applicant has carried out an Open Space Assessment to support the application.
- 4.4 Whilst the site is clearly an area of open space it does not have the character or quality of other semi-natural or natural open spaces. It is connected in its designation with wider parcels of woodlands to the south, but in reality it is disconnected with these both physically and in character. It is my view that this space does not play an important part of the intended designation. Even taking into account the amount of open space that is to be lost, it is clear that Stourport will still greatly exceed the recommended provision as set out within the Council's Open Space, Sport and Recreation Assessment. In addition, Members will be aware that on the 12<sup>th</sup> November 2019, the Council made the decision to dispose of the part of the open space to which this application is sited. The reason for the decision is recorded as follows;

*At the Cabinet meeting on 16th July 2019 the principle of disposing of part of land owned by the Council and used as open space was agreed in order to facilitate the construction of a new medical centre for Stourport. This decision was subject to inter alia the Council advertising the proposed disposal under Section 123 of the Local Government Act 1972, considering any representations received and then deciding whether to proceed with the disposal. The advertisement was published for consecutive weeks in October and the representations received.*

The decision goes to consider each of the 26 responses received as part of this process. It concluded the land could and should be disposed.

19/0565/FULL

- 4.5 It is accepted that the open space is shown within the proposals map and within the Council's Open Space, Sport and Recreation Assessment. However, as required Policy SAL.UP5 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the assessment carried out by the Applicants have indicated that this small area of land is not fundamental to wider open space and that it is surplus to the requirements for Natural and Semi-Natural Public Open Space both in character and function. The decision taken by the Council to dispose of the space further adds weight to the assessment that the space is no longer required. In addition it is evident only a small number of objectors mentioned the loss of the open space and in connection with the visual aspects of the space and its functionality with the adjacent public house. Finally, it is an important factor that not all the space is to be taken, the proposals leave a fairly large area of space outside the public house that will continue to provide connection to the caravan park to the west and fulfil some of the functionality mentioned by the objectors. Taking all these matters into account including the detailed responses from the objectors I conclude that the area of land which is the subject of this application is surplus to requirements and therefore it is available for development.
- 4.6 The Applicants have conducted a thorough site selection around Stourport-on-Severn in order to choose the most appropriate site. Selection has been based on a number of factors, but the key attribute is that of deliverability given the NHS funding streams and the requirements for occupation by 2021. A total of 11 sites were chosen and assessed as to their accessibility to the town, constraints, suitability, availability and achievability within the timeframes required. Of these 11 sites only the application site provided the required site of a suitable size, location and deliverability with the timescales required by the existing practices. I am satisfied that the site has been robustly assessed as the only site that is suitability available for this development at this time. I note a number of objections suggest that alternative site may be more suitable, but they do not provide any counter evidence to demonstrate that other sites will be deliverable or viable within the criteria set out by the NHS.
- 4.7 Policy SAL.CC3 of the Local Plan safeguards the route of the Stourport relief road. Its indicative line within the proposals map passes through the site. The policy states that "[t]he indicative lines of the Hoobrook Link Road and the Stourport Relief Road will be safeguarded as set out on the Policies Map. Development along or adjacent to the safeguarded routes should not prejudice their future delivery and, where practicable, will be expected to contribute towards delivery. Proposals that would impact on, or benefit from these schemes, will be required to make a significant contribution towards their implementation." Although the route of the Stourport Relief Road is indicated in the current adopted Local Plan, the advice of Worcestershire County Council as Highway Authority is that it is highly unlikely that funding for the route would ever be achieved. Therefore, the route is no longer required to be safeguarded. The current Pre Submission Local Plan sets out the amount and location of proposed new housing in the district up to 2036. It is accompanied by an Infrastructure Delivery Plan which sets out the infrastructure necessary to support that new housing development, including

19/0565/FULL

new highways. The Stourport Relief Road is no longer a feature of the infrastructure necessary to support the proposed new development. On this basis the proposed development will not prejudice the delivery of the relief road as its idea and route has been abandoned by the County Council and is no longer required to support the development aspirations of the District.

- 4.8 The site is located outside the main Town Centre Area. The proposals include a 150 sq m pharmacy which would be a stand-alone retail use. Policy SAL.GPB2 allows for new retail development outside Town Centre areas where floor space does not exceed 280 sq m. There is no conflict with this policy in light of the proposed floorspace, and therefore the Applicants are not required to justify its location or consider any impact on the existing town centre. This approach is fully in accordance with the Framework.
- 4.9 When taking account of all the important policies of the Development Plan in respect of the principle of development and the fundamental aspects of the proposal, I conclude that the development of the application site is acceptable and would not be contrary to the policies of the Development Plan.

#### FLOOD RISK AND DRAINAGE

- 4.10 The site is at risk of flooding from the River Severn and surface water flooding. The proposed medical centre is classified as a 'more vulnerable' development with the Framework. Paragraph 163 of the Framework provides that development should be allowed in an area at risk of flooding where a sequential test has been provided to demonstrate that there are no other available sites that are at a lower risk of flooding. The Applicant's have provided a Flood Risk Assessment, Sequential Test and Drainage Strategy, which have been considered by North Worcestershire Water Management. I note the extensive comments by the North Worcestershire Water Management including the technical comments received. It is accepted that there is no in principle or technical details that would prevent the development of this site from a flood risk or drainage perspective, but a consideration of the sequential test needs to be taken by the decision taker. The analysis of alternative sites has been assessed and fully considered by Officers. Whilst it is accepted that alternative sites may be at a lower risk of flooding, they are not available to be able to provide for the requirements of this development. The development of a medical centre for Stourport is a fundamental requirement and the opportunity to provide this is limited. I am satisfied that the development of this site is acceptable and that it is the only available site to deliver the medical centre within the required timescales.
- 4.11 The comments from North Worcestershire Water Management on points a) to e) of paragraph 163 of the framework are extremely helpful as set out in full in their response. I agree with their conclusions that the development has been shown as being flood resistant and resilient; it can provide appropriate sustainable urban drainage systems; that any risk can be safely managed; and that escape routes can be provided and safeguarded as part of an emergency plan. These aspects have been shown to be met and can be secured through an appropriately worded planning condition. It is

19/0565/FULL

acknowledged that the building has not been located within the lowest flood risk area of the site. However, the position of the building is dictated through the design and access requirements for the site. I am convinced that there are overriding reasons for the layout of the proposals.

- 4.12 To ensure no loss in floodplain capacity or impact to third party land, it is proposed that the medical centre is built on stilts and floodplain compensation is provided to offset any loss in floodplain due to raising areas of the car park. It is considered that this is an acceptable approach to ensure that there is no loss of flood capacity as a result of the proposal.
- 4.13 The Flood Risk Assessment and modelling that has been undertaken has demonstrated that there will be no significant increase in surface water flood depths to third party land due to the proposed development.
- 4.14 Surface water and foul drainage will be provided to serve the site. Both North Worcestershire Water Management and Severn Trent Water are satisfied with the proposals in principle subject to further details being provided as part of any conditions imposed on the development.
- 4.15 Based on these considerations, I am satisfied that the proposal is acceptable from a flood risk and drainage perspective.

#### HIGHWAY ACCESS AND PARKING

- 4.16 Access to the site will be provided directly from the Dunley Road by a new vehicular access point. The access will lead to a car parking providing 76 spaces, which will include 5 disabled spaces, 4 electric charging spaces and cycle parking. The proposal has been supported with an appropriate Transport Assessment.
- 4.17 A number of objections have highlighted concern over the position of the site in relation of traffic congestion and the number of vehicle trips to the site, including pressure on the existing bridge crossing and island at the junctions of Bridge Street, New Street, High Street and York Street. The submitted transport assessment estimates that the development will result in approximately 100 – 150 vehicle trips per day at peak times. It notes that these will not be new trips on the network just re-distributed trips due to the re-location of the two existing medical practices. Notwithstanding this conclusion a full assessment has been carried out of the existing network and junctions. The overall assessment concludes that there will be approximately 1-2 additional cars added to queuing traffic at peak times as a result of the development proposals. The Highway Authority have robustly assessed the proposals and the associated assessments, including requested additional information. They concluded that the proposed access is acceptable in its position and design and that the traffic levels associated with the development can be accommodated on the existing network without resulting in a severe impact.

19/0565/FULL

- 4.18 The parking levels proposed are supported by a car parking strategy included within the Transport Assessment. The Highway Authority is satisfied that adequate parking to meet the demands of both staff and patients, including pharmacy visits. It is noted that 26 cycle spaces are required by the Highway Authority rather than the 20 shown on the proposed plan, although the number of spaces can be stipulated by a suitable condition. As the site is close to the Town Centre some concerns have been expressed that the parking will be utilised by Town Centre users. However, it is not considered that this is a realistic prospect for significant parking demand. I am satisfied that such matters are for medical centre management and enforcement as required and will not result in significant loss of parking that will detrimentally impact on patients and staff. In order to improve connectivity, the Highway Authority has requested financial contributions towards enhanced bus stop infrastructure including real time timetables. This will help encourage bus usage to the medical centre and the wider use by the community.
- 4.19 Overall, the development is acceptable in highway impact, access and parking, providing an acceptable and appropriate solution to the proposal in accordance with national and local policies.

#### DESIGN AND LAYOUT

- 4.20 The site forms a visual gateway on the approach north into Stourport-on-Severn. The proposed layout shows a building that is set back from the Dunley Road with car parking to the front. This approach maintains the open aspect of the site allowing a continued visual openness to be maintained, whilst demonstrating a high quality medical facility as a key gateway into the town. The view of the Old Beams Public House and the Conservation Area beyond will be maintained.
- 4.21 The building is proposed to be two storey in height constructed of red brick with Sandtoft roof tiles for the pitched roofs. The elevations will be treated with areas of timber, stone heads and cills, and grey aluminium framed windows. The overall appearance of the building ties in with the local vernacular and provides a high quality building that reflects its function. I feel that the building will provide an enhanced visual attraction to this gateway site and fully meets the design requirements of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the Framework including the National Design Guide. Pedestrian access to the site is directly from the Dunley Road. The site is not located within the Town Centre but is in close proximity to public car parks and public rights of way. The pedestrian connectivity to the site from the wider area is acceptable and adds to the acceptability of the design solution.
- 4.22 The proposals show extensive landscaping to supplement the proposal. It is acknowledged that the proposal will result in the loss of trees, in particular it is noted two cherry trees to the south-west and a willow in the centre of the site is to be removed. The proposals show mitigation for the loss of these trees. I agree with the Arboricultural Officer that ideally the frontage trees should be retained, but given the constraints of the site the Applicants have

19/0565/FULL

demonstrated that this will not be possible on the application site. It is, however, considered that additional planting could take place on the remaining open space land owned by the District Council to mitigate this loss. In this respect it is therefore considered that the design of the landscaping and the loss of the trees are acceptable subject to a suitable condition and additional planting outside the site.

#### HERITAGE ASSETS

- 4.23 The site lies close to the Old Beams Public House a Grade II Listed Building and has visibility from and to the Stourport No.1 Conservation Area. The Council's Conservation Officer has fully assessed the impact of the proposals along with the submitted Heritage Assessment. He concludes that there will be little or no harm to Heritage Assets as a result of the proposal. I agree with the conclusions reached. The Framework sets out that any harm must be categorised however low it may be. On this occasion I therefore consider that the impact will be minor which is categorised as less than substantial harm. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the development proposed. Based on the proposal, I am satisfied that the substantial benefits of providing a medical centre clearly outweigh harm to the designated heritage assets. Additional fruit tree planting suggested by the Conservation Officer is accepted as an enhancement to the area and can be implemented together with the landscaping proposals on the remaining area of open space. The proposal is therefore fully in accordance with Policy SAL.UP6 and section 15 of the Framework.

#### OTHER ISSUES

- 4.24 Other matters such as lighting, noise, ecology, and ground contamination have all been assessed and found to be acceptable by the relevant consultees. There are no other detailed matters that would result in an unacceptable level of harm or that cannot be controlled through relevant planning conditions.

#### PLANNING BALANCE

- 4.25 The proposed development of a new medical centre, pharmacy and associated car parking will result in substantial benefits for the District and the local community. There will be significant economic and environmental benefits that will arise from the development through the physical development and the protection and enhancing of the natural, built and historic environment. The greatest benefits will be that providing a substantial social benefit in providing a new high quality fit for purpose medical centre that will provide for the current population and future generations. These three objectives when taken as a whole provided substantial weight in favour of the development. Any harm through loss of Public Open Space, the development of an area at risk of flooding, loss of trees, minor harm to heritage assets and minor increase of traffic congestion does not alter the balance, which is firmly and clearly in favour of the development.

19/0565/FULL

## 5.0 Conclusions and Recommendations

5.1 The proposed medical centre, pharmacy and associated car parking has been assessed against the Development Plan and the National Planning Policy Framework. Any harm identified has been fully addressed through justification or mitigation and has show the development in accordance with the aims and principles of the important planning policies. The substantial benefits that will come as part of this proposal will outweigh any harm or perceived harm identified. The development presents an important and exciting opportunity for providing a high class up to date medical centre for the residents of Stourport-on-Severn.

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

a) the signing of a **Section 106 Agreement** to secure financial contributions towards bus stop infrastructure and tree planting; and

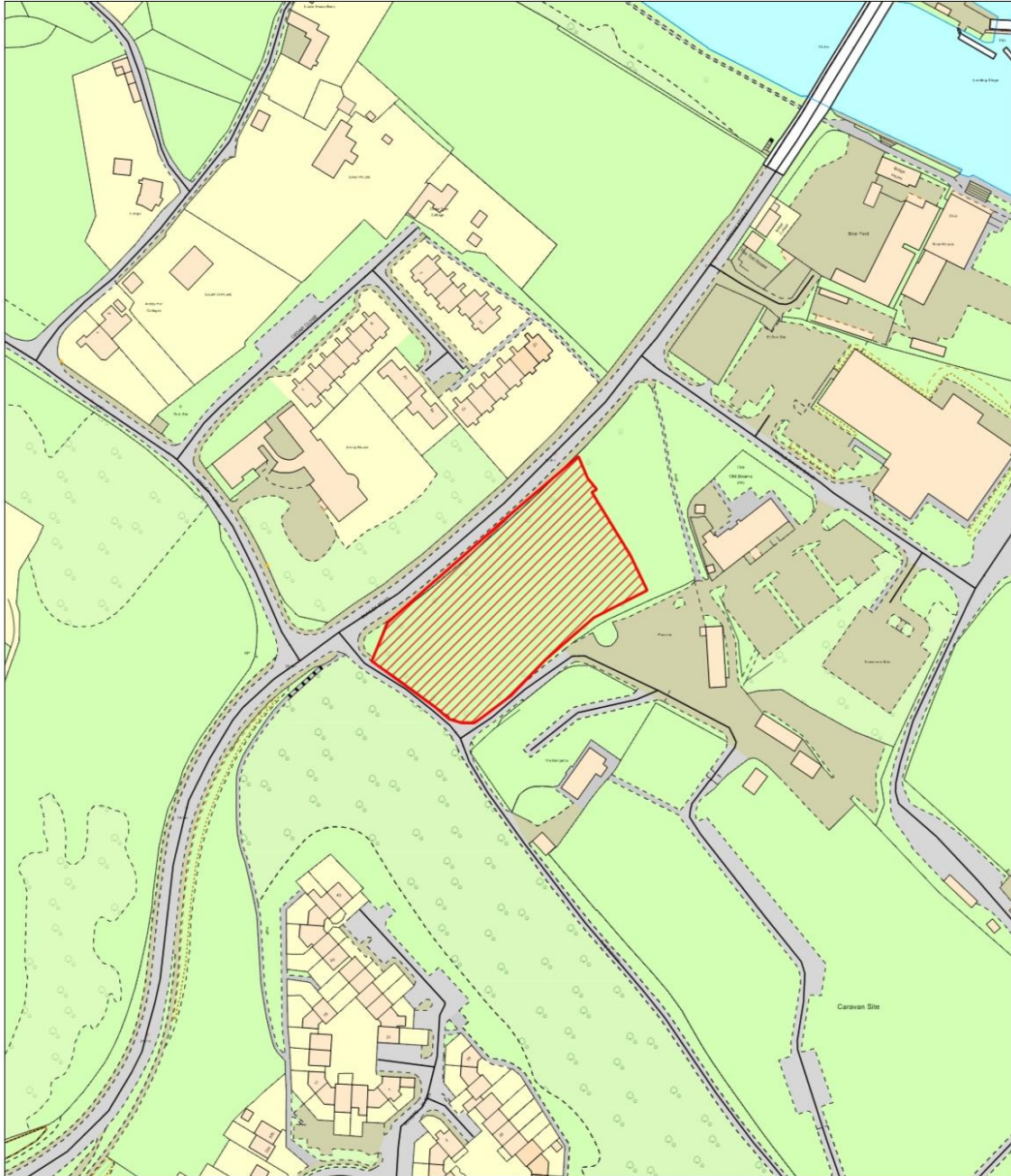
b) the following conditions:

1. A11 (Approved Plans)
2. B1 (Materials Submission)
3. B9 (Boundary Treatment)
4. C2 (Tree Retention)
5. C3 (Tree Protection)
6. C6 (Landscaping Scheme)
7. C8 (Landscape Implementation)
8. C9 (Hedge Protection)
9. E2 (Foul Drainage)
10. Surface Water Drainage
11. Underfloor Void provision
12. Flood Emergency Plan
13. CEMP (Construction Environmental Management Plan)
14. EVC Points provision
15. Low NOx Boilers
16. Lighting scheme to implemented and maintained
17. Archaeology Written Scheme of Investigation
18. Additional Bat Survey prior to works commencing
19. Provision of bat and bird boxes to be provided and maintained
20. Access Provision
21. Visibility Splays
22. Travel Plan
23. Cycle Parking

Notes

- A. SN2 (S.106)
- B. SN5 (Adverts)
- C. Environmental Permit
- D. S.278
- E. CEMP
- F. Travel Plan





Economic Prosperity and Place Directorate

**Land on the corner of  
Harold Davies Drive and Dunley Road  
Stourport on Severn, DY13 0AA**



Crown Copyright 100018317 26 November 2019

Scale 1:2000

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10<sup>TH</sup> DECEMBER 2019

**PART B**

<b>Application Reference:</b>	19/0150/FULL	<b>Date Received:</b>	01/03/2019
<b>Ord Sheet:</b>	380119 272404	<b>Expiry Date:</b>	31/05/2019
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Mitton

**Proposal:** Erection of 106 dwellings with car parking, new estate roads, and associated infrastructure.

**Site Address:** FORMER MIDLAND INDUSTRIAL PLASTICS SITE, STEATITE WAY, STOURPORT-ON-SEVERN, DY138PQ

**Applicant:** Taylor Wimpey West Midlands & Willsgrove Developments Limited

<b>Summary of Policy</b>	DS01, DS03, CP01, CP02, CP03, CP11, CP12, CP14 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9, SAL.WS1 (SAAPLP) National Planning Policy Framework Planning Practice Guidance Noise Policy Statement for England
<b>Reason for Referral to Committee</b>	'Major' planning application Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

**1.0 Site Location and Description**

- 1.1 The site is located to the west of Stourport on Severn and located off Steatite Way, a cul-de-sac accessed from Bewdley Road. The site is a former industrial site which has been cleared and is vacant, it is surrounded on three sides by residential dwellings with Morgan Technical Ceramics, an industrial factory, to the south and south east.
- 1.2 The site is previously development land and is allocated for residential development within the Development Plan. The trees to the entrance of the site are protected by a tree preservation order.

