Open

Planning Committee

Agenda

To be held remotely
6pm
Tuesday, 19th May 2020

Planning Committee

Members of Committee:

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

Councillor C J Barnett	**Councillor V Caulfield**
Councillor S J Chambers	**Councillor P Harrison**
Councillor M J Hart	**Councillor L J Jones**
Councillor F M Oborski MBE	**Councillor C Rogers**
Councillor J W R Thomas	**Councillor L Whitehouse**

Information for Members of the Public:-

If you have any questions regarding the agenda or the attached papers please do not hesitate to contact the officer named below.

The meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting. Where a meeting is held remotely, "open" means available for live or subsequent viewing.

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This meeting is being held remotely online and will be recorded for play back. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. All streamed footage is the copyright of Wyre Forest District Council.

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 prior to 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.

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

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

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

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

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

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

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

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

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

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

To be held remotely

Tuesday, 19th May 2020

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	**Apologies for Absence**	
2.	**Appointment of Substitute Members** To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	**Declarations of Interests by Members** In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	**Minutes** To confirm as a correct record the Minutes of the meeting held on the 23rd April 2020.	7
5.	**Applications to be Determined** To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	**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.**	

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

Part 2

Not open to the Press and Public

8.	**To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.**	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

HELD REMOTELY

23RD APRIL 2020 (5PM)

Present:

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

Observers:

Councillors: A Coleman, R H Coleman and P Dyke.

PL.80 Apologies for Absence

There were no apologies for absence

PL.81 Appointment of Substitutes

No substitutes were appointed

PL.82 Declarations of Interests by Members

No declarations of Interests were made.

PL.83 Minutes

Decision: The minutes of the meeting held on 17th March 2020 be confirmed as a correct record and signed by the Chairman.

PL.84 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 583 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 583 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

There be no further business the meeting ended at 5:27pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

23rd April 2020 Schedule 583 Development Management

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

Application Reference: 19/0054/FULL

Site Address: Former Stourport Sports Club, Harold Davies Drive, Stourport-on-Severn, DY13 0AA

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Removal of Permitted Development Rights for any new boundary treatments
5. There shall be no hard surfacing of the pitches for the touring pitches and access
6. External Lighting Strategy to be implemented
7. Refuse Storage Facilities to be implemented
8. Details of soft landscaping to be submitted
9. Landscaping management and maintenance Plan
10. Retention of trees
11. Details of Bat Tower structure to be submitted
12. Ecological management plan and monitoring programme
13. Implementation of bird and bat boxes
14. No more than 51 touring holiday caravans shall be stationed on the site
15. The caravan pitches shall be occupied for holiday purposes by touring caravans only, and shall not be occupied by static caravans or mobile homes as a person's sole or main place of residence
16. The applicant/site manager shall keep an up-to-date written register of all persons visiting the site for the purposes of recreation and the number of touring caravans there on any day. The written register shall be maintained daily thereafter and be made available to the Local Planning Authority for inspection at reasonable notice
17. The land shall only be used for the stationing of caravans on tour during the period between 1st March and 31st October, and for occupation for no more than 3 weeks continuously with no return until a period of 2 weeks has lapsed
18. No caravans, motor homes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stored or left unoccupied on the site at any one time
19. Flood Evacuation Management Plan
20. No alterations to ground levels unless agreed in writing by the Local Planning Authority.
21. Site Drainage Strategy

22. Foul Water Drainage
23. Programme of Archaeological Investigations
24. Archaeological recording
25. Engineering details of closure of existing turning provision and the installation of new turning head provision with footpaths, dropped kerb works and highway demarcation
26. Accesses and parking facilities to be provided as agreed
27. Cycle storage facilities
28. 2no. Electric vehicle charging points
29 The development hereby approved shall not commence until a Site Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and c of any reinstatement

The measures set out in the approved plan shall be carried out and complied with in full during the demolition and construction phases of the development hereby approved

Notes

A. Waste and recycling collection
B. Site Licence for siting of touring caravans
C. Site Rules
D. Flood Risk Evacuation Plan
E. Section 278 Agreement
F. Section 38 Agreement
G. Cadent Gas Limited to be contacted before starting works

Application Reference: 20/0021/FULL

Site Address: HOME FARM, 25 FRANCHE COURT DRIVE, KIDDERMINSTER, DY11 5RL

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. Highways
5. Details of walls, fences and other means of enclosure to be submitted
6. Details of hard and soft landscaping to be submitted
7. Removal of PD rights
8. Details of electric charging point
9. Drainage condition
10. Contaminated land
11. Details of bat and bird box to be submitted
12. Certificate of completion of works to be submitted by Applicant's Ecologist

