

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 17th March 2020  
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.

## **WEBCASTING NOTICE**

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

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

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

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

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

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

\*Unless there are no reports in the open session.

## **NOTES**

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

Wyre Forest District Council

Planning Committee

Tuesday, 17th March 2020

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 18th February 2020.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	16
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.	77
7.	<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>	

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

Not open to the Press and Public

<b>9.</b>	<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>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

18TH FEBRUARY 2020 (6PM)

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**Present:**

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

**Observers:**

There were no members present as observers

The Chairman thanked Steve Hawley, Development Control Engineer from Worcestershire County Council, and passed on her best wishes as he left the authority to take up a position elsewhere.

**PL.68 Apologies for Absence**

Apologies for absence were received from Councillor M J Hart.

**PL.69 Appointment of Substitutes**

Councillor B S Dawes was a substitute for Councillor M J Hart.

**PL.70 Declarations of Interests by Members**

Councillor J Aston declared an Other Disclosable Interest (ODI) in agenda item 19/0741/FULL that the applicant is a customer of his and he would leave the room for this application.

Jane Alexander, Principal Solicitor, declared an interest in 19/0703/FULL that the applicant is a friend and she would leave the room for this application.

**PL.71 Minutes**

**Decision: The minutes of the meeting held on 14th January 2020 be confirmed as a correct record and signed by the Chairman.**

**PL.72 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Management Schedule No.581 attached).

Councillor J Aston left the room whilst application 19/0741/FULL was determined. Jane Alexander, Principal Solicitor, left the room whilst application 19/0703/FULL was determined.

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 581 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.73 Planning and Related Appeals**

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

**Decision: The details be noted.**

There being no further business the meeting ended at 6:35pm.



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**18<sup>th</sup> February 2020 Schedule 581 Development Management**

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

**Councillor J Aston left the meeting at this point.**

<b>Application Reference:</b> 19/0741/FULL
<b>Site Address:</b> TALBOT INN, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SA
The Committee received representation from Richard Green – objector and Mike Harris – Agent.
<b>APPROVED</b> subject to the following conditions:
<ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. Details of Hard and Soft Landscaping Scheme</li> <li>4. Landscaping Implementation</li> <li>5. Details of all external materials including windows, doors, hardsurfacing and brick-slip cladding to extraction flue</li> <li>6. Details of the refuse storage building</li> <li>7. Programme of archaeological work</li> <li>8. Archaeological investigation work to be implemented</li> <li>9. Require access, turning area, car parking and cycle storage facilities to be provided, including vehicle charging points</li> <li>10. To secure details for kitchen extraction system</li> <li>11. Trellis fencing to be provided and retained</li> <li>12. Parking to be provided including cycle parking provision</li> <li>13. Electric vehicle charging points to be provided and maintained</li> </ol>



**Councillor J Aston returned to the meeting at this point.**

**Application Reference:** 19/0219/FULL

**Site Address:** MARGARET THATCHER CONSERVATIVE HOUSE, 35 MILL STREET, KIDDERMINSTER, DY11 6XB

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. Finished Site and Floor Level of side extension
5. Scheme of Foul and Surface Water Drainage
6. Details of the flood resilience measures
7. Access, turning and parking
8. Secure parking for cycles
9. Car Parking Area to be clearly marked out including a electric vehicle charging point and motorcycle parking to be provided.
10. To secure approved glazing and acoustic trickle vents products
11. Details of refuse storage

Notes

- A. Contact Environment Agency regarding flood risk
- B. Highways Informatives
- C. To make the applicant aware that there may be asbestos within the building.
- D. Severn Trent Water
- E. Waste collection and bin provision
- F. Register with Flood Watch Scheme

**Application Reference:** 19/0240/FULL

**Site Address:** THE FARTHINGS, ARLEY, BEWDLEY, DY12 1SP

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of all materials) – submission of all external materials
4. Access and parking provided in accordance with plans
5. Parking and turning for the existing dwelling must be retained and should be shown on plan
6. Drainage - surface water not to drain into the highway
7. Trees - root protection zones to be identified and to be fenced off during construction
8. Submission of lighting details
9. Removal of PD rights

**Application Reference:** 19/0366/FULL

**Site Address:** THE MUSKETEER, AVON ROAD, KIDDERMINSTER, DY11 7PB

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

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
  - 1. A6 (Full with no reserved matters)
  - 2. A11 (Approved Plans)
  - 3. Details of external materials
  - 4. Details of hardsurfacing
  - 5. Details of boundary treatment
  - 6. Site and finished floor levels
  - 7. Detailed landscaping scheme
  - 8. Landscape establishment and management plan
  - 9. Details of site drainage strategy
  - 10. Management plan detailing future maintenance responsibilities for the surface water drainage
  - 11. Drainage plans for the disposal of foul and surface water flows
  - 12. To secure the provision of electric vehicle charging points
  - 13. To secure two tier 28 bay cycle parking provision
  - 14. To require access, pedestrian visibility, parking and turning areas to be provided
  - 15. A residential welcome pack promoting sustainable forms of access to the development
  - 16. First 5 metres of the access into the development, measured from the edge of the carriageway, surfaced in a bound material.
  - 17. Construction Environmental Management Plan

Notes

- A. SN2 (Section 106 Agreement)
- B. Highways
- C. Provision of waste collection

**Application Reference:** 19/0603/FULL

**Site Address:** LAND AT SILVERWOODS WAY, KIDDERMINSTER, DY11 7BW

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

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
  - 1. A6 (Full with no reserved matters)
  - 2. A11 (Approved plans)
  - 3. B1 (samples/details of materials)
  - 4. Details of External Windows
  - 5. Site and Finished Floor Levels
  - 6. Boundary treatments
  - 7. Details of hard and soft landscaping to be submitted
  - 8. Landscaping establishment and management Plan
  - 9. Access Road Specification
  - 10. Residential Travel Plan
  - 11. Electric Vehicle Charging Point
  - 12. Construction Environmental Management Plan
  - 13. Detailed surface water drainage strategy
  - 14. Drainage scheme for the disposal of foul and surface water flows
  - 15. To secure recommended glazing and ventilation products
  - 16. Phase 1 desk study to be completed for potential contaminated land
  - 17. Ecological Survey to be undertaken
  - 18. Care Home only; no other use in C2.

Notes

- A. Waste and recycling collection
- B. Construction Environmental Management Plan (CEMP)
- C. Travel Plan Requirements

**Application Reference:** 19/0622/TREE

**Site Address:** PLOT L, LAND AT SILVERWOODS WAY, KIDDERMINSTER, DY11 7BW

**APPROVED** subject to the following conditions:

1. TPO1 - Non-standard Condition '2 year restriction of Consent Notice'.
2. C16 – 47 x Replacement Trees as specified in Margaret Twigg's Landscape Strategy Drawing No. 522.01B
3. C17 - TPO Schedule of Works

Schedule of Works

Only the following works shall be undertaken:

Fell 2x Birch, 7x Elder, 47 Cypress, 1x Oak, 1x Sycamore and a group containing 34 trees of mixed species.

**Application Reference:** 19/0625/FULL

**Site Address:** LAND OFF SOLCUM LANE, BLAKESHALL, WOLVERLEY, KIDDERMINSTER, DY11 5XP

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. Surface water
5. Manure heap
6. Ecological enhancements
7. Tree planting
8. No lighting
9. Use for personal use only; no commercial use or events

**Jane Alexander, Principal Solicitor, left the meeting at this point.**

**Application Reference:** 19/0703/FULL

**Site Address:** CHAPEL PADDOCK, CHAPEL LANE, ROCK, KIDDERMINSTER, DY14 9XE

**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. Submission of Tree Protection Plan
7. Details of landscaping scheme
8. Works to clear the site implemented outside of the bird nesting season/site inspected immediately prior to any works by a qualified
9. A pre commencement ecology search of the site
10. All excavations covered overnight and the means for potentially trapped animals to escape provided
11. The lighting scheme for the new development to be agreed with the ecologist
12. The installation of 2 bird boxes, 2 bat boxes and 2 insect boxes
13. A landscaping plan produced that includes some native planting and a log pile
14. Installation of electric vehicle charging point
15. Scheme of surface water drainage
16. Access including visibility splays, turning area and parking facilities including cycle parking to be provided
17. Removal of permitted development rights (Class A)

Notes

- A. Severn Trent Water
- B. Waste and recycling collection

**Jane Alexander, Principal Solicitor, returned to the meeting at this point.**

**Application Reference:** 19/0762/FULL

**Site Address:** 2 ALTON NURSERIES, LONGBANK, BEWDLEY, DY12 2UL

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. To secure agreed building materials.
4. To secure agreed hard surfacing materials.
5. To require details on site and finished floor levels.
6. To require details on boundary treatment details including acoustic fencing.
7. To require details of soft landscaping to be submitted, including new hedgerow planting within gap of existing vehicular access point.
8. To require Landscaping establishment and management plan.
9. To secure agreed access point and visibility splays.
10. To require revised dimensions for parking spaces and circulation areas.
11. To require the existing access point to be made permanently closed.
12. To require details on cycle storage facilities.
13. To require a scheme for surface water drainage.
14. Removal of Permitted Development Rights for outbuildings and new boundary treatment.
15. To secure recommended glazing and ventilation product.

Notes

- A. Waste and recycling collection
- B. Severn Trent Water
- C. WRS 'Demolition & Construction' Guidance
- D. Highways Informative

**Application Reference:** 19/0808/FULL

**Site Address:** 93 BALDWIN ROAD, KIDDERMINSTER, DY10 2UD

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match with render to be finished prior to first occupation of the two storey element)

Note

SN12 (Neighbours' rights)

**Application Reference:** 20/0005/FULL

**Site Address:** 21 HARRIERS GREEN, KIDDERMINSTER, DY10 2UE

**APPROVED** subject to the following conditions:

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

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**17/03/2020**

**PART A Report**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
19/0724/RESE	FORMER LEA CASTLE HOSPITAL PARK GATE ROAD COOKLEY KIDDERMINSTER	DELEGATED APPROVAL	17

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
19/0613/OUTL	Adjacent and Rear of DUKE WILLIAM INN CALLOW HILL ROCK KIDDERMINSTER	APPROVAL	45
19/0668/FULL	FIELD REAR OF COOKS NURSERY BEWDLEY ROAD NORTH STOURPORT-ON-SEVERN	APPROVAL	53
19/0749/FULL	WINTERFOLD HOUSE SCHOOL WINTERFOLD CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	58
19/0803/FULL	RED LION 70 CASTLE ROAD COOKLEY KIDDERMINSTER	APPROVAL	68
20/0030/HOU	33 STANKLYN LANE STONE KIDDERMINSTER	APPROVAL	74



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

17<sup>TH</sup> MARCH 2020

**PART A**

<b>Application Reference:</b>	19/0724/RESE	<b>Date Received:</b>	12/11/2019
<b>Ord Sheet:</b>	385240 279281	<b>Expiry Date:</b>	11/02/2020
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Reserved Matters following Outline Permission 17/0205/OUTL for approval of layout, scale, appearance and landscaping of scheme involving 600 homes, public open space, and infrastructure on phases A, B, C, D, E and F

**Site Address:** FORMER LEA CASTLE HOSPITAL, PARK GATE ROAD, COOKLEY, KIDDERMINSTER, DY10 3PT

**Applicant:** Galliford Try Partnerships Ltd

<b>Summary of Policy</b>	DS01, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP09, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL3, SAL.DPL11, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP7, SAL.UP9, (SAAPLP) Design Guide SPD WCS 5, WCS 16, WCS 17 (Worcestershire Waste Core Strategy) Hereford and Worcester Minerals Local Plan Adopted Worcestershire Streetscape Design Guide National Planning Policy Framework Planning Practice Guidance National Design Guide
<b>Reason for Referral to Committee</b>	'Major' planning application Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

**1.0 Site Location and Description**

1.1 The application site measures approximately 48.7 hectares in area and comprises recently cleared land, having been formerly occupied by Lea Castle Hospital. It is located on the north-eastern side of Kidderminster, between the

19/0724/RESE

A449 Wolverhampton Road and the A451 Stourbridge Road and approximately 1.5km southeast of the village of Cookley.

- 1.2 The site is well screened from the surrounding area by the significant areas of tree coverage and wooded areas located both within and around the periphery of the site. The site is bounded by agricultural fields to both the west (towards the A449) and east (towards the A451). To the south lie two detached residential properties that front onto Park Gate Road along with the car park and land associated with the Park Gate Public House; to north east is a detached dwelling which is accessed via Axborough Lane; and, to the north west lies a greater number (approximately 40) residential properties located within The Crescent, which are accessed via the A449 Wolverhampton Road. There is also a single residential property located within the western part of the site on Lea Castle Drive. There is a public right of way (PRoW) that runs through the site, which connects Axborough Lane to the north of the site with the A449 Wolverhampton Road to the west of the site. The site lies entirely in Flood Zone 1 and is at low risk of flooding. It is also entirely washed over by West Midlands Green Belt.
- 1.3 The site is allocated for mixed use development including residential under Policy SAL.PDS1 of the Adopted Site Allocations and Policies Local Plan and is part of a wider strategic allocation site known as 'Lea Castle Village' within the emerging Local Plan (Policy 31). Lea Castle Village is of strategic significance, which will offer sufficient high quality accessible land to help meet the housing growth and employment requirements of the District.
- 1.4 The whole site was granted Outline Permission under application 17/0205/OUTL on 27 June 2019, for a mixed use development comprising up to 600 dwellings (C3), up to up to 3,350sqm of Class 81 employment uses, 150sqm of Class A1/A3/D1 uses (local shop/cafe/community space), public open space, ecological mitigation, drainage works, infrastructure and ancillary works.
- 1.5 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for 600 residential units with associated infrastructure. Matters relating to access were approved as part of the outline application. It is important to note that this application cannot re-visit the principle of housing or the access arrangements but can consider whether the layout, scale and design of the development are acceptable.
- 1.6 The proposed development builds upon the principles established by the illustrative Masterplan approved under the Outline Permission. The layout shows that the main access from Park Gate Road and the secondary access from The Crescent would be connected by a spine road through the site and that the spine road would follow more or less the existing internal road that served the former hospital site and that it would be linked by a series of internal roads.

19/0724/RESE

1.7 A mix of dwelling types are proposed within the 600 units ranging from 1-4 bedroom units and would include the following:

- 21 x 1-bedroom
- 149 x 2-bedroom
- 320 x 3-bedroom
- 110 x 4-bedroom

Of the 600 units to be delivered, 120 (20%) will be affordable housing units comprising 59 Social Rented Housing, 31 Shared Ownership Units and 30 additional units would be provided through grant funding as affordable housing units. The development would provide 15 one and two bed bungalows and 27 one and two bed apartments, which would all be provided as Social Rented Housing. The proposed affordable housing provision is in line with the S106 Agreement secured under the Outline Permission.

1.8 The design of houses would be predominantly traditional with a variety of bays and entrance porches and some including chimney breasts, decorative brick features and window treatments. Materials would comprise facing brickwork (Tuscan Red Multi, Caldera Red Multi, Grampian Red Mixture and Sunset Red Multi) with brick features in an alternative brick and render and natural cedar timber cladding would be also used on some elevations. Roof tiles would comprise a mix of brown, red and grey coloured tiles and windows would be white. Each dwelling would benefit from off-street parking provision and a private rear garden amenity space. The 3 apartment blocks are provided at prominent locations along the spine road to provide “vista” and “key” buildings in the development and although they would not have communal gardens, they are immediately adjacent to formal public play areas.

1.9 A centrally located neighbourhood equipped area of play (NEAP) and throughout the site there would also be 9 Local Area of Play (LAP) and 1 Local Equipped Area for Play (LEAP) sites. New footpaths and trim and cycle trails within and around the edge of the site are also proposed, which would include seated benches and play/exercise features. Two unadopted storm water attenuation ponds are proposed: with one located in the south eastern corner of the site, between units 490 and 526; and one adjacent to the site entrance near to Park Gate Road.

1.10 44 individual trees; tree groups comprising approximately 2.9562 ha; and woodland compartments comprising approximately 0.4086 ha would be removed as a result of the development. This equates to approximately 15% of existing canopy cover. A scheme of new planting is proposed including the implementation of 327 individual trees, 0.4381 ha of woodland edge or understory improvement mix, and 0.2478 ha of new woodland planting.

1.11 During the course of the application, revisions have been sought to address concerns relating to: road and parking layout; design details; garden sizes and separation distances between dwellings; affordable housing mix and tenure; drainage; public right of way concerns; and in an attempt to overcome Consultee concerns.

19/0724/RESE

1.12 The Phasing plan submitted to agree the details reserved by condition 3 of 17/0205/OUTL show that the application site would be divided into 6 parcels (A – F) of land with development completion times being:

- Parcel A – December 2021;
- Parcel B – December 2023;
- Parcel C – June 2026;
- Parcel D – June 2027;
- Parcel E – December 2024;
- Parcel F – December 2026; and
- The spine road connecting the access point on Park Gate Road with The Crescent would be completed by December 2024 (before the 450 plot).

1.13 The application has been submitted with a supporting Planning Statement and Addendum Letter, Arboricultural Impact Assessment, Arboricultural Method Statement, Ecological Strategy, Refuse Strategy, Lighting Impact Assessment, Landscape Statement, Noise Impact Assessment and Addendum Letter, SuDs Statement, Transport Statement, Affordable Housing Scheme, Construction Management Plan, Construction Ecological Management Plan, Statement on Future Employment/Community Hub Use, and Letter on Lighting Strategy and Functionality of Bat Barns.