19/0150/FULL

- 1.3 The application is submitted in full and seeks for approval for 106 dwellings to be constructed along with associated access roads.

## **2.0 Planning History**

- 2.1 10/0035/OUTL - Demolition of existing buildings and erection of a 67 bed Care Home and 102 dwellings with associated access, roadways, parking and open space : Withdrawn
- 2.2 15/0623/OUTL - Erection of up to 106 dwelling houses and means of access : Undetermined

## **3.0 Consultations and Representations**

- 3.1 Stourport on Severn Town Council – No objection and recommend approval.
- 3.2 Highway Authority – No objection subject to conditions. This application follows on from discussions as part of 15/0623/OUTL and meetings to discuss the policy positions as the stand today. As a result the proposal is considered to be acceptable with the exception that the cycle parking details are not shown on the drawings, as such a condition will be required to address this. The two nearest bus stops will need to be upgraded to ensure that they are accessible for all users, this be best addressed through a section 106 contribution. Alterations are proposed to Steatite way to amend the existing bellmouth and provide for vehicle accesses to the frontage plots, these works are considered to be acceptable and conditions are proposed to ensure they are delivered at an appropriate time.
- 3.3 Arboricultural Officer – No objections subject to conditions
- 3.4 Countryside Manager - The application has now been fully detailed in respect of Ecology and Biodiversity. No Objections subject to conditions.
- 3.5 Worcestershire County Council Children’s Services (Education) - Lickhill Primary School is a popular school that is consistently oversubscribed. The number of families living in the Lickhill catchment area outweighs the number of places available at this popular primary school and forecast pupil numbers show take up rates from families living within the locality will be at or near the Published Admission Number (PAN) for the foreseeable future. There is no guarantee that families moving on to this development will be able to secure a place at Lickhill Primary School. However, families also seek places at other nearby schools including St Wulstan's Primary School. Current indication is that there is some surplus capacity at St Wulstan's Catholic Primary School and forecasts indicate that pupil numbers will be lower than the PAN for the foreseeable future. Current indication is that there is sufficient capacity to admit the proposed pupils from this development. A developer contribution towards primary school education will not be sought.

19/0150/FULL

Stourport High School currently has sufficient capacity to admit the number of pupils that will be generated from this development. A developer contribution towards secondary school education will not be sought.

A developer contribution towards education infrastructure will not be sought from this development.

- 3.6 Worcestershire County Council Planning (Waste) - The submitted application form states that no areas have been allocated for the storage and collection of waste, and that no arrangements have been made for the separate storage and collection of recyclable waste. We would expect to see details for the storage and collection of waste, including separate storage and collection of recyclable waste, in line with "part (a)" of the policy. Any facilities proposed should be in line with the ADEPT report "Making Space for Waste" (June 2010). We would recommend that these details are clarified prior to planning permission being granted. However, if the Planning Authority is minded to grant planning permission with these matters outstanding, we strongly recommend that pre-commencement conditions should be imposed to ensure that these matters are properly addressed.

- 3.7 Worcestershire County Council Planning (Health) - The HIA confirms that the proposal does not contribute to healthy food and drink provision. However, there is opportunity for this proposal to contribute to such provision such as edible planting throughout the site and a small community orchard within the open green spaces. In addition the Public Health Directorate would like to see opportunities for food growing in small plots distributed across the site, close to homes, making the growing of food easy, accessible and sociable. This would mean more green space to be included within the development itself, not just at the edges. This can also contribute to positive mental and emotional health for future residents. The proposal makes no reference to provision of play facilities for children.

Public Health would like to see areas developed for young children and also Local Areas of Play (LAP) which include provision for older children and teenagers, to improve levels of outside play, physical activity and social interaction. The Public Health Directorate supports developments that encourage active travel and suggests that secure cycle parking for visitors to homes and to any green space / LAP is included in the development. We are concerned that cycle parking in sheds does not necessarily prioritise cycling over motorised travel, as accessing a bicycle from a shed is not easier than accessing a car from a garage. We would welcome innovative cycle storage design to make cycling more attractive than motorised travel for short journeys.

In support of easier, more accessible active travel routes, the Public Health Directorate supports developments that create pedestrian and cycle routes at the ends of cul de sacs that cut through to roads to address natural desire lines and so make walking and cycling easier, shorter and natural. We recommend a minor amendment to the proposed layout to link the existing walking/cycling routes through the development. This could be

19/0150/FULL

accommodated by a short linking section of shared-use footway roughly between the frontages of plots 12 and 35.

The developer has not referred to any steps to reduce carbon emissions. This could be implemented if renewable energy installations (e.g. solar power) were to be integrated into all properties, but particularly shared ownership and social rented housing, thus reducing the impact of fuel poverty for the less affluent in the community.

As a preventative approach to air pollution, the Public Health Directorate would want to see dedicated electric vehicle charging provision for all properties, sufficient to allow for fast charging.

As well as access to healthcare, consideration should be given to the capacity of health facilities and their ability to cope with approximately 300 extra residents. The HIA states that at the time of writing, there has been no assessment of the capacity at the nearby GP service to accommodate residents of the new dwellings. We would welcome such an assessment being undertaken (and if possible also including other relevant health and care services necessary to support the new residents), with the results informing the approach to development delivery.

3.8 West Mercia Designing Out Crime Officer – No objections.

3.9 Worcestershire Regulatory Services (Noise) – No Objections on Noise Grounds. Having reviewed the updated Noise.co.uk noise assessment and the response from Cole Jarman, I am of the opinion that with the implementation of the Noise.co.uk recommended noise mitigation measures, relating to glazing, ventilation and acoustic fencing, both internal and external noise levels will be acceptable.

The Cole Jarman recommendation, that due to the predicted internal noise levels with partially open windows, that some of the plots closest to the Morgan Factory should be fitted with suitable mechanical ventilation systems, was not a recommendation of the Noise.co.uk noise assessment and WRS does not currently have any internal guidance regarding when mechanical ventilation should be installed. While the installation of mechanical ventilation could potentially reduce the likelihood of noise complaints I consider this to be an amenity issue to be addressed by the planning department. Either way I do not agree that windows of these plots facing the Morgan factory should be un-openable.

I would agree with Cole Jarman that no second floor development should be permitted.

If alternative glazing and ventilation products, from those detailed in the Noise.co.uk assessment, are to be installed then confirmation should be submitted to the planning department that they will meet or exceed the sound reduction specification stated in the assessment for approval.

19/0150/FULL

- 3.10 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to remediation and validation condition.
- 3.11 Worcestershire Regulatory Services (Air Quality) – No objections subject to conditions requiring cycle parking, electric charging points and low NOx Boilers.
- 3.12 Planning Policy - In reference to Policy CP04 Affordable Housing Provision in the Adopted Core Strategy (2010), it is noted that affordable housing is accepted at a lesser amount where *affordable housing provision is proven to undermine the viability of a development, particularly due to residual land values*. Therefore, the Case Officer will need to be satisfied that the applicant has provided sufficient evidence to justify why the affordable housing provision should be lower than the minimum set by policy.

In regards to the noise assessment survey, the noise levels are deemed acceptable so long as they are deemed acceptable by the case officer.

- 3.13 North Worcestershire Water Management - From a water management / drainage point of view the information submitted for application 19/0150/FULL is very similar to the information that was submitted for the Outline application back in 2015 (15/0623/OUTL).

It is clear that the permeability of the site is sufficient to drain the site via infiltration. As it is not clear yet that this is acceptable from a ground contamination perspective, the application includes an alternative drainage strategy that relies upon discharge to the surface water sewers. The addendum notes sets out the justification for the proposed scheme which includes a combination of soakaway drainage where possible (40 plots) and attenuation (2 communal cellular attenuation tanks). There will be two discharge points for the site which will have flow controls fitted to limit the total discharge leaving the site to 73 l/s. This is a 43 % reduction compared to the runoff prior to redevelopment of the site (127 l/s). The national standards for SuDS set out that for Brownfield sites the runoff levels should be as close as reasonable practicable to Greenfield runoff levels (16 l/s). I believe the submitted Addendum note details sufficiently why further reduction below the currently 73l/s would not be deemed reasonable practicable.

I had also requested that the runoff would be treated prior to discharge off site. The applicant has touched upon this in the Addendum Note, setting out that the use of a proprietary treatment device was discussed with Severn Trent Water but that the sewerage company at present will currently not accept a structure of this nature within their adoptable network. I'm forever an optimist and hope that this will change in the (near) future. The Addendum refers to highway gullies for an element of treatment, however gullies are not recognised as a form of runoff treatment (Ciria's SuDS Manual).

As communal systems are being proposed (incl the 2 attenuation tanks) I believe that we need to condition the submission of details regarding the future responsibility of those assets.

19/0150/FULL

I conclude that there would be no reason to uphold approval of this application on Flood Risk or Water Management grounds.

- 3.14 Housing Services - The plans include for 14 units of affordable housing - only 13% of total provision which is obviously below current or emerging policy. However, I understand that this provision has been justified and verified by a viability assessment. I am supportive of 100% rented with a revised mix of 2 and 3 bedroom properties which is a better match to identified housing need.
- 3.15 NHS Wyre Forest Clinical Commissioning Group (CCG) – No objection in principle. The development will result in increased patient demand within Stourport where capacity is already exceeded considerably. Request contribution of £40,624 for infrastructure in order to meet increased demand.
- 3.16 Worcestershire Acute Hospitals NHS Trust - The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the ageing population and growth, it will not be able to plan for the growth in a piecemeal manner. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable. A contribution of £237,355 is sought.
- 3.17 Severn Trent Water – No objection subject to conditions
- 3.18 Neighbour/Site Notice – 13 letters from Neighbours objecting to the proposal raising the following issues:
- Position of new dwelling will result in loss of light to property and garden
  - Highway safety issues of cars accessing directly onto Steatite Way
  - Inadequate access to serve the number of properties, junction needs improvements
  - Improvements to the Burlish Crossing traffic light system are also required
  - Significant increase of traffic which will impact on already congested roads
  - Concerns over protected species and wildlife
  - The contaminated nature of the land is of concern, especially if remediation is done during dry periods.
  - Concerns over construction noise and vehicle movements
  - Is the sewerage system capable of accommodating the new development?

19/0150/FULL

1 letter on behalf of Morgan Technical Ceramics

- No objection on noise grounds subject to the following condition;
  - Acoustic perimeter fence at 4 M height and maintenance thereof in perpetuity
  - Barriers on the development and maintenance thereof in perpetuity
  - Sound insulation for the houses
  - Ventilation equipment for the houses
  - The scheme conditioned to ensure no second floor development is permitted
- No consideration to the safety of lagoon and settlement pits
- Drainage pipes serving MTC lie within the site

#### **4.0 Officer Comments**

##### **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

4.1 The site is a previously developed site allocated within the urban area of Stourport on Severn. The re-development of this site is fully in accordance with Policy SAL.DPL1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. In addition policy SAL.WS1 provides a specific policy for the development of this site which sets out the detailed considerations for its development. However, it is clear from a starting perspective that the development of this site is wholly acceptable in principle and is in accordance with the existing Development Plan.

4.2 The detailed aspects of the proposal will be covered under the following headings:

- Design and Layout
- Highway Access and Parking
- Amenity of Neighbouring Properties
- Neighbouring Businesses and Noise
- Trees and Landscaping
- Drainage
- Contaminated Land and Air Quality
- Protected Species and Habitats
- S.106 Planning Obligations and Affordable Housing

##### **DESIGN AND LAYOUT**

4.3 The main access road enters the site from the existing access point for the site. A new estate road then loops around the site with a number of roads and private drives provided from it. All properties have frontages either to the main road or private drive, with six properties fronting directly on to Steatite Way. The properties provide a range of 2, 3 and 4 bedroom properties all with parking in close proximity and a minimum garden length of 10m. Rear gardens will be secured with suitable fencing with corner plots demarcated with brick and fence walls or green walls. A number of plots are provided with single storey garages which are detached and set back from the front of the



19/0150/FULL

property. It is considered that the overall layout is acceptable and maximizes the use of the land without compromising the quality of the built environment.

- 4.4 The properties are in the main two storey dwellings, with the 4 bed semi-detached properties being 2 ½ storey. The properties are well designed using a mixture of designs whilst maintaining a common pallet of materials. The proposals show a consistent use of red brick and tile with defining window headers and footers and a mixture of edge brickwork or string courses. Elements of render are introduced on some properties, along with bay windows and differing canopy designs. The overall impact of the design creates for interest to be show within the streetscene in unified approach.
- 4.5 The design of the properties and layout is of a high quality that will positively contribute to the overall appearance of the area. The proposal is fully acceptable and complies with the design policies of the Development Plan and the Framework

#### HIGHWAY ACCESS AND PARKING

- 4.6 The development will utilise the existing access, and will continue the 5.5m road with 2m footpath either side. Where private drives are provided within the development, no more that 7 properties are served from these areas. Parking is provides within the curtilage of the properties or in close proximity, at a quantity that reflects the County Council's parking standards.
- 4.7 The application has been supported by a transport assessment that has been robustly assessed by the Highway Authority. The Highway Authority considers that the number of properties proposed can be accommodated on the existing highway network without result in any highway conflict. In particular consideration has been given to the junction with Bewdley Road and the traffic light junction at Burlish Crossing, with the conclusion that the impact is acceptable on this occasion. It is appreciated that objectors may consider that there will be an increase on traffic as a result of this development. However, I agree with the Highway Authority that the development will result in additional traffic but such impact will not result in a severe impact, which is the test set by paragraph 109 of the framework.

#### AMENITY OF NEIGHBOURING PROPERTIES

- 4.8 The site is surrounding by residential properties. The design and layout of the development results in the interaction of existing and proposed in the vast majority of cases is to the rear garden. As the proposed gardens are all of a minimum of 10m in length and provided with appropriate boundary treatment no adverse overlooking will occur. Plots 12, 80 and 106, however, all present a side facing gable to the existing properties. For these plots there is a minimum of 12m between any existing windows and the gable of the proposed dwelling. Officers have considered these existing properties carefully and concluded that the proposals will not result in an adverse loss of daylight or be over dominant on existing amenity areas. The development as proposed can be constructed without any significant impact on amenity of neighbouring properties.

19/0150/FULL

**NEIGHBOURING BUSINESSES AND NOISE**

- 4.9 The site also lies adjacent to the Morgan Technical Ceramics (MTC) factory. This is a well established business within Wyre Forest with high employment and economic benefits to the district. Whilst it is essential to ensure that new residential properties are not adversely impacted by noise, it is also highlighted in paragraph 182 of the Framework that existing business should not be unduly restricted due to new development. As such officers have engaged with both the developers and MTC to ensure that the proposals achieve both of these purposes. A number of noise assessments and additional information has been submitted. Worcestershire Regulatory Services have fully considered all submissions and remain concerned that there are discrepancies between the Applicant's assessment and position and the assessment produced by MTC. Following lengthy discussions, a joint assessment was conducted and mitigation proposed.
- 4.10 The latest noise position and mitigation has been presented to both Worcestershire Regulatory Services and MTC for comment. The mitigation measures show proposals for 4m high acoustic fencing, walls/acoustic fencing to affected garden areas and acoustic glazing and ventilation. MTC have assessed the latest report and proposals through their own noise consultant. They have concluded that subject to a number of conditions they have no objections. Worcestershire Regulatory Services are now wholly satisfied that the proposed development will not be subject to any adverse noise issues and that the existing commercial factory can continue to operate without any limitations. This approach is exactly as intended within the Framework and I am pleased that a suitable solution has been arrived at. One of the requirements requested by MTC was for non opening windows facing the factory and the use of mechanical ventilation. Having discussed this matter with Worcestershire Regulatory Services, who are not requiring such measures, I am satisfied that the specification of windows and ventilation proposed will protect residents from any adverse noise. Even with opening windows the impact will not be so severe to require fixed windows. The required mitigation can be secured through suitable conditions. On this basis there is no reasons to resist the development on noise grounds.

**TREES AND LANDSCAPING**

- 4.11 The existing protected trees to the frontage of the site will be maintained. No development will take place near these trees. The remaining site is a cleared industrial site and has no vegetation or trees that are worthy of retention. A comprehensive landscape plan has been submitted which includes hedge, tree and shrub planting which will significantly raise the landscape quality of the area. The landscaping flows throughout the site providing strategic green areas on corners. Trees are also proposed to the frontage of Steatite Way to integrate the development into the existing streetscene. The Arboricultural Officer has reviewed the proposals and has no objections to the scheme. The landscaping of the site and the retention of the trees is wholly compatible with the policies of the Development Plan.