Note

A Waste and recycling collection

Application Reference: 20/0108/FUL

Site Address: Land Adjacent, 1 Westhead Road, Cookley, Kidderminster, Worcestershire

APPROVED subject to the following conditions:

1. Full with no reserved matters
2. Approved plans
3. Samples/details of material
4. Site and Finished Floor Levels.
5. Boundary treatments
6. Details of landscaping scheme to include wildlife friendly plant species.
7. Implementation of Landscaping Scheme.
8. Scheme of surface water drainage.
9. Access, turning area and parking facilities including cycle parking to be provided.
10. Removal of permitted development rights

Notes

A. Severn Trent Water
B. Ringway Infrastructure Service to carry out all highway work
C. Waste and recycling collection

Application Reference: 20/0152/HOU

Site Address: 71 Bewdley Road North, Stourport On Severn, DY13 8PX

APPROVED subject to the following conditions:

1) A6 (Standard time)
2) B3 (Matching materials)
3) Highways condition

Note

A) Highways

Agenda Item No. 5

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

19 May 2020

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
19/0724/RESE	Former Lea Castle Hospital Park Gate Road Cookley Kidderminster Worcestershire DY10 3PT	Approval	13
19/0807/FULL	Harvington Manor Worcester Road Harvington Kidderminster Worcestershire DY10 4LX	Approval	47
20/0067/HOU	9 Briar Way Stourport On Severn Worcestershire DY13 8ST	Approval	59
20/0122/S73	Vale Road Car Park Vale Road Stourport On Severn Worcestershire DY13 9AB	Approval	63

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
19/0519/OUTL	Land adjacent at A448 Mustow Green Kidderminster Worcestershire	Refusal	70
20/0078/OUT	Land At Os 373160 274660 Plough Lane Far Forest Kidderminster Worcestershire	Refusal	87

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19 May 2020

PART A

Application Reference:	19/0724/RESE	**Date Received:**	12/11/2019
Ord Sheet:	385240 279281	**Expiry Date:**	11/02/2020
Case Officer:	Helen Hawkes	**Ward:**	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

Summary of Policy	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
Recommendation	**APPROVAL**

Reason for Referral to Committee
'Major' planning application
Statutory or non-statutory Consultee has objected and the application is recommended for approval

1.0 Planning History

1.1 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.

1.2 17/3071/DEM – Demolition of buildings at Former Lea Castle Hospital: Prior Notification Granted 11.12.17

1.3 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

1.4 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

2.0 Consultations and Representations

2.1 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 submitted 12 February)* – 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.

(Third comments to revised details submitted 7 April) – The Parish Council acknowledge the amendments as listed, appear to be reasonable and show improvements to the original plans/ layout, but this still does not address the issues previously raised by the Parish Council and residents, around the concerns about the exit and entrance to and from The Crescent and the Wolverhampton Road, not to mention the issues with the lack of proper car parking. The Parish Council therefore still recommend refusal as they have previously.

2.2 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 submitted 12 February*) – 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 ensuing that the proposals provide active travel infrastructure and a street pattern which address local and nations 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 proposes 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.

(Third comments to revised details submitted 7 April) – No objection. It is advised that following the previous highways advice which was issued on 5th March 2020 and a subsequent meeting with the applicant, a substantial number of additional drawings were submitted in support of the application on 7th April 2020. These have been reviewed in detail.

In relation to street lighting, the inclusion of a Central Management System; introduction of dark corridors; and preparation of a design to comply with Worcestershire County Councils' street lighting design standards will all be subject to formal technical approval as part of the Section 38 Highways Adoption process.

There are now no objections to the scheme subject to imposition of suitable biodiversity conditions in accord with BS42020, designed to secure delivery and monitoring of the ecological measures as proposed.

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

2.3 Environment Agency – No further comments to make on this reserved matters application, as we commented on the Outline application.

2.4 Natural England *(Original comments)* - No specific comments to make on the reserved matters for appearance, landscaping, layout and scale.

(Second Comments to revised details submitted 7 April) – No comment.

2.5 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 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.

2.6 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.

2.7 Sport England – No comment.

2.8 Severn Trent Water – No objection subject to a condition to secure suitable foul sewage drainage.

2.9 Conservation Officer – No objection and 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.

2.10 Countryside and Parks 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 submitted 12 February) – 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 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 an allow stepping stones for acid species and provide points for interpreting raising the profile of this locally distinctive and nationally scares and valuable habitat.

2.11 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. 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.*

(Second comments to revised details submitted 7 April) – No objection subject to the imposition of suitable conditions designed to secure delivery and monitoring of the ecological measures as proposed.