## **2.0 Planning History**

- 2.1 19/0750/S73 – Variation of conditions 11, 12 and 14 and Removal of Condition 13 of Outline Permission 17/0205/OUTL to vary the timing of when specific highway works/modifications are required and to remove the need for an access onto Axborough Lane: Awaiting decision.
- 2.2 17/3071/DEM – Demolition of buildings at Former Lea Castle Hospital: Prior Notification Granted 11.12.17
- 2.3 17/0596/FULL - Installation of a bat house and two bat barns and change of use of an existing sub-station to a bat house as part of the ecological mitigation for outline application 17/0205/OUTL: Approved 27.11.17
- 2.4 17/0205/OUTL – Outline planning application to include up to 600 dwellings (C3), up to 3,350sqm of Class B1 employment uses, 150sqm of Class A1/A3/D1 uses (local shop/café/community space), public open space, ecological mitigation, drainage works, infrastructure and ancillary works. Detailed approval is sought for access arrangements, to include the main access from Park Gate Road, secondary access from The Crescent and limited access to a small number of properties from Axborough Lane, with all other matters reserved: Approved 27.06.19

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### 3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council (*Original comments*) – Recommend refusal on Highway grounds. It is advised that vehicular access point from the Crescent would be a main route in and out of the site and is a narrow residential road currently servicing only 39 properties. The Transport Assessment states that only 10% of traffic movement is predicted through The Crescent which is ridiculous, any traffic heading towards Wolverhampton, Dudley etc will use this access and also any traffic using the local amenities of Cookley village. The access out of The Crescent turning right is already extremely dangerous and will be worsened with the increase in traffic resulting in a back-log of vehicles leading back along the road. This will, in turn, have an effect on air quality due to the idling engines waiting to exit. The sentence stating that the site generated substantial traffic flows in the past when it was a hospital is totally inaccurate, staff lived on the site or they were transported by a bus so traffic was very sparse.

It is also proposed to double yellow line The Crescent along the straight stretch to allow the movement of vehicles and buses. This will leave many households without driveways and garages nowhere to park and Highways have indicated that residents will have to pay for a drive to be put in which is totally unacceptable. The initial proposals which included a bus barrier to The Crescent appear to have been withdrawn. There has been no account taken of safety risks to pedestrians trying to cross the A449 wishing to access Cookley village for school, doctors, shops, pubs, church etc.

(*Second comments to revised details*) – Recommend refusal. In the original outline permission (17/0205/OUTL) the applicant stated the main site access is proposed from Park Gate Road and a Secondary access proposed from The Crescent with a series of traffic calming measures including bus barriers. This was supposed to be dealt with at the Reserved Matters application.

The Parish Council still have serious concerns over highways Issues which have not been addressed. The vehicular access point from The Crescent will be a main route in and out of the site and cannot serve access to 600 houses. It is a narrow residential road currently serving only 39 properties. As stated previously the Transport Assessment states that only 10% of traffic movement is predicted through The Crescent which is ridiculous, any traffic heading towards Wolverhampton, Dudley etc will use this access and also traffic using the local amenities of Cookley village. The Parish Council note in the Planning Addendum that Worcestershire County Council objected to the Reserved Matters application and the response from the applicant is that a Transport Statement has been submitted. The Parish Council have not seen this. In addition the initial proposals approved in the outline permission for a series of traffic calming measures appear to have been ignored.

The Parish Council are extremely disappointed that the provision of affordable housing on the site has now been reduced to meet the minimum requirements, 15% Affordable Housing Units plus 5% additional AHP funded Affordable Housing rather than the 40% originally stated.

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- 3.2 Highway Authority (Original comments) – Defer comments until further information is provided in respect of street lighting and the amended layout is required in order to accord with the Adopted Streetscape Design Guide.

*(Second comments to revised details)* – Recommend refusal. The revisions are considered to be progressive but do not address the issues, it is not considered that the differences can be addressed through planning conditions and scheme revisions remain necessary. The proposed design results in conflict between the needs of road users and ecological constraints most notably with regards to street lighting provision and the impact on protected species most notably bats and the dormouse.

Additionally, the internal street design does not conform to the adopted streetscape design guide. The Highway authority is concerned that the required design speeds will not be achieved given the topography and lengths of straight road proposed. Additionally opportunities to promote active travel have not been sufficiently exploited. Bus stop infrastructure has not been suitably accounted for in the design and needs to be provided at suitable locations which it has not been.

It is concluded that the proposal as submitted will not be deliverable. The implications for ecology may require an alternative lighting strategy and street design. It is clear that any proposals must firstly account for protected species and then design the infrastructure around that whilst ensuring that the proposals provide active travel infrastructure and a street pattern which address local and national design standards.

Based on the analysis of the information submitted the Highway Authority has undertaken a robust assessment of the application and concludes there would be an unacceptable impact on safety and contrary to the promotion of sustainable travel and therefore recommends that this application is refused.

If the applicant wishes to continue to pursue this application additional information is required to demonstrate design guide compliance, show that proposals do not conflict with ecological mitigation and demonstrate that users with protective characteristics have been accounted for within the design. A detailed list of matters needing to be resolved has been provided to the applicant.

- 3.3 Environment Agency – No further comments to make on this reserved matters application, as we commented on the Outline application.
- 3.4 Natural England – No specific comments to make on the reserved matters for appearance, landscaping, layout and scale.
- 3.5 Worcestershire Regulatory Services (Noise Officer) - Objects to the application on the grounds that the external noise levels, in the garden areas of some of the proposed dwellings to the northwest of the site close to Wolverhampton Road, which exceed the BS8233:2014 upper limit of 55dB. Worcestershire Regulatory Services consider levels above 55dB to be a

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significant adverse impact. It is also advised that in terms of good acoustic design garden areas should be shielded from road noise by their respective dwellings.

- 3.6 Worcestershire Regulatory Services (Contaminated Land Officer) – No objection and it is noted that contaminated land conditions were attached to the Outline application which still needs to be suitably agreed.
- 3.7 Sport England – No comments to make on this application.
- 3.8 Severn Trent Water – No objection subject to a condition to secure suitable foul sewage drainage.
- 3.9 Conservation Officer – No objection. It is advised that the proposed layout would maintain a dense tree screen around the site, which would effectively reduce the visual impact of the new housing to a level which is not harmful to the setting of undesignated heritage assets to the east, west and south of the site.
- 3.10 Countryside Manager (Original comments) - Objects to the application on the grounds that insufficient information has been submitted to demonstrate that the proposed layout of the site would not harm the functionality of the existing bat barns and adapted bat structures, which have been installed to safeguard the large bat population that exist on this site. In addition, further information is required to show that connectivity for protected dormouse species would be maintained through the development, particularly through the area of semi-natural ancient woodland and the known site at Hurcott Pool. Concern is also raised about the potential negative impacts on the ecology of Podmore Pool SSSI, due to discharge of water from the application site.

*(Second comments to revised details)* – No objection subject to conditions to require post development monitoring of lighting adjacent to bat barns/house. It is advised that the Ecological Strategy and the accompanying drawing have provided some assurances that the bat mitigation structure functionality including how they connect into the wider countryside aspect of concern has been addressed. I note the use of well tailored lighting design and the use of SMART lighting the additional planting and screening being proposed. I also appreciate the monitoring and provision to make alteration should the proposed lighting measures not deliver the required low levels of lighting on the ecologically sensitive receptors. In terms of dormouse, the connectivity across the site pre development was not optimal for dormice and risk exists with increased levels if disturbance that even with the additional planting there will be a loss of connectivity and available habitat to form a successful range for dormice. The application is proposing a significant amount planting of woodland species, including understory trees that will provide extra dormice habitat. With the maturing of the mitigating planting the connectivity and habitat potential of the site will increase but it will be important that any future applications around this development take note of the connectivity of the dormice and ensure corridors are built to link with the proposed and existing

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corridors proposed by this development and the wider countryside. An area of woodland were dormice have not previously been identified is seen to become isolated. With regards to acidic grassland, if it is included in the landscaping of the development then it will add a local distinctiveness to the application and allow stepping stones for acid species and provide points for interpreting raising the profile of this locally distinctive and nationally scarce and valuable habitat.

- 3.11 WCC Ecologist – Defer the application until further works is carried out to ensure no harm to protected species. The lighting impact assessment and ecology strategy makes assumptions on bat activity based on survey data which appears to be >2years in age. Our understanding is that site conditions may have changed significantly since baseline data was gathered. Further consideration with regards data age, BS42020:2013 requirements and current CIEEM guidance on the lifespan of ecological reports and surveys would be welcomed. Given the licensed demolition of existing bat roosts and construction of new roosts for light intolerant bat species, I fully support the aspirations of the lighting impact assessment and ecological strategy to secure connectivity for light-intolerant bat species. I acknowledge that activity levels may have decreased given the vegetation clearance and demolition undertaken in the years intervening original baseline studies, but highlight that the lighting strategy should be informed by a robust understanding of the full extent bats make use of the site to forage and commute to foraging resources in the wider landscape. Connectivity between each bat barn and each woodland block within (and in the immediate surrounding landscape of) the site should be given careful consideration. To this end the ecological strategy should consider how light intolerant bats reach woodland blocks across the site and also how these blocks remain connected to the local network of woodland and hedgerows. This may mean identification of features concomitant with the current red line boundary to ensure severance of otherwise small and discrete blocks of habitat within the site does not prevent bats from accessing foraging resources outside the development boundary.

With regards to dormouse, the development would entail widening spine road, increasing both numbers of vehicles and trips on these roads, introducing new street lighting and significant levels of disturbance from new residential use, predation from household pets, recreation areas and so forth. While wooded habitats are likely to be retained, I have concerns that woodland connectivity for dormouse will be adversely impacted. It is advised that the discrete woodland blocks on site will suffer from greater levels of terrestrial severance by proposed land-use changes in and around the site, caused by residential development, traffic flow, recreation etc. This will drastically reduce connectivity for a species typically (but not entirely) reliant on arboreal connectivity to gain access to a sufficient home range. I recommend integration of arboreal connectivity measures is given consideration, such as a dormouse bridge. The Eastern commuting route appears to be fragmented, particularly along the north-eastern site boundaries, and I request that additional gap planting in-between retained vegetation is considered.



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This should focus on the area near where the dormouse nest was originally identified, to the north-eastern corner of the development, to secure and enhance arboreal connectivity. Further clarity around landscaping proposals is sought prior to determination.

- 3.12 WCC Landscape Advisor (*Original comments*) – Defer the application until a buffer of 40 metres between the development edge and Axborough Wood is provided. It is advised that the proposed layout shows a narrow buffer separating the development with Axborough Wood. This was flagged as a key constraint in the WCC landscape response to 17/0205/OUTL in May 2017: Axborough Wood (Ancient Replanted Woodland) and its adjacent woodland setting should be afforded a more substantial buffer from development than that suggested in the Illustrative Masterplan and Landscape Mitigation Plan.

(*Second comments to revised comments*) – Following the submission of a plan to show that the development would be a sufficient distance from the Ancient Woodland, no objection is raised to the application.

It is also advised that the decision to install wooden cladding on the units that would front onto woodland and the inclusion of native street trees and wildflower corridors along appropriate verges is welcomed. Softening the visual impact of the development will not be achieved through containment within the existing woodland Framework alone. Views towards the site within the zone of visibility will benefit greatly from a distribution of street trees to break up and soften the impact of the urban blocks. There does, however, seem to be a missed opportunity to include rain gardens into the streetscapes.

- 3.13 North Worcestershire Water Management Officer – Defer the application as the proposed drainage strategy differs from the agreed outline drainage strategy. The proposed discharge rate remains the agreed 35 l/s (Greenfield runoff) but how this is being achieved and where discharge is being made to differs. As such, further information is required to confirm that the anticipated reduction in flow towards Podmore Pool and the anticipated additional flow towards the stretch of the Blakedown Brook adjacent to Broadwaters Park would be acceptable from a hydrologic perspective. In addition, evidence should be submitted to confirm that Severn Trent Water are satisfied with the proposed outfall strategy and that they would adopt the sewer system and confirmation from WCC Highways Authority that in principle they are prepared to adopt the road system with its drainage going to a privately managed pond. Furthermore, clarification of the proposed SuDs measures in addition to the attenuation ponds and information regarding how runoff treatment would be provided is also required.

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*(Second comments to revised details)* – Defer application until further information is provided in relation to the following:

- Information should be provided regarding measures to prevent internal property flooding during exceedance events, for all plots that would encounter overland flow routes during exceedance events (I picked up plots 13, 33, 44 and 573 for instance).
- Confirmation should be provided that both attenuation basins will be maintained by the development management company.
- SW Drainage Strategy sheets (C7578-C-1011) should be amended to correctly show the foul sewer that is to be divested (as per SW & FW Drainage Strategy, C7578-C-1031).
- Information regarding the use of permeable paving and gravel surfaces needs to be added to the drainage strategy sheets.
- Detailed design details and calculations will need to be provided as part of the discharge of condition 6 attached to the outline application. We would want to receive the model files (.mdx) and a full set of printouts to check the design.
- Information regarding the treatment of runoff will need to be provided as part of the discharge of conditions 6 and 23 attached to the outline application. If the proposed surface water drainage scheme will provide an insufficient level of discharge then the inevitability of this will need to be evidenced, including evidence that the adopting authority is not willing to adopt a system that includes the measures (including proprietary treatment systems) that could technically be included to achieve an acceptable level of runoff treatment.
- Agreement with STW regarding alternative for the clear felled easement strip through the existing woodland including Talbots Hill Coppice.

3.14 Housing Enabling Officer (*Original Comments*) - This development would effectively establish a new settlement in Wyre Forest and it is essential that the housing mix provides a range of housing options within the market and affordable housing offer. This proposal would be greatly enhanced if the size mix was addressed to more accurately reflect the demographic projections for the District and provide a higher proportion of smaller properties and introduce a wider mix of property types aimed at a broad range of household types. These requirements were clearly set out at the early stages of the scheme. It is further noted that the parking treatment for the affordable housing throughout the scheme is different to the market housing making it easily identifiable as affordable housing, which is contrary to the objectives of the Affordable Housing SPD which seeks to achieve tenure blindness in design. It also creates a significant amount of frontage parking which does not enhance the overall look and feel of the streetscape throughout the development. The proposed location of the affordable housing also results in clusters in some phases. Overall, the design of this development will be enhanced here if external design of dwellings and parking treatment is consistent between the market and affordable housing and location of affordable housing units is smoothed across all phases of the development.

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*(Second comments to revised details)* – The revised housing mix and tenure is in line with the requirements set out in the s106. The s106 also required the applicant to deliver an additional 5% affordable housing subject to the availability of grant funding. The Affordable Housing Statement confirms that grant has been secured in conjunction with an RP and that a further 30 Affordable Rented units will be delivered on the site.

In addition to the 120 units to be delivered under the s106, there have been ongoing discussions with the applicant regarding the delivery of an additional 120 affordable housing units on the site, taking overall delivery of affordable housing to 240 units (40%). It is understood negotiations are underway with a Registered Provider (RP) in this regard however, there is no reference to this additional provision in the planning application. Although these additional units of affordable housing may still be delivered, their exclusion from the planning application will prevent WFDC from having any control over how or to whom these units are let as they will not be covered by the normal requirements of a Local Lettings Plan and Nominations Agreement. While every effort will be made to reach agreement with the RP concerned to let these homes to local people through Homes Choice Plus Policy, the Council will not have an enforceable position.

- 3.15 WCC Worcestershire Children’s First (WCF) - No objection to this application as there is no deviation to the proposed numbers of dwellings. However, during the lifetime of this proposal the pupil yield calculation has changed and therefore WCF will need to monitor this application to ensure a sufficiency of places in the area.
- 3.16 WCC Public Rights of Way – Objects to the application as it is not clear how the Wolverley and Cookley footpath WC-628 is being protected and enhanced in line with Paragraph 98 of the National Planning Policy Framework and the Department of Environment Circular 1/09 (Part 7). It is advised that the installation of steps on the footpath would have an impact on the accessibility for users and any premium surfacing, such as buff asphalt surfacing, would need to be the responsibility of the developer in terms of maintenance liability.

*(Officer comments)* – In response to these comments, the applicant has advised that the development would not obstruct the public rights of way and that it would be protected and that no steps are proposed on the footpath.

- 3.17 WCC Archive & Archaeology Service – No objection.
- 3.18 West Mercia Police Designing Out of Crime Officer – Raises concern about the proposed layout of the site and advises that there are aspects of the development that could have a detrimental impact on crime and disorder. It is advised that the development is extremely permeable with a number of footpaths. Reducing the number of footpaths, reduces potential escape routes and consequently reduces the opportunity for crime. I understand that the natural features of this area could make this difficult, it is something that should be borne in mind when looking at the overall security of the site.

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Some of the garages to the houses are set too far back, whilst this gives the occupants of these houses a nice big driveway, there is no surveillance over the cars parked on them rendering them vulnerable to crime. The area around the flats, block A has created a parking courtyard where natural surveillance is restricted. Parking courtyards are known generators of crime. The only window(s) with a view over all of the parking is from kitchen windows. Surveillance over some of the parking places is restricted because of the distance. Meaning their vehicles will be parked some distance away, again this makes them vulnerable to crime, they cannot be seen by the owners other residents will not have the same sense of ownership for them and consequently will be less likely to report any criminal activity. It seems strange that the occupants of plot 540 will walk out of their back gate into their neighbours vehicles, if they are not parked correctly and cause an obstruction it is an area for potential conflict.

The parking for block B is not ideal in that a parking courtyard has been created with the issues indicated above, however, I do feel there is better surveillance from the flats and parking is restricted to the occupants of the flats creating a better sense of ownership. The same applies to the flats block C. I have been unable to locate the boundary treatment plan for blocks B and C. I do feel a perimeter fence around the parking areas would aid security. I suggest a 1.8 metre high hooped top fence this would aid security whilst keeping the open feel to the area. Fencing would reduce potential escape routes for criminals.