19/0150/FULL

**DRAINAGE**

- 4.12 The application is supported by a drainage strategy which has been reviewed by North Worcestershire Water Management (NWWM) and Severn Trent Water (STW). STW have confirmed that subject to a condition requiring additional information they have no capacity issues for foul drainage. NWWM as the Local Lead Flood Authority have fully considered the assessment and have sought additional information. In line with National Standards for SuDS Guidance produced by DEFRA, Surface Water run off rates for new development should be as close to Greenfield rates as reasonably practical. In addition, consideration needs to be given to the treatment of water taking account of existing contamination.
- 4.13 Although substantial correspondence and additional information has been submitted to Officers and NWWM, Officers are not at the time of writing satisfied that adequate justification has been provided for the rates proposed or that Greenfield rates are no achievable. However, adequate information has been provided to show that a drainage scheme can be achieved with the required information/justification being provided via a suitably worded condition. Subject to the imposition of such a condition there is no objection to the drainage scheme proposed.

**CONTAMINATED LAND AND AIR QUALITY**

- 4.14 A full contaminated land assessment and air quality assessment has been provided to Worcestershire Regulatory Services. This demonstrates that the levels of contamination can be fully remediated and the remediation proposal is suitable. Subject to the submission of a verification report to demonstrate the remediation works Worcestershire Regulatory Services have no objection on contamination grounds. In respect of air quality, Worcestershire Regulatory Services consider that the number of units will not result in an adverse impact on air quality. However, in order to mitigate any increase, conditions requiring cycle parking, electric charging points and low NOx boilers are recommended. With suitable conditions imposed it has been demonstrated that the development will not result in adverse harm in this respect.

**PROTECTED SPECIES AND HABITATS**

- 4.15 An Ecological Assessment and additional information has been submitted which sets out proposals for avoidance, mitigation and enhancements. The Countryside Manager is now satisfied that the proposals will not result in adverse harm to protected species or habitats and that any harm can be mitigated and enhancements provided.

**PLANNING OBLIGATIONS AND S.106 AGREEMENT**

- 4.16 The Council's adopted Planning Obligations SPD details how the Council will approach financial and physical contributions towards development. Consideration also needs to be given to the Governments latest guidance on Section 106 Agreements as set out in the National Planning Policy Framework and the Planning Practice Guidance.

19/0150/FULL

- 4.17 In view of the SPD and as part of the consultation process the following financial contributions have been noted:

<b>Consultee</b>	<b>Contribution for</b>	<b>Amount</b>
Worcestershire County Council	Bus Stop Provision	£20,000
Worcestershire County Council	Education	£0
Wyre Forest District Council	Public Open Space	£143,854
NHS – CCG	Doctors Surgery Extension	£40,624
NHS – Trust	Services	£237,355
		<b>£441,833</b>

- 4.18 Members will also be aware of Policy CP04 that sets out that the District will seek affordable housing contributions of 30% in these circumstances. Policy SAL.DPL3 sets out the circumstances where affordable housing contributions can be reduced on the basis of viability. Paragraph 64 of the Framework sets out that minimum level of 10% should be secured. The development can only support 13% affordable housing provision. The 14 units will be provided as 100% social rent with 8 no. 2 bed properties and 6 no. 3 bed properties. The mix and the tenure has been fully supported by the Housing Services Manager and based on current known need within the area. Whilst this is a reduction against the ideal full provision, this number and tenure has been fully justified and verified from a viability perspective. I am satisfied that this is maximum level of affordable housing that can be viably provided.
- 4.19 When taken as whole the package of S.106 requires is not insignificant. Each of the contributions must only be sought if the three tests set out in paragraph 56 of the Framework at met. These tests are as follows:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 4.20 In line with Policy SAL.DPL, paragraph 57 of the Framework and the Planning Practice Guidance a viability assessment has been provided for this site, which has been independently verified by the Council’s consultant. It is clear that the site has viability issues which are not uncommon for brownfield sites. The viability of the development has demonstrated that all contributions and affordable housing delivery cannot be achieved. Officers have expressed the priority to affordable housing given the established need for such accommodation within the District. In addition it is considered that improvements to the bus infrastructure is at a level that can be accommodated within the viability of the development, and would suggest that there is limited other opportunities to improve this infrastructure.
- 4.21 Public Open Space contributions are included within the SPD. It is considered that such contributions although they may be able to be justified as important are not as high priority as those that have been indentified. They cannot be added to the requirements set out above as the scheme would become unviable

19/0150/FULL

- 4.22 Contributions have been sought from the NHS Clinical Commissioning Group for improvements to existing doctor's surgery infrastructure at Stourport Health Centre and York Street Surgery. In respect of priority, the Local Planning Authority is currently considering a planning application for a new medical centre at Stourport which will combine and increase the capacity of these existing surgeries. It would appear that a viable solution is already in place to meet this requirement; this lowers the priority for this request. Given its priority the development cannot support this request from a viability perspective.
- 4.23 Finally, contributions have been sought from the NHS Trust. Such contributions are required for the shortfall of health services to cover revenue costs. The need for, and provision of, healthcare facilities and infrastructure and health and wellbeing related services are clearly capable of being treated as a relevant material consideration in reaching planning decisions and therefore should be carefully considered as part of the decision making process.
- 4.24 Officers have had ongoing discussions with the NHS Trust in general terms as to their methodology for establishing costs and the assumptions that they have made in approaching requests for contributions. Officers are not clear that the justification of the impact is sufficiently precise. Revenue shortfall is only as a result of the nature of the Government's formulae for calculating revenue funding. Having considered requests by the NHS Trust on this application and generally it is considered that requests based on the current methodology are not sufficiently robust as to meet the three tests set out in paragraph 56 of the Framework. In particular Officers have questioned the following:
- Whether all projected service users are new to the Trust's catchment area for services and facilities;
  - Migration assumptions;
  - Whether assumptions on demand arising from future affordable housing provision are correct;
  - Demographic and household size assumptions; and
  - Whether all services to be provided are appropriate to be funded through developer contributions.
- 4.25 On this basis it is not recommended that contributions are sought for these purposes on this occasion. Notwithstanding, the comments made above the development does not have sufficient viability to support this contribution in any event and given the concerns raised it is of a lower priority than other contributions mentioned above.
- 4.26 Taking account of all these considerations, it is considered that a Section 106 Agreement should be sought for 13% affordable housing and improvements to bus stops as requested by the County Council.

19/0150/FULL

## 5.0 Conclusions and Recommendations

5.1 The development of this previously developed site is long over due and is acceptable in principle being allocated within the Adopted Wyre Forest Site Allocations and Policies Local Plan. The design and layout of the development is wholly acceptable providing a well designed site whilst making efficient use of the land. The development can be built without resulting in any adverse impact on neighbouring residential properties or adjoining businesses. It has been shown that that access and parking can be provided acceptability and that the development can be accommodated on the highway network without any serious impact on highway safety. Detailed technical matters have been resolved through the imposition of conditions or the provision of additional information. The site can viably provide 13% affordable housing and contributions to improve bus stops within the area. Other contributions are not sought for the reasons set out within the report.

5.2 It is therefore recommended that **delegated** authority be given to **APPROVE** this application subject to:

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. B12 (Erection of fences/walls)
5. B13 (Levels details)
6. C8 (Landscape implementation)
7. Management Plan for landscape areas
8. Surface Water Drainage details to be submitted to achieve as close to Greenfield run-off rates as practicably possible
9. E2 (Foul and surface water)
10. Ecology Mitigation
11. J1 (Removal of permitted development – residential)
12. J9 (Open plan frontages)
13. J7 (Windows – obscure glazing)
14. CEMP
15. Validation report for remediation
16. Unknown Contamination
17. Vehicle charging points to be provided
18. Ultra-low NOx boilers
19. Access Parking and Turning
20. Highway Improvements / Offsite works
21. Travel Plan
22. Cycle Parking
23. Details of bin storage

19/0150/FULL

Notes

- A. SN2 (Section 106 Agreement)
- B. SN1 ((Removal of permitted development rights)
- C. SN12 (Neighbours' rights)
- D. Highways
- E. Waste provision

**Application Reference:** 19/0283/PIP                      **Date Received:** 13/05/2019  
**Ord Sheet:** 371532 271844                      **Expiry Date:** 17/06/2019  
**Case Officer:** Paul Round                      **Ward:** Bewdley & Rock

**Proposal:** Realignment of existing access retaining access to retained commercial uses and residential development to create a minimum of 5 and a maximum of 9 residential dwelling not exceeding 999m2 of floorspace

**Site Address:** LAND REAR OF CLOWS TOP GARAGE, TENBURY ROAD, CLOWS TOP, KIDDERMINSTER, DY149HG

**Applicant:** Conquer Properties

<b>Summary of Policy</b>	DS04, CP02, CP04, CP03, CP11, CP12 (CS) SAL.DPL1, SAL.DPL3, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP5, SAL.UP7, SAL.RS2 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The site forms a 0.69ha parcel of land at Clows Top situated at the western extent of the District. The site is currently utilised for commercial purposes as transport depot and open storage. Access to the site is directly from the A456 Tenbury Road. The site mainly consists of hardstanding areas and is surrounding by substantial trees and hedging. The site is a previously developed site and is included within the Council’s Brownfield Land Register.
- 1.2 Within the Adopted Wyre Forest Site Allocations and Policies Local Plan the site forms part of a wider allocation for residential development at Clows Top. Clows Top is highlighted as a village which supports local services and is suitable for limited development as part of the development strategy for the District. It also forms a similar designation as a ‘category 2’ village within the South Worcestershire Development Plan.
- 1.3 The application submission is for ‘Permission in Principle’ and seeks for residential development between 5 and 9 units. The application seeks to use only part of this commercial site, with the remaining part continuing as a commercial activity.



19/0283/PIP

## **2.0 Planning History**

- 2.1 WF/0265/01 - Outline: Redevelopment of commercial garage, transport yard and vacant land for residential : Approved 14/03/03
- 2.2 WF/0604/05 - Full : Variation of Conditions 1 and 3 of WF.265/01 to allow an extended period for the submission of reserved matters (3 years from date of the permission WF.604/05 as amended), and to allow the development to be begun no later than 5 years from the date of permission (WF.604/05 as amended); Variation of Condition 26 of WF.265/01 to close one of the two forecourt accesses onto the A456 : Withdrawn
- 2.3 06/0295/FULL - Redevelopment of commercial garage transport yard & vacant land for 21 dwellings (All remaining reserved matters to be determined; design of buildings; external appearance of buildings; means of access to the buildings; landscaping of the site) following outline approval WF265/01 : Approved 12/06/06

## **3.0 Consultations and Representations**

- 3.1 Rock Parish Council – No objection and recommend approval subject to highways approval
- 3.2 Baynton Parish Council – No objection to the access changes but are concerned with regards to the area having no mains sewerage and being clay soil the PC would not want more soakaways in this area. The electricity supply would need upgrading to take more houses and the water supply would also need to be upgraded. The PC are not against development of houses for local people but the matters raised above have always stopped the progress of any larger developments at this site
- 3.3 Malvern Hills District Council - We have no formal comments at this time. This is without prejudice should we wish to make further comment later on during this or any subsequent process
- 3.4 Highway Authority – It is noted that the application for the proposed residential development of up to 9 dwellings has been made in accordance with the Town and Country Planning (Permission in Principle) Order 2017 and the existing location is a brownfield site. Accordingly, at the 'in principle' stage, consideration can only be given as to the site location, land use and the amount of development and the Highways Authority is hereby raising an objection based on the location of the site which is unsustainable.

The proposed development is located on Tenbury Road (A456) which is a classified road and is not lightly trafficked. A 30 mph speed limit is in force however the carriageway is narrow with 'no overtaking' and the environment is not seen as conducive to cycling. The undulating nature of the roads in the area will also be a barrier to all but the very keen cyclist.

19/0283/PIP

Moreover whilst it is noted that footway provision is to be made either side of the site access as part of the proposal, there is no street lighting which will deter journeys on foot during times of darkness and adverse weather conditions and there are minimal facilities in Clows Top for pedestrians to walk to. Whilst the local store can cater for top up shopping, it cannot provide for all day-to-day grocery needs. There is a daily bus service however this Kidderminster to Tenbury Wells only and it is unlikely that future residents will carry a weekly household shop on the bus. Whilst the applicant refers to a school bus service outside the site, no further details of this have been provided to substantiate this. There are no details of a dedicated school service to Clows Top on the County Council website. The current services are 220 (Wednesday mornings only) and 291 (regular daily service).

Therefore the sustainable travel options to the key facilities which support modern living such as education facilities, health services, leisure venues, retail outlets and employment sites are limited and future occupants will be reliant on private car use.

Moreover with regard to the amount of development, the proposal is for up to 9 dwellings which will result in a significant increase in traffic generation in an area with constrained road conditions to include limited visibility due to the gradient of the hill on which the site sits and this represents an increase in potential highway safety risk.

it is accepted that it is a brownfield site (hence the PIP application) and there are existing commercial trips, the trip generation for residential use will be different and the commercial use does not generate the short journeys on foot associated with residential use, such as to education and retail for example which are not achievable in this location. The change in trip pattern has been taken into consideration and there is no accident data to support the argument that the removal of commercial vehicles from the network in this location will contribute to an improvement in highway safety.

The failure to give priority to sustainable modes of travel is contrary to Paragraphs 108 and 110 NPPF and the implications for highway safety are contrary to Paragraph 109 NPPF.

- 3.5 Environment Agency - Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'. However, I note we have had previous discussions with regards to foul drainage on this site at both the pre-planning application and strategic planning stages. On this basis we would offer the following comments.

As you will be aware the site is allocated for residential development Policy SAL.RS2 – Land at Clows Top within the Site Allocations and Policies Local Plan (2006-2026). Section iii. of the policy requires development to ensure that appropriate drainage measures are provided. From discussions at the strategic Plan stage, based on the Water Cycle Study and correspondence with Severn Trent Water (STW), your Council were satisfied that the site

19/0283/PIP

can come forward in a sustainable fashion. To enable this your Council included flexibility in the wording of the policy to allow market housing within this area to come forward, in order to help fund the drainage improvements.

In light of the type of planning application, no information has been submitted with regards to foul drainage proposals. Ordinarily we would refer the applicant to our Foul Drainage Assessment (FDA) Form (as attached) for completion and recommend a connection to mains in the first instance.

However, in line with our FDA, if the applicant were to propose a non-mains option, an assessment of foul drainage should be undertaken. If the applicant were to consider a non-mains option, it is likely that an Environmental Permit (EP) for the discharge of foul effluent would be required. We would encourage the 'twin tracking' of the EP, with the aim of encouraging more comprehensive submissions and thereby decisions. If the applications are not twin tracked, then the technical details consent stage will need to provide sufficient detail/assessment to confirm impacts and controls relating to any land use planning considerations can be addressed.

- 3.6 Housing Services – Development is supported if 100% affordable in line with Local Plan policy. It is open for the applicant to show any viability at the Technical Details Consent stage.
- 3.7 North Worcestershire Water Management - This site is located more or less on the watershed of three catchments, namely the Tanners Brook, the Dick Brook and the Dumbleton Brook. To my knowledge the site is not at risk of any type of flooding. There is as far as I am aware no public sewer system present in the vicinity of the site, which means that a non mains drainage solution might need to be found. The soils in the area are characterised as slowly permeable seasonally wet acid loamy and clayey soils' (Soilscape 17).

This means that it is unlikely that the site will be suitable for infiltration drainage, which will have consequences for the management of both rain water and treated effluent (non mains drainage).

I would ask that in a future Technical Details Consent application the proposed methods for managing surface water are detailed, including the proposed design criteria. As a minimum we ask that the development will not increase the amount of runoff leaving the site. As the site is currently largely paved, this should be relatively straightforward and it should be possible for the proposed development to actually make betterment. It is WFDC policy that all sites need to fully explore the use of SuDS. The council has a SuDS guidance document which provides examples of SuDS that might be suitable for this site, including green roofs, rain gardens, permeable pavements etc..

If a non mains drainage solution is proposed for the discharge of foul water then we would ask that the applicant submits the non mains drainage assessment form as part of the Technical Details Consent future application. We will need to know details of the proposed non mains drainage solution, as

19/0283/PIP

it has proven difficult in the past to come up with a practicable and environmentally acceptable foul drainage solution. Early discussion with the Environment Agency on this topic would be encouraged as a permit might be required for the discharge, and discharge of treated effluent to a dry ditch is not acceptable.

#### CONCLUSION

I believe there are no flood risk reasons why a residential development of this site should not be permitted in principle, but I believe that there are considerable hurdles to overcome regarding the discharge of surface and foul water / treated effluent. A future Technical Details Consent application will need to contain all the details to ensure us that the proposed residential development can be adequately drained (surface and foul water) without having any adverse impacts upon surrounding properties or the (water) environment. Where possible SuDS should be used, in line with the Council's policy.

- 3.8 Severn Trent Water – No objection
- 3.9 Worcestershire Regulatory Services (Noise) - No objection to the application in terms of noise/nuisance adversely impacting future residents. In order to minimise any nuisance during the construction phase from noise, vibration and dust the applicant should refer to the WRS Demolition & Construction Guidance (see attached) and ensure that its recommendations are complied with.
- 3.10 Worcestershire Regulatory Services (Contaminated Land) – No objection. Required contaminated land assessments to be submitted with Technical Details Consent
- 3.11 Planning Policy - It could be considered that the site should be permitted in order to help meet rural housing needs within Rock Parish as the proposed development is on previously developed land. However the site has already been previously discounted due to the financial viability of any development. The application does not include a viability assessment to show evidence that the value generated by the development will be greater than the cost of developing it. From this basis it should not be recommended for approval unless the applicant can demonstrate that the proposed development is viable
- 3.12 Neighbour/Site Notice – 1 objection received.  
“I do not support this application and it should not proceed to the next stage.”

#### 4.0 Officer Comments

- 4.1 The application has been submitted as an application for Permission in Principle. This application type was introduced by the Government in 2018, as an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for

19/0283/PIP

proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. However details can be included to guide the level of information required at the technical details consent stage.

- 4.2 This process is more streamlined than the 'outline' process with the level of details required limited to the description of development and its location. The consideration of this application will therefore be considered based on the 'principle' of the development.