2.12 Wildlife Trust – No objection to the proposed development and the following comments have been made to the revised details submitted on 7th April, these are:

- We welcome the CEMP produced by TEP. Generally, the document is helpful and fit for purpose. It covers the areas we would expect it to and the roles and responsibilities are clear and appropriately set out.
- We note the proposed RAMMS / licence approaches for the various species and for the most part these appear to offer a proportionate and appropriate way forward.
- It is clear from the submitted documents that there are particular issues in relation to bats and the potential for development to adversely affect the newly created roost buildings and commuting / foraging habitat. We are therefore pleased to see the commentary set out in the Ecology Strategy by TEP, the Lighting Strategy letter by Wood and the Loveday Lighting Report. It is very encouraging to note occupation of the recently constructed replacement roosts by bats, including by lesser horseshoes, in the strategy letter and we are pleased to see the proposals regarding the use of red LED street lighting at particular pinch-points as set out in the Ecology Strategy. In connection with this we are pleased to see that consideration has also been given to the impacts of residential lighting and we welcome the steps taken to buffer the roost features from this. However, we remain concerned about this aspect of the development because it is notoriously hard to control residential lighting long-term and with success. We therefore welcome the intention to monitor the impacts

post-development to consider further mitigation if required. It is clear that the County Council's Ecologists have been involved in significant discussions about site lighting with their Highways colleagues and the applicants and with that in mind we are content to defer to their opinions in relation to this element of the development.

- We are somewhat concerned that the approach to badger mitigation relies very heavily on the animals being able to forage within the development in future, so for this species (and indeed several others) the permanence of retained or created habitat, its appropriate management and the control of indirect effects arising from the surrounding built environment will be critical. The CEMP sets out a valid approach to this during construction but it will also be essential for the council to respond to and control any future (post construction) impacts effectively.
- We note the commentary regarding dormice and we welcome the proposed additional planting and restoration of the understorey in several woodland blocks. We remain concerned about the severance of local commuting corridors as a result of the need to widen access roads etc. but we note the proposals for mitigation and accept the approach on balance.
- The proposed acid grassland creation is welcome but it is extremely disappointing to see that the areas set out in the mitigation strategy are so small in relation to the scale of this development. Creation of meaningful blocks of this important and rare habitat is a key recommendation in the Kidderminster North GI Concept Statement and so we look to the council to ensure that the wider site (coming forward in the emerging local plan) delivers significantly more acid grassland in line with the concept statement priorities. Management of this resource into the future will be especially important and unfortunately this will be rendered much more challenging given the rather small parcels currently proposed.
- In connection with this we note the overall planting and management strategy with respect to landscaping and especially the noted 'dark corridors'. These are important for a number of key species on this site and so it is essential that they are not compromised in future by the anticipated additional development proposed in the emerging local plan allocation. Careful blending of the current proposals with the wider site design will be critical and we would be pleased to discuss this further with the council and other GI stakeholders if that would be helpful.

(<u>Officer Comments</u> – The landowner of the wider allocation site has confirmed that they will ensure that any land which comes forward for development will include specific in relation to acid grassland, which is considered to be more suitable given its topography and orientation compared to the current application site. The applicant has also advised that acid grassland would be provided within the road grass verges, which has been agreed by the Highways Authority, and that further acid grassland on this scheme cannot be offered without clearing woodland habitat).

2.13 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 submitted 12 February*) – 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.

2.14 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 adopted 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.

(Second comments to revised details submitted 12 February) – 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.

(Third comments to revised details submitted 6 March) – No objection as the revised details has addressed my previous concerns in regards to the following:

- the overland flow routes were mainly due to a drafting error which has been rectified on the latest versions of the Exceedance Overland Flow Route sheets. One overland flow route has been updated (plot 573)
- confirmation has been provided that attenuation ponds will be owned , managed and maintained by a private management company.
- Surface Water Drainage Strategy sheets (C7578-C-1011) have now been amended to correctly show the foul sewer that is to be abandoned (was drafting error.
- Information re the use of permeable paving and gravel surfaces was already sufficiently detailed elsewhere (D7803.101-126 Hardworks Plans)
- Requested calculations have been provided in the original submission

The details regarding the treatment of runoff water will be provided as part of the information required under Conditions 6 and 23 attached to 17/0205/OUTL, which remain outstanding.

It is also advised that the applicant is working with Lewis Humpston at STW to discuss a number of technical solutions to the originally requested clear felled easement strip through the existing woodland including Talbots Hill Coppice, which would not require the removal of trees in. They believe that this can be managed as part of the detailed design and technical approval process and suggest that if the drainage strategy fundamentally changes they will resubmit the plans for a planning amendment.