The NEAP is an area of concern. It has a number of footpaths to it and through it. I understand that the idea is to make it a focal point for youthful activity, however its location and easy accessibility could also make it a focal point for anti-social behaviour (ASB). Whilst some of the houses do face the area giving some natural surveillance, this is only at edges, as you go towards the middle surveillance is reduced and the opportunity for misbehaviour increases. I think plots 266 to 246 which border onto the woodland could become victims to ASB if that area is used as a route to the NEAP. The building used to house bats could become a particular target for damage. Any equipment that is placed in this area has to be carefully chosen and any trees planted must have a canopy over 1.8 metres. I think this area is worthy of further discussion as to what measures can be put in place to ensure the area is used responsibly.

3.19 Campaign to Protect Rural England – Disappointed that the Outline application was approved and raises objections to this application, on the following grounds:

- Some of the shelter belts around the hospital site consist of conifers which are approaching maturity. At this stage lower branches tend to die back, so that the belt ceases to be opaque, making development within the site visible from open countryside beyond it. The solution to this is to plant further trees in front or behind the belt to thicken them. This should be required of the developers.

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- Significant parts of the estate are solely of affordable housing (or various kinds). Such a great concentration of affordable housing is undesirable. The developers should be required to submit alternative plans in which there were significant amounts of market housing pepper-potted among the affordable housing.
- We welcome the exclusion of the football field from this application and hope that this means that it will remain as one.
- We similarly welcome the effective exclusion of Talbots Hill Coppice (described on the plans as Chestnut Coppice) from the scope of this application and hope this indicates an intention to retain that as woodland.

3.20 Neighbour/Site Notice/Press Advert – A total of 15 letters of objection have been received, which are summarised as follows:

- Impact of additional traffic through The Crescent, causing congestion.
- Access via The Crescent is not practical.
- Impact residents in The Crescent, in terms of increase traffic, congestion, noise pollution, and on privacy.
- Double yellow lines on The Crescent would displace parking onto grassed areas around The Crescent.
- The development should only have a suitable single access from Park Gate Road for all traffic.
- Prior to The Crescent being closed, there was minimum traffic movement associated with the hospital use of the site, only staff getting to work from The Crescent and as an emergency access. All normal hospital traffic used the Park Gate access.
- Speed bumps and double yellow lines will not reduce the potential access/exit difficulties if this goes ahead. It will just create further inconvenience for residents of The Crescent, particularly double yellow lines.
- If the quarry goes ahead, our local roads will see a huge spike in traffic, this will be both noticeable and hugely disruptive.
- Development will result in dangerous junctions and clog up adjoining roads.
- It will cause significant road delays.
- Lack of decent pavements, street lighting or road crossings over the A449.
- Air quality due to the idling of engines waiting to exit The Crescent will affect people's health, as it is a known fact that it exacerbates heart and lung disease, effects the IQ of the young and it now seems to be possible to cause mis-carriages and dementia.
- Properties on The Crescent will be devalued.
- Massive bad change to our town.
- Pedestrian safety when crossing the A449.
- Increase the risk of accidents on a road where accidents are common and include one fatality in the last 18 months.
- Impact of traffic on Axborough Lane will have a detrimental impact on the surrounding area.
- Removal of trees will impact the environment.

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- Impact on wildlife, trees and the countryside.
- Green Belt should be preserved.
- Impact on the safe environment within The Crescent for existing families.
- Loss of on-street parking on The Crescent would impact on existing residents.
- Development at Lea Castle and Hurcott will join these two villages together and an extension to Kidderminster.
- Very little evidence of eco and sustainability measures, such as solar panels, alternative heating methods, electric charging points.
- All buildings should have high Passivhaus standards.
- Cookley School is full and cannot physically be made bigger.
- GP surgery is full.
- Local Infrastructure cannot support 600 extra homes.
- A speed limit on the A449 should be considered to reduce speeds to 40mph.
- Pedestrians wanting to cross the A449 need to be considered.
- The Crescent is a peaceful and lovely little community which will be ruined when it is turned into an access road for this new development.
- The lack of emergency services and decent hospitals in the local area to cope with the influx of people, the health and safe environment for all of the residents in the area.

*Officer comments* - As the Outline Permission considered it acceptable for the site to have primary access from Park Gate Road and secondary access from The Crescent and Axborough Lane, it must be accepted that the access arrangements of the site cannot be re-visited as part of the reserved matters application. The details of the reconstruction of the access points onto Park Gate Road and highway improvements necessary to facilitate the development is subject to conditions 12, 14, 15 and 17 of the Outline Permission and have not yet been discharged.

#### **4.0 Officer Comments**

4.1 Outline Permission has already been granted for up to 600 dwellings, including access from Park Gate Road and a secondary access from The Crescent. As such, the principle of housing development at this site together with access arrangements have already been accepted under the Outline Permission and the site is allocated in the Adopted Site Allocations and Policies Local Plan for housing under policy SAL.PDS1.

4.2 The main issues for consideration are the following:

- Layout including the proposed vehicular access through the site connecting Park Gate Road and The Crescent and through a PRow footpath and whether in compliance with site allocation policy and illustrative masterplan.
- Appearance and Scale.

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- Landscaping.
- Residential Amenity
- Housing Mix and Affordable Housing
- Drainage, Ecology, Highways and other matters.

#### LAYOUT

4.3 Policy SAL.PDS1 of the Adopted Site Allocations and Policies Local Plan advises that the Lea Castle Hospital Site is one of the largest sites in the Green Belt within the District that can provide potential development in line with the National Planning Policy Framework's (the 'Framework') focus on building a strong, competitive economy. It notes within the policy that a balanced approach to allow development within these sensitive Green Belt areas is required and states that the District Council will require development proposals to:

- demonstrate no greater visual impact on the openness of the Green Belt than existing development
- be focused on the previously developed parts of the site.
- supplement and enhance existing strong landscape Framework surrounding the site
- to improve ecological and landscape value.
- retain Talbotshill Coppice
- retain existing sport pitches for community use
- investigate opportunities for providing safe, attractive and convenient pedestrian and cycle links between the site, Cookley and Kidderminster to ensure that local facilities are accessible by alternatives to the car.

4.4 The proposed development would be focused on the previously developed parts of the site and the proposed layout provides for the retention of the well established tree belt and woodland, which gives the development a cohesive setting and reduces the visual impact of the development on the wider landscape. New tree planting and a comprehensive landscaping scheme is proposed to enhance the strong woodland character of this site and to provide an attractive residential environment and net gains to biodiversity. The retention of the woodland also reduces views into the site from the wider countryside and ensures a negligible impact on the openness of the Green Belt. I am satisfied that the proposed layout would accord with the requirements set by Policy SAL.PDS1.

4.5 The proposed layout of the site retains the future road links as shown in the illustrative masterplan to ensure good connectivity to the wider site allocation, as proposed in the emerging Local Plan.

4.6 The proposed layout of the site would provide a good hierarchy of streets with the spine road running through the site, partly over the existing road that

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served the former Lea Castle Hospital site and a good mix of secondary roads and private drives which add variety and character in creating a sense of place for this site that is distinctive, as well as being legible and easy to navigate. The amended layout shows that the parking spaces would be well related to the associated dwelling and that the parking spaces would not dominate the street scene and would be well overlooked by surrounding properties. Conditions are recommended to secure appropriate hard surfacing material for driveways.

- 4.7 All residential units would be sited on strong well defined building lines and would have a direct road frontage onto public or private roads and secure and private rear gardens. Corner buildings would have dual frontage to provide active street frontages. Brick boundary walls are proposed to gardens that lie adjacent to the road and public realm areas and close boarded fencing is proposed elsewhere. The proposed houses in the north western part of the site would continue the linear building line established by existing dwelling houses on The Crescent to help integrate the development into its immediate setting. The development has been designed to ensure dwellings face onto the woodland and are separated by a road and those that back onto the woodland, namely the dwellings to the north of the site, would have sufficient rear gardens to limit any significant overshadowing of these gardens and additional trellis can be secured through a suitably worded boundary treatment condition, in order to increase the height of the rear boundary fences to deter fly tipping. The topography of the site changes in the centre where it rises steeply in a south to north direction and it has been advised that the proposed dwellings would sit on natural ground level and step up the slope of the site and I have recommended a condition to require details of finished floor levels to confirm this.
- 4.8 The arrangement of plots, plot sizes and building siting would ensure sufficient privacy and outlook and the development is a sufficient distance from the nearest neighbouring properties within The Crescent to ensure there is no harm on the amenity of these existing occupiers.
- 4.9 The Neighbourhood Equipped Area of Play (NEAP) would be centrally located within the site and smaller Local Area of Play (LAPs) have been provided throughout the site to increase outdoor play opportunities and ensure all properties are within short distance of a play area. The development also proposes a number of trail routes to encourage active lifestyles and cater for the needs of future occupiers as well as those living near to the site. The trails would also make best use of the existing woodland and reduce the pressure on other nearby woodlands from increased usage, such as Hurcott Woods.
- 4.10 The layout would provide adequate separation from the existing bat barns and structures and a supporting letter from the applicant's ecologist have confirmed that the development would not harm the functionality of these bat mitigation features.
- 4.11 The applicant has provided additional plans to show that the existing Public Right of Way that traverses through the site would be protected and that new



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pedestrian access points onto the footpath are proposed in order to provide good connectivity and to ensure that the development interacts well with the right of way and would also provide enhancements, in accordance with Paragraph 98 of the Framework.

- 4.12 Overall, I consider the proposed layout would provide a cohesive and legible residential development that would integrate well with the woodland area and would provide good connectivity to the wider site as part of the strategic allocation site and good accessibility to play areas and footpaths around the site in order to promote walking and cycling. The development would therefore accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the Design Guide SPD and the Framework.

#### APPEARANCE AND SCALE

- 4.13 The proposed development would have a traditional appearance with many houses having end gable roofs and detailing, including pitched roof front gables, bay windows, chimney breasts, porch overhangs, canopies, decorative brick courses to the plinth, above windows and to window cills, on some house types. Materials comprise mainly facing brick with secondary elements of render and natural cedar timber cladding, although some houses will have natural cedar cladding as the primary material to elevations and the roof tiles would be consist of red, grey and brown. The design of the houses and the quality of materials is considered to be acceptable.
- 4.14 The proposed development would create four distinctive character areas, comprising: a 'Green Edge' character for dwellings that front green spaces; a 'Spine Road' character for dwellings that front onto the spine road; a 'Tertiary Street/ Mews' character for those that are situated behind the dwellings that front onto the spine road; and a 'Secondary Street' character. I consider that within each character area there would be a noticeable difference in terms key architectural features and the development would include cedar cladding above the plinth level on dwellings that have a backdrop to the woodland to help them blend into their surroundings and strengthen the distinctive character of this place. I am also of the view that the proposed character areas, arrangement of roads and public open space together with the landform and mature woodland would assist with place making and wayfinding around the site.
- 4.15 With respect to scale, the proposed development where it adjoins properties on The Crescent would not be seen out of character with the existing two-storey residential properties. The scale of the dwelling houses, bungalows and apartment blocks throughout the site are considered to be acceptable and the tallest buildings being the apartment blocks are placed in the centre of the site along the spine road to provide "vistas" and "key" features along this primary route. I also consider that the landscape containment of the site and height of the existing trees would help screen the 3 storey apartment blocks and that these buildings would not be highly noticeable from the surrounding roads and countryside, and would therefore not harm the landscape character

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of this part of the countryside or diminish the openness of the Green Belt. I therefore consider that the scale of the development is acceptable.

- 4.16 Overall, I consider that the appearance and scale to be of a high quality and would ensure a well designed residential environment is achieved. The development would therefore accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the Design Guide SPD and the Framework. Conditions are recommended to secure appropriate external building materials, including window details.

#### LANDSCAPING

- 4.17 The tree cover across the site is substantial and diverse, with many ornamental trees found across the former hospital grounds and a mixture of mature Oak woodland and mixed conifer-broadleaf woodland located around the periphery of the site. Officers consider that the woodland around the periphery of the site is a prominent and defining characteristic of the site and provides effective screening of the site.
- 4.18 The proposed landscaping scheme, public open spaces and play areas would help to reinforce the character of the site. New tree planting is proposed to strengthen the existing boundary vegetation and woodland, in line with Wyre Forest Green Infrastructure Plan. In addition, the landscaping proposals have been amended to show new access to woodland and natural areas through the provision of new footpaths/trim trails and cycle routes which will help create a sense of place for the development and provide opportunities for recreation by the future occupants of the site as well as people from outside the site, which will not only help with social cohesion, health and well-being, but also help to avoid an increase in use of nearby walkways within ecologically sensitive areas such as Hurcott Woods (a Site of Special Scientific Interest (SSSI)), which could result in significant harm to the biodiversity value of this place. The applicant has also clarified that the development would provide a sufficient buffer from Axborough Wood (Ancient Replanted Woodland) to ensure no harm to this natural environment.
- 4.19 The Arboricultural Officer and the Landscape Advisor has raised no objection to the development, in terms of being in compliance with the aims of the Kidderminster North Green Infrastructure Concept and nearness of dwellings to the existing woodland. I am therefore satisfied that the proposed landscaping scheme would provide a high quality and attractive residential environment, that would enhance the woodland setting of the site and would comply with Policy CP12 of the Adopted Core Strategy, Policy SAL.UP9 of the Adopted Site Allocations and Policies Local Plan, the Design Guide SPD and the Framework.

#### IMPACT ON RESIDENTIAL AMENITY

- 4.20 The nearest residential properties is a bungalow located on Lea Castle Drive, Axborough Lodge and there are also residential properties that adjoin the site

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on The Crescent and adjacent to the access point on Park Gate Road. Given the distances away from these existing properties, the proposed development would not have an impact on overlooking/loss of privacy although surrounding properties, especially those within The Crescent, will obviously experience a change as the site is developed out.

- 4.21 Worcestershire Regulatory Services has objected to the application on grounds of noise nuisance to future occupiers from vehicular traffic on Wolverhampton Road based on the submitted Noise Impact Assessment which confirms that the noise levels in external gardens of 12 dwellings would measure between 56.0 and 59.8dB, which exceeds the upper limit of 55dB and therefore considered to result in “Significant Adverse Impact”.
- 4.22 The British Standard BS8233:2014 for sites which exceed the 55dB guideline value provides some clarification and states that *‘it is recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met... development should be designed to achieve lowest practicable levels in these external amenity spaces, but should not be prohibited.’*
- 4.23 In addition, the proposed dwellings would be set back from the road and there are mature trees along the western boundary of the site that would provide some screening. I am also mindful that other existing dwellings in The Crescent have a similar relationship to the road which, doesn’t appear to present any problems in respect of noise nuisance. I acknowledge that paragraph 170 of the Framework advises that new developments should not be adversely affected by unacceptable levels of noise pollution and that new developments should seek to mitigate or reduce to a minimum the potential adverse impacts resulting from noise to ensure no adverse impacts on health and quality of life. In response the applicant has suggested a 2.4 metre high fences surrounding the plots and a 3 metre high acoustic barrier to the boundary that runs adjacent to Woverhampton Road and returning back down the northern boundary of the site.
- 4.24 Clearly, there is a balance that needs to be struck which seeks to provide a good amenity for future occupiers whilst safeguarding the intrinsic character and beauty of the countryside, the openness of the Green Belt and the need to boost the housing land supply. I consider that the 3 metre high acoustic barrier along Wolverhampton Road frontage would have a greater impact on landscape character and openness of the Green Belt and that, in this instance, the impact on future occupiers of these 12 dwellings is not a sufficient reason to warrant a refusal of the application, when balanced with the need to deliver this site and maintain the character of the area.

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**ECOLOGY**

- 4.25 Paragraph 175 of the FRAMEWORK states that when determining planning applications, local planning authority should apply the following principles:
- if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 4.26 Circular 06/2005 in paragraph 99 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 4.27 Following the Phase 1 Habitat Survey that was undertaken and updated as part of the Outline application (during 2012 – 2017), it is well known that the site contains an abundance of protected species, including bats, dormouse, birds and reptiles. As part of a comprehensive mitigation strategy for the numerous bat roosts on site, it was resolved to provide 2 new bat barns, 1 bat house and to convert one of the disused substation buildings into a bat barn. These have now been approved under planning application 17/0596/FULL and built. An updated Ecological Impact Assessment has been undertaken to demonstrate that these bat barns/house are providing effective mitigation and used for bats including as a maternity roosts for lesser horseshoe and brown long-eared bats. A Natural England European Protected Species Licence has also been obtained.
- 4.28 The protected bat species on this site are light-intolerant and in order to ensure favourable conservation status of the horseshoe bat colony, it is necessary to ensure that the proposed development does not cause harm to connectivity between each bat barn and each woodland block within (and in the immediate surrounding landscaping of) the site.
- 4.29 Amended plans have been received to ensure a minimum separation distance of 16 metres is provided between bat barns/house and the nearest residential plot and additional vegetation screening has been provided to help minimise light pollution and ensure a dark corridor. The Ecological Strategy also states that barriers would be installed to the inside of the doors of the bat barns/house to prevent unauthorised access and vandalism to these buildings. Information boards will also be provided to explain the use of the buildings as bat roosts.
- 4.30 During the course of this application, the applicant has been requested to provide lighting details and it has been decided that street lighting would only be provided along the spine road. The lighting has also been designed to ensure luminance levels are adjusted at ecologically sensitive locations, minimal lateral light spill and lighting towards the north of the site would be subject to a Remote Monitoring System or SMART Lighting to switch off the street lighting at critical bat activity times (i.e. between the hours of 2300 and 0530). In addition, the applicant has provided a Letter from their Ecologist who

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designed the bat barns/house to evident that the lighting strategy for highways would not harm the bat barns/house or surrounding habitat (woodland) that forms a dispersal corridor and foraging habitat for bats. The Ecologist has recommended monitoring of the light readings at each bat barns/house post completion of each phase of development to ensure no impact on these structures and to undertake further mitigation measures if required. I have recommended a condition accordingly.