#### POLICY CONTEXT AND LAND USE

- 4.3 Policy SAL.DPL1 permits development which is specifically allocated and shown on the proposals map. The site does falls within a specific allocation for residential development as set out within SAL.RS1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, titled 'Land at Clows Top'. The allocation provides 1.45ha for an indicative amount of 30 dwellings. The proposed site is only about half of the site and proposes a maximum capacity of 9 units.
- 4.4 Policy SAL.RS2 allows for residential development that provides for identified specific affordable and local housing needs. Market housing is permissible where it is required to cross subsidise and affordable housing, subject to be supported by a robust viability assessment. The applicant has not identified at this stage the tenure of the properties, and in reality the Permission in Principle process does not require this. The consideration at this point is that of the land use that has been identified as being residential, which is wholly acceptable in policy terms. Matters of the level of affordable housing as required under Policy SAL.RS2 and any viability considerations in respect of the implementation of the development can form considerations under the Technical Details Consent.

#### AMOUNT OF DEVELOPMENT

- 4.5 The indicative capacity of the site as set out within Policy SAL.RS2 is set as 30 dwellings for the whole 1.45ha site. This is an approximate density of 20 dwellings per hectare. Although the proposed site is shown as being 0.65ha it is considered that only 0.5ha of the site is available for development taking account the need to retain the existing trees and hedges. This size of site would be expected to provide 10 dwellings when based on the density shown in the policy. When taking account the need to provide infrastructure and taking account of the characteristics of the surrounding area, it is considered that the indicative amount of 5 to 9 dwellings is acceptable and in conformity with the policy.

19/0283/PIP

**LOCATION OF DEVELOPMENT**

- 4.6 In respect of the location of development paragraph 108 of the National Planning Policy Framework requires that when “...assessing...specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.7 Clows Top is a village that provides a shop, with post office, village hall and a Farm Shop and Café. The development of additional residential units will maintain the viability of these local services. A bus stop is located outside the shop and is within 100m of the application site. The 291 is a regular bus service and provides connection from Tenbury Wells to Kidderminster, via Bewdley, allowing access at suitable times for employment, leisure and education. There is also bus service to Cleobury Mortimer, but this only operates on Wednesdays. In conjunction with the main 291 service the County Council and other bus operators provide regular services to allow access the following schools. The majority pick up children directly outside the application site and will drop them directly to the school.

<b>Bus Service</b>	<b>School</b>
291	Bewdley Primary School
291	St. Annes Primary School (No direct bus route to school)
291	St. John’s Primary School (No direct bus route to school)
824	Abberley Parochial Primary School
824	Grimley & Holt C of E Primary School
824	Hallow C of E Primary School
824	Great Whitley C of E Primary School
BD07	Far Forest Primary School (Pick up from Colliers Farm Shop)
BD09	Baynton Primary School
291	Bewdley High School
758	Tenbury High School
BD06	Lacon Childe School, Cleobury Mortimer
824/758	Royal Grammar School
824/758	Worcester Cathedral (Kings School)
824	Worcester Six Form
MHS	King Edwards College, Stourbridge

19/0283/PIP

4.8 It is considered that there is appropriate provision of bus services to serve the site based taking account of its locality. Notwithstanding the comments of the Highway Authority, it is evident that the village of Clows Top is serviced well by bus services in order to provide access to a choice of education establishments.

4.9 Consideration has been given to the location of the site in respect of relevant services and facilities. The table below highlights some of these in detail (walking distances over 60 minutes have not been shown).

Service	Distance	Time taken by Car	Time taken by Cycle	Time taken by Foot	Accessible by Bus
Primary School / Nursery	1.8 miles	5 minutes	7 minutes	32 minutes	Yes
Secondary School (a)	4.4 miles	12 minutes	29 minutes	-	Yes
Secondary School (b)	4.4 miles	10 minutes	26 minutes	-	Yes
Shop & Post Office	81 metres	1 minute	1 minute	1 minute	n/a
Farm Shop & Café	0.8 miles	1 minute	3 minutes	14 minutes	Yes
Leisure (Play facilities)	3.2 miles	5 minutes	16 minutes	60 minutes	Yes
Leisure (Sport facilities)	2.2 miles	3 minutes	11 minutes	43 minutes	Yes
Village Hall	10 metres	1 minute	1 minute	1 minute	n/a
Railway Station	9.5 miles	20 minutes	50 minutes	-	Yes
Doctors Surgery	4.5 miles	10 minutes	25 minutes	-	Yes
Hospital (a)	8.2 miles	16 minutes	43 minutes	-	Yes
Hospital (b)	8.3 miles	13 minutes	38 minutes	-	Yes

4.10 It is accepted that the site is within a rural area and all opportunities for sustainable transport modes cannot be achieved for all services. I also note the concerns of the Highway Authority over the route for cyclists. However each of the services is accessible by the regular bus service. It will be for the applicant as part of the Technical Details Consent to show how the sustainable transport measures can be promoted in line with paragraph 108 of the National Planning Policy Framework. For the consideration of this application I am satisfied that the site is not unsustainable in transport terms and that the developer can provide incentives to encourage sustainable transport modes as part of the detailed proposals, fully in line with the NPPF..

19/0283/PIP

OTHER MATTERS

- 4.11 It perfectly understood that provision of drainage, water and electricity services at Clows Top are under pressure, but such matters will be full considered as part of the detailed consideration. In the same way, it is accepted at this point that the site is likely to be heavily contaminated and will need investigated as part of the Technical Details Consent.
- 4.12 The Highway Authority notes that access is to be provided from the A456 Tenbury Road in accordance with Policy SAL.RS2. They raise no objection in principle of the access point, which will be fully considered along with an appropriate transport assessment.

**5.0 Conclusions and Recommendations**

5.1 The proposal for residential development for the application site is acceptable in principle, being an allocated site within the Development Plan. It is considered that the site is suitably served by local services and appropriate alternative transport modes given its location to allow it to be considered as a sustainable site, where development will help maintain the viability of village services in Clows Top. The amount of development is suitable and takes account of the low density of surrounding development and the constraints of the site.

5.2 It is therefore recommended that the application be **APPROVED** subject to a note advising that the following items are required to be submitted as part of the Technical Details Consent application:

1. Location Plan (1:1250)
2. Block Plan/Site Plan (1:500)
3. Proposed Floor Plans (1:100)
4. Proposed Elevations (1:100)
5. Cross-Sections (at an appropriate scale)
6. Streetscene (1:200)
7. Access proposals (1:200 or 1:100)
8. Planning Statement, including Public Consultation
9. Affordable Housing Statement
10. Viability Assessment – should any market housing be proposed
11. Tree Survey
12. Arboricultural Impact Assessment
13. Landscape Scheme (1:200) and Planting Schedule
14. Construction and Environmental Management Plan
15. Sustainable Building Assessment
16. External Lighting Proposals
17. Foul Drainage Scheme, including non-mains assessment if required
18. Surface Water Scheme/Strategy including Sustainable Urban Drainage
19. Ecological Survey
20. Contaminated Land Assessment
21. Noise Assessment
22. Transport Statement
23. Sustainable Transport Statement including Welcome Pack
24. Landscape and Visual Impact Assessment



<b>Application Reference:</b>	19/0466/FULL	<b>Date Received:</b>	24/07/2019
<b>Ord Sheet:</b>	382047 275623	<b>Expiry Date:</b>	19/09/2019
<b>Case Officer:</b>	Sarah Mellor	<b>Ward:</b>	Foley Park & Hoobrook

**Proposal:** Erection of 1 no. detached three bedroom dwelling

**Site Address:** LAND ADJOINING 16 THE SERPENTINE, KIDDERMINSTER  
DY11 6NX

**Applicant:** Mr M Royle

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

## 1.0 Site Location and Description

- 1.1 The application site relates to the side garden of no. 16 The Serpentine and is roughly triangular in shape measuring 242 sq. m. in area.
- 1.2 The site is located in a residential area which comprises a mix of house designs, although larger similar in scale and massing. To the west of the site is a two storey block of 4 flats.
- 1.3 There is an existing vehicular access serving the site which is taken off the head of the cul de sac and a pedestrian footpath which spans the majority of the circumference of the cul de sac.
- 1.4 Planning permission is sought for the erection of 1 no. detached three bedroom dwelling. The dwelling would comprise a sitting room, kitchen and w.c. at ground floor, and a bedroom, three bedrooms and a bathroom at first floor. A private rear garden would be accessed via bi fold doors from the sitting room.

## 2.0 Planning History

- 2.1 10/0299/FULL – Construction of new dwelling and ancillary works : Withdrawn
- 2.2 11/0002/FULL - Two storey side extension to provide kitchen, laundry, wc, bedroom, ensuite and house bathroom : Approved 2.03.2011

19/0466/FULL

### 3.0 Consultations and Representations

3.1 Kidderminster Town Council – No comments received

3.2 Highway Authority - The proposed parking provision of 2 spaces per new and per existing dwelling is in line with standards and spaces should be sufficiently wide to allow for the car doors to be opened as both sets of parking are against the boundary.

The first 5m of the parking measured from the edge of carriageway should be surfaced in a bound material, loose stone is not acceptable and the existing dropped kerb must be extended with works to be carried out by Worcestershire County Council contractors Ringway as per the note below.

Cycle parking (2 spaces) in line with standards is required for the proposed dwelling.

3.3 North Worcestershire Water Management Officer –

#### FLOOD RISK

The site is believed to be at a low risk of surface water flooding, and areas in the vicinity of the site are at medium or high risk (see <https://flood-warning-information.service.gov.uk/long-term-flood-risk>). I am aware of historic flooding issues in this street. It is my opinion that in this instance the surface water flood risk would not be a reason to withhold approval of this application, but it will be extra important that surface water runoff from the development site will be discharged responsibly, to ensure that the existing flood risk will not be exacerbated by the development.

#### SURFACE WATER

The application form details that discharge of surface water will be to soakaway drainage. This is the preferred method where ground conditions allow. I have no reason to believe that ground conditions are not suitable on this site. The soilscape website classes the soils in this area as generally freely draining slightly acid sandy soils.

The design and access statement states that the new soakaways will be to current Building Regulation standards. Given the known surface water flood risk in the vicinity of the site I would like to ask that the soakaways get designed for a return period of 1 in 100 year + an allowance for climate change instead. BRE 365 (revised 2016) details the relevant information. This is beyond current Building Regulations which still include a standard return period of 10 years. By adopting the longer return period and including climate change it can be ensured that the development will not increase the flood risk in the vicinity of the site.

19/0466/FULL

FOUL WATER

The application form sets out that foul water will be discharged to the mains sewer. The application form details that an existing inspection chamber is present within the application site. I've checked the Severn Trent sewer map and this asset is actually a manhole on their sewer system. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The connection will obviously also require their prior approval. Although not shown on the sewer map, it is possible that the drainage serving Serpentine Court discharges across the site too, so this will need to be established prior to the works commencing on the site to avoid damaging the pipework.

Subject to a condition to secure soakaway drainage designed to cope with a 1 in 100 year, plus an allowance for climate change providing ground conditions are suitable no objection is raised.

Two informatives are requested to advise of public sewers and risk of surface water flooding.

3.4 Neighbour/Site Notice – No representations received.

**4.0 Officer Comments**

4.1 The main considerations are whether the principle of housing development is acceptable taking into account relevant housing policy and site location and whether the development would result in loss of safeguarded open space or have a detrimental impact on character and appearance of the area, on highway safety, on existing residential amenity and the risk of flooding elsewhere.

**POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN**

4.2 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.

4.3 In respect of the Development Plan, Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at that time, housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn.

19/0466/FULL

- 4.4 Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG [2019]* and *Peel Investments (North) Ltd v SSHCLG [2019]*, it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policy is that of location, in this case Policy SAL.DPL1. This policy is considered to be consistent with the Framework.
- 4.5 In addition, the Council have now undertaken a comprehensive assessment of housing need for its Local Plan Review which has taken in account the Government's Standardised Methodology and includes additional growth. Furthermore, the Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date.

#### PRINCIPLE OF DEVELOPMENT

- 4.6 The application is for the erection of one dwelling on a site that currently forms the side garden to No. 16 The Serpentine. As the site comprises non-previously developed land (PDL), the proposed development would be contrary to Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan, which seek to concentrate new residential development on PDL and therefore the application represents a departure of the Development Plan.
- 4.7 Notwithstanding this conflict, Members should note that Policy DS01 and SAL.DPL1 also seek to concentrate new housing development on sites within the urban areas of Kidderminster and Stourport-on-Severn first before applying a sequential approach in the assessment of other preferable locations within the District.
- 4.8 This later approach to location is consistent with paragraph 68 of the Framework, which states that 'small and medium sized sites can make an important contribution to meeting the housing requirement in an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst other things): support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.
- 4.9 The application site lies within an area allocated for residential on the Adopted Policies Map and is accessible to local shops, schools and services. There are no known physical site constraints that would prevent development on this site, in terms of flood risk, contamination and land stability. The plot is of a sufficient size to accommodate one dwellinghouse without resulting in over development of the site. It is therefore considered that that the principle of residential development on this non-previously developed windfall site is acceptable, subject to the following site specific considerations.

19/0466/FULL

**IMPACT ON LOCAL CHARACTER AND APPEARANCE OF AREA**

- 4.10 The context of the application site is that of semi detached pairs with varying design detail. The proposed dwelling is detached and therefore does not follow that of the neighbouring property however given that it is considered modest in scale, it is not felt that this unduly impacts upon character in this part of The Serpentine. Furthermore amendments to the scheme were made to remove the projecting left hand gable with hipped roof (this has been pushed back to project to the rear) and to introduce a hipped canopy over front door. It is considered that these amendments will result in a dwelling more in keeping with those immediately adjacent at no.15 and 16.
- 4.11 It is considered that the proposed development would integrate satisfactorily with the streetscene in accordance with Policy CP11 of the adopted Core Strategy, Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan, the Design Guidance SPD and Paragraph 127 of the National Planning Policy Framework.

**IMPACT ON RESIDENTIAL AMENITY**

- 4.12 Following consultation with neighbours and posting a site notice, no objections were received.
- 4.13 The proposed development would allow for a 125 sq m rear garden. This is considered sufficient to serve as private amenity space for the future occupiers of the property.
- 4.14 Repositioning the projecting element of the dwelling to the rear does not conflict with the 45 degree line as measured from the centre point of the nearest habitable room window at the adjacent property no. 16 (within the ownership of the applicant).
- 4.15 The 1m separation distance from the boundary to the proposed dwelling would minimise overlooking from the rear bedroom of the master bedroom such that this is not considered to give rise to a lack of privacy at no. 16.
- 4.16 It is therefore considered that there would be no significant undue harm to the occupiers of the adjacent residential property no. 16 The Serpentine.

**IMPACT ON HIGHWAY SAFETY**

- 4.17 The proposed dwelling would comprise 3 parking spaces. This generates a requirement for 2 parking spaces in line with the standards of the Worcestershire County Council Streetscape Design Guidance 2018.
- 4.18 The Highway Authority have considered the proposals and comment that, subject to the extension of the existing dropped kerb, the provision of 2 parking spaces and the surfacing of the first 5m of the parking area measured from the edge of carriageway in a bound material, no objection is raised

**DRAINAGE AND FLOOD RISK**

- 4.19 The site is believed to be at a low risk of surface water flooding, and areas in the vicinity of the site are at medium or high risk. It is also noted that there are

19/0466/FULL

historic flooding issues in this street. Notwithstanding this, it is not considered that the surface water flood risk would not be a reason to withhold approval of this application.

- 4.20 The application form details that discharge of surface water will be to soakaway drainage. This is the preferred method where ground conditions allow. Subject to a condition to secure surface water from the development being discharged to a soakaway, no objection is raised.

## 5.0 Conclusions and Recommendations

- 5.1 The proposed development for a three bedroom detached dwelling in the side garden of no. 16 The Serpentine, is considered to be acceptable. The development would provide a single dwelling, thereby contributing to the housing land supply within Wyre Forest District. No other harm has been identified on the character of the local area, on existing residential amenity and on highway safety. It is therefore considered that the balance lies in favour of the development and that the proposals would represent sustainable development when considered against the Framework as a whole. 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 including hard surfacing)
4. Site Levels and Finished Floor Levels
5. Obscure glazing to all side facing windows
6. Access, turning and parking facilities to be provided
7. Details of walls, fences and other means of enclosure
8. Removal of Permitted Development Rights for extensions, roof alterations and outbuildings
9. Removal of Permitted Development Rights for any front boundaries or enclosures
10. Scheme for surface water drainage
11. Installation of Electric Vehicle Charging point

### Notes

- A. Vehicle crossing information
- B. Surface water
- C. Review the modelled flood risk
- D. Provision of waste collection

## Agenda Item No. 5

**Application Reference:** 19/0516/FULL      **Date Received:** 10/08/2019  
**Ord Sheet:** 380220 269694      **Expiry Date:** 11/10/2019  
**Case Officer:** Sarah Mellor      **Ward:** Areley Kings & Riverside

**Proposal:** Development of 2 no. two bed bungalows and associated parking

**Site Address:** LAND ADJ.131 REDSTONE LANE, STOURPORT-ON-SEVERN, DY13 0JN

**Applicant:** Mr N Nichol

<b>Summary of Policy</b>	DS01, DS03, CP01, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 and SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Planning application represents departure from the Development Plan Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site relates to the rear garden of Nos. 93-97 Areley Common and 133 Redstone Lane. No. 131 Redstone Lane is side facing to the application site. The aforementioned properties are residential and all within the ownership of the applicant.
- 1.2 The streetscene is varied, comprising a mix of house types. To the south side of Redstone Lane, the street is dominated by single storey 1960s residential properties. To the north side there is a mix of two storey and single storey residential properties.
- 1.3 The ground level is elevated heading in a north easterly direction away from the site.
- 1.4 There is an existing vehicular access serving the site. The bus stop is to the west of this access.
- 1.5 Planning permission is sought for the erection of 2 no. detached single storey dwellings. The dwellings would comprise a lounge, kitchen, bathroom and two bedrooms. A garage would be constructed off the side elevation adjacent to the front door. A private rear garden would be accessed via bi fold doors from the lounge.