2.15 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.

(Second comments to revised details submitted 12 February) – The revised housing mix and tenure is in line with the requirements set out in the s106.

2.16 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.

2.17 WCC Public Rights of Way *(Original comments)* - 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.

(Second comments to revised details submitted 11 March) – No objection to the revised plan, which shows the removal of planting obstructing the definitive line of the right of way including to the south and east of the bat barn, however, it is noted that if the removal of the planting shielding the bat barn is not acceptable for ecological reasons then the public right of way would need to be diverted permanently possibly onto the path being constructed as part of the development. An application to divert the footpath would need to be submitted prior to the works on site being commenced and the diversion would need to be completed to confirmation stage and a new route constructed before the planting obstructing the definitive line is undertaken. The obligations mentioned in the initial comments to this application would also need to be adhered to.

(Officer comments) – WCC Ecologist has confirmed that the proposed planting to the south and east of this bat barn is required for ecological reasons, as it deters unauthorised access/disturbance/vandalism to the bat barn. As such, I believe it is necessary to divert this section of the definitive public rights of way to extend around the proposed planting, given that the planting forms part of the ecological mitigation strategy. A condition has been recommended accordingly.

2.18 WCC Archive & Archaeology Service – No objection.

2.19 West Mercia Police Designing Out 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.

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 and 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 house 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.

2.20 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.
- 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.

2.21 Arboricultural Officer – No objection.

2.22 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.
- 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.

(<u>Officer Comment</u> - 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).

3.0 Site Location and Description

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

3.2 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.

3.3 The site is allocated for mixed use development including residential under Policy SAL.PDS1 of the Adopted Site Allocations and Polices 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.

3.4 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 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.

3.5 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for 600 residential units on part of the site, including 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

Members can consider whether the layout, scale, appearance of the development and the proposed landscaping would be acceptable.

3.6 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.

3.7 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 proposed affordable housing provision is in line with the S106 Agreement secured under the Outline Permission.

3.8 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.

3.9 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.

3.10 44 individual trees; tree groups comprising approximately 2.9562 ha; and woodland compartments comprising approximately 0.46ha 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 and 0.68ha of tree and understorey woodland planting.

3.11 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).

3.12 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; and public right of way concerns.

3.13 On 7th April, further amended plans/details were submitted in an attempt to address the concerns raised about layout, street lighting, landscaping and the impact upon ecology, and these included the following amendments:

- Spine road altered to increase the single sided shared. footway/cycleway from 3m to 3.5m, verges both sides reduced to 1.5m.
- Introduction of turning head between plots 280 and 284 and corresponding loss of roadway in front of plot 295.
- Speed control bend added adjacent to plot 298 with plots 318 and 319 adjusted to accommodate. Substation also repositioned to suit.
- All adoptable shared surface roads changed to dedicated carriageway with single sided footway.
- Change to road alignment adjacent to plot 513 to improve forward visibility.
- The removal of single sided green verge to potential link route to the south east (in front of plots 583 – 587 + 588 – 591).
- Plots 394, 395 and 509 - 513 tweaked to improve pedestrian visibility from side parking.
- Latest landscaping proposals added responding to layout changes.
- Revised extent of proposed adopted highway.
- The street lighting has been updated to suit the revised site layout.
- Luminaires changed to the Signify DigiStreet red LED lighting using Clearfield technology

- Column height increased from 6m to 8m due to width of carriageway & footway.
- Central Management System has been proposed to enable dimming / switch off.
- The dormouse section has been revised to mention the additional landscaping discussed instead of a dormouse bridge.

3.14 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.

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.
- 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 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 dominant 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 has confirmed that the development would not harm the functionality of these bat mitigation features, subject to further monitoring of lighting during the construction phase and post-development. The Countryside and Parks Manager, WCC Ecologist and the Wildlife Trust have offered a no objection response subject to the imposition of conditions to secure appropriate monitoring of all lighting, and to require further mitigation if the lighting exceeds the recommended lighting levels as set out in the supporting details.

4.11 With respect of the existing public rights of way that traverses through the site, the applicant has provided additional plans to show that new footways are proposed including pedestrian access points onto the public right of way route to provide good connectivity and to ensure that the development interacts well with the existing right of way. In addition, they have also amended the soft and hard landscaping plans to show that where the necessary planting is proposed around one of the bat barns (former sub-station) that the definitive public right of way route would be diverted to the proposed footway, which runs adjacent to the existing route but around the bat barn. The Public Rights of Way team raises no objection to the diversion of this part of public right of way, however, would require an application to be submitted for the diversion of the footpath and for the order to have reached confirmation stage before any new planting within this phase of development has commenced. Subject

to this requirement, I consider that the development accords to Paragraph 98 of the Framework, which requires new developments to protect and enhance existing public rights of way.