- 4.31 However, as the spine road was going to be offered for adoption, the Highways Authority is still not convinced that the design of street lighting is acceptable and that the location of two of the bus stops within the woodland corridors (between Units 30 and 47 and near unit 57) would have a negative impact on the conservation status of bats. Ongoing discussions are currently taking place between the applicant and the Highways Authority in order to overcome their concerns and reach a positive solution.
- 4.32 There is also potential that residential (internal) lighting could, which taken cumulatively, harm bats species, especially those properties adjacent to the bat barns/house and adjacent to woodland edges. I do not consider that a condition to prevent specific lighting types (i.e. pendant lighting within windows) would be seen as being reasonable or indeed enforceable, however, I do agree with the comments received from WCC Ecologist and consider it necessary to require a further post construction light assessment (namely on plots 110 and 111, 96 and 195, 243, 242, 240, 235, 234, 596) to ensure the illumination is not greater than 0.2 lux in the horizontal and 0.4lux on the vertical plane and for further mitigation to be provided if required, such as gap planting of fencing. I further note the comments about the removal of the dormer windows on the northern elevation of units 70-73, however, I do not consider this is necessary as these windows serve bedrooms where curtains are normally drawn, which would prevent light spillage externally.
- 4.33 The submitted details on Construction Phase Lighting is considered to be acceptable providing supervision is carried out by an appropriately competent Ecological Clerk of Works during the construction phase and records monitoring checks as part of a daily works biodiversity log.
- 4.34 With respect of dormouse, the development is likely to have an adverse impact on woodland connectivity due to the introduction of new roads, vehicles, street lighting and significant levels of disturbance from new residential use, including household pets and recreation. Whilst this impact cannot be avoided it is considered that appropriate mitigation through the implementation of additional gap planting in-between retained vegetation along the north-eastern boundaries of the site, in particular in the north-eastern corner of the site, as recommended in the submitted Ecological Strategy, would secure and enhance arboreal connectivity. I have recommended a condition to secure this accordingly.
- 4.35 Prior to the demolition of the buildings at the Lea Castle Hospital Site, it was recognised that the site contained acid grassland. As part of this application, discussions have taken place with the applicant, the Landscape Advisor and

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the Countryside Manager to consider a new acidic grassland area to the southeast of Axborough Wood, outside of this application site boundary, and on the wider site, which has a typology that is more suitable for this plant species and would provide a clearer distinction to some new grassland than to new woodland. In addition, it is also possible that some of the highway verges can be vegetated using an acid grassland and a condition has been recommended to secure this.

- 4.36 In terms of ecological enhancements, Policy CP14 of the Adopted Core Strategy, Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Paragraph 170d of the Framework require new developments to enhance the natural environment and seek a net gain in the biodiversity value of the site. The proposed development would include extensive new tree and vegetation planting to enhance foraging, nesting and roosting resources for wildlife, as well as maintaining connectivity. The proposals also include an attenuation basin which could be planted out with a mixture of aquatic and marginal vegetation and the provision of bat and bird bricks within new buildings across the site would also help to enhance the biodiversity value of the site. I therefore consider it reasonable and related to this application, to recommend condition to secure these enhancement measures.

#### HIGHWAY SAFETY

- 4.37 The Highway Authority has offered an objection to the application and recommended refusal on the grounds that the site layout fails to: promote active travel due to substandard active travel corridors; provide sufficient service margins; adequate manoeuvring for refuse vehicles; sufficient traffic calming measures; and appropriately designed street lighting and bus stop locations, which would adversely impact the conservation status of protected bat and dormouse species.
- 4.38 The application has attracted a number of objections from local residents who have expressed concern about the access through The Crescent and that the proposed spine road through the site would be used as a so called 'rat run' which is likely to increase traffic congestion and movement through The Crescent and at the junction with Wolverhampton Road. The Transport Statement has pointed out that "*Vehicles, travelling in the neighbouring area would not find the connection from Park Gate Road to Wolverhampton Road advantageous in terms of reducing journey times. For example, Axborough Lane already connects Stourbridge Road to Wolverhampton Road over distance of 1300 metres and this route is very lightly trafficked*". In addition, the road layout has purposely designed the spine road to be long and sinuous in order to minimise the number of rat-running traffic movements travelling from Park Gate Road to The Crescent.
- 4.39 The proposed roads off the spine road would consist of either a shared surface road, private driveway or as an informal or enhanced street as defined by the Adopted Streetscape Design Guide. The changes in the road types would closely relate to each proposed distinctive character area and would add variety and interest to the residential area. The Highways Authority do not raise an objection to the proposed parking arrangements.

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- 4.40 Paragraph 108 of the Framework seeks to give priority to walking and cycling first in new developments. The proposed layout would provide a safe, well-connected and easily useable highway for pedestrians and cyclist, although in parts it would be uphill and some of the footways/cycle paths would be insufficient in width. In addition, it is anticipated that the development would be used by buses connecting Cookley and Kidderminster to ensure the site has good accessibility by public transport services.
- 4.41 To minimise the risk of road traffic accidents occurring within the site, the spine road has been carefully designed to reduce traffic speed by including a number of bends and junctions and incorporating different surfacing at junction areas and pedestrian crossing points. In addition, the development would include two 'lozenge' features on the access road (between Park Gate Road and the new housing) to reduce average speeds.
- 4.42 A balanced design approach has had to be given to the street lighting due to a number of factors, including: the impact on the openness and character of the Green Belt; on the local bat population; energy consumption; personal security; and highway and pedestrian safety. Following a meeting with the Highway Authority and the Countryside and Parks Manager, it is now intended to light the spine road and the luminance levels would be kept to a minimum and an option to switch off the lighting between the hours of 2300 and 0530, has also been put forward by the applicant.
- 4.43 The applicant has advised that if an agreeable solution cannot be reached over the street lights, then the street lighting and/or the roads would not be offered to the Highways Authority for adoption and instead, the lighting could be made private or transferred to the Parish. Similarly, the roads either in part, or in their entirety could be transferred into a management company. Further discussions are taking place between the Highways Authority and the applicant to address the street lighting and layout concerns, and further updates will be provided on the Addenda and Corrections Sheet. It is anticipated that the detailed aspects of the layout can be satisfactory resolved through ongoing discussions. These matters do not alter the essential principles.

#### HOUSING MIX AND AFFORDABLE HOUSING

- 4.44 I consider that the development would provide a good mix of housing types, which would be dispersed throughout the site. The mix of housing is in line with the requirements set out in the S106 Agreement of the Outline Permission and would provide 59% Social Rented Units and 31 Shared Ownership, as well as an additional 5% affordable units under grant funding. I note that the applicant originally proposed 25% additional affordable units through grant funding, taking the total of affordable housing to 40%, and that our Housing Enabling Officer has raised concern that this additional 20% if delivered at a later stage after this reserved matters application is approved, then it would prevent the Council from having any control over how or to whom these units are let as they would not be covered by the normal requirements of a Local Letting Plan and Nominations Agreement. As the proposed development is compliant under the S106 Agreement of the Outline

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Permission, it is considered that the proposed housing mix and tenure is acceptable. This reserved matters application will not be able to amend the agreed level as set out under the Outline Permission.

#### **DRAINAGE**

- 4.45 I note the deferral comment offered by the North Worcestershire Water Management Officer about further clarification being required to ensure no flood risk to properties and to ensure the drainage details are correctly shown on the plans. The applicant is currently seeking to address these points and provide the details ahead of the committee meeting. In addition, I consider that it is reasonable to recommend a condition to require details of both of the attenuation basins in terms of planting, design and long term maintenance and a condition to request details of the hard surfacing materials to ensure they are permeable paving or gravel surfaces. I have also recommended a condition to secure the retention of trees and a future S73 application would be required if Severn Trent Water required a cleared easement run through the woodland, including Talbots Hill Coppice. I further note that Condition 6 of the Outline Permission requires surface water drainage for each phase to be agreed and discharged. Again, it is considered that the principle of drainage is acceptable and that detailed discussion can continue until North Worcestershire Water Management Officer are satisfied with the detailed aspects of the design.

#### **OTHER MATTERS**

- 4.46 Conditions imposed on the Outline Permission required the submission of a phasing plan and details on highway works and improvements, bus strategy, travel plan, archaeology, contamination, landscape and woodland management plan and temporary closures to any public rights of way to be agreed and discharged. Some of these conditions have now been formally agreed. A condition was also attached to require a construction ecological management plan including a construction management plan to be submitted as part of any first reserved matters application. A S106 Agreement was also secured to with the Outline Permission which requires the payment of contributions to education and to require 15% affordable housing and at least 5% affordable through grant funding and replacement changing rooms for the existing Football Club.
- 4.47 The applicant has submitted details to discharge some of the conditions attached to the outline application and will need to continue to have all of these conditions discharged along with any additional conditions imposed by the granting of this application.
- 4.48 The reserved matters application only relates to part of the site that has Outline Permission and excludes the remaining of the site that comprises the existing football pitches and the approved employment land for A1/A3/D1 uses. The landowner, Homes England, have advised that "As a result of the significant progress through the Local Plan review process on the wider site, Homes England took the decision to dispose the core residential part of the site only in order to allow a more comprehensive approach to be considered for the future development of the wider site alongside the Community/Retail



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uses, whilst still ensuring the delivery and supporting the Council in respect of meeting its housing needs and 5 year housing supply during this period". Following soft market testing and analysis of site location, "Homes England proposes that the retail/community facilities from the Outline Permission could be better co-located in the proposed local centre on the western parcel. This provides greater opportunity for place making and creating a new strong and cohesive community at Lea Castle". In the interim period, Homes England is currently developing proposals for a temporary building to act as a Community Hub, adjacent to the Park Gate Road access which would serve both new and existing residents in the locality and would provide provision from an early point in the development. It is anticipated by Homes England that a planning application for a temporary building could be submitted later in 2020/21. In the event that the emerging Local Plan does not proceed to adoption the 'fall back' position would be to deliver the A1/A3/D1 uses in accordance with the provisions of the Outline Permission.

- 4.49 As agreed under the Outline Permission it is proposed that the current number 9A and 9C Diamond bus service from Kidderminster to Cookley would be diverted through the site, which would add approximately 5 minutes to the existing journey time. It is anticipated that the introduction of buses would be phased as new dwellings are constructed and occupied and new bus stops and shelters would be provided within the site.
- 4.50 In respect of the construction management plan that has been submitted in pursuant of condition 20 of the application with this application, it is advised that the proposals would involve the relocation of the football club's car park to a new position in order to accommodate construction traffic and assist in keeping members of the public separate from construction activity. The new car park will take football club traffic off Lea Castle Drive at an earlier point away from the Construction site entrance and provide pedestrian access directly from the car park to the football pitches without requiring access back onto Lea Castle Drive, thus ensuring pedestrian safety. I consider this is an acceptable solution for site management during construction works. I have recommended a condition to secure the nature of the proposed football club car park to be temporary only and to require the ground to be reinstated following the construction works.

## **5.0 Conclusions and Recommendations**

- 5.1 The application site is part of a wider site that is recognised for its strategic importance, providing sufficient available land to accommodate the housing growth and employment requirements over the plan period in the emerging Local Plan. I have considered all representations received on the application and consider that the proposals would provide a high quality development in respect to matters relating to layout, scale, appearance and landscaping. Notwithstanding the details about street lighting, I consider that suitable ecological mitigation and enhancement measures can be achieved to safeguard the conservation status of bat and dormouse species and the development would provide new opportunities for acidic grasslands. Ongoing

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discussions are taking place to address the concerns raised by the Highways Authority over street lighting provision and road layouts in terms of promoting active travel, reducing traffic speeds, ensuring minimal impact on bat species and providing adequate manoeuvring for refuse vehicles. The applicant is seeking to address the concerns raised by the North Worcestershire Water Management Officer in relation to potential flood risk and drainage. Any changes required to address these concerns is unlikely to result in fundamental changes to the layout of the development. With this in mind, the proposed development would be in compliance with the Outline Permission and relevant policies contained within the Development Plan and the National Planning Policy Framework.

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

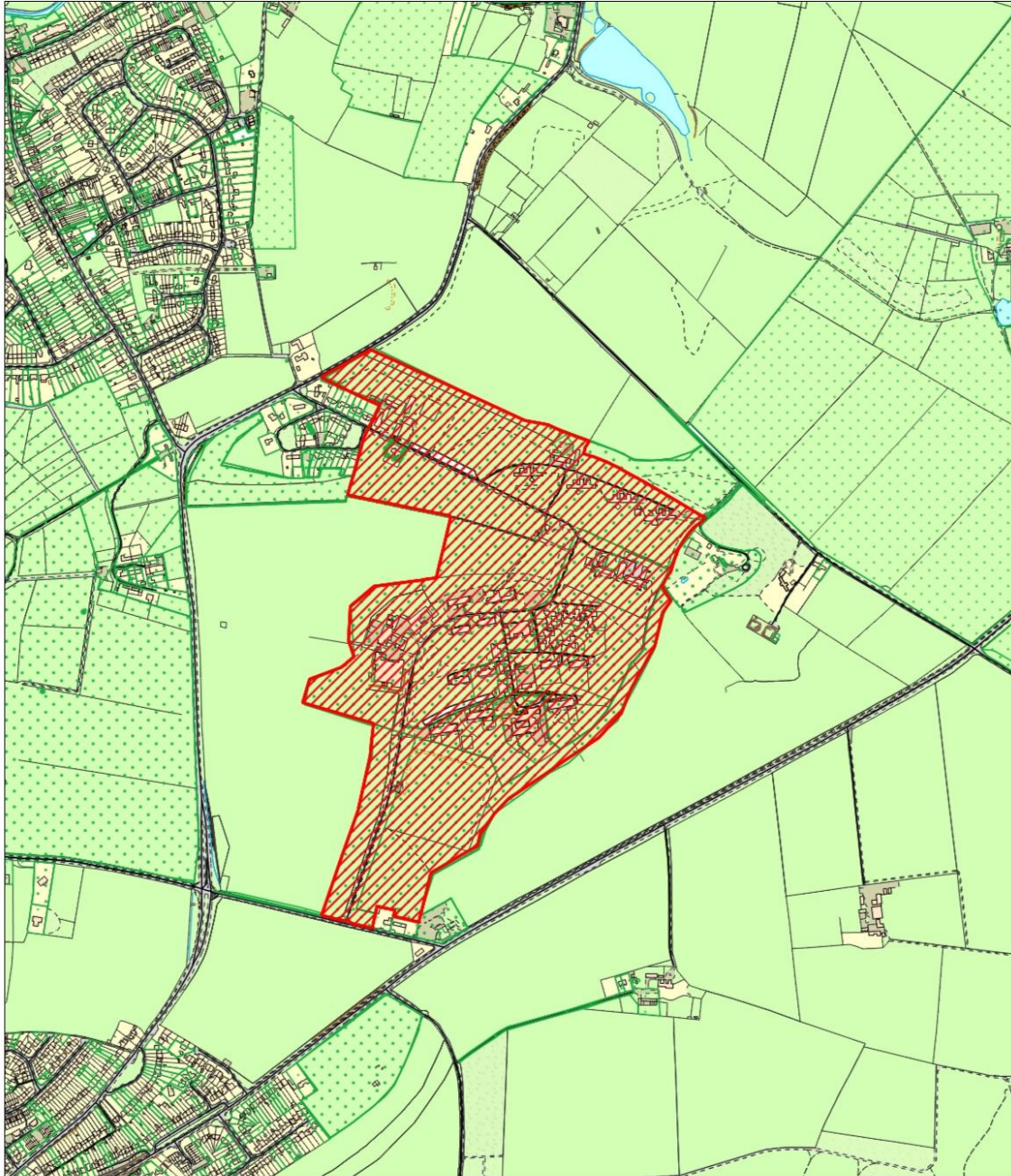
- a. No objection from Highways Authority;
- b. No objection from North Worcestershire Water Management; and
- c. the following conditions:
  1. (A4) Reserved Matters only
  2. Approved Plans
  3. To secure external materials
  4. To require Boundary treatment details
  5. To require hard surfacing details
  6. To require finished floor levels in respect of site levels
  7. To require access, parking and turning areas to be provided
  8. To require cycle storage details
  9. To require electric charging point provision
  10. To secure refuse storage for apartment blocks
  11. To require amended landscaping strategy to include acid grassland with appropriate soils and management regime, within highway verges
  12. To require implementation of landscaping strategy within each phase.
  13. To require implementation of Arboricultural Method Statement including Tree Protection Fencing measures within each phase
  14. To require site inspection with Arboricultural Officer to ensure tree protection measures have been implemented prior to commencement of works within each phase
  15. To secure retention of existing trees as agreed.
  16. Removal of PD Rights for any new boundary treatment
  17. Removal of PD Rights for any rear extensions
  18. To require details of attenuation basins, including design, planting and long term maintenance plan.
  19. To require implementation of ecological enhancement measures as set out in the Ecological Strategy, including:
    - Information boards for bat barns/structures
    - Measures to prevent unauthorised access to bat barns/house, including door barriers and shrub planting
    - Additional gap planting to enhance dormouse connectivity

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20. Implementation of CEMP including CMP, and for a qualified Ecological Clerk of Works to supervise during the construction works within each phase
21. To secure temporary football car park and require ground to be reinstated following completion of construction works.
22. To require post development lighting assessment adjacent to bat barns/house and woodland edges and to secure further mitigation proposals if required.
23. To prevent any new external lighting without prior consent
24. To require details of bat and bird boxes
25. To require details of foul sewage drainage
26. To require implementation of play equipment and trails/trim routes
27. To require details of measures to prevent parking on landscaped/amenity areas

**NOTES**

- A. Outline Consent – S106 Agreement and Conditions
- B. Temporarily closure of Public Rights of Way
- C. Waste



Economic Prosperity and Place Directorate

**Former Lea Castle Hospital**

**Park Gate Road, Cookley**

**Kidderminster, DY10 3PT**



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

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**

**17<sup>TH</sup> MARCH 2020**

**PART B**

<b>Application Reference:</b>	19/0613/OUTL	<b>Date Received:</b>	04/10/2019
<b>Ord Sheet:</b>	374915 273834	<b>Expiry Date:</b>	29/11/2019
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Bewdley & Rock

**Proposal:** Outline application for 6 bungalows (Access and layout to be determined)

**Site Address:** Adjacent and Rear of DUKE WILLIAM INN, CALLOW HILL, ROCK, KIDDERMINSTER, DY149XH

**Applicant:** Callow Hill Rock Ltd

<b>Summary of Policy</b>	DS01, CP01, CP02, CP03, CP04, CP05, CP07, 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
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

1.1 The application site relates to a single field, measuring approximately 0.7 hectares in area. It is located to the side and rear of the Duke of William public house and has vehicular access onto the A456 via a single lane. The site currently contains a steel container and there is a substantial hedgerow along its east, south and west boundaries and there is a close boarded timber fence along the northern boundary, which is shared with the public house. The site lies in the open countryside of Rock and approximately 430 metres from Bliss Gate, 1.5 miles from Far Forest and 2.6 miles from the town of Bewdley.