19/0516/FULL

## 2.0 Planning History

2.1 None relevant

## 3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Objection to proposal and recommend deferral. Await further comments from Officer on parking.  
*(Officer Comment – I note that the Highway Authority raises no objection)*

3.2 Highway Authority – No objections subject to conditions. The proposed parking provision of 2 spaces per new and per existing dwelling is in line with standards and spaces should be sufficiently wide to allow for the car doors to be opened as both sets of parking are against the boundary.

The first 5m of the parking measured from the edge of carriageway should be surfaced in a bound material, loose stone is not acceptable and the existing dropped kerb must be extended with works to be carried out by Worcestershire County Council contractors Ringway.

Cycle parking (2 spaces) in line with standards is required for the proposed dwelling.

3.3 Worcestershire County Council Archive & Archaeology Service – No objection subject to conditions.

The proposed development area (PDA) is located in an area of high archaeological potential with heritage assets of archaeological interest of unknown significance likely to be present. Directly adjacent to the site are what appear to be below-ground remains of a Romano-British farmstead, field boundaries and possible trackways, based on cropmark evidence (recorded on the county HER as WSM08070 and WSM15928). The PDA also lies at an historic crossroads between the common edge road and the road that leads to a fording point on the Severn. These roads are likely to be of medieval origin. There is potential for further associated below ground remains of Iron Age and Roman rural settlement or agricultural features and later roadside settlement to be present within the PDA.

The proposed development is small-scale, but has the potential to damage sensitive and shallow remains. Consequently, the development is judged to have the potential to impact heritage assets of archaeological interest. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise a watching brief on all groundworks.



19/0516/FULL

- 3.4 Severn Trent Water - As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 3.5 North Worcestershire Water Management Officer - To my knowledge this site is not at risk of flooding from any source, but I am aware that there are known issues with surface water flooding in the area. The proposed development has the potential to 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 note that the application form specifies that the intention is to use soakaways for this development. I am aware that ground conditions in the vicinity are not always favourable for the use of soakaways, so on site permeability testing will be required.

I note that a plan has been submitted that shows soakaways in the back gardens of the new bungalows. No drainage shown for hardstanding areas such as driveway/parking areas.

Currently no design criteria or other details have been included. Design details will be adequately dealt with in a future Building Control application. We 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.

Subject to a condition to secure the installation of soakaway drainage, no objection is raised.

- 3.6 Neighbour/Site Notice – 2 objections received from 1 address highlighting the following material planning concerns:-
- The plan shows 2 parking spaces for each of the planned bungalows and 4 parking spaces for existing houses
  - There could potentially be 8 vehicles reversing on to Redstone Lane near to the very busy crossroads.
  - Buses to Kidderminster and Worcester also have a stop located between the proposed access to the 2 bungalows
  - A bus stop on the opposite side of the road
  - This could well be a highway hazard.

#### **4.0 Officer Comments**

- 4.1 The main considerations are whether the principle of housing development is acceptable taking into account relevant housing policy and site location and whether the development would result in loss of safeguarded open space or have a detrimental impact on character and appearance of the area, on

19/0516/FULL

highway safety, on existing residential amenity and the risk of flooding elsewhere.

PRINCIPLE OF DEVELOPMENT

- 4.2 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.
- 4.3 In respect of the Development Plan, Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at that time, housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn.
- 4.4 Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG* [2019] and *Peel Investments (North) Ltd v SSHCLG* [2019], it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policy is that of location, in this case Policy SAL.DPL1. This policy is considered to be consistent with the Framework.
- 4.5 In addition, the Council have now undertaken a comprehensive assessment of housing need for its Local Plan Review which has taken in account the Government's Standardised Methodology and includes additional growth. Furthermore, the Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date.

PRINCIPLE OF DEVELOPMENT

- 4.6 The application is for the erection of two dwellings on a site that currently forms the rear garden to Nos. 93-97 Areley Common and 133 Redstone Lane. As the site comprises non-previously developed land (PDL), the proposed development would be contrary to Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan, which seek to concentrate new residential development on PDL and therefore the application represents a departure of the Development Plan.
- 4.7 Notwithstanding this conflict, Members should note that Policy DS01 and SAL.DPL1 also seek to concentrate new housing development on sites within

19/0516/FULL

the urban areas of Kidderminster and Stourport-on-Severn first before applying a sequential approach in the assessment of other preferable locations within the District.

- 4.8 This later approach to location is consistent with paragraph 68 of the Framework, which states that 'small and medium sized sites can make an important contribution to meeting the housing requirement in an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst other things): support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.
- 4.9 The application site lies within an area allocated for residential on the Adopted Policies Map and is accessible to local shops, schools and services. There are no known physical site constraints that would prevent development on this site, in terms of flood risk, contamination and land stability. The plot is of a sufficient size to accommodate two dwellinghouses without resulting in over development of the site. It is therefore considered that that the principle of residential development on this non-previously developed windfall site is acceptable, subject to the following site specific considerations.

#### IMPACT ON LOCAL CHARACTER AND APPEARANCE OF AREA

- 4.10 The context of the application site is that of a mix of single and two storey residential properties with varying design detail. The proposed dwelling is detached and therefore is considered to largely follow the nature of the properties to the east in Redstone Lane in particular the development of 5 no. single storey dwellings at the junction of Redstone Lane and Summer Croft, 44m to the east of the application site.
- 4.11 An amendment was made to the scheme to reduce the ridge height of the dwellings, thereby lessening the prominence of the gables of the property when fronting Redstone Lane.
- 4.12 Further to this amendment, it is considered that the proposed development would integrate satisfactorily with the streetscene in accordance with Policy CP11 of the adopted Core Strategy, Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan, the Design Guidance SPD and Paragraph 127 of the National Planning Policy Framework.

#### IMPACT ON RESIDENTIAL AMENITY

- 4.13 The proposed development would allow for rear gardens measuring between 126 sq m and 147 sq m. This is considered sufficient to serve as private amenity space for the future occupiers of the property.
- 4.14 In consideration of the 45 degree code, when measured from the centre point of the rear facing window to no. 131, sufficient separation would be afforded to the side elevation of the proposed dwelling at plot 1 so as not to impact upon the amenities of the present and future occupiers of the this dwelling in terms of outlook.

19/0516/FULL

- 4.15 The single storey dwelling would measure 2.3m in height to the eaves level, thus representing a modest structure adjacent to the boundary. It is considered that such modesty, combined with the amendments to the roof height would serve to minimise any impact upon neighbour amenity.
- 4.16 It is therefore considered that there would be no significant undue harm to the occupiers of the adjacent residential property no. 131 Redstone Lane.

#### **IMPACT ON HIGHWAY SAFETY**

- 4.17 The material planning matters raised by the neighbours were with respect to the number of vehicles that would arise from the development subsequently reversing on to Redstone Lane in this location, close to the junction with Areley Common.
- 4.18 The proposed dwellings would have 2 bedrooms. This generates a requirement for 2 parking spaces per dwelling in line with the standards of the Worcestershire County Council Streetscape Design Guidance 2018. The existing parking provision for the dwellings at no.s 93-97 Areley Common and 133 Redstone Lane has been shown to be perpendicular to Redstone Lane. No objection to this layout is raised by the Highway Authority.

#### **DRAINAGE AND FLOOD RISK**

- 4.19 This site is not at risk of flooding from any source, but there are known issues with surface water flooding in the area. The proposed development has the potential to 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. This will be secured by condition.

### **5.0 Conclusions and Recommendations**

- 5.1 The proposed development of 2 no. two bedroom detached dwellings in this location, is considered to be acceptable. The development would provide two dwellings, thereby contributing to the housing land supply within Wyre Forest District. No other harm has been identified on the character of the local area, on existing residential amenity and on highway safety. It is therefore considered that the balance lies in favour of the development and that the proposals would represent sustainable development when considered against the Framework as a whole. On this basis it is considered that there are sufficient grounds to support a departure from Development Plan policy.

19/0516/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials including hard surfacing)
4. Site Levels and Finished Floor Levels
5. Obscure glazing to all side facing windows
6. Access, turning and parking facilities to be provided
7. Details of walls, fences and other means of enclosure
8. Removal of Permitted Development Rights for extensions, roof alterations and outbuildings
9. Removal of Permitted Development Rights for any front boundaries or enclosures
10. Scheme for surface water drainage
11. Programme of archaeological work including a Written Scheme of Investigation
12. Site investigation and post investigation assessment
13. installation of Electric Vehicle Charging point

Notes

- A. Vehicle crossing information
- B. Surface water
- C. Review the modelled flood risk
- D. Provision of waste collection

<b>Application Reference:</b>	19/0521/FULL	<b>Date Received:</b>	20/08/2019
<b>Ord Sheet:</b>	384772 275660	<b>Expiry Date:</b>	19/11/2019
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Offmore & Comberton

**Proposal:** Demolition of existing school buildings and erection of 57 no. dwellings (C3), including access and landscaping.

**Site Address:** FORMER SCHOOL AT COMBERTON ROAD, KIDDERMINSTER, DY103DX

**Applicant:** Cameron Homes

<b>Summary of Policy</b>	DS01, DS02, DS03, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance Design Guidance SPD Planning Obligations SPD Affordable Housing SPD
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>DELEGATED APPROVAL subject to Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 The application site measures 2.17 hectares and is located at the south-eastern edge of Kidderminster. Formerly a school, the site still contains school buildings, hardstanding and a site guardian resides in the former school caretakers bungalow.
- 1.2 The site, which is irregular shape, is generally flat but then rises steeply towards the northeast corner of the site. To the east of the site are rear gardens belonging to houses that front onto Comberton Park Road and Comberton Road. To the north, the site adjoins the playing fields of Comberton Primary School. To the west, is an area of dense woodland, which aligns the Hoo Brook and beyond are open agricultural fields. To the south, on either side of the main entrance into the site, are houses that front onto A448 Comberton Road service road. The service road connects with A448 Comberton Road at the roundabout junction with Spennells Valley Road.
- 1.3 The application proposes the demolition of the school buildings and the erection of 57 dwellinghouses (some with garages), with 9 on-site affordable dwellings (6 social rented and 3 shared-ownership) and open space.

19/0521/FULL

1.4 The housing mix would be split as follows:

Bedroom numbers	Percentage %
1	4%
2	23%
3	68%
4	5%

- 1.5 The development would be in the form of a cul-de-sac leading to three private drives leading off the cul-de-sac. All houses would have a road frontage with secure rear gardens and the houses would have a traditional design style with either a hipped or gable end roof. Building materials would consist of facing brick or render to the elevations with either grey or brown roof tiles. The density of the development would be 26 dwellings per hectare reflecting the edge of town location.
- 1.6 A total of 15 existing trees and the conifer hedgerow to the frontage would be felled to facilitate the development and a comprehensive landscaping plan has been submitted which shows 20 new trees to be planted. It is proposed that substantial cut and fill would be undertaken to reflect the previous natural ground levels and within some rear gardens, a raised embankment with step access to the higher ground level. The boundary treatment would consist of 1.8 m. high brick screen walls to front boundaries within prominent locations and 1.8 m. high close boarded fencing to remaining boundaries and those shared with existing neighbouring properties.
- 1.7 The site would be served via the existing vehicular access into the site, with modifications to provide a more formal priority junction layout. Amendments have been made following initial comments from the Highway Authority to ensure an acceptable internal road layout and adequate parking provision for both cars and cycles. The site access road would have a carriageway width of 5.5 m. with footways of 2 m. on each side.
- 1.8 The submitted site layout plan shows provision of an Electric Vehicle Charging Point for every residential plot.
- 1.9 The application is supported by and has been submitted with a Transport Assessment, Design and Access Statement, Transport Statement, Residential Travel Plan, Tree Survey, Topographical Survey, Vacant Building Credit Exemption & Affordable Housing Statement (Revised September 2019), Statement of Community Involvement, Phase II Geoenvironmental Assessment, Arboricultural Method Statement, Construction Ecological Method Statement, Surface Water Drainage Pro-forma, Heritage Statement, Flood Risk Assessment, Landscape Management Plan, Bat Survey and Ecological Impact Assessment.

19/0521/FULL

## 2.0 Planning History

- 2.1 09/0784/WCCR - Redevelopment of King Charles 1 High School, Comberton Primary School and Stourminster School sites to form replacement King Charles 1 High School, replacement Comberton Primary School and replacement Stourminster School: No objection 1/3/2010 (Worcestershire County Council ref. 09/000084/REG3 granted Outline Approval on 25/3/2010).

## 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Awaiting comments.
- 3.2 Highway Authority (*Initial comments*) – Defer application until amended plans have been received to show a reduction in traffic speed on the internal access road in order to ensure no conflict with traffic speed on the approach to the roundabout junction.  
(*Officer Comments* - Further comments to be provided on the Addenda and Corrections Sheet).
- 3.3 NHS (Wyre Forest CCG) - The development is likely to have an impact on the services of the nearest GP practices. The nearest GP practice (Stanmore House Surgery) does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 57 x 2.43 residents and subsequently increase demand upon existing constrained services. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Wyre Forest CCG calculates the level of contribution required in this instance to be **£21,850** in order to mitigate the impacts of this proposal.
- 3.4 NHS (Acute Hospitals NHS Trust) – Worcestershire Acute Hospitals NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The Trust is paid for the activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical service development and predicted population growth (this does not include ad-hoc housing developments). The following year's contract does not pay previous year's increased activity.



19/0521/FULL

A contribution of **£106,188.00** is therefore sought towards the cost of providing capacity for the Trust to maintain healthcare service delivery during the first year of occupation of each dwelling.

The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

- 3.5 North Worcestershire Water Management Officer (*Initial response*) – Defer application as further clarification is required to ensure that the site would not be at risk of flooding and would have a deliverable surface water drainage system that complies with the non statutory technical standards for SuDS (Defra, 2015) and will not pollute the water environment.

(*Second response*) – I believe the additional information now provided has addressed the majority of the points I raised in my original consultation response. I believe that approval of this application should however still be deferred until we can be confident that the surface water drainage assets proposed in relation to the adoptable road will be acceptable to Worcestershire County Council Highways in principle. I would ask that two conditions are applied to any future decision, to secure detailed surface water drainage strategy and a method statement for the protection of the water environment from pollution during the course of construction.

- 3.6 Countryside Manager – No objection subject to conditions to secure the following:

- Details of external lighting scheme
- Method statement for removal of invasive weeds
- Implementation of Construction Ecological Method Statement
- Require all clearance works to take place outside bird nesting season
- Implementation of mitigation measures for Badgers as set out in the submitted Ecological Report
- Implementation of 7no. bat boxes and 10no. bird boxes

The transfer of the woodland to Wyre Forest District Council is considered to be acceptable, however, this would need to be secured including a commuted sum of **£21,950.00** towards the management of the woodland; removal of invasive weeds; and enhancements of ecological features.

- 3.7 Housing Enabling Officer – No objection and advises that the affordable housing mix/tenure is acceptable.

- 3.8 Designing Out Crime Officer – No objection and advises that all boundaries should be protected by fences that are 1.8 metres high preferably topped with trellis. This includes fences between houses. An informative is recommended

19/0521/FULL

to advise that all doors and windows should comply with Approved Document Q of the Building Regulations.

- 3.9 Natural England – No comments to make on this application and recommends that the Local Planning Authority refers to Natural England’s published Standing Advice when assessing the likely impacts on protected species and on ancient woodland and veteran trees.
- 3.10 Worcestershire County Council’s Education Officer – Analysis of Special Education Needs and Disabilities (SEND) provision in the area indicates that there is insufficient capacity at Wyre Forest School to admit the number of pupils that are likely to be generated from the proposed development who require a primary school place at a SEND school. The development cannot be considered acceptable unless appropriate mitigation is put in place. It is therefore recommended that an off-site contribution of **£68,032** is provided towards primary SEND infrastructure.
- 3.11 Worcestershire County Council’s Archaeologist – No objection and it is advised that due to the substantial earth moving on the site during the 1960s, as demonstrated in the Heritage Statement, there is little/no archaeological potential on this site.
- 3.12 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to a condition to require contamination land remediation if unexpected contamination is found at any time when carrying out the development that was not previously identified within the submitted Phase II Geoenvironmental Assessment. An informative is also recommended to ensure that appropriate consideration is given to the presence and removal of asbestos containing materials in the office buildings(s).
- 3.13 Worcestershire Regulatory Services (Pollution) – No objection subject to conditions to require secure cycle parking, provision of electric vehicle charging points and the installation of low emission boilers in all residential properties.
- 3.14 Severn Trent Water – No objection subject to a condition to require details of suitable drainage of the site.
- 3.15 Sport England – No objection and the following comments have been made:

The applicant makes the case that they do not consider that the site contains an area of playing field. In reaching this view they explain that Comberton Primary School and its associated playing field to the north are a distinctly different school and a separate planning unit. They take the view that the area of grass space within the application site is separate to the playing field at the neighbouring school, and that of itself is not of sufficient size to constitute playing field as there are no delineated pitches that exceed 0.2 hectares.

Having reviewed the various aerial images on Google Earth I would comment that there was a time between 1999 and 2013 when the playing field at

19/0521/FULL

Comberton Primary School and the former school were likely maintained as one, judging by the way the grass appears to have been maintained as a whole? I have no information regarding how the playing field was used, whether this was used as two distinctly separate sites, but the lack of any physical boundary treatment between the schools opens up the possibility that the use of the playing field was shared between the schools, and in my view this is an important factor to consider. Presumably, at some point since 2013, the playing field within the application site ceased to be used when the school closed and it is evident from Google earth images that this part of the playing field ceased to be maintained as part of the larger area of playing field to the north. It may be the case that this was more than 5 years ago, however I can't be certain of that as I do not have that information ( I note the application form does not state when it was last in use)? I have therefore assessed the application based upon its impact on the existing playing field as set out below.