4.12 Overall, I consider the proposed layout would provide a cohesive and legible residential development that would achieve a high quality environment for future occupiers and for those wishing to visit the site. The development would integrate well with the existing woodland and provide good connectivity to the wider site as part of the strategic allocation site in the emerging Local Plan, as well as good accessibility to play areas and footpaths around the site in order to promote walking and cycling. The harm on ecology and biodiversity has been minimised by the layout of the development being retained mostly to the previously developed areas of the site, away from the existing bat mitigation features and the retention of a significant amount of woodland. The public right of way would also be protected and enhanced by the development. As such, the proposed 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 bring 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 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 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.

ECOLOGY/ BIODIVERSITY

4.25 Paragraph 170(d) of the Framework advises that planning decisions should seek to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 of the Framework further notes 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 proposed development would introduce artificial lighting into an environment which has remained dark for a number of years since the closure of the former Lea Castle Hospital. Artificial lighting can cause disturbance to roosting bats. In extreme circumstances, or where a particularly light sensitive species is known to be using a roost, this disturbance through illumination may result in the bats delaying or refusing to exit the roost, or ultimately deserting the roost. In addition, the flight paths to and from roost access points are considered to be as vulnerable to disturbance from illumination as the roost itself. Severing a key flight path/commuting route, even at some distance from a roost, could result in desertion of the roost. For these reasons, careful considerations has been undertaken about the proposed layout, landscaping, lighting and impacts on protected bat species.

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 submitted Ecological Strategy also notes 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 be provided to explain the use and importance of these buildings as bat roosts.

4.30 In March, extensive discussions about street lighting and the impact on protected bat species were undertaken between the Highways Authority, WCC Ecologist and the applicant. In addition, a Sensitive Lighting Strategy has been produced by the Ecologist who designed the replacement bat barns/houses and a lighting assessment by Loveday Lighting Limited has been produced. Following this meeting and the additional study of the site and lighting evidence, it is proposed that the parcels of woodland along the north and western site boundaries in which the bat barns/houses are situated, would be retained as dark corridors to maintain commuting and foraging corridors between the bat barns/houses on site and off site foraging habitat to the north, west and south of the site. The proposed street lighting would only be provided to the proposed spinal road where street lighting was once present along Lea Castle Drive during the former hospital use of the site. The remaining residential roads would have no street lighting.

4.31 The proposed street lighting to the spinal road would be specifically designed to emit red LED light, which is in compliance with Guidance Note 08/18 Bats and artificial lighting in the UK (BCT/ILP, 2018) and would not emit UV lighting, and instead provide a sharp cut-off lower intensity illumination with a good colour rendition and dimming capacity. The street lighting would also have a zero tilt to prevent upwards light spill and are fitted with integrated rear shields to ensure that light is directed to where it needs to be, with minimum lateral light spill. In addition, the lighting would be mounted on 8 metre high columns, which is the minimum height required to achieve sufficient lighting of the road width proposed and to ensure highway safety for all users of the road. The lighting assessment produced by Loveday Lighting Limited has modelled the proposed street lighting on the application site, and has demonstrated that the luminance level falls to 0.2lux over 50m away from bat house/barns 1, 2 and 4 and approximately 25m from bat house/barn 3.

4.32 It is noted within the Ecology Strategy that there would be two areas of woodland edge habitat where the proposed street lighting would not meet the criteria to reduce lighting to a 0.2 lux on the horizontal, however, it is noted that these areas are not critical for bat commuting between the bat houses/barns. It is further noted that the use of red LED light illuminaires would help to reduce the impact on other commuting routes that link habitats within the site and to off-site habitats to the south of the site.

4.33 The WCC Ecologist has also advised that there is 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. I further note the comments from the WCC Ecologist 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.

4.34 It is concluded within the submitted Ecology Strategy, submitted 7th April, that with the proposed low luminance level, together with the additional light-screening provided by residential buildings and screening planting introduced around the bat houses, demonstrates that there will be no direct impact from street lighting on the four bat house/barn structures, or the immediate flight paths to and from roost access points. The submitted Ecology Strategy 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 (which could include installation of a solid light screen/fence in front of the bat house/barn, or adjacent to the woodland edge where light levels exceed 0.2lux). Following re-consultation on the revised scheme, no objection has been raised by the Country and Parks Manager, the WCC Ecologist and the Wildlife Trust.