1.2 The application has been submitted in outline for the erection of up to 6 bungalows, with only matters related to access and layout for consideration at this stage. The remaining matters related to scale, appearance, and landscaping are reserved for later approval.

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- 1.3 A Preliminary Ecological Assessment, a Noise Impact Assessment and a Heritage Statement have been submitted in support of this application.

**2.0 Planning History**

- 2.1 Not applicable.

**3.0 Consultations and Representations**

- 3.1 Rock Parish Council – No objection and recommend approval.
- 3.2 Highway Authority – No objection subject to conditions to ensure adequate parking provision, cycle storage and access arrangements are provided.

It is advised that further to the deferral comment and following discussion with the Highway Authority, the applicant has submitted revised plans to show a proposed development comprising 6 dwellings served by a private road which is not likely to be adopted. The site access is to be out laid as a dropped kerb crossing which must be constructed to Highway Authority specifications and pedestrian connectivity to the bus service on the A456 has also been shown. These works will require a S278 agreement with the Highway Authority as per the note below. The private road can be laid out as a shared surface and consideration should be given to the sustainable drainage strategy (SUDS) with permeable block paving being more drainage efficient than tarmac. It is noted that 2 parking spaces per dwelling have been indicated in line with standards however a further plan will be required at the reserved matters stage to ensure that the spaces are functional in practice and correctly oriented in relation to the road.

- 3.3 Worcestershire Regulatory Services (Noise) – No objection subject to a condition to require details of glazing and ventilation to be submitted for approval to ensure appropriate internal noise levels as recommended by the submitted noise assessment. In addition, the rear gardens of plots 1 and 5 should be protected by close boarded acoustic fencing to protect from adverse road traffic noise.
- 3.4 Worcestershire Regulatory Services (Land and Air Quality) – No objection, the site has no potential contaminated land issues.
- 3.5 Countryside and Parks Manager – No objection subject to conditions to require new bat and bird boxes to be installed and for the recommended ecological measures to be implemented, which should include the retention of the hedgerow and additional planting to block the gateway to the south and for trenches left open overnight should have planks left in to form sloping escape ramps for any animals that fall in.
- 3.6 Worcestershire County Council Archive and Archaeology Service – No objection.

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- 3.7 North Worcestershire Water Management Officer – No objection subject to a condition to require a scheme for foul and surface water drainage to be submitted and agreed.
- 3.8 West Mercia Police Designing Out Crime Officer – No objection.
- 3.9 Conservation Officer – No objection.
- 3.10 Natural England – No objection.
- 3.11 Neighbour/Site Notice – No representations received from public consultation.

#### **4.0 Officer Comments**

- 4.1 The main considerations are whether the development would be acceptable in principle and whether it would result in a detrimental impact on the landscape character, on the amenities of existing residents, trees, ecology and upon highway safety.

#### **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 Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework, and that due weight should be given to them, according to their degree of consistency with it.
- 4.5 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

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Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan. These policies are considered to be consistent with the Framework.

- 4.6 The Council have now carried out 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 and the 'tilted balance' is not engaged.

#### PRINCIPLE OF DEVELOPMENT

- 4.7 The application is for the erection of up to 6 bungalows on a site that consists of an open field within the open countryside. Paragraph 79 of the Framework seeks to avoid isolated homes in the countryside. The application site is not considered to be an isolated location given the close proximity to other residential properties.
- 4.8 Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan sets out suitable locations for residential development which includes previously developed land within areas allocated for residential on the Proposals Map and other urban areas within Kidderminster, Stourport-on-Severn and small windfall sites within Bewdley. The policy also states that residential development outside of these locations will not be permitted unless in accordance with Policy SAL.DPL2: Rural Housing, or relevant Rural Development and Green Belt policies.
- 4.9 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan seeks to limit new housing within the rural areas in order to safeguard the District's landscape character and to promote regeneration of the District's urban areas. It is a restrictive policy that only permits residential development in exceptional circumstances, such as sites: that have been identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need; for a rural worker's dwelling; or when the development relates to a replacement dwellinghouse; or a site that is subject to a Community Right to Build Order.

- 4.10 As the site falls within the open countryside and fails to meet any of these exceptions, it is considered that the development would be in conflict with Policies SAL.DPL1 and SAL.DPL2.

#### SUITABILITY OF THE HOUSE TYPE AND TENURE

- 4.11 The Rock Parish Housing Survey (2019) notes that 'The highest need regarding types of properties is bungalows with 60%, closely followed by houses with 29%. The higher demand for bungalows reflects the population living in the parish at present with being a higher percentage of over 65's in comparison to the district, region and nation'. I therefore consider that the



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proposed house type is appropriate for this area and would make a positive contribution to the local housing need.

- 4.12 During this application, the Housing Enabling Officer asked whether the applicant could explore a higher number of bungalows on this site in order to make efficient use of land and whether the adjacent former Duke William Garage site that now has planning permission for 3 bungalows should be considered with this application in respect of their potential for the delivery of affordable housing. A scheme for 8 bungalows was put forward by the applicant and discounted because a suitable internal road layout and access arrangement in line with the Adopted Streetscape Design Guide could not be achieved. Officers do not consider that this application site and the adjacent former Duke William Garage site are functionally interdependent of one another, as they both have a separate access and are under separate ownership. I also note that there are no designated rural areas within the District at present and as such, no affordable housing can be secured on this site.
- 4.13 In terms of density, it is recognised that the development would provide a low density of 8 dwellings per hectare and although Policy CP05 of the Adopted Core Strategy seeks 30 dwellings per hectare within the rural areas, it also notes that there may be circumstances where applying these minimum density requirements will not be appropriate due to the character and surroundings of the proposed site. I consider that a higher density development on this site would be inappropriate as it would adversely impact the rural character of this part of the countryside. I have recommended conditions to secure the maximum number of bungalows and bungalows only with no first floor accommodation.

#### ACCESSIBILITY BY A CHOICE OF MODES OF TRAVEL

- 4.14 Paragraphs 77 and 78 of the Framework require new housing to be located where it can enhance or maintain the vitality of rural communities.
- 4.15 Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is recognised in Policy DS01, which allows limited development in rural settlements, but seeks to direct the majority of new development to urban areas and larger rural settlements in accordance with a settlement hierarchy. The aim of the policy is to ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. Through implementation of this strategy the plan seeks to minimise development in locations which are reliant on the private car.
- 4.16 The site lies approximately 430 metres from Bliss Gate, accessed by a footpath, 1.5 miles to the settlement boundary of Callow Hill and 2.6 miles from the town of Bewdley, where there are schools and local shops, services and employment opportunities. Immediately adjacent to the access point is a bus stop that serves the 292 Bus Service, which provides travel between Kidderminster, Bewdley and Cleobury Mortimer, Monday to Friday. The

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Highways Authority considers the site to be a sustainable location for housing. I concur with this view and consider that the occupiers of the proposed bungalows would have adequate access to services by an acceptable choice of modes of travel.

#### IMPACT ON THE CHARACTER OF THE COUNTRYSIDE

- 4.17 Paragraph 127 of the Framework seeks to ensure that developments are sympathetic to local character and the surrounding landscape setting. Paragraph 170 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy CP12 of the Adopted Core Strategy recognises that the landscape character of the District is an important asset. It requires new developments to protect and where possible enhance the unique character of the landscape.
- 4.18 The application site comprises a rectangular shaped, open grass field, which is set back between 50 and 71 metres from the A456 behind the car park and outdoor seating area belonging to the Duke William Public House. As the development would be restricted to bungalows only, it is unlikely to be highly visible from the road.
- 4.19 Also, the site is surrounded by residential development to the west, south and to the northeast beyond a tall hedgerow. Planning permission has been granted for three bungalows on the former Duke William Garage site that lies immediately to the northeast of the proposed access road (under application 19/0203/FULL). I therefore consider that the proposed development would be in the context of surrounding residential development and would not result in an adverse visual intrusion into the open countryside.
- 4.20 I recognise that the site falls within Worcestershire County Council's Landscape Type of 'Forest Smallholdings and Dwellings', which seeks to avoid clustered groups of new housing and only new development that respects the historic ad-hoc development of the settlement pattern of these landscapes. It further states that the location and orientation of new buildings should create intimate areas, particularly if regular patterns are to be avoided and that they should comprise small cottage like buildings of brick or stone. Whilst the development cannot avoid creating a clustered group of housing, I am of the view that it would not significantly diminish the intrinsic character of this part of the countryside, given that the proposed layout with irregular shaped plots would ensure the rustic character of this landscape is not harmed. Furthermore, the existing hedgerows would be retained and enhanced and I am satisfied that the development can be designed in the later reserved matters application to provide small cottage style bungalows of brick or stone.
- 4.21 Overall, I consider that there would be no adverse impact upon the character and intrinsic beauty of the open countryside. The development would therefore be in accordance with Policies CP11 and CP12 of the adopted Core Strategy, Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan and Paragraphs 127 and 170 of the Framework. I note that details in

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relation to appearance and landscaping would be considered during the subsequent reserved matters application(s).

#### IMPACT ON ECOLOGY

- 4.22 A Preliminary Ecological Assessment has been submitted which has concluded that there is no significant potential for protected or notable species on the site, and no predicted adverse impact on protected species as a result of the proposed development. Opportunities to enhance the biodiversity value of the site have been suggested in the assessment, such as retaining the hedgerow and providing additional native shrubs to help bulk out the existing hedgerow, which would improve and protect the existing habitat for a range of species. It is also recommended that the development incorporates nesting and roosting provisions for birds and bats in the new bungalows.
- 4.23 The Countryside and Parks Manager has raised no objection to the application and agrees with the findings of the Preliminary Ecological Assessment. Conditions have been added to ensure the recommendations identified in the Assessment are provided as part of this development, which includes retention of the hedgerows; additional hedgerow planting; and the provision of bird and bat boxes. I am satisfied that the development would be capable of providing net gains for biodiversity, in accordance with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170, 174 and 175 of the Framework.

#### HIGHWAY SAFETY

- 4.24 It is proposed that the site would be accessed via an existing single lane off the A456, which would be widened to accommodate two-way traffic. The Highways Authority has undertaken a robust assessment of the application and has concluded that suitable access and pedestrian connectivity to the bus service on the A456 can be achieved, however, that these works would require a S278 Agreement with the Highway Authority. In addition, the Highways Authority are satisfied that the 6 bungalows can be served by a private road that would have a shared surface and a condition has been recommended to ensure adequate parking provision is provided and to require the private road to be constructed with permeable block paving in order to ensure appropriate drainage of the road. A condition is also recommended to secure cycle parking. I concur with the views of the Highways Authority and do not consider that the proposed development would have an adverse impact on highway safety. I have recommended the conditions accordingly.
- 4.25 The development would therefore accord 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 Framework.

#### FLOODING RISK AND DRAINAGE

- 4.26 The site is not at risk of flooding and the North Worcestershire Water Management Officer raises no objection to the application subject to a suitable drainage scheme being agreed by condition. I concur with this view and have

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attached a condition accordingly. The development would therefore accord with Policy 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 proposed development is considered to be in a sustainable location within the rural area of the District and would help to enhance and maintain the vitality of nearby rural communities within Callow Hill, Far Forest and Bliss Gate. The development would be surrounded by residential development and would not have a detrimental impact on the local character and surrounding landscape setting. In addition, there would be no adverse impacts on existing residential amenity of neighbouring properties, on highway safety or upon biodiversity. There are no matters of detailed harm that have been identified and taking account of the benefits, it is considered that the proposed development for up to 6 bungalows can be supported notwithstanding the minor conflict with the Development Plan.

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

1. A1 (Standard outline)
2. Approved Plans
3. A2 (Standard outline – reserved matters)
4. A3 (Submission of reserved matters)
5. Limit the development to no more than 6 bungalows
6. Limit the scale to bungalows only with no first floor accommodation
7. B1 (Samples/details of materials)
8. Boundary treatment/enclosure details including close boarded acoustic fencing to rear gardens of plots 1 and 5
9. Glazing and Ventilation product details
10. B13 (Levels details)
11. To secure highway site access works
12. To require vehicular and cycle parking in accordance with County Standards
13. To require a landscaping scheme (including retention of hedgerows and trees along perimeter of site and additional native species planting)
14. To require the landscaping scheme to be implemented
15. Scheme for Foul and Surface Water Drainage
16. Bird and Bat boxes
17. Ecological Enhancement Measures
18. To remove Permitted Development Rights for new front boundary treatments

### Notes

- A S278 Agreement
- B Severn Trent Water
- C Waste and recycling collection

<b>Application Reference:</b>	19/0668/FULL	<b>Date Received:</b>	28/10/2019
<b>Ord Sheet:</b>	379523 273217	<b>Expiry Date:</b>	23/12/2019
<b>Case Officer:</b>	Julia McKenzie-Watts	<b>Ward:</b>	Lickhill

**Proposal:** Change of use of land to create a dog walking field, including parking and fencing

**Site Address:** FIELD REAR OF COOKS NURSERY, BEWDLEY ROAD NORTH, STOURPORT-ON-SEVERN, DY138PX

**Applicant:** MCGG Limited

<b>Summary of Policy</b>	CP03, CP11, CP12 (CS) SAL.CC2, SAL.UP1, SAL.UP7, SAL.UP9 (SAAPLP) Planning Practice Guidance National Planning Policy Framework
<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 seeks a change of use of a piece of land measuring 2.02 hectares from land currently in agricultural use to provide a recreational area for dog owners who want to be able to let their dogs off the lead in a secure space. The field is located to the rear of Cooks Nursery on the Bewdley Road North in Stourport on Severn.
- 1.2 The application also proposes the erection of a six foot deer gage link fence around the site in order to ensure that the field is as secure as possible. The applicant has stated that it is hoped that the field will be used by up to eight dogs at any one time between the hours of 6am and 9pm during daylight hours.
- 1.3 There is currently hedging along one boundary of the site and it is planned to provide further tree planting around the remainder of the site to screen the fencing. With regards to waste, the owner plans to compost this by way of the provision of biodegradable waste bags which when filled will be placed in a bin in the field, the contents of which will then be removed and placed in a separate compost heap outside the site.
- 1.4 Vehicular access to the application site is achieved to the side of the nurseries on Bewdley Road North and car parking would be provided in the applicant's field opposite to the dog walking field.

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## 2.0 Planning History

- 2.1 16/0040/EIA - Construction of a river intake, pumping station at Lickhill, underground water pipeline (approximately 12.5km in length) running from proposed pumping station between Kidderminster and Stourport On Severn, north of Mustow Green and Bluntington and South of Drayton and associated infrastructure including temporary site compound off Hartlebury Road, Stourport On Severn forming part of the Birmingham Resilience Project on Land adjacent Lickhill Quarry, Bewdley Road North, Stourport on Severn : Approved 20.09.16

## 3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Refused, seems unnecessary, as there are enough dog walking areas nearby and will not be supporting application. Residents also live down the land from this proposed site and an increase in traffic would not be good.
- 3.2 Highway Authority – No objection. The proposed development including parking on private land is remote from the highway and the existing access on to Bewdley Road North is more than adequate to accommodate the associated vehicle movements.

The Highway Authority has undertaken a robust assessment of the planning application and concludes that the proposal would not be contrary to Paragraph 109 of the NPPF and therefore there are no justifiable grounds on which an objection could be maintained.

- 3.3 Worcestershire Regulatory Services - No comments received
- 3.4 Countryside and Parks Manager – Requested an ecological assessment. (
- 3.5 Neighbour/Site Notice – 3 letters of objection received:
- I am aware that permission has not yet been granted for this application and the fence that is purported to be erected, providing it is 2 meters high or less, does not need planning permission. My reason for writing is to point out to the environmental department that wildlife habitat has been totally destroyed for a project that not only has not been granted planning permission but also will continue to disturb what little wildlife remaining in the area. I would like to see the project be denied planning permission as it could impact on my life in Severn Bank Park - dogs barking and possibly escaping. But the people responsible for the destruction of the hedgerows should be asked to replant the hedgerows for the wildlife
  - I am concerned that this application is phase 1 in a long term plan to build or sell off this land. The applicant proposes to erect expensive fencing however she neglects to maintain the fencing around a dozen horses that she keeps in an adjoining field. The financial cost as described in the submitted plans is high and far outweighs the revenue that will be

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achieved through a dog walking/training area. If there is no hidden agenda, the land can be kept as agricultural/grazing/ pasture land and still be used as a dog walking area without a change of use. The land is waterlogged during wet weather due to inadequate drainage. It is my recommendation that a change of use for this valuable agricultural land be refused.