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

The applicant sets out that in the event that it is concluded that the site does contain playing field, they consider the proposal would meet Exception E3 of Sport England's policy, and I would concur with that view. The loss of the area of land in question will not reduce the size of any pitch, or reduce its current capacity, and is not of itself capable of accommodating a pitch, as this would rely on including playing field within the neighbouring school to form a pitch of 0.2 hectares or more. Sport England have not objected to the Council's proposed local plan allocation and do not wish to object to this application as it is considered that the proposed development meets exception 3 of our playing fields policy, in that:

19/0521/FULL

'The proposed development affects only land incapable of forming part of a playing pitches and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

3.16 Conservation Officer – No objection and it is advised that the development of the site would have an extremely limited visual impact upon the setting of the neighbouring Heathy Mill Farmhouse and attached mill which is an undesignated heritage asset included on the Local Heritage List for Kidderminster ref: LLK100. There are no known heritage assets upon the site itself and thus development is more likely to impact upon unknown archaeology which will be subject to comment from WAAS. Although not strictly “heritage assets” the buildings on the site will have been subject to records kept by Worcestershire County Council, and it would be prudent to have these records submitted to Worcestershire HER prior to their demolition.

3.17 Neighbour/Site Notice

2 letters of objection received from nearby occupiers advising the following:

- The proposed alterations to the highway fronting the site, which will give priority onto the traffic island, will result in the existing houses (Nos. 64 – 68 Comberton Road) having to give way to potentially 100+ cars to get access to the traffic island. Instead the new development should have to give way to the existing road users.
- On the assumption that the development to the East of Kidderminster goes ahead in a few years with an eventual 1400 houses onto what would be a busy road, close to the roundabout junction. At peak times traffic will be stationary due to the increase of cars on the road from these developments. It would be far better if Cameron Homes and Taylor Wimpey and the Highways Authority create the best solution to traffic flows before this development happens, in order to prevent the junction becoming an accident black spot in the future.
- Increase road accidents.
- Loss of one parking space for Grove cottage, as it would be dangerous to park outside the cottage close to the access into this site.

1 letter has been received from Pegasus Group on behalf of Taylor Wimpey Strategic Land. They advise that they do not object to the principle of development, and are indeed supportive of redevelopment of Brownfield land, they do consider that insufficient consideration has been given to pedestrian movements to and from the site. Taylor Wimpey contend that the proposed

19/0521/FULL

pedestrian connection to and from the site is inadequate in facilitating safe and sustainable travel. It is further stated in their letter that given the significant proportion of movements from the site anticipated to be undertaken by foot, the development should be obligated to provide, or contribute towards, the provision of pedestrian crossing facilities on Comberton Road, to the north and south of the Spennells Valley roundabout in order to provide safe pedestrian access to services and facilities on the western side of Comberton Road to the north of the site, such as King Charles I School and Kidderminster Railway Station, as well as local retail services, pharmacy and Heronswood Primary School.

#### **4.0 Officer Comments**

- 4.1 The main considerations are whether the development would be acceptable in principle, taking into account the loss of an education site and playing field and the location for new housing. Other material considerations of importance relate to design and impact on local character, residential amenity, flood risk and drainage, biodiversity and trees, highway safety and planning obligations.

#### **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

- 4.2 The site was formerly occupied by Stourminster School until it ceased operating in 2013 and the school pupils were relocated to a new purpose built site and facility on the Habberley Learning Campus (now known as Wyre Forest School). The applicant has also provided evidence to demonstrate that the site has been actively marketed for educational use by the County Council before it was decided that the facility was no longer required. The site is now considered to be surplus to requirements and Central Government have given consent for the disposal of the school site. I also note that the site has been identified for residential development for 56 dwellings in the draft site allocations (Site Ref. OC/11) of the emerging Local Plan.
- 4.3 I am satisfied that the proposed development accords with Policy CP07: Delivering Community Wellbeing of the Adopted Core Strategy, which only permits the loss of community facilities when an appropriate alternative provider has been identified or evidence has been presented to demonstrate that the facility is no longer required.
- 4.4 The development would also comply with Policy SAL.DPL12: Educational Sites of the Adopted Site Allocations and Policies Local Plan, which advises that proposals for alternative uses will be supported when it has been demonstrated that there is no longer a need for the land or buildings to meet education requirements or wider community needs. The proposed redevelopment of this site would also not diminish the amount of recreational open space within the locality and the proposals would be compatible with the adjoining residential area.
- 4.5 Furthermore, the Adopted Policies Map identifies part of the site as playing field and from various images on Google Earth it appears that part of the

19/0521/FULL

grass areas within the site was maintained as playing fields as part of the adjoining playing fields at Comberton Primary School to the north of the site.

- 4.6 Policy SAL.UP4: Open Space and Play Provision of the Adopted Site Allocations and Policies Local Plan refers to playing fields and advises that sites should not be built on unless, (amongst others) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. This policy is consistent with Paragraph 97 of the National Planning Policy Framework. Sport England have raised no objection to the application and advise that the proposed scheme would meet Exception E3 of Sport England's policy because 'The loss of the area of land in question will not reduce the size of any pitch, or reduce its current capacity, and is not of itself capable of accommodating a pitch, as this would rely on including playing field within the neighbouring school to form a pitch of 0.2 hectares or more'. I concur with this view and consider that the development would accord with Policy SAL.UP4 and the National Planning Policy Framework.
- 4.7 Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at the time when housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council have undertaken a comprehensive assessment of housing need for its Local Plan Review which has taken into account the Government's Standardised Methodology and includes additional growth. The Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. The Framework advises that decision makers should consider the most important policies within the Development Plan in line with the Framework and make a judgement as to whether they are 'out-of-date'. Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG [2019]* and *Peel Investments (North) Ltd v SSHCLG [2019]*, it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policy is that of location, in this case Policy SAL.DPL1. This policy is considered to be inconsistent with the Framework. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date. On this basis the presumption in favour of sustainable development does not apply and paragraph 11(d) of the Framework is not engaged.
- 4.8 The delivery of this site makes an important contribution to the Council's five year housing land supply and as such would further strengthen the Council's position in respect of meeting its housing need. Furthermore, the site relates to previously developed land and adjoins the urban edge of Kidderminster with good close proximity to local shops, schools and facilities. It is also well served by regular bus services and within walking distance of Kidderminster railway station.
- 4.9 Overall, I consider the site to be a suitable and sustainable location for housing and would be in line with Policy SAL.DPL1 'Sites for Residential Development' of the Adopted Site Allocations and Policies Local Plan. The

19/0521/FULL

principle of development is considered to be acceptable subject to the following site specific considerations.

**DESIGN AND IMPACT ON LOCAL CHARACTER**

- 4.10 The site relates to a vacant school site and apart from the site guardian's bungalow the existing buildings have become derelict. The proposed scheme would provide a well designed residential development that would improve the character and appearance of the area.
- 4.11 The density of the development at 26 dwellings per hectare reflects the urban edge location of this site and would not appear as an over development of the site.
- 4.12 The proposed dwellings would front directly onto the new internal roads and would create enclosed rear gardens with other proposed houses within the site and with existing houses that front Comberton Road and Comberton Park Road. The pair of semi-detached houses in plots 1 and 2 have been sited in front of the linear front building line of houses to the west of the site (Nos. 63 – 68 Comberton Road) in order to create a logical step in the building line with 78 Comberton Road, which sits closer to the road. Soft landscaping including new tree planting is proposed between Plot 1 and the road frontage to help soften the proposed built development and add to the overall quality of the area.
- 4.13 Each dwellinghouse would have a high quality design and would appear visually attractive and the scheme would achieve tenure neutrality across the site. Building materials including details of the porch and window reveal depths to the front elevation have been provided to show that the development would be visually attractive and would relate well with the local character.
- 4.14 The parking and road layout has been revised during this application to ensure the road frontages are not dominated by parked cars and to address concerns raised by the Highways Authority. The houses have also been set back a sufficient distance from the woodland and a badger sett to ensure adequate protection of these can be achieved over the lifetime of the development.
- 4.15 Policy CP05 'Delivering Mixed Communities' of the Adopted Core Strategy requires new housing developments to have a range of different types, tenures and sizes of housing to address local housing needs and to create mixed communities and this proposed development would provide one-bed maisonettes and a range of house types and sizes to conform with this policy.
- 4.16 Overall, I consider that the proposed development would accord with Policies CP11 and CP12 of the Adopted Core Strategy, Policies SAL.UP7 and SAL.UP9 of the Adopted Site Allocations and Policies Local Plan and Section 12 of the National Planning Policy Framework, which require new developments to be visually attractive and to be designed to integrate well

19/0521/FULL

with the existing built environment and help add to the overall quality of the area.

**IMPACT ON RESIDENTIAL AMENITY**

- 4.17 There are existing houses situated to the West of the site on Comberton Road and Comberton Park Road and there is also one dwellinghouse situated to the East of the access point into the site. The majority of surrounding properties to the West have generous long rear gardens and will not be adversely impacted by the development. The existing properties at 16, 17 and 18 Comberton Park Road have less generous gardens but are sited at angles away from the shared boundary and a separation gap of 21 metres would be achieved between windowed elevations of the existing and proposed dwellings. Furthermore, all proposed dwellings would have 10 metre garden depths to ensure no overlooking of adjoining rear gardens.
- 4.18 From my site visit, I did notice that No. 17 Comberton Park Road has a garden house that abuts the application site which includes windows that directly face into the application site. The applicant has provided evidence that the owner(s) of this property is amenable to a boundary fence being erected against their garden house and this would be no different than if the school was still operating given that a fence could be erected under permitted development rights.
- 4.19 I am satisfied that the proposed development would not result in any undue overlooking or overshadowing of Nos. 68 and 78 Comberton Road, which lie on either sides of the application site due to the siting of the proposed dwellings and orientation of the site.

**FLOOD RISK AND DRAINAGE**

- 4.20 The application site lies adjacent to a small tributary of the Hoo Brook, which is situated beyond a woodland corridor that extends along the southern boundary of the site. The submitted Flood Risk Assessment concludes that the flooding is restricted to the wooded corridor alongside the watercourse and that the elevated land where the built development is proposed is not at risk of flooding. The North Worcestershire Water Management Officer has advised that the development would not be at risk of flooding or increase the risk of flooding elsewhere.
- 4.21 In respect of drainage, the draft surface water drainage strategy consists of a mixture of individual soakaways for about 50% of the roofs, pervious pavements for the private roads and oversized pipes and cellular storage for the remainder of the plots and the adoptable roads, limiting the discharge leaving the site to 5l/s. Discharge is proposed to the surface water sewer in the road, which falls out into the Hoo Brook just downstream of the site. The North Worcestershire Water Management Officer has confirmed that this approach for drainage is acceptable, however, that that the application should be deferred until we can be confident that the surface water drainage assets proposed in relation to the adoptable road will be acceptable to Worcestershire County Council Highways in principle.



19/0521/FULL

- 4.22 I do not consider that this is a reason to withhold the decision making of this application and a condition is recommended to secure the details of the surface water drainage strategy. A condition is also recommended to ensure no pollution of the adjoining watercourse.

**BIODIVERSITY, ECOLOGY AND TREES**

- 4.23 A woodland area runs parallel with the eastern boundary of the site and on both sides of the Hoo Brook. The siting of the proposed houses has been carefully considered to provide a natural buffer to this woodland area in order to ensure its long term retention. The woodland extends north and into an area of Green Belt that has been identified for housing (approximately 1400) in the Local Plan Review (draft allocation site references OC/6 and OC/13N). The Countryside Manager therefore considers it reasonable for the woodland that falls within this application site to be transferred to the Council so that they can ensure appropriate management of this woodland and the adjoining woodland to the northeast of the site in the future. The applicant has agreed to contribute £21,950 towards transfer of the woodland to the Council for management and to allow for the construction of new fencing and appropriate management of invasive species and ecological enhancement works to be carried out. This will be secured by planning condition and through the S106 Agreement.
- 4.24 The Ecological Impact Assessment found nesting birds and two bat roosts within the school buildings which will be lost as a result of the site demolition and clearance and will require a protected species license. A main badger sett in the northeast corner of the site was found which will be retained and a 10 metre buffer has been provided around the outer edge of this sprawling sett complex. In addition, two hole annex sett and a single sett have also been identified which will need to be closed under licence to enable the development to be carried out. During the survey work, it was also found that the site contained invasive weeds (Japanese Knotweed, Yellow Archangel and Canadian Pondweed) which will need to be removed and disposed of carefully before any development can be undertaken and prior to the transfer of the woodland to the District Council.
- 4.25 The Countryside Manager is satisfied that a sufficient buffer zone has been provided for the main badger sett. The Countryside Manager has also recommended that the ecological mitigation, enhancement and precautionary measures, such as retention and buffering of the woodland and badger sett; the implementation of the landscape scheme and management plan; the removal of invasive weeds; implementation of the construction ecological management plan; and the installation of appropriate lighting, as detailed in Table 3 of the submitted Ecological Impact Assessment should be secured by condition. I have attached conditions accordingly and consider that the overall impact on biodiversity will be a net positive, in accordance with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Section 15 of the Framework.
- 4.26 The development would require the removal of 15 trees, including the conifer hedge to the front boundary of the site, however, these are not considered to

19/0521/FULL

be of high amenity value. The Council's Arboricultural Officer has raised no objection and has advised that the proposed landscaping scheme includes 20 new trees which are to be provided within key locations and would add to the overall quality and amenity of the area. The submitted Arboricultural Method Statement (AMS) is also considered to be acceptable by the Arboricultural Officer.

#### **HIGHWAY SAFETY AND PARKING**

- 4.27 The existing vehicular access into the site would serve the proposed residential development, which is accessed off the service road that runs parallel to A448 Comberton Road and can only be access from the A448/Spennells Valley Road roundabout by vehicles.
- 4.28 The internal road layout has been designed in accordance with the principles of the Worcestershire County Council's Adopted Streetscape Design Guide and in particular, to minimise vehicle speeds and provide pedestrian prioritised streets within the site. Vehicle swept path analysis of the proposed site access and internal road and turning head layouts have been undertaken for a design refuse collection vehicle. The layout of the site has been designed to ensure that total refuse bin drag distances do not exceed 30 metres for residents and 25 metres for waste collection operatives, in accordance with the Manual for Streets. Adequate car parking and cycle storage provision would be provided, which accords with the parking standards within the Adopted Streetscape Design Guide.
- 4.29 The site lies in a sustainable location on the edge of Kidderminster. The submitted Transport Statement has demonstrated that there are a wide range of local facilities and amenities available within reasonable walking distance of the site and that the site can be accessed by frequent bus services (with the nearest bust stop located approximately 160 metres north of the site access).
- 4.30 Following discussions with the Highway Authority, I am satisfied that the proposed development would be acceptable in terms of highway safety and parking provision, in line with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 108 and 109 of the National Planning Policy Framework, which require new developments to provide (amongst other things) the following: safe and suitable access to the site for all users; designed to mitigate any significant impacts on highway safety; and ensure appropriate opportunities are taken up to promote sustainable modes of travel.
- 4.31 I note the comments received from a potential housing developer of the adjoining land about the need to provide or contribute towards two pedestrian crossings on Comberton Road. Officers have carried out a site visit and observed that there is an existing traffic-light controlled pedestrian crossing on Comberton Road, approximately 213 metres to the north of the access point into the application site. I acknowledge that there is no formal provision for pedestrian movement between the service road and Spennells Valley Road to the west. The applicant has also responded to these comments within the

19/0521/FULL

revised Transport Statement which advised that "... the demand for such movement is expected to be limited, as most of the amenities that would attract pedestrian movement are located to the north via Comberton Road. It is possible to cross Comberton Road at the roundabout by using the wide grass verge that separates it from the service road, and the roundabouts northern splitter island. Although there are no footways or dropped-kerbs at these locations, it is considered that there is unlikely to be sufficient demand to justify for the provision of such facilities to connect a development of this scale to Spennells Valley Road". I am also of the opinion that it is not necessary for the development to provide for, or contribute towards, any new pedestrian crossings to Comberton Road. No initial request has been made by the Highways Authority.

**CONTAMINATED LAND AND AIR QUALITY**

- 4.32 Worcestershire Regulatory Services have raised no objection on contamination grounds subject to a condition to require the developer to report any unexpected contamination that may be found due to the age of the buildings on site and the made-ground upon which they stand.
- 4.33 In respect of air quality, Worcestershire Regulatory Services consider that the number of units will not result in an adverse impact on air quality. However, in order to mitigate any increase, conditions requiring cycle parking, electric charging points and low NOx boilers are recommended. With suitable conditions imposed it has been demonstrated that the development will not result in adverse harm in this respect.

**PLANNING OBLIGATIONS**

- 4.34 The table below identifies the planning obligations that have been sought by consultees in connection with this development and in line with the Adopted Planning Obligations SPD.

<b>Consultee</b>	<b>Contribution for</b>	<b>Amount</b>
Worcestershire County Council	Education - Wyre Forest School	£68,032.00
Wyre Forest District Council	Woodland Management and Ecological Enhancement Works	£21,950.00
Wyre Forest District Council	Public Open Space - Spennells Valley Park	£58,104.00
NHS - CCG	Heathcare - Stanmore House Surgery	£21,850.00
NHS - Trust	Healthcare - Services	£106,188.00
		<b>£276,124.00</b>

- 4.35 Also, Policy CP04 : 'Providing Affordable Housing' of the Adopted Core Strategy seeks to secure an affordable housing provision of 30% on sites of

19/0521/FULL

ten or more dwellings within Kidderminster and a tenure split of 70% social rented housing and 30% shared ownership housing.