4.35 In terms of dormouse and their associated habitats, the proposed development would retain all of the existing tree groups and woodland around the periphery of the site which would maintain the existing commuting routes for dormouse around the site and to suitable habitats within the wider landscape. It is recognised that the proposed spinal road would be wider than the existing road (Lea Castle Drive), which will be make connectivity from north to south along the western site boundary more challenging. However, additional landscaping planting is proposed on either side of the proposed spinal road to bridge the gap in the long-term, possibly creating a natural tree bridge over the highway as the landscaping develops. A total of 0.46ha of tree and woodland loss is required to connect the spine road to the site access at Park Gate Road within the south of the site, connect to The Crescent in the north of the site, and to widen the main spinal road through the middle of the site. However to mitigate for this loss, it is proposed to plant 212 large mature trees, 115 small mature trees and 0.68 hectares of tree and understorey planting. The submitted Ecology Strategy makes a number of recommendations to enhance dormouse habitats and connectivity through additional planting and I am satisfied that these measures, which can be secured by condition, will help reduce the impact on dormouse and provide arboreal and foraging benefits.

4.36 Prior to the demolition of the buildings at the Lea Castle Hospital Site, it was recognised that the site contained acid grassland. The Ecological Strategy has identified areas within the site which would be appropriate for acid grassland and this has been filtered into the soft landscape proposals, which now includes four locations to have acid grassland (approximately 0.12ha). These locations are on the south side of the woodland edges and belts of trees, close to footpaths, to allow this special habitat to be seen and enjoyed by walkers using the paths. No objections to the amount and locations of the proposed acid grasslands has been raised by the Countryside and Parks Manager and the landowner has confirmed that they will look to explore having acid grassland habitats incorporated into the future development of the wider site.

4.37 Overall, I believe that a comprehensive approach has been undertaken to carefully ensure that the impacts on biodiversity can be minimised and extensive enhancement measures are proposed including new tree planting which would benefit the environment and ensure the conservation status of protected species is not harmed. The works within the site will also be governed by the Natural England's protected species licence. Conditions are recommended to ensure a precautionary approach is undertaken for lighting during the construction phase and post completion and to ensure the recommended mitigation and enhancement measures are implemented. I am therefore satisfied that the revised scheme has overcome the previous concerns and that the development would ensure adequate protection and enhancement to biodiversity, in accordance with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and the Framework.

HIGHWAY SAFETY

4.38 The Highways Authority has withdrawn their objection to the application and do not consider that there are any justifiable grounds on which an objection could be maintained. Paragraph 109 of the Framework advises that applications should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.39 I consider that the proposed development provides an acceptable road layout within the site which will create a safe, secure and attractive residential environment. The development also provides sufficient parking provision and the car parking layout has been arranged to avoid unnecessary street clutter and to ensure an acceptable design. Furthermore the development would provide for high quality walking and cycling networks within the site with good connections to the local highway network. Conditions are also recommended to require electric vehicle charging points and cycle storage to promote low emission vehicles and cycling.

4.40 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 Highways Authority, the proposed lighting scheme is now considered to be acceptable. I conclude that the proposed development would provide an acceptable road layout, parking provision and access arrangements and would not lead to an unacceptable or severe impact on highway safety within the site or on the local highway network.

4.41 I note from the responses received from local residents and from the Wolverley and Cookley Parish Council that there is significant concern about the use of The Crescent as an access to the site, given it is a narrow residential road with a difficult junction onto Wolverhampton Road and that it has never had high levels of travel movement through to the application site. It is expressed in the responses received that the proposed development would result in an increase in traffic through The Crescent, which is likely to lead to

traffic congestion and a dangerous road junction to the detriment of highway safety. It is further expressed that the bus barrier that was discussed in the Outline Consent to prevent traffic movement through The Crescent is not proposed and that the proposed traffic regulation orders to The Crescent would cause loss of parking for existing residents who rely on on-street parking.

4.42 I note that the access arrangements to the site from The Crescent and Park Gate Road, including the highway improvement works, were agreed in principle as part of the Outline Consent and cannot be revisited in the consideration and decision making of this application.

4.43 The previous Transport Assessment did predict that 10% of all traffic movements arising from this development would utilise The Crescent to access the site and that the traffic generated by the proposals is expected to create notable flows on local roads although should be reconciled with previous activity of the application site as a hospital.