- As the Park Manager for Severn Bank Park and on behalf of the vast majority of the 75 units on the park I want to formally object. Concerns over noise and the fact that if the change of use of this land is approved then at some future date we will have a caravan park on our doorstep. The planting of hedges and trees in conjunction with the planned retaining fence would seem to be unnecessary and superfluous additions to the scheme, other than to mask or hide future activities on the site. The current traffic level is very high with some 100+ residents and the Severn Trent / Barhale workforce being the main users of this degrading private road, any permanent increase in traffic will add to our current problems.

#### **4.0 Officer Comments**

4.1 The main planning issues for consideration in the determination of this application are as follows:

- Principle of development;
- Impact upon the character and appearance of the area
- Highway safety
- Other matters

#### **PRINCIPLE OF DEVELOPMENT**

- 4.2 The site lies within the West Midlands Green Belt, where permission will not be given for inappropriate development unless there are other material planning considerations to which such weight can be attached that would clearly outweigh any harm caused to the Green Belt by inappropriateness or any other identified harm, thereby constituting 'very special circumstances' for permitting the inappropriate development in the Green Belt.
- 4.3 The development relates to the change of use of the land for dog walking, the erection of a 6 foot high fence around the perimeter of the site and the creation of a parking area. The National Planning Policy Framework and Policy SAL.UP1 of the Adopted Site Allocation and Policies Local Plan sets out some forms of development which can be considered appropriate in the Green Belt and these include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and allotments, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and do not conflict with the purposes of including land within it. The proposal is for a recreational use and therefore falls within the exceptions as set out within Green Belt Policy. It is therefore

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appropriate to consider the impact of the development on the openness of the area and the purposes of including land within the Green Belt.

- 4.4 With regards to the use of the land for dog walking purposes, the new six foot fence and the creation of the parking area, these would not materially impact on openness and as the applicant also proposes additional planting around the fence the impact would be reduced further. The information from the applicant indicates that the field would be in use from 6am until 9pm every day of the week including Bank Holidays, however these hours will be reduced during the winter months to daylight hours. A condition can be attached to any approval to ensure that no lighting is installed at the site at any time. It is envisaged that a maximum of eight dogs will be exercised at any one time and slots can be booked on line which run from 30 minutes to two hours duration. Parking will be provided opposite the field with space for six cars.
- 4.5 The National Planning Policy Framework sets out the five purposes of including land within the Green Belt:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.6 Having regard to the nature and level of development associated with the dog walking use, it is considered that there is no conflict with the purposes of including land within the Green Belt. The use is not considered to represent an inappropriate form of development within the Green Belt and is not, in principle, contrary to policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and it is not therefore necessary for the applicant to show very special circumstances in this case.

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

- 4.7 The proposed use involving eight dogs at any one time would not result in a material impact on the character of the Green Belt.
- 4.8 Whilst the concerns raised by local residents have been noted, particularly in respect of general noise and disturbance, it is considered that the relationship of the use to the properties namely New Barns Cottages and Burlish Cottages to be an acceptable one. Having regard to the siting of the application site and relationship and distance to neighbouring residential properties, combined with the limited hours of use of the land, no lighting to be installed and a limit to the number of dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity that would warrant the refusal of planning permission.



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HIGHWAY SAFETY

- 4.9 Neighbours have raised concern over the impact that the increase in traffic will have at the site. The Highway Authority have provided comments that the proposed development including parking on private land is remote from the highway and the existing access on to Bewdley Road North is more than adequate to accommodate the associated vehicle movements. Officers therefore consider that the development is acceptable in highway safety terms.

OTHER MATTERS

- 4.10 The Council's Countryside and Parks Manager has requested an ecological impact assessment of the site, however on this occasion it is not considered necessary to ask for one in this instance as it is considered to be disproportionate, especially given the fallback position where the applicant could walk their dogs on the field without needing to formally apply for a change of use.
- 4.11 It is noted that there are concerns over the potential future use of the site and the fact that there are other fences within the applicant's ownership that are in a bad state of repair, however these are considered to be private matters.

**5.0 Conclusions and Recommendations**

- 5.1 The change of use of the land for dog walking, the erection of a fence and the creation of a parking area does not result in a material impact on the openness of the site and therefore represents an appropriate form of development within the Green Belt. Subject to the imposition of planning conditions restricting the hours of use of the land and the number dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity, highway safety or any other harm.
- 5.2 In accordance with those considerations, 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. The field shall only be used by a maximum of eight dogs at any one time.
  4. No external lighting shall be installed on the site at any time.
  5. The use hereby permitted shall be limited to the hours of 6am and 9pm and at no other times without the prior consent in writing of the Local Planning Authority.
  6. No buildings shall be erected on the land
  7. Details of the parking area to be submitted
  8. Details of tree / hedge planting
  9. Landscaping scheme

<b>Application Reference:</b>	19/0749/FULL	<b>Date Received:</b>	25/11/2019
<b>Ord Sheet:</b>	387503 273806	<b>Expiry Date:</b>	24/02/2020
<b>Case Officer:</b>	Helen Hawkes	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Partial demolition of school buildings, nursery and hall, reordering and refurbishment of Winterfold House School for boarding accommodation, construction of replacement hall with kitchen and dining facilities, extension of retained nursery and associated external works

**Site Address:** WINTERFOLD HOUSE SCHOOL, WINTERFOLD, CHADDESLEY CORBETT, KIDDERMINSTER, DY104PW

**Applicant:** BROMSGROVE SCHOOL

<b>Summary of Policy</b>	DS01, DS02, CP01, CP03, CP05, CP07, CP08, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, GPB1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.SK2 (SAAPLP) Design Guide SPD Adopted Streetscape Design Guide National Planning Policy Framework Planning Practice Guidance
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application relates to Winterfold House School, situated on the south side of Bromsgrove Road (A448), between Mustow Green and Chaddesley Corbett, and lies to the east of Winterfold Lane. The school site is bounded by Winterfold Farm and Bromsgrove Road to the north with agricultural fields to the east, south and Winterfold Lane to the west. It is washed over by the West Midlands Green Belt and the surrounding area is predominantly in agricultural use.
- 1.2 The school includes the Grade II Listed Winterfold House, a three-storey brick construction Georgian manor house dating back to the early 19<sup>th</sup> century. Winterfold House is situated in the centre of the site with the 1970's Penryn Hall and other school buildings situated in a cluster, to the northeast and to the east of Winterfold House. A detached nursery building is separated from the main cluster of school buildings and lies to the west of Winterfold House, along the main school drive. The school grounds also include extensive grass and all-weather sports playing fields.

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- 1.3 The proposed development involves the demolition of the existing Penryn hall, chapel, reception area, offices and conservatory and their replacement within a new building which would provide a state-of-the art multi-purpose school hall with a worship space, offices, kitchen and dining facilities.
- 1.4 Winterfold House would include internal and external alterations to enable it to be converted back into boarding accommodation for 21 school pupils and would comprise a number of bedrooms, a sick bay, kitchen and dining facilities, bathrooms, library, drawing room, matron's flat and Headmistress study room and office. The minor alterations include new internal partitions, replacement windows and doors, localised alterations (the construction of an en-suite bathroom) and to regularise previous repair work.
- 1.5 It is also proposed to partially demolish and extend the existing nursery building at ground floor to bring the building back up to current educational and legislation requirements. The proposed single storey extension would be 4.1 metres high and would be constructed in timber cladding with aluminium windows and doors and a green roof.
- 1.6 In support of the application, a Planning Statement, Design and Access Statement, Tree Survey, Heritage Statement, Archaeological Survey, Drainage Details, Landscape and Visual Impact Assessment and Preliminary Ecological Appraisal with bat surveys have been submitted.
- 1.7 An application for listed building consent, reference 19/0745/LIST, was submitted in conjunction with this application and was granted consent on 7 February 2020.

## **2.0 Planning History**

- 2.1 There have been a numerous planning applications relating to this site, with the most recent being:
- 2.2 19/0745/LIST - Partial demolition of school buildings, nursery and hall, reordering and refurbishment of Winterfold House School for boarding accommodation, construction of replacement hall with kitchen and dining facilities, extension of retained nursery and associated external works: Approved 7.02.2020
- 2.3 18/0079/FULL – Construction of a floodlit all-weather sports pitch, multi-use games area and a replacement cricket pavilion together with associated floodlighting, fencing, drainage and landscaping works: Approved 25.05.2019

## **3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council– No objection and recommend approval.

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- 3.2 Highway Authority – No objection subject to conditions to require a school travel plan that promotes sustainable forms of access to the school site.
- 3.3 Conservation Officer – No objection subject to conditions to require details for all new doors and windows; external materials; a level 2 photographic recording (or as advised by WCC Archaeologist); details of features affected by the works; and the method of fire-proofing, sound-proofing layouts for plumbing, pipe-runs and cabling.
- 3.4 Worcestershire County Council Archive & Archaeology Service – No objection subject to conditions to require a programme of archaeological work including a written scheme of investigation and recording. It is advised that the proposals will affect not only the Grade II Listed Winterfold House (WSM40641: national designation 1167478) but also below ground remains associated with the former medieval settlement that was demolished to make way for Winterfold House (WSM10296). The medieval settlement is shown on early historic mapping and is mentioned in documentary sources from 1275AD. The medieval settlement may also have extended further than the buildings depicted in the 18 century. The Heritage Statement by Archaeology Warwickshire gives an excellent account of the potential of the site and suggests appropriate mitigation, with which I concur. There is high potential for medieval and post-medieval archaeology on this development.
- 3.5 Campaign for Rural England – No objection to the application. It is advised that the application is in the Green Belt, and that the need of the school to continue in the way its proprietors consider appropriate is sufficient to be very special circumstances under the rules on Green Belt. I make no comment on listed building aspects of the proposal, but would hope that your Conservation Officer will take a robust view on the merits of the scheme from the point of view of heritage and that your council will support the officer's view.
- 3.6 Arboricultural Officer – No objection.
- 3.7 Countryside and Parks Manager – No objection subject to conditions to require all works to be supervised by a qualified Ecologist; for the Bat Risk Avoidance Method Statement to be strictly adhered to; to require details of external lighting; and to require further ecology surveys if works have not started by October 2020.
- 3.8 Worcestershire Regulatory Services – No objection relating to potential contaminated land issues.
- 3.9 North Worcestershire Water Management Officer – No objection subject to a condition to require a scheme for foul and surface water drainage.
- 3.10 Natural England – No comments to make on this application.
- 3.11 Severn Trent Water – No objection and do not require a drainage conditions to be applied.

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3.12 Neighbour/Site Notice – No responses received from public participation.

#### **4.0 Officer Comments**

4.1 The main considerations are whether the proposed scheme would be appropriate development in the Green Belt, and whether it would have a detrimental impact on the openness and character of the Green Belt, or result in any harm to Landscape character and visual amenity, the significance of the Grade II Listed Winterfold House, highway safety, trees and biodiversity.

#### **BACKGROUND INFORMATION AND POLICY CONTEXT**

4.2 Winterfold House School is a co-educational preparatory and pre-preparatory school with a nursery catering for children between the ages of six weeks and thirteen years. In 2016, Bromsgrove School amalgamated with Winterfold House School and since merging, the Bromsgrove School Trustee have put in place a programme of investment to improve the school buildings and facilities in line with modern educational requirements and to ensure the school remains in the market as one of the leading Preparatory Schools in Worcestershire.

4.3 The applicant has advised that the existing school kitchen and dining hall located within Winterfold House is not practical as it is multi-level, confined and congested with large pieces of commercial catering equipment. Furthermore, the kitchen equipment and high usage is in danger of damaging the listed building. As such, it is proposed to relocate the school kitchen and dining hall into a new purpose built building and reinstate boarding accommodation in Winterfold House, which would be a more suitable and sustainable use for this listed building. In addition, the applicant advises that Penryn hall and the other school buildings which are to be demolished as part of this application are nearly fifty years old and are no longer suitable in terms of size and configuration and also do not reflect or add to the historical setting of the site. As such, it is proposed to replace these buildings with a state-of-the-art multi-purpose school hall including worship space and new classrooms and school offices.

4.4 The nursery was established following conversion of the building in 1998 and it no longer complies with modern educational and legislative demands including access requirements. The proposed scheme involves improvements to the nursery building, including partial demolition and a modest single storey side extension, which would bring the building up to modern educational requirements.

4.5 I consider that the proposals would improve the quality of school buildings and education function of the site. It would not have a detrimental impact on existing school playing fields. Paragraph 94 of the National Planning Policy Framework (the 'Framework') advises that Local Planning Authorities should give great weight to the need to create, expand or alter schools through decisions on planning applications. Policy SAL.DPL12 of the Adopted Site Allocations and Policies Local Plan also support new developments at

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educational facilities providing they do not result in loss of playing fields, complement the education function of the site, do not diminish the amount of recreational open space within the locality and are compatible with neighbouring or adjoining uses. The proposed development therefore accords with these policies.

**WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT**

- 4.6 The application site is washed over by the West Midlands Green Belt and is currently occupied by a number of school buildings, which range between single storey and two-storey in height and are clustered together in a group within the centre of the school site, and to one side and to the rear of the three-storey Grade II listed Winterfold House. There is also a detached two-storey nursery building, a single storey cricket pavilion and a single storey sports changing room block. The site is well screened to the north and east by mature trees and open views across the playing fields can be obtained from the adjoining agricultural fields located to the south of the site.
- 4.7 Paragraph 143 and 145 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Subject to a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Two of the exceptions within the Framework include: allowing extensions and alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building; and replacement of a building in the Green Belt, providing the new building is in the same use and not materially larger than the one it replaces.
- 4.8 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan refers specifically to development in the Green Belt and also includes this exception that permits replacement buildings of the same use and size.
- 4.9 The applicant has provided calculations to demonstrate that the proposed development would not be materially larger than the buildings it is to replace.
- 4.10 In terms of floorspace, the existing gross internal floorspace of the school buildings is 6,380sq.m and the proposal would result in a gross internal floorspace of 6,475sq.m. Overall, the increase in floorspace amounts to 95sq.m which represents a 1.49% increase in floorspace over the whole school site. In terms of volume, the existing volume of the building on site is 24454m<sup>3</sup> and the proposal would result in a volume of 25969m<sup>3</sup>. Overall, the increase in volume amounts to 1515m<sup>3</sup> which represents a 6.2% increase in volume over the whole school site.
- 4.11 I am satisfied that the proposed replacement school hall, classrooms and main school reception area would meet the exception to development in the Green Belt as it would be in the same use and not materially larger than the

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building it replaces. The proposed single storey extension to the nursery would meet the exception to development in the Green Belt given that it would not result in disproportionate additions over and above the size of the original building. The proposed development therefore does not constitute inappropriate development in the Green Belt, and would accord with Policy SAL.UP1 and Paragraph 145 of the Framework.

#### IMPACT ON LANDSCAPE CHARACTER AND VISUAL AMENITY

- 4.12 Paragraph 170 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside. Policy CP12 of the Adopted Site Allocations and Policies Local Plan states that new developments must protect and where possible enhance the unique character of the landscaping.
- 4.13 The submitted Landscape and Visual Assessment concludes that *'The landscape character would not be adversely affected by the proposals and with the removal of some out of character additions may experience minor positive benefits. The visual character for the most part remains unaffected or, with the changes proposed to the nursery, may experience minor positive benefits. A near distance internal site view is impacted, however, this was never intended to be the significant approach to Winterfold House, the eastern approach being the service entrance. The mitigating benefits of the removal of incongruous structures more dominant in the setting is considered sufficient justification for this minor infringement'*.
- 4.14 I agree with this conclusion and consider that the proposed development being over most of the footprint of the existing buildings to be demolished, would retain the existing clustering of buildings on site.
- 4.15 The development would not increase the spread of buildings on the site and the new buildings would be visually associated with Winterfold House, the main school building. The highest part of the proposed replacement building would be 8.1 metres which is below the ridge height of Winterfold House (8.6 metres) and as such, the replacement building would appear subservient to Winterfold House. In addition, the proposed replacement school buildings would have the appearance of 'barn' style buildings to reflect the rural setting of the site apart from the Chapel, which has been carefully designed to reflect its special function and ethos of the school. The proposed extension to the nursery building has been kept low in scale and the extension would be constructed in timber cladding with a green roof to help blend it into its surroundings and help ensure it relates well with the approved replacement cricket pavilion, which was granted permission under application 18/0079/FULL and includes a green roof.
- 4.16 The proposed development would require the removal of an existing Beech hedgerow in order to allow the installation of a new treatment tank. I consider that the removal of this hedgerow is acceptable as it is located within the site and provides little to the visual amenity within the local and wider landscape.

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Also, new hedging would be planted around the new treatment plant as well as replacement tree planting to offset those being lost.

- 4.17 Overall, the development would have no adverse impact on the landscape character and visual amenity of this part of the countryside, in line with Policy CP12 and the Framework.

**IMPACT ON THE GRADE II LISTED WINTERFOLD HOUSE**

- 4.18 Paragraph 192 of the Framework states that in determining planning applications, Local Planning Authorities should take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.19 Paragraph 193 of the Framework advises 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, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers to have a special regard to the desirability of preserving an heritage asset or its setting.
- 4.20 Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan states that any development proposal affecting a heritage asset, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate enhanced. Development proposals that would have an adverse impact on a heritage asset and/or its setting, or which will result in a reduction or loss of significance, will not be permitted, unless it is clearly demonstrated that a number of criteria are met.
- 4.21 The proposed development would involve the removal of unsympathetic additions to the Grade II listed Winterfold House, which includes a PVC conservatory, gardeners shed and toilet lobby area. It would remove the main school kitchen which is in danger of damaging the listed building and the reinstatement of the boarding accommodation within Winterfold House would be in keeping with its conservation.
- 4.22 The proposals involve some degree of removal of historic fabric namely part of the load-bearing wall within the kitchen and part of the lath and plaster stud partition in the attic area, and localised alterations (the construction of an ensuite bathroom). Whilst this inevitably does cause the minor loss of significance of these isolated areas of the listed building, the proposed works are considered to be acceptable by the Conservation Officer, especially given



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the wider scheme of beneficial repairs (and in particular the repairs to the purlin within the attic). The Conservation Officer further states that the proposed replacement of a original window and the retrospective repair works is welcomed as it provides a record of the works undertaken on this listed building. The Conservation Officer concludes that the overall impact of the proposed alterations to the Grade II listed building would be neutral. I concur with this view. The proposed development would therefore accord with Policy SAL.UP6 and Paragraphs 192 and 193 of the Framework.