- 4.36 The level of affordable housing provided on site would be 9 units (16%), which has been calculated from crediting the existing floorspace of the vacant school buildings to be demolished against the floorspace of the new development and then calculating the 30% of affordable housing contributions that is required under Policy CP04. This is known as applying the vacant building credit. The 9 affordable dwellings will comprise of 6 social rented (2 x 1-bed, 2x 2-bed and 2 x 3-bed) and 3 shared ownership (2-bed). The Housing Enabling Officer is in support of this housing mix and tenure. I am also satisfied that the proposed development has been designed to achieve tenure neutral housing and would provide a mixed community. The affordable housing provision will be secured by condition and through the S106 Agreement.
- 4.37 Paragraph 56 of the Framework (as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) advises that 'Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 4.38 Officers consider that the planning obligations identified for woodland management and enhancement works; improvements to surfacing at Spennells Valley Park; additional education infrastructure at Wyre Forest School; and additional healthcare provision at Stanmore House Surgery are all considered to be necessary, directly related and proportionate to the scale of development proposed and therefore would meet the tests set out in Paragraph 56 of the Framework. A S106 Agreement will be sought to secure these obligations.
- 4.39 With regards to the contribution that have been sought from the NHS Trust. Such contributions are required for the shortfall of health services to cover revenue costs. The need for, and provision of, healthcare facilities and infrastructure and health and wellbeing related services are clearly capable of being treated as a relevant material consideration in reaching planning decisions and therefore should be carefully considered as part of the decision making process.
- 4.40 Officers have had ongoing discussions with the NHS Trust in general terms as to their methodology for establishing costs and the assumptions that they have made in approaching requests for contributions. Officers are not clear that the justification of the impact is sufficiently precise. Revenue shortfall is only as a result of the nature of the Government's formulae for calculating revenue funding. Having considered requests by the NHS Trust on this application and generally it is considered that requests based on the current methodology are not sufficiently robust as to meet the three tests set out in

19/0521/FULL

paragraph 56 of the Framework. In particular Officers have questioned the following:

- Whether all projected service users are new to the Trust's catchment area for services and facilities;
- Migration assumptions;
- Whether assumptions on demand arising from future affordable housing provision are correct;
- Demographic and household size assumptions; and
- Whether all services to be provided are appropriate to be funded through developer contributions.

4.41 On this basis it is not recommended that contributions are sought for these purposes on this occasion.

#### OTHER MATTERS

4.42 The Chair of Governors of King Charles 1<sup>st</sup> Primary School have verbally expressed concern about the adjoining school playing fields and safeguarding of children when the new houses are built. I have discussed this matter with Sport England and believe that the onus is on the school to ensure appropriate safeguarding and that this development would not be any different than other situations where housing backs onto school playing fields. There is no planning policy that resists new housing development adjacent to school playing fields. As such, I do not consider that this is a reason to justify a refusal of the application.

### **5.0 Conclusions and Recommendations**

5.1 The proposed development would be in accordance with the Development Plan and the delivery of 57 houses on this previously developed site would help to boost the Council's five year housing land supply requirements. Whilst the level of affordable housing provision to be provided would be below policy requirement, it is considered to be acceptable in this instance, as vacant building credit can be applied. The development would have no detrimental impact on the amenities of neighbouring residential properties and conditions have been recommended to ensure suitable drainage of the site and a net gain in biodiversity. Adequate parking and access arrangements have been shown and amendments have been made to address the initial concerns raised by the Highway Authority in terms of traffic speed. In addition, planning obligations to secure the required infrastructure provision in order to make the development acceptable in planning terms would be secured through a Section 106 Agreement. The financial contribution towards the delivery of healthcare service in the area administered by Worcestershire Acute Hospitals NHS Trust (the Trust) will not be sought for the reasons set out within the report.

19/0521/FULL

5.2 It is therefore recommended that the application be given **delegated APPROVAL** subject to a 'no objection' response from the Highway Authority and the following:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
  1. (A6) 3 year Time Limit
  2. (A11) Approved Plans
  3. To secure brick for external walls, roof tiles and materials for porches
  4. To require windows to be constructed in accordance with the plans and showing at least 0.75mm window reveal depth.
  5. To secure details of hardsurfacing
  6. To secure details of boundary treatment
  7. To secure site and finished floor levels
  8. To require implementation of landscaping scheme
  9. To secure Landscape Management Plan
  10. To secure implementation of Arboricultural Method Statement
  11. J1 (Removal of permitted development – residential)
  12. J9 (To require open plan frontages)
  13. Detailed surface water drainage strategy
  14. Method statement for the protection of the water environment from pollution during the course of construction
  15. To require details of external lighting scheme
  16. Within housing plots and public open space, a method statement for removal of invasive weeds shall be submitted and approved and then implemented.
  17. Within wet woodland, a method statement for removal of invasive weeds except for himylayan balsam, shall be submitted and approved and then implemented.
  18. To secure implementation of Construction Ecological Method Statement
  19. To secure implementation of mitigation measures for Badgers as set out in the submitted Ecological Report
  20. To require the installation of 7no. bat boxes and 10no. bird boxes
  21. To require implementation of ecological mitigation and enhancement measures
  22. To require details of the disposal of foul and surface water flows
  23. To secure affordable housing provision
  24. To secure the provision of electric vehicle charging points
  25. To require ultra-low NOx boilers to be installed
  26. To secure cycle parking provision
  27. To require access road, parking and turning areas to be provided
  28. To require developers to report any unexpected contamination

Notes

- A. SN2 (Section 106 Agreement)
- B. SN1 (Removal of Permitted Development Rights)
- C. Highways
- D. Waste Provision
- E. SN12 (Neighbour's rights)
- F. Consideration should be given to the presence and removal of asbestos containing materials in the office buildings.
- G. Clearance works to take place outside bird nesting season
- H. To advise that a protected species license will be required from Natural England
- I. All doors and windows should comply with Approved Document Q of the Building Regulations.
- J. Provision of waste collection

## Agenda Item No. 5

**Application Reference:** 19/0566/FULL  
**Ord Sheet:** 381643 271449  
**Case Officer:** Sarah Mellor

**Date Received:** 18/09/2019  
**Expiry Date:** 13/11/2019  
**Ward:** Mitton

**Proposal:** Change of use to gym (D2) for Human Performance and Crossfit Gym

**Site Address:** UNIT 12 RIVERSIDE BUSINESS CENTRE, WORCESTER ROAD, STOURPORT-ON-SEVERN, DY13 9BZ

**Applicant:** Invicta Human Performance

<b>Summary of Policy</b>	DS01, DS03, CP03, CP08 (CS) SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC7 and SAL.UP7 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site relates to Riverside Business Centre located in Stourport-on-Severn to the north of the Worcester Road/Hartlebury Road traffic island.
- 1.2 Within the Business Centre, unit 12 occupies a central position and measures approximately 702 square metres.
- 1.3 The site is located over the River Stour.
- 1.4 The application seeks consent for a change of use of the application site from B1 to D2. The building would serve as a cross fit and sports gym rather than a general fitness gym where groups of people train together.

### 2.0 Planning History

- 2.1 None relevant

### 3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Object and recommend refusal. Refused due to entrance to site unsafe, users will be parking here instead of the allocated parking. Also perceive still a flood risk problem.



19/0566/FULL

- 3.2 Highway Authority (Initial response) - There is no objection in principle to the proposed development and it is noted that the number of staff proposed is low (2) however the proposed change of use to D2 is likely to result in a different pattern of traffic movements with an increase in private car use. It is noted that parking is indicated on plan within the red line and details of how many spaces are allocated to the D2 use should be provided along with expected hours of operation. Details of any cycle parking should be included.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

*(Second response)* - Further to the deferral comment the applicant has submitted further details of the hours of operation of the proposed site and the parking provision to include 2 allocated spaces on the nearby communal car park and sole use of the car park from 16:00 onwards. It is understood that the D2 use will be modest in scale with 2 staff and will offer mainly a 1:1 service. Moreover there is an existing traffic generation associated with this site which also has some sustainable credentials being within walking and cycling distance of the town centre plus there are public transport links nearby. Cycle parking in line with standards should be conditioned.

- 3.3 Environmental Health [Noise] (Initial response) – The proposed location is over 100m from the nearest residential receptor as such it is unlikely there will be any adverse impacts from noise, however we would advise that the applicant develop and submit a noise management plan to ensure that noise from the premises is controlled. The proposed hours of operation extend into the ‘night time’, as such there is the potential for sleep disturbance in the early morning if good management practices are not in place. Background music, dropping of weights, noise from exercise classes/shouting are all common sources of complaint in relation to gyms and should be addressed via the management plan.

*(Second response)* – The Noise Management Plan, states that only light background music will be played and that equipment will not be mains powered. It is fit for purpose given the nature of activities taking place i.e small group coaching. I have no further adverse comments to make.

- 3.4 North Worcestershire Water Management Officer - This site is believed to be at risk of flooding from the river Stour. The site falls within flood zone 3 which means that the risk of flooding is greater than 1 in 100 year, or a 1% annual probability. This flood zone classification does not take the effects of climate change into account, so the actual flood risk is likely to be higher.

The application is accompanied by a concise Flood Risk Assessment. It is my understanding that the footprint of the building and the drainage arrangements will not alter, which means the development will not increase the flood risk for others.

19/0566/FULL

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

It is my understanding that the flood risk vulnerability classification will not alter as a result of the proposed change of use; both the current use (general industry) and future use (leisure) are classed as 'less vulnerable'. The NPPF sets out in paragraph 164 that change of use application should not be subject to the sequential or exception tests. I note that the submitted Flood Risk Assessment has not included any information regarding modelled flood levels. I would say that although for this particular development modelled flood level information is perhaps not strictly required from a planning perspective, it would be in the applicant's interest to obtain this information (from the Environment Agency) to ensure that the risk of flooding is fully understood for the site, to inform the business plan and ensure that flood mitigation measures can be considered in the scope of works.

As the new use will see a higher number of people visiting the building, who might not necessarily be aware of the flood risk, it would be advisable that a Flood Emergency Plan gets drawn up and that messages regarding flood risk are communicated with the gym members and staff. The Council does not comment upon the contents of such a plan.

I believe that despite the modelled risk of flooding from the Stour, the application is in line with the NPPF and there are no reasons to withhold approval of this change of use application on flood risk or water management grounds.

Subject to an informative to advise future occupiers to own up the free Floodline Warning Direct, no objection is raised.

- 3.6 Neighbour/Site Notice – No representations received

#### **4.0 Officer Comments**

##### PRINCIPLE OF DEVELOPMENT

- 4.1 The site lies within a complex of business and industrial uses within the Riverside Business Centre and is a site designated for Employment under Policy SAL.GPB1 of the Site Allocations and Local Policies Plan.
- 4.2 Policy CP08 of the Adopted Core Strategy also states that Wyre Forest District's existing employment areas, primarily the main industrial estates, continue to play a crucial role in the economy of the area. The National Planning Policy Framework also supports economic growth.
- 4.3 There are a number of other alternative uses in the Centre and therefore the use of this unit as a gym is considered acceptable in principle.

##### IMPACT ON LOCAL CHARACTER AND APPEARANCE OF AREA

19/0566/FULL

- 4.4 The applicant does not propose to change the appearance of the unit within the Riverside Business Centre. Furthermore, the siting of the unit, some distance back from the edge of the site, means that it is not visible within the streetscene. For these reasons, it is not considered that there would be any impact upon the character and appearance of this part of Stourport-on-Severn.

**IMPACT ON AMENITY**

- 4.5 No objection has been raised in terms of amenity following neighbour consultation and posting a site notice. The site is not situated within a residential area and therefore it is not considered that any harm to the residential amenity would arise.

**IMPACT ON HIGHWAY SAFETY**

- 4.6 Stourport-on-Severn Town Council has raised an objection to the scheme based on the entrance to the site being unsafe and the belief that users of the proposed leisure facility will use the access from the traffic island.
- 4.7 The applicant refutes this stating that patrons would however use the access further up Hartlebury Road to the east which lies approximately 60m to the east. This parking area also provides direct pedestrian access to the site.
- 4.8 The comments of the Highway Authority state that after more information was submitted detailing i) the hours of operation of the proposed site; ii) the parking provision to include 2 allocated spaces on the nearby communal car park and iii) sole use of the car park from 16:00 onwards. The use was considered to be modest in scale with 2 staff and would offer mainly a 1:1 service.
- 4.9 Notably, it is highlighted that there are existing uses operating from the site; which also has some sustainable credentials being within walking and cycling distance of the town centre.
- 4.10 On the basis of the assessment by the Highway Authority, and also the comments of the applicant regarding the use of the access off Hartlebury Road, it is not considered that the proposal will unduly impact upon highway safety such there is any justification to refuse planning permission for the change of use at this site.

**DRAINAGE AND FLOOD RISK**

- 4.11 The application is supported by a Flood Risk Assessment which states that 'There are no structural changes and the foot print remains as existing. The building has been used for more than 100 years but exact date is not known'.
- 4.12 Stourport-on-Severn Town Council has raised an objection to the scheme based on the perception of a flood risk problem.
- 4.13 The comments of the Water Management Officer confirm that there are known issues with surface water flooding in the area, however the site is not at risk of

19/0566/FULL

flooding from any source. Given the range of existing uses across the site, it is considered that the flood risk would not increase as a result of the proposed development; both the current use (general industry) and future use (leisure) are classed as 'less vulnerable'.

- 4.14 On the strength of the response from the Water Management Officer, it is not considered that the development would increase flood risk in this location. Subject to an informative to advise the developer to create a Flood Emergency Plan for the benefit of patrons of the new use, no objection is raised.

## 5.0 Conclusions and Recommendations

- 5.1 The proposed change of use to a Gymnasium is considered to comply with Policy SAL.GPB1 of the Adopted Site Allocations and Policies Local Plan and Policy CP08 of the Adopted Core Strategy. The flood risk is considered to be no greater should development be granted. Access and parking to serve the development is considered acceptable and would have no significant detrimental impact upon highway safety. Development is therefore considered acceptable.

- 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. Provision of cycle parking
4. To secure noise management plan, including hours of use

Note

Business specific Flood Emergency Plan

<b>Application Reference:</b>	19/0683/FULL	<b>Date Received:</b>	04/11/2019
<b>Ord Sheet:</b>	379004 275386	<b>Expiry Date:</b>	30/12/2019
<b>Case Officer:</b>	Julia McKenzie-Watts	<b>Ward:</b>	Wribbenhall & Arley

**Proposal:** Replace seven timber windows with UPVC to front of property

**Site Address:** 5-6 WESTBOURNE STREET, BEWDLEY, DY121BS

**Applicant:** Mrs N Green

<b>Summary of Policy</b>	CP11 (CS) SAL.UP6, SAL.UP7, SAL.UP8 (SAAPLP) Sections 7, 12 (NPPF) Planning Practice Guidance
<b>Reason for Referral to Committee</b>	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application relates to the replacement of seven timber windows with UPVC to the front of the property. The property is a mid-terraced property located in Westbourne Street within the Bewdley Conservation Area.
- 1.2 The property is included on the local list of buildings of historic interest.

### 2.0 Planning History

- 2.1 None

### 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Conservation Officer – No objections. The applicant has provided a heritage statement describing the significance of this undesignated heritage asset set within the Bewdley Conservation Area. This is in accordance with WFDC Policy SAL.UP6 and the NPPF at paragraph 189.

The pattern and number of glazing bars on the existing windows is not historically accurate. Most cottages in Bewdley had windows comprised of oak sub-frames with timber flush opening lights and during the C19 many were converted to metal casements (retaining the oak sub-frames).

19/0683/FULL

The wholesale repair of rows of previously deteriorated cottages in Bewdley in the 1970s led to the adoption of “cottage style” softwood storm casement windows with fanlights.

Whilst this was considered perfectly acceptable a time when the fashion was for large picture windows with timber or aluminium frames, the proposed windows much more accurately reflect the pattern of the historic windows of the 19<sup>th</sup> century, being flush casements with slender horizontal glazing bars. Whilst the materials employed are modern they nevertheless represent a visual improvement on the existing windows.

The property is not a statutorily listed building and thus the use of uPVC is not considered to impact so negatively on its architectural or historic interest as to warrant refusal. It is also worth noting that the fall-back position would be for the applicant to replace the windows with a style exactly the same as existing and that would not require planning permission.

I therefore consider that the proposal represents a degree of enhancement to the property and the Conservation Area and is thus in compliance with Policy SAL.UP6.

3.3 Neighbour/Site Notice – No representations received

#### **4.0 Officer Comments**

4.1 The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.2 The National Planning Policy Framework 2018 contains a presumption in favour of sustainable development. The National Planning Policy Framework makes specific reference to ‘Heritage Assets’, which includes listed buildings and conservation areas. In Paragraph 189 it states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

4.3 Policy SAL.UP6 of the Adopted Site Allocation and Policies Local Plan also states that conversions, alterations and repairs to heritage assets should take into account the materials, styles and techniques to be used and ensure that there is no detrimental impact on the significance of the heritage asset.

4.4 In this case the Conservation Officer has raised no objections to the replacement of seven timber windows with UPVC to the front of the property. He has commented that whilst the materials to be used are modern the units

19/0683/FULL

would represent a visual improvement on the existing windows as what currently exists at the property are not historically accurate. The replacement windows would preserve the special interest of this locally listed building and the adjoining cottages and its contribution to the character and appearance of the Bewdley Conservation Area in accordance with Policy SAL.UP6 of the Adopted Site Allocation and Policies Local Plan and the National Planning Policy Framework.