4.44 The submitted Transport Statement in support of this reserved matters application has stated that *'The northern access to the site, via Wolverhampton Road, uses 200 metres of The Crescent. It is not possible to add a traffic calming feature to the Crescent and road humps are not advised. However, the narrower width of the carriageway plus some on-street parking reduces averages speeds and specific traffic calming measures are not necessary. The majority of development traffic would focus on the route of Park Gate Road to the south towards Kidderminster'.* It further states that '*The proposed spinal road has been purposely designed to be long and sinuous, in order to minimise the number of rat-running traffic movements travelling from Park Gate Road to The Crescent'.*

4.45 I am also of the view that many residents would prefer to use the Park Gate Road access/egress, even when travelling to Wolverhampton, Dudley or Cookley village as it is likely to provide quicker access onto Wolverhampton Road at the traffic light junction between Park Gate Road/Wolverhampton Road compared to the junction between The Crescent/Wolverhampton Road.

4.46 I note that conditions were attached to the Outline Consent to ensure highway improvement works are carried out to the junction between The Crescent and Wolverhampton Road in order to ensure highway safety for all users, which includes a new central pedestrian refuge to improve pedestrian safety when crossing the road. The Highways Authority do not recommend any further traffic calming measures including a bus barrier to prevent traffic using The Crescent.

4.47 No objection has been raised by the Highways Authority in respect of traffic congestion or highway safety issues. I am therefore satisfied that the proposed development is unlikely to result in a significant increase in traffic generation through The Crescent or cause any unacceptable or severe highway safety issues.

HOUSING MIX AND AFFORDABLE HOUSING

4.48 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 (65%) social rent and 31 (35%) shared ownership, which would comprise of the following:

	Number of units	%
1 bed	21	23%
2 bed	54	60%
3 bed	10	11%
4 bed	5	6%
*12 x 1 beds and 3 x2 beds will be delivered as bungalows.		

4.49 In addition, to the 120 units to be delivered under the s106, it is also intended to deliver an additional 120 affordable housing units on the site, taking overall delivery of affordable housing to 240 units (40%). No objection has been raised by the Housing Enabling Officer to the proposed scheme. As the proposed development is compliant under the S106 Agreement of the Outline Permission, it is considered that the proposed housing mix and tenure is acceptable.

DRAINAGE

4.50 Following amended information, the North Worcestershire Water Management Officer has raised no objection and has confirmed that the proposed surface water drainage strategy is now acceptable and that suitable drainage of the development can now be achieved. It is also confirmed that the development would not be at risk to flooding or is unlikely to increase the risk of flooding elsewhere. Further drainage details would be considered under Conditions 6 and 23 attached to 17/0205/OUTL, and they have not yet been discharged.

OTHER MATTERS

4.51 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 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.

4.52 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.

4.53 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 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".

4.54 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.

4.55 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.

4.56 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 I have considered all representations received on the application and consider that the proposed development would provide a high quality residential development in respect to matters relating to layout, scale, appearance and landscaping. The principle of residential development has already been agreed including the access, which cannot be revisited during the consideration of this application.

5.2 The layout of the roads, junction design and street lighting have been carefully considered and have been amended to ensure adequate protection is afforded to European protected species (in particular the lesser horsehoe bat), and also dormice. The revised layout would provide road safety to all users and would minimise harm to protected species, ensuring connectivity, habitats and foraging and commuting routes are maintained. The issues relating to the public right of way and drainage of the site has been overcome in the recent revised details. No other harm has been identified.

5.3 This development is recognised for its strategic importance, given its suitability as a previously developed site with good accessibility to local services and facilities by sustainable modes of travel. The approval of this application would enable delivery of housing, and would maintain our five year housing supply. Overall, it is considered that 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.

19/0724/RESE

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

1. (A4) Reserved Matters only
2. Approved Plans
3. To require boundary treatment details for each phase, with exception of Phase A
4. To secure hard surfacing details
5. To secure soft landscaping details (excluding residential plots)
6. To require soft landscaping details for each residential plot within each phase, with the exception of Phase A
7. Require an application to divert public footpath WC-628, under section 257 of the Town and County Planning Act and for the order to have reached confirmation stage before any new planting within Phase D is implemented
8. To secure access, parking and turning areas
9. To secure cycle/refuse storage for apartment blocks A, B and C
10. To require cycle details for dwellings/bungalows
11. To require electric charging point provision in accordance with Streetscape Design Guide
12. To require implementation of Arboricultural Method Statement including Tree Protection Fencing measures within each phase
13. To secure retention of existing trees and site inspection with Arboricultural Officer to ensure tree protection measures have been implemented prior to commencement of works within each phase
14. Removal of PD Rights for any new front boundary treatment to maintain an open plan estate
15. Removal of PD Rights for any rear extensions greater than 3 metres in length from the original rear elevation of the dwellinghouse
16. To require details of attenuation basins, including planting and long term maintenance plan.
17. To require implementation of trails/trim routes
18. To secure temporary football car park and require ground to be reinstated following completion of construction works.
19. To require an Ecological Clerk of Work to oversee the fitting and operation of all construction lighting, which shall be in compliance with the measures and recommendations set out in the CEMP and the submitted Lighting Report (by Loveday, reference LL 1111) for each phase.
20. To require an Ecological Clerk of Work to oversee the implementation of the lighting scheme for the approved development, which shall be in compliance with the measures and recommendations set out in the submitted Lighting Report (by Loveday, reference LL 1111) for each phase.
21. To require an Ecological Clerk of Work to carry out a post-implementation survey of the lighting scheme for the approved development and a report to be submitted, and if the desired low lighting levels are not being achieved, mitigation measures to be submitted to and agreed in writing by the Local Planning Authority.
22. To prevent any new external lighting without prior consent