#### HIGHWAY SAFETY

- 4.23 Winterfold House School is a well established school and no changes are proposed to the staffing levels or access and parking arrangements. No objection has been provided by the Highway Authority, although they consider that there is an opportunity to either introduce a school travel plan or update the existing school travel plan. Whilst I note that local and national planning policy emphasises the need to promote sustainable modes of travel, I consider that in this instance, it is not reasonable to request a school travel plan given that there is no changes to staffing levels and that there is only an increase in school boarding places that are not reliant on daily travel to and from the school. However, the advise of the Highway Authority will be provided as an 'informative' for the school to action as they see fit.

#### TREES AND BIODIVERSITY

- 4.24 The submitted Tree Survey recommends the removal of a Eucalyptus tree (Tree 323) due to its poor condition; a Sycamore tree (Tree 324) as it would make construction access difficult and its removal would benefit the development of Tree 325; and a Birch tree (Tree 351) because it is too close to one of the school buildings which is to be retained. Two tree groups (Nos.9 and 10) would need to be removed to facilitate the development, however, these trees are considered to have low amenity value and it is proposed to plant new orchard trees to mitigate the loss and provide fruit trees for educational and wildlife benefit.
- 4.25 The Arboricultural Officer has raised no objection to the loss of these trees or to the proposed development, following the receipt of additional information to demonstrate that the construction of the foundations of the single storey extension to the nursery building would not harm Tree 325. I concur with the view of the Arboricultural Officer and have recommended conditions to secure the Arboricultural Method Statement including tree protective fencing and Landscaping Scheme
- 4.26 A Preliminary Ecological Appraisal with bat surveys has been submitted in support of this application which concluded that the only protected species that could be impacted by this development is bats, as it was found that there are a number of bats using Winterfold House for roosting.
- 4.27 The report has advised that a Bat Risk Avoidance Method Statement (RAMS) will be sufficient rather than a European Protected Species Licence because the proposals only involve routine maintenance and repair works to the roof of Winterfold House. The report has provided a Bat RAMS which includes the

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retention of the western wall of the roof which is used as a bat roost and prevents any works to the roof that would modify or obstruct the features that are used by bats for entering/exiting the building. In addition, it requires that all roof repair works are carried out between late September and March in any year when the bats are highly unlikely to be present within the roof as the building was assessed as being used as a summer maternity roost and not a winter hibernation roost. Also, that all works to Winterfold House are undertaken under supervision by an 'Ecological Clerk of Works'.

- 4.28 The Countryside and Parks Manager is satisfied with these findings and the conclusions made within the submitted report and raises no objection subject to conditions to secure the Bat RAMS and the recommendations that have been provided. I concur with this view and conditions have been recommended accordingly to ensure mitigation is provided to avoid any harm to bats. The report also identifies measures to enhance the biodiversity value of the site, such as new bat and bird boxes, which I have also secured by condition. Subject to safeguarding conditions, I am satisfied that the development would comply with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170d and 175 of the Framework.

## 5.0 Conclusions and Recommendations

- 5.1 The National Planning Policy Framework advises that great weight should be given to applications that involve the expansion and alterations of schools. The proposed development would enable the school to provide additional school boarding places and enhance the learning environment for existing and future pupils, improving the built environment and providing a social benefit. The development also involves new orchard tree planting and ecological enhancements to improve the local wildlife habitats and natural environment. Furthermore, the proposed alterations and conversion of Winterfold House back into a boarding school will secure the long term use of this building and its preservation. The proposed development would result in no greater harm on the openness and character of the Green Belt than the existing buildings to be demolished and is considered to be appropriate development in the Green Belt. Conditions have been recommended to secure adequate mitigation and to avoid significant harm to bat roosts within Winterfold House. The development would therefore represent sustainable development and would accord with relevant local and national planning policies.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. External materials including windows and doors
  4. Site and Finished Floor Levels
  5. Foul and surface water drainage
  6. External Lighting Details

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7. To secure Arboricultural Method Statement/ Tree Protection
8. To secure landscaping scheme including new tree planting and hedging around new treatment plant
9. To secure Bat Risk Avoidance Method Statement (RAMS)
10. All works to be undertaken directly under the supervision of a qualified Ecologist
11. Implementation of the ecological enhancement measures
12. To require further Ecology Surveys if works do not start by October 2020
13. Programme of Archaeological Work including WSI
14. Implementation of Archaeological WSI and recording

Note

Travel Plan.

<b>Application Reference:</b>	19/0803/FULL	<b>Date Received:</b>	09/12/2019
<b>Ord Sheet:</b>	384431 279959	<b>Expiry Date:</b>	03/02/2020
<b>Case Officer:</b>	Julia McKenzie-Watts	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Erection of two bedroom pair of semi-detached dwellinghouses with private amenity an and associated parking

**Site Address:** RED LION, 70 CASTLE ROAD, COOKLEY, KIDDERMINSTER, DY103TB

**Applicant:** Mr S Singh

<b>Summary of Policy</b>	DS01, CP01, CP02, CP03, CP07, 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
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site relates to a roughly square piece of land measuring 517 square metres located to the rear of the Red Lion in Castle Road, Cookley. The application site rises to the north east with the frontage of the proposed properties onto Lionfields Road. The land at the rear of the site slopes backs onto the rear gardens of properties located in Castle Road.
  
- 1.2 The nearest properties to the proposed development site are terraced properties to the north east and a recently approved flat development to the south west. The application 17/0709/FULL allowed the change of use of part of the ground floor of the retail unit with side and rear first and second floor extension to create 6 No 1 bed flats and associated parking.
  
- 1.3 The current application seeks for the erection of a pair of semi detached properties consisting of lounge, kitchen / dining area and downstairs WC with two bedrooms and bathroom above. Each property would be provided with two parking spaces and a fenced rear garden. One property would have a 72 square metre amenity area and the second would have 105 square metres.

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## 2.0 Planning History

- 2.1 17/0709/FULL - Change of use of part of the ground floor of the retail unit with side and rear first and second floor extension to create 6 No 1 bed flats and associated parking : Approved 20.04.18

## 3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council - No objection
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Severn Trent Water – No objection
- 3.4 Countryside and Parks Manager – This is an application has come with a sufficient and appropriate ecological study. This study has picked up a few ecological concerns that we will need to attend to in the form of conditions.

There exists a risk of harm to the below protected species.

Bats - there are no bat roosts on site but the trees on the boundary of the site have unknown potential hence these trees need to be protected from the effects of the development in the form of ensuring a sufficient root protection area is maintained between the development and the trees and that these trees are not subjected to additional lighting. It is recommended as an enhancement that 2 permanent built-in or long lasting artificial bat roost are provided as part of the development.

Reptiles - some potential for slow worm exist on site, and therefore the site clearance works , particularly the removal of the rubble pile need to be carried out by hand and under the supervision of an ecological clerk of works.

Hedgehogs, may be present and therefore to prevent harm all excavations need to be covered at night and a means of escape for mammals provided. The boundary fences of the development need to include 150mm x 150mm gaps to allow the continued forage and passage of Hedgehog through the development.

Nesting birds - any clearance work to trees or shrubs should be carried out outside of nesting season (1<sup>st</sup> March through to 31<sup>st</sup> August) or under the supervision of a trained ecologist.

- 3.5 Neighbour/Site Notice –No representations received

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**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 and local character.

**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 a pair of semi detached dwellings on a piece of previously developed land to the rear of 70 Castle Road. The land is partly used as a car park and the rest of the site is fenced with a 1.8m high close boarded fence, this fenced area is dominated by tall vegetation which

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contains dumped domestic waste, shop fittings and building rubble, there is also a large metal shipping container in the north western corner of the site. As the site comprises previously developed land (PDL), Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan apply, these policies seek to concentrate new residential development on PDL .

- 4.7 Members should note that Policies DS01 and DS02 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan 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 or contamination. The plot is of a sufficient size to accommodate a pair of dwellinghouses 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 pair of semi detached dwelling would be positioned to follow the established street scene that exists in Lionfields Road with ridge heights reduced to match the nearest property. It is proposed to use mixed red bricks at the lower level of the house with white smooth render above, concrete interlocking grey roof tiles, grey composite entrance door and white upvc windows. A condition will be added to ensure that materials are submitted and approved in writing in order that the dwelling is constructed in similar materials to the nearest property at number 1 Lionfields Road. 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 Lionfields Road.
- 4.12 The side of the dwelling would be separated from the side wall of the nearest property located in Lionfields Road by approximately 3.5 with an obscurely glazed WC and bathroom windows on the side elevation. The separation

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distance to the nearest property in Castle road (number 72) is 30 metres down a sloped rear garden and approximately 6.9m to the side elevation of the extended number 1 Lionfields Road. The erection of a dwelling on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot size and degree of separation from the neighbouring properties to the side and rear. The rear windows and doors would face into the rear garden of the new properties and would have no adverse effect on the surrounding neighbours.

- 4.13 I therefore consider that the development would be in accordance with Policy CP11 of the adopted Core Strategy, Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan and paragraph 127 of the Framework.

#### ECOLOGY

- 4.14 An ecological survey has been submitted which the Council's Countryside and Parks Manager considers to be sufficient. He has requested that a number of conditions are imposed to any approval given to mitigate the risk to certain protected species namely bats, reptiles, hedgehogs and nesting birds.

#### PARKING AND HIGHWAY SAFETY

- 4.15 Two parking spaces are to be provided for each property to the side of the site. There is no doubt that the proposed development would add to traffic movement on Lionfields Road. 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).

- 4.16 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, particularly as the site can provide adequate off-street car parking, circulation space and turning facilities, which complies with County Council's Adopted Streetscape Design Guide. The proposal will not therefore result in adverse harm to highway safety.

#### FLOODING RISK AND DRAINAGE

- 4.17 Severn Trent Water have raised no objection to the application, but have stated that there may be a public sewer that crosses the site and that contact should be made in order that a solution can be found if this is indeed the case. A note will be added to ensure that the applicant is aware of this process. The development would therefore accord with Policy 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 Cookley, close to local shops and services and is therefore a sustainable location for new housing



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development. It is considered that two dwellinghouses 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 laid out in order that the flat development retains 6 parking spaces and four further spaces can be provided for the new dwellinghouses and therefore this will ensure adequate parking provision can be provided within the site

5.2 On balance, the proposed scheme is considered to represent an acceptable development of the site 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. Access, turning area and parking facilities
5. Provision of cycle parking
6. Details of walls, fences and other means of enclosure to be submitted
7. Details of hard and soft landscaping to be submitted
8. Removal of permitted development rights
9. Provision of electric charging point
10. Tree protection plan
11. No lighting
12. Details of bat roost to be submitted and approved in writing by the Local Planning Authority
13. Root protection zone
14. Site clearance works to be carried out by hand and under the supervision of an ecological clerk of works.
15. All excavations to be covered at night
16. Hedgehog fencing

Notes

- A. Severn Trent Water
- B. Clearance works to take place outside of nesting season

<b>Application Reference:</b>	20/0030/HOU	<b>Date Received:</b>	08/01/2020
<b>Ord Sheet:</b>	385810 275079	<b>Expiry Date:</b>	16/03/2020
<b>Case Officer:</b>	Richard Jennings	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Construction of prefabricated timber garden office building in the garden of property for use of working from home for the occupants.

**Site Address:** 33 Stanklyn Lane, Stone, Kidderminster, DY10 4AP

**Applicant:** Mr M Vaux-Harvey

<b>Summary of Policy</b>	CP11 (CS) SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD National Planning Policy Framework 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 site relates to a semi-detached property with numerous outbuildings, set in large gardens backing on to open agricultural land on Stanklyn Lane, to the rural west of Kidderminster. The property is flanked by other residential dwellings and open fields to the rear. The site falls within the West Midlands Green Belt.
- 1.2 The proposal involves the erection of a detached garden building measuring approximately 4.8m x 3m. It is proposed to use as a home office and will be sited approximately 27m from the house.

## 2.0 Planning History

- 2.1 09/0868/FULL – Two storey house extension : Approved 12.2.10

## 3.0 Consultations and Representations

- 3.1 Stone Parish Council – No objection
- 3.2 Neighbour/Site Notice – No representations received

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#### 4.0 Officer Comments

##### POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

##### APPROPRIATENESS AND OPENNESS

- 4.1 Policy SAL.UP1 directly reflects the National Planning Policy Framework in its requirement for development to be considered inappropriate if it fails to fall within a clear set of development criteria. The construction of a garden building within the curtilage of a dwelling house within the Green Belt falls outside of these exemptions and is therefore inappropriate. Any proposal which is inappropriate by definition creates harm to the Green Belt. The NPPF states the proposal should only be approved in very special circumstances that clearly outweigh the harm. Given the size of the building and its position, it is not considered that openness will be impacted on this occasion.
- 4.2 The applicant in this case has confirmed that the property currently has no outbuildings or garaging on site, with all storage and accommodation being within the main dwelling. It has also been confirmed that there is no useable surplus space within the main dwelling for the proposed home office, as the applicant's family currently take up all available space. The home office space is proposed for the applicants to home work without the requirement of driving to an office facility elsewhere. No members of the public or employees are proposed to visit the building or property.
- 4.3 Officers consider that a property of this type and size would reasonably expect some form of garage or outbuilding to serve the property. A modest home office for the occupier's sole use is considered acceptable and would result in little impact on the amenity of adjoining residential properties.
- 4.4 It must be taken into account that the property benefits from 'Permitted Development' rights for the provision and erection of outbuildings within the curtilage. The application results from the applicant's requirement to construct a pitched roof structure of over 2.5 metres in height within 2 metres of the boundary. This proposal is a mere 400mm above that which would fall under the requirements of the General Permitted Development Order and could be constructed without permission. The permitted development fallback position would result in a very similar building of slightly lesser height, being constructed without the requirement of planning permission, and likely result in a building of odd proportions and far less aesthetically pleasing than the current proposal. In addition, it allows the opportunity for the Local Planning Authority to control further buildings through the removal of permitted development rights. Taking all these matters into account including the removal of Permitted Development rights, it is considered that the harm created by inappropriateness can be clearly outweighed and, as such, Very Special Circumstances exists.

##### DESIGN

- 4.5 The proposed building is of modest proportions when considered against the overall size of the gardens these properties benefit from. The proposed

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materials and finishes result in a building which blends into this semi rural location, with a mix of glass and painted timber boarding.

## 5.0 Conclusions and Recommendations

5.1 The construction of a modest outbuilding within the curtilage of the property constitutes inappropriate development within the Green Belt. The material considerations in this case do amount to Very Special Circumstances to outweigh the harm. The proposed building has a minimal effect on openness and the amenity currently enjoyed by neighbouring properties. The building is of an acceptable design with sympathetic material used in its construction.