## **5.0 Conclusions and Recommendations**

- 5.1 The proposed replacement of the timber windows with the style and materials and configurations shown would be acceptable in this location and is deemed to accord with Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and the Council obligations under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved Plans)

## WYRE FOREST DISTRICT COUNCIL

**Planning Committee**

**10 December 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			Dismissed  08/08/2019
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)	LI  12/04/2019	17/05/2019	07/06/2019	07/01/2020	



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
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			
WFA1528 19/0056/CERT	APP/R1845/X/19 3227384	RLS ASSOCIATES (MR & MRS R SMITH)	HODGE HILL FARM BARN (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			

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
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			
WFA1531 19/3017/PNRE	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			
WFA1532 19/0265/FULL	APP/R1845/W/1 9/3233276	Mr P Perry	27 PERRIN AVENUE KIDDERMINSTER DY116LL  Proposed three bedroom bungalow	WR  23/08/2019	27/09/2019			

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
WFA1533 19/0372/FULL	APP/R1845/W/1 9/3237792	MR D BILLINGSLEY	2 OLDNALL ROAD KIDDERMINSTER DY103HW  Proposed new three bedroom dwellinghouse with associated parking and gardens	WR  07/10/2019	11/11/2019			
WFA1534 19/0414/FULL	APP/R1845/D/19 /3237030	MR AND MRS CHRISTOPHER R PAGE	THE RETREAT LOWE LANE KIDDERMINSTER DY115QP  Detached Garage/Store	WR  15/10/2019	19/11/2019			
WFA1535 19/0313/FULL	APP/R1845/D/19 /3236002	TIM PARTRIDGE	WYRE MILL COTTAGE MILL LANE WOLVERLEY KIDDERMINSTER  Erection of garage	WR  18/10/2019	22/11/2019			

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
WFA1536 19/0224/CERT	APP/R1845/X/19 3230753	MRS GAYNOR GILLESPIE	CAPTAINS STONE HILL STONE KIDDERMINSTER DY104AJ  Proposed storage of a maximum of thirty-nine (39) caravans on land within the red line shown on the site	WR  11/11/2019	16/12/2019			
WFA1537 19/0049/FULL	APP/R1845/W/1 9/3239423	MR & MRS F D'ANIELLO	UPPER NORCHARD FARM NETHERTON LANE DUNLEY STOURPORT-ON-  Erection of dwellinghouse and garages, together with new access and parking	WR  20/11/2019	08/01/2020			

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## Appeal Decision

Site visit made on 28 May 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

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**Appeal Ref: APP/R1845/W/19/3223931**

**Hobro Chalet, Hobro Lane, Wolverley DY11 5SZ**

- 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 Mrs Patricia Payne against the decision of Wyre Forest District Council.
  - The application Ref 18/0566/FULL dated 30 August 2018 was refused by notice dated 24 October 2018.
  - The development proposed is replacement chalet and associated works including cellular mesh to driveway.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. For the sake of clarity, I have deleted the extra wording from the description of the application that does not describe the development.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development within the Green Belt;
  - The effect of the development on openness of the Green Belt and the purposes of including land within it;
  - The effect of the appeal proposal on the character and appearance of the area and
  - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

5. The appeal site is a field off Hobro Lane which has a modest chalet located on the western part of the field with hedgerow and trees behind it on that boundary. The surrounding area is largely open countryside. There is a gated access from the road in the south east corner of this site.

## **Reasons**

### *Whether Inappropriate Development in the Green Belt*

6. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful and should not be approved except in very special circumstances.
7. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The appellant seeks to rely upon the exception contained in Paragraph 145 d) which refers to the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
8. Policy SAL.UP1 of the Site Allocations and Policies Local Plan Adopted July 2013 (the Local Plan) states that development within the Green Belt will not be permitted except in very special circumstances unless one of the listed exceptions applies. The exceptions include the replacement of a building, provided that the new building is in the same use and not materially larger than the building it replaces. As the policy mirrors Paragraph 145 d) of the Framework, I can therefore attach significant weight to it. Policy SAL.DPL2 of the Local Plan contains similar wording but for countryside development outside the Green Belt.
9. As the location of the proposed chalet would be very similar to the existing chalet and the increase in size would be a modest 30 square metres as compared to the existing 25 square metres, the new building would comply with the "not materially larger" element of the relevant exception.
10. However, the proposed use would be as a dwelling and the Council is of the view that the chalet has been abandoned. Abandonment describes circumstances in which rights to resume a use that may have been lawfully carried out in the past has been lost because of the cessation of that use. In *Hartley*<sup>1</sup>, Lord Denning found that if a building or land remains "unused for a considerable time, in such circumstances that a reasonable man might conclude that the previous use has been abandoned then the Tribunal may hold it to have been abandoned."
11. In *Castell y Mynach*<sup>2</sup> the court established four criteria for assessing whether a use has been abandoned. These are (1) the physical condition of the property, (2) whether or not there has been any other use, (3) the intention of the parties and (4) the period of non-use.
12. In *Hughes*<sup>3</sup>, the Court of Appeal held on the authority of *Hartley*, that the test of the owner's intentions should be objective and not subjective. The intention

<sup>1</sup> *Hartley v HMHLG* (1970) 1 QB 413

<sup>2</sup> *The Trustees of Castell-y-Mynach Estate v Taff-Ely* (1985) JPL 40

<sup>3</sup> *Hughes v SSETRE & South Holland DC* (2000) JPL 826

of the appellant although relevant could not be decisive because the test to be applied was the view of "a reasonable man with knowledge of all of the circumstances."

13. The physical condition of the chalet both outside and inside can be seen in photographs in the ecological report. The chalet is not watertight with a number of holes in the timber particularly where the floor meets the timber walls. The chalet has no gas or electricity or bathroom or kitchen facilities. The physical condition of the chalet is very poor.
14. The appellant indicates that whilst not having ever lived in the chalet, she always intended to live in it. No details of when the appellant purchased the chalet have been provided or details of any kind of maintenance work or repairs of having been carried out to the chalet. No Council tax is being paid and it is not known when Council tax was last paid. There is no documentary evidence in the form of statutory declarations or photographs to support any use since 1965 by any occupiers or family members.
15. It is agreed between the parties that the chalet has had no other use other than as residential and that the last permanent occupation of the chalet was in 1965. However, limited information is provided about the chalet's use since 1965 other than the design and access statement referring to the chalet being used as a weekend retreat during the 1980s and 1990s. The appellant states that the site continues to be used for occasional weekends. The Parish Council have commented that local residents indicate that the chalet has not been used as a holiday chalet or weekend retreat for over 30 years.
16. The appellant believes that minor repairs would bring the chalet back into use, and that the chalet has not been abandoned as the walls and roof covering are present and that the chalet is still used. However, from my site visit observations, the current condition of the chalet makes it difficult to envisage even occasional use.
17. With limited evidence before me of any permanent use after 1965 or holiday use beyond the 1990's, I consider it likely that the residential use has been abandoned. In order to fall within the relevant exception, the proposed use would need to be the same. With the residential use likely to have been abandoned, the proposed residential use would not be the same. I therefore find that the appeal proposal does not fall within the exception contained in paragraph 145 d) and would therefore be inappropriate development in the Green Belt.

*Green Belt Openness and Purposes*

18. The chalet element of the proposal would have a minimal impact upon the openness of the site as the slight change in location to allow more space between the chalet and a large tree would not be significant. However, the appeal proposal includes a track of around 50 metres long and 2.5 metres wide leading from the gated access in the south eastern corner of the appeal site across the field to the replacement chalet. Two car parking spaces would also be created just in front of the chalet. There is currently no evidence of access across to the chalet and no built development in the field apart from the chalet.

19. The appellant has referred to the use of cellular mesh for the track in the application description and on the proposed plan, but the Council has referred to a stone track. Although, mesh could be screened by grass, cars using the access and parked cars in the parking area would be visible and this use would alter the nature of the site and impact upon the existing openness of the site.
20. Whilst the overall effect would not be great, it would not preserve Green Belt openness and does not accord with the Green Belt purpose of safeguarding the countryside from encroachment as set out in the Framework.

*Character and appearance*

21. Any form of stone surface or hardstanding is likely to have a greater impact on the landscape. Although cellular mesh is proposed, the Council has, however, requested a condition that 5m of the access from the carriageway be in bound materials.
22. From the proposed plan, it is not clear where the boundary falls or how far into the appeal site that would be or how that would work with the cellular mesh. There is also limited information about the nature or frequency of the proposed use as the images of cellular mesh refer to occasional parking as the grass may not reappear through the mesh if use is extensive. The appellant refers to the reversibility of its effects but it would appear that the mesh is intended to be a permanent feature.
23. Accordingly, on the limited evidence before me, the appeal proposal would harm the character and appearance of the area. It would therefore not comply with Policy SAL.UP12 of the Local Plan which, amongst other things, states that replacement of a chalet will only be allowed where the development would not result in a reduction in the visual impact on the landscape. It would also not comply with Policy CP12 of the Wyre Forest District Council Core Strategy (2006-2026) Adopted December 2010 which, amongst other things, states that development must protect and where possible enhance the unique character of the landscape.

*Other Considerations*

24. The appeal proposal is said to be an opportunity to upgrade the basic two bedroom unit to a one bed unit with full bath and cooking facilities to a more general holiday let. The appellant refers to overnight tourists being a target market for this facility which has easy access to nearby attractions. However, whilst there may be policy support to support the local tourism industry, any proposal would still need to satisfy other policy requirements such as Green Belt and not causing adverse impacts on the surrounding environment. I therefore consider this factor to be of limited weight.
25. The appellant has referred to the economic and social benefits of the appeal proposal. Whilst tourism is to be encouraged generally, the addition of a single more energy efficient chalet would be of very modest benefit in economic and social terms. I attribute limited weight to these benefits.

**Conclusion**

26. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be loss of openness and substantial weight should



be given to any harm to the Green Belt. I have also found harm to the character and appearance of the area. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist and as such the proposed development would also conflict with Policy SAL.UP1 of the Local Plan.

27. For all the reasons given, I conclude that the appeal is dismissed.

*E Griffin*

INSPECTOR

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**10<sup>th</sup> December 2019**

**Land at 44 Turton Street, Kidderminster**

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

**1. PURPOSE OF REPORT**

- 1.1 To determine whether the Tree Preservation Order No 444 (2019) relating to a Birch and Sycamore, within the rear garden of 44 Turton Street, Kidderminster, should be confirmed or not.

**2. RECOMMENDATION**

- 2.1 That the Tree Preservation Order (TPO) be confirmed:**

**TPO to include:**

**1 x Sycamore**

**1 x Birch**

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

**3. BACKGROUND**

- 3.1 On 4 June 2019 planning application reference 19/0353/FULL was received to construct two dwellings, within the rear garden of 44 Turton Street. The proposals would have directly affected a number of trees within the rear garden of the property.
- 3.2 Following a consultation with the Case Officer, assessment of the submitted Arboricultural Reports and a visit to the site, it was decided that the trees, which are the subject of this report, should be protected as they provide the most amenity to the local area.

3.3 As a result, a new Tree Preservation Order was made to ensure their retention and protection and served on 11 July 2019.

**4. KEY ISSUES**

4.1 Concerns had been expressed by a neighbour.

4.2 The comments are summarised below:

- I have no objection at all regarding the Birch tree which I consider to be a very attractive tree.
- All my strong objections are concerning the large looming Sycamore which is a self-seeded tree and was not deliberately planted for any reason.
- A Sycamore is a tree that only has value or amenity when planted in woods or countryside or even as a street tree. Their height and spread of canopy preclude their planting in neighbourhood gardens.
- This tree is situated hard up against our party fence. The trunk is only 90cm away from the fence and then just short of 8 metres from my house with the canopy approximately 2 metres from the house.
- I am a keen gardener and as a pensioner I will spend most days in my garden. This tree casts a considerable shadow into my garden and its roots rob moisture from the roots of my flower beds. Some plants were planted more than thirty years ago before the tree arrived and used to thrive but now suffer in the shade.
- The owners of the land at 44 Turton Street are aware and have been for years of my objections. They have taken steps in the past to mitigate the damage it does to my garden by removing some limbs that were on my side and raising the canopy which has improved conditions on my side to a certain extent. This work was done in August 2018 before this tree preservation order was instigated.
- I am worried that the roots from the tree are close enough to cause a problem in my drains which are all on that same corner of my house.
- I do not wish this tree preservation order to be confirmed and with the best will in the world I do not believe that a maintenance regime to prevent the inevitable progress of the shade would be adhered to by the owners.
- I would like to draw your attention to a planning application number 19/0353 (refused) on the Wyre Forest District council website and shows theoretical shading for estimated tree height in ten years' time from mid-morning to early evening at May to September. You will see that almost all my garden would be affected and even spreading into the garden of 42 Turton Street - two houses away from the tree in question.

4.3 Whether a tree is self-sown or planted has little bearing on whether it is worthy of protection or not. The condition of the trees and amenity for the wider landscape are the main considerations when making a judgment on whether it should be protected or not.

- 4.4 The Sycamore is an early mature tree and in good condition at the present time. It was given a 'B' retention classification in the submitted Arboricultural Report. This means the tree has 'moderate quality or value' with more than 20 years of safe life.
- 4.5 There are many large growing specimens growing in suburban gardens and they play a vital part in nature conservation, urban cooling, flood water alleviation and carbon capture. For mature trees to offer the important services they do, they need to be large, old and in amongst where people live and work. I therefore do not agree with the statement that Sycamores are not suitable for garden areas.
- 4.6 The tree is close to the owners and objector's property. However with almost a metre from the trunk to the fence, I feel there is ample space for the tree to grow. There may need to be some light crown reduction works in the future, but I feel this is an acceptable burden given the benefits from the tree.
- 4.7 Currently, the garden at 44 Turton Street has a considerable amount of trees and shrubs, including a large hedge consisting of 20 Cypress trees. The Sycamore will be contributing to the shade and competition for resources, but I do not think it reasonable to lay the responsibility of the lack of moisture in the flower beds at 43 Turton Street on the Sycamore tree. I therefore do not feel this is justification to remove the Sycamore from the Tree Preservation Order.
- 4.8 Tree Preservation Orders do not prevent works taking place to trees; it just allows some level of control to be given to the Local Planning Authority.
- 4.9 Tree roots can cause damage to drains, however this is usually if the drain is either already damaged or the seals between sections of pipes have perished. The roots will then take full advantage of the availability of the water and their roots will enter the drain.
- 4.10 No proof of drain damage has been submitted. If there is proof of this in the future, consideration would be given as to the appropriate way forward.
- 4.11 The maintenance of the trees would be a civil matter between the two parties.
- 4.12 The inclusion of the report Sycamore in the TPO would have little bearing on whether the owners are keen to manage the tree or not.
- 4.13 The plan that accompanied the planning application shows the shading for all the trees currently in the rear garden of No. 44. As there are a significant number of trees in the garden, the plan is not clear as to which tree is causing which shade pattern.
- 4.14 From my reading of the plan, the Sycamore will shade the central part of the garden at 43 Turton Street through the progression of the day. It doesn't seem to show total shading of the garden by the tree, so there would still be a significant choice of plant species available for the garden.

**5. FINANCIAL IMPLICATIONS**

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

**6. LEGAL AND POLICY IMPLICATIONS**

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

**7. RISK MANAGEMENT**

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

**8. EQUALITY IMPACT ASSESSMENT**

8.1 There are no equality impact implications to be considered.

**9. CONCLUSION**

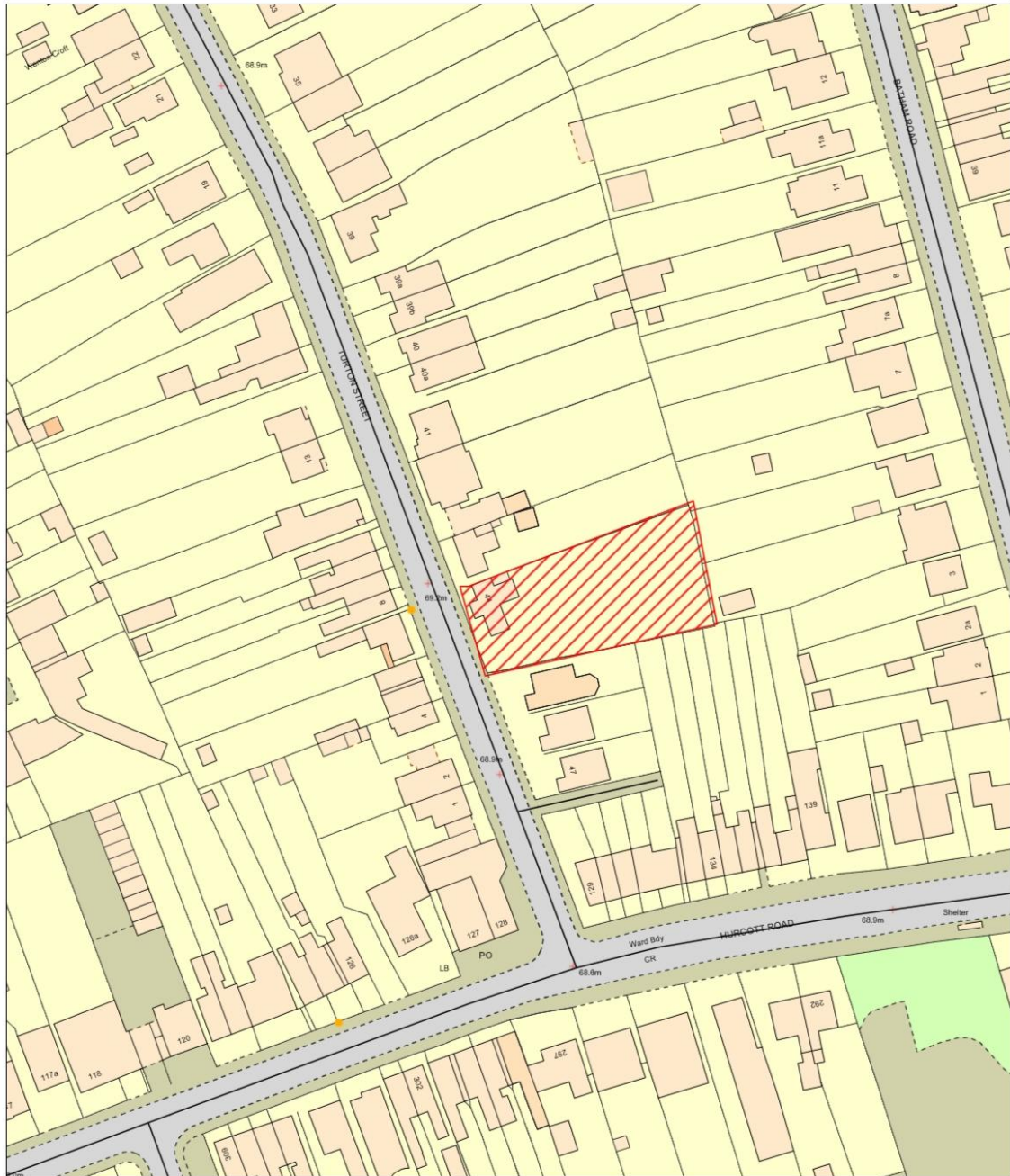
9.1 The proposed Tree Preservation Order has been considered in respect of the objections and representations received and it is recommended that the Tree Preservation Order should be confirmed.

**10. CONSULTEES**

10.1 None

**11. BACKGROUND PAPERS**

11.1 Tree Preservation Order No. 444



Economic Prosperity and Place Directorate

Land at 44 Turton Street

Kidderminster

DY10 2TH



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