23. 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
    - Details of bat and bird boxes

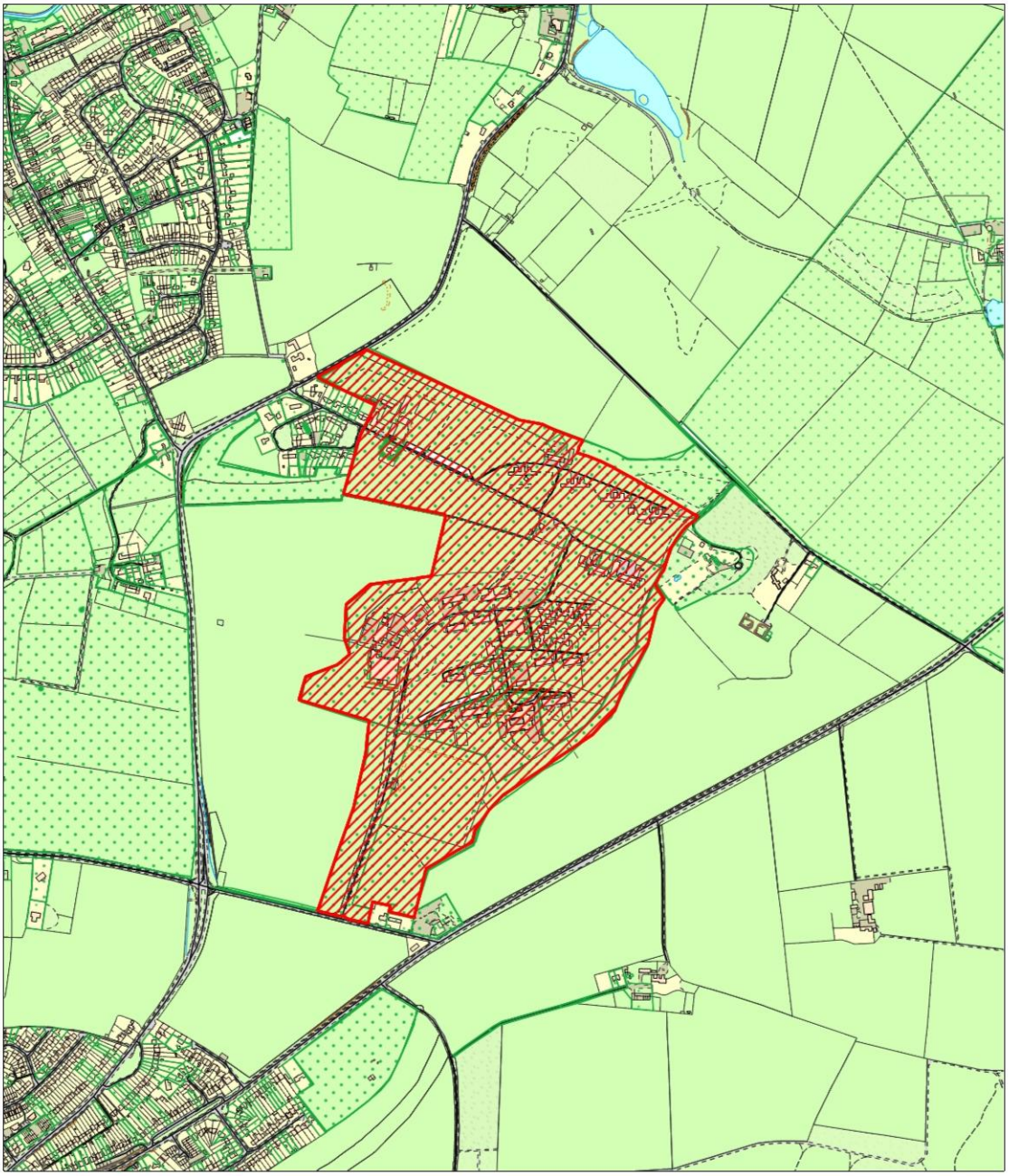