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. B6 (External details – approved plan)
4. The prefabricated timber garden office building shall be used for purposes incidental to the primary use of the dwelling house
5. J1 (Removal of PD rights for outbuildings [Part 1, Class E])

**WYRE FOREST DISTRICT COUNCIL**

**Planning Committee**

**17 March 2020**

**PLANNING AND ENFORCEMENT APPEALS**

<b>Appeal and Application Number</b>	<b>Planning Inspectorate Reference</b>	<b>Appellant</b>	<b>Site (Proposal)</b>	<b>Form of Appeal and Start Date</b>	<b>Written Reps. or Statement Required By</b>	<b>Proof of Evidence Required By</b>	<b>Public Inquiry, Hearing or Site Visit Date</b>	<b>Decision</b>
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/3230693	APP/R1845/X/19	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/3227384	APP/R1845/X/19	RLS ASSOCIATES (MR & MRS R SMITH)	HODGE HILL FARM BARN 3) BIRMINGHAM ROAD KIDDERMINSTER  Certificate of Lawfulness Development for existing use: Domestic use of caravan	WR 26/07/2019	30/08/2019			

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
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			Allowed  22/02/2020
WFA1537 19/0049/FULL	APP/R1845/W/1 9/3239423	MR & MRS F D'ANIELLO	UPPER NORCHARD FARM NETHERTON LANE DUNLEY STOURPORT-ON- SEVERN  Erection of dwellinghouse and garages, together with new access and parking	WR  20/11/2019	08/01/2020			Dismissed  26/02/2020

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
WFA1538 19/0268/FULL	APP/R1845/W/1 9/3240865	L Bridges	55 HIGH CLERE BEWDLEY DY122EX  Erection of one detached split level house with integral garage	WR  12/12/2019	16/01/2020			
WFA1539 19/0291/PIP	APP/R1845/W/1 9/3241012	Mr J McConnell	LAND AT CHURCH VIEW BEWDLEY DY122BZ  Erection of 4no. Bungalows	WR  12/12/2019	16/01/2020			



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
WFA1541 19/0096/FULL	APP/R1845/W/1 9/3242723	SHIPLEYS	25 VICAR STREET KIDDERMINSTER DY101DA  Change of use from retail (Class A1) to amusement centre (adult gaming centre) and construction of a smoking shelter to the rear	WR  16/01/2020	20/02/2020			

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
WFA1542 19/3047/PNRE	APP/R1845/W/1 9/3243405	Mr A Jordan	BARN AT HIGHFIELD FARM JENNINGS WOOD LANE HEIGHTINGTON  Change of use of agricultural building to a dwellinghouse	WR  16/01/2020	20/02/2020			
WFA1543 20/0030/ENF	APP/R1845/C/19 /3221145	Mr Carpenter	BLACKSTONE MEADOWS STOURPORT ROAD BEWDLEY DY121PU  Unauthorised Use of Land	HE  29/01/2020	04/03/2020		27/05/2020	

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
WFA1544 19/3053/PNRE	APP/R1845/W/1 9/3243004	MRS J ROSE	OAK TREE FARM POUND GREEN ARLEY BEWDLEY DY123LG  Change of use of Agricultural Building to a Dwellinghouse (C3) (Resubmission of 19/3011/PNRES)	WR  29/01/2020	04/03/2020			
WFA1545 19/0452/FULL	APP/R1845/W/1 9/32422675	MR BRYAN TALBOT	CHAPEL PADDOCK CHAPEL LANE CALLOW HILL KIDDERMINSTER  Erection of two detached dwelling houses, with new vehicular access and associated works	WR  29/01/2020	04/03/2020			

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
WFA1547 18/0331/FULL	APP/R1845/W/1 9/3219966	MR & MRS CARPENTER	LAND AT BLACKSTONE MEADOW STOURPORT ROAD  Erection of a temporary rural workers dwelling and agricultural buildings, with associated works	HE  29/01/2020	04/03/2020		27/05/2020	
WFA1548 19/0728/FULL	APP/R1845/W/2 0/3246529	MR JAMES HEMMINGS	4 BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JG  Proposed conversion of garage to dwelling (C3), including rear extension and parking	WR  02/03/2020	06/04/2020			
WFA1546 20/0031/ENF	APP/R1845/C/19 /3224904	Mrs Carpenter	BLACKSTONE MEADOWS STOURPORT ROAD BEWDLEY DY121PU  Unauthorised Use of Land	HE  29/01/2020	04/03/2020		27/05/2020	



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## Appeal Decision

Site visit made on 28 January 2020

**by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 February 2020**

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### **Appeal Ref: APP/R1845/X/19/3230753**

#### **Land at Captains, Stone Hill, Stone, Kidderminster DY10 4AJ**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mrs Gaynor Gillespie against the decision of Wyre Forest District Council.
  - The application Ref 19/0224/CERTP, dated 11 April 2019, was refused by notice dated 7 June 2019.
  - The application was made under section 192(1)(a) of the 1990 Act as amended.
  - The use for which a certificate of lawful use or development is sought is the proposed storage of a maximum of thirty-nine (39) caravans.
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### **Preliminary Matters**

1. In this type of appeal, the onus of proof is firmly upon the appellant. The Courts have held that the relevant test of the evidence on matters such as an LDC application is the balance of probabilities. The applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided their evidence alone is sufficiently precise and unambiguous. I must examine the submitted factual evidence, the history and planning status of the site in question and apply relevant law or judicial authority to the circumstances of this case.
2. For the avoidance of doubt, the planning consequences of the use are only relevant insofar as they enable an assessment of the character of the use and any off-site effects.

### **Main Issue**

3. I consider that the main issue is whether the Council's decision to refuse to grant a lawful development certificate was well-founded.

### **Reasons**

4. The site is lawfully used for the storage of up to 15 caravans<sup>1</sup>. The appellant is seeking to establish that increasing the storage to a maximum of 39 caravans would be lawful. The Council refused to grant an LDC as it was considered the proposed use would amount to a material change of use by virtue of intensification.

<sup>1</sup> Ref 1165/04 dated 7 February 2005.

5. The Courts have held that intensification does not amount to a material change unless and until the fundamental character of the use changes. It applies when the only way to distinguish between the former and present uses is in terms of scale. The principle was reaffirmed in *Hertfordshire CC*<sup>2</sup>, where the Court of Appeal held that the test was whether there had been a change in the character of the use. In assessing whether there has been a change of character, the impact of the use on other premises is a relevant factor. It is necessary, on the particular facts, to consider both what is happening on the land and its impact off the land when deciding whether the character of the use has changed.
6. The appeal relates to a parcel of land located towards the edge of the urban area. It is accessed via a driveway from Stone Hill (the A448). The site is set back from the road and lies to the south of a substantial detached dwelling and its grounds, which is well-screened by a conifer planting belt. There are further evergreen tree belts to the west and at the access with the main road. There is also a large building adjoining the site to the east. The result is that views to the site from public viewpoints, including the footpaths to the north and west, are limited.
7. At present the site can lawfully accommodate 15 caravans for storage but there is no restriction as to where on the site these should be sited. Hence, they could be spread across the site, concentrated in a small area or placed around the extremities. While the proposal would double the numbers of caravans stored, this would not necessarily change the character of the use. The land would still be used for the storage of caravans and these would be sited within the site boundaries of the existing lawful use. There is no residential use of the caravans and so there would be proliferation of domestic paraphernalia. I am satisfied that the proposed increase would not lead to a material change in the character of the land.
8. It is also necessary to consider off-site impacts as explained above. The site is relatively well-screened and, in my judgement, the increased number of caravans in storage would not have a materially greater visual impact than 15 caravans spread across as site, as allowed under the existing LDC.
9. The increased number of caravans would result in more activity as people drop off and remove their unit for use. However, the level of activity is unlikely to lead to any adverse effects. There is no suggestion by the Council that the increased storage at the site would lead to off-site effects such as noise and disturbance.
10. I have considered the likely traffic generation and the effects on the highway network. The appellant explains that people storing their caravans at the site remove them on average five or six times a year, with Easter and the August bank holiday being the most popular periods. Some of the caravan owners remove them for prolonged periods during the summer months. I accept that the removal and return of the caravans is likely to be spread across the year, as opposed to being concentrated over shorter timescales. The A448 is a relatively busy road with a 50mph speed limit. However, the splay at the site access allows adequate visibility and there is no evidence that the increased use of the access, as described, would have any adverse consequences for highway safety or the road network in general.

<sup>2</sup> In the case of *Hertfordshire CC v SSCLG & Metal and Waste Recycling Ltd* [2012] EWCA Civ 1473.

11. The Council draws my attention to *R (oao Childs)*<sup>3</sup>. That case concerned the refusal of LDCs pursuant to s192 of the 1990 Act as amended for an increase in the number of caravans for residential use. The issue before the Court was whether a mere increase in numbers could constitute a change of use. It was held that an increase in the number of caravans was capable of amounting to a change of use which might be material. This case is relevant in that it establishes intensification can amount to a material change of use. However, the circumstances can be distinguished from the appeal before me. The caravans in question were for residential use as opposed to storage and the site characteristics were such that it was concluded the increase would cause the landscape to take on a materially different character, which is not my conclusion in this instance.
12. The Council refers to an appeal decision on the site for the storage of a maximum of 52 touring caravans<sup>4</sup>. The Inspector dismissed the appeal stating that the site can be seen from a number of public vantage points. While the tree belts were acknowledged, it seems that the Inspector was concerned about their removal at some point in the future. However, even if the trees were removed, in my judgement, the increase in the number of caravans would not have an adverse visual impact. As set out above, the site is set back from the road and is partly screened by other development. The land is already occupied by caravans that could be placed anywhere on the site. An earlier appeal decision is also referenced<sup>5</sup>, which appears to reach a similar conclusion. However, both Inspectors were making a judgement in respect of the effect of the development on the Green Belt. It is not appropriate for me in the context of this appeal to apply the Green Belt tests. My consideration is confined to whether the fundamental character of the use would change, having regard to off-site effects.
13. The proposal would result in at least double the existing number of caravans being stored on the site. However, the increase in the scale of the use would not reach the point where it gives rise to such materially different planning circumstances that, as a matter of fact and degree, it would result in a change in the definable character of the use. Therefore, it would not constitute a material change of use by virtue of intensification.

### **Conclusion**

14. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of a "proposed storage of a maximum of thirty-nine (39) caravans" was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

### **Decision**

15. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the extent of the proposed use which is considered to be lawful.

*Debbie Moore* Inspector

<sup>3</sup> *R (oao Childs) v First Secretary of State and Test Valley Borough Council* [2005] EWHC 2368 (Admin).

<sup>4</sup> APP/R1845/A/09/2118087 dated 18 March 2010.

<sup>5</sup> APP/R1845/A/05/1189962 dated 3 January 2006.

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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 11 April 2019 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The site is lawfully used for the storage of up to 15 caravans. The proposed increase in the scale of the use would not reach the point where it gives rise to such materially different planning circumstances that, as a matter of fact and degree, it would result in such a change in the definable character of the use that it would amount to a material change of use by virtue of intensification.

Signed

*Debbie Moore*

Inspector

Date 22 February 2020  
Reference: APP/R1845/X/19/3230753

### **First Schedule**

The proposed storage of a maximum of thirty-nine (39) caravans

### **Second Schedule**

Land at Captains, Stone Hill, Stone, Kidderminster DY10 4AJ



## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



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## Plan

This is the plan referred to in the Lawful Development Certificate dated: 22 February 2020

by **Debbie Moore BSc (HONS), MCD, MRTPI, PGDip**

**Land at: Captains, Stone Hill, Stone, Kidderminster DY10 4AJ**

**Reference: APP/R1845/X/19/3230753**

Scale: NTS

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## Appeal Decision

Site visit made on 16 January 2020

**by R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

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**Appeal Ref: APP/R1845/W/19/3239423**

**Upper Norchard Farm, Netherton Lane, Dunley, Stourport-on-Severn  
DY13 0UJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs F D'Aniello against the decision of Wyre Forest District Council.
  - The application Ref 19/0049/FULL, dated 17 January 2019, was refused by notice dated 21 August 2019.
  - The development proposed is one dwellinghouse.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are:
  - ii) the effect of the proposal on the character and appearance of the area;
  - ii) whether the occupiers of the proposed dwelling would have adequate access to services by an acceptable choice of modes of travel; and
  - iii) whether there would be an unacceptable loss of the best and most versatile agricultural land.

### Reasons

#### *Character and appearance*

3. The appeal site is located within an attractive area of countryside which is characterised by its undulating topography and low hills, dotted with isolated farms and small clusters of buildings. Fields are generally bounded by hedges interspersed with trees.
4. It is part of a sloping, triangular shaped field which, at the time of my visit, was used for grazing sheep and is accessed from Netherton Lane, which is a narrow private road leading from Netherton Road. The field shares a boundary with the curtilage of Ivy House Cottage. There is a small cluster of agricultural and other buildings which front onto Netherton Road, close to the junction with Netherton Lane, and further small clusters of buildings along Netherton Lane beyond the appeal site, associated with Upper and Lower Norchard Farms.

5. Given the proximity of other buildings nearby, the site could not be described as isolated. However, it is in a rural location outside of a settlement, and is approximately 1.4 miles to the nearest rural hamlet, Abberley, and around 2.8 miles to the town of Stourport-on-Severn.
6. Policy DS01 of the Wyre Forest Core Strategy 2010 (CS) sets out the development strategy for the area, which seeks to concentrate new development primarily on previously developed land in urban areas and larger settlements, in accordance with a settlement hierarchy. Further detail on appropriate sites for residential development is provided in Policy SAL.DPL1 of the Site Allocation and Policies Local Plan 2013 (SAPLP), which states that development outside of identified locations will not be permitted unless it accords with Policy SAL.DPL2 of the same plan. Policy SAL.DPL2 says that within rural areas, residential development will not be permitted unless it meets one of the criteria listed. In this case, the proposed development does not fall within any of these categories and as such, it conflicts with Policies DS01, SAL.DPL1 and SAL.DPL2.
7. The proposed development would involve the subdivision of the field into two, and the construction of a large two-storey dwelling with detached double garage in the lower section. The proposed house would be served by a new driveway which would join Netherton Lane in the same position as the existing field gate.
8. The appeal site is clearly visible from the field access on Netherton Lane and appears part of a wider area of countryside which rises up towards Upper Norchard Farm. Existing development at Upper Norchard Farm is not visible from the appeal site due to the topography of the area and the many trees in the hedgerows. Although the site is adjacent to Ivy House Cottage, the thick line of trees and shrubs along the shared boundary significantly limits the extent to which the existing house can be seen from the site. Other than the lane and a power line crossing the field, the area appears free from development and despite the relative proximity of existing development nearby, visually the site appears part of the wider countryside, rather than relating to an existing cluster of development.
9. I agree that the proposed siting of the development in the lowest part of the field would limit the visual impact of the development, and that existing and proposed vegetation along all three boundaries of the triangular site would provide screening which would further help to limit the impact. These factors would help to reduce the visibility of the proposed development in the wider landscape, but it would be clearly visible from Netherton Lane and nearby footpaths. The proposal would introduce new built development into this undeveloped, countryside location and would detract from the rural and open appearance of the site.
10. I note the appeal decisions which the appellant has referred to<sup>1</sup>, but these relate to different circumstances, with different policies in different local authority areas, and one is now several years old. They are therefore not directly comparable to the appeal before me.
11. I therefore conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy DS01, which restricts

<sup>1</sup> Appeal references APP/Q3115/W/19/3220425, APP/J/1860/A/12/2187934 and APP/K0235/W/19/3227767

development in the open countryside to safeguard landscape character, and with Policies SAL.DPL1 and SAL.DPL2, which set out more detailed requirements for residential development in rural areas.

12. There is no indication that the proposal would meet any identified needs. As such, there is conflict with Framework paragraph 77, which supports rural housing where it meets local needs. The proposal would also conflict with Framework paragraph 127c), which seeks to ensure that developments are sympathetic to local character and the surrounding landscape setting, and with paragraph 170b), regarding the need to recognise the intrinsic character and beauty of the countryside.
13. The Council has referred to CS Policy CP12: Landscape Character in its decision notice, but no assessment of the proposal in relation to the Worcestershire Landscape Character Assessment has been provided. I therefore give limited weight to this policy. Policies of the SAPLP are mentioned but it is not clear which are relevant here.

*Accessibility by a choice of modes of travel*

14. The appellant has acknowledged that the rural location of the site offers limited opportunities for sustainable transport, and that future occupiers are likely to be reliant on the private car to access services and facilities.
15. Framework paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is recognised in Policy DS01, which allows limited development in rural settlements, but seeks to direct the majority of new development to urban areas and larger rural settlements in accordance with a settlement hierarchy. The aim of the policy is to ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. Through implementation of this strategy the plan seeks to minimise development in locations which are reliant on the private car.
16. I note the comments made by the planning officer and appellant that the proposal would help to enhance and maintain the vitality of nearby rural communities. However, any such benefit arising from a single dwelling would be very modest.
17. I therefore conclude that the occupiers of the proposed dwelling would not have adequate access to services by an acceptable choice of modes of travel and would conflict with the development strategy for the area set out in Policy DS01. There is further conflict with Section 9 of the Framework, which promotes sustainable transport and seeks to ensure that appropriate opportunities to promote sustainable modes can be taken up.
18. The Council's decision notice refers to CS Policy CP03 which relates to wider transport infrastructure and parking, and the impact of traffic on the local network. None of these matters directly relate to the reason for refusal so the policy is of limited relevance. Similarly, SAPLP Policy SAL.CC1 relates to site layouts, bus and cycle routes, and is not directly applicable to the proposal. Section 7 of the Framework is concerned with ensuring the vitality of town centres and is also of limited relevance.

*Agricultural land*

19. The Council's decision notice refers to the site as comprising Grade 2 (very good) agricultural land. I note that paragraph 7.110 of the SAPLP refers to land quality in the district being generally very high in the area running from east and south-east of Kidderminster eastwards towards the District boundary.
20. However, the assertion regarding land quality relates to the Agricultural Land Classification (ALC) map, which is not sufficiently accurate to determine this at the site specific level. No detailed evidence has been provided to ascertain the quality of the agricultural land on the site, which from looking at the ALC map could be Grade 2, 3a or 3b. Only if it is Grade 2 or 3a would it be classed as 'best and most versatile agricultural land' (BMV) for the purposes of CS Policy DS04 and SAPLP Policy SAL.UP14.
21. The proposal would involve a single dwelling, so the area lost would not be extensive, and the upper part of the field would remain in agricultural use. Furthermore, the triangular shape of the site and its position at the bottom of a slope may limit the practicality and quality of the land for agriculture, which could impact on its ability to form BMV land.
22. On the basis of the information before me I conclude that there would not be an unacceptable loss of BMV agricultural land. As such, I find no conflict with Policy DS04, SAL.UP14 or Framework paragraph 170b), all of which recognise the importance of BMV agricultural land and seek to protect it development.

**Other Matters**

23. The adopted local plans for the area are a number of years old and predate publication of the National Planning Policy Framework (the Framework). However, Framework Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework, and that due weight should be given to them, according to their degree of consistency with it.
24. I acknowledge that the housing figure set out in the CS is not based on an up-to-date housing requirement figure for the area. However, there is no suggestion that the Council lacks an up to date supply of land for housing. Furthermore, the policies identify locations where development should and should not take place by directing development within an overall settlement hierarchy, which is not inconsistent with the Framework.
25. To promote sustainable development in rural areas, paragraph 77 of the Framework requires that housing is located where it will enhance or maintain the vitality of rural communities. The development plan for Wyre Forest sets out a strategy which allows for development in villages and rural settlements which accords with this objective. The strategy also reflects the Framework's environmental objective which seeks to protect and enhance our natural environment and make efficient use of land. The overall development strategy set out in the plan, and the approach to development in the rural area, is not inconsistent with the Framework. Therefore, the policies referred to are not out-of-date and the 'tilted balance' is not engaged.

**Conclusion**

26. Whilst I find no harm in respect of the loss of agricultural land, I do find harm in respect of locational sustainability and character and appearance. For these two reasons I conclude that the appeal be dismissed.

*R. Morgan*

INSPECTOR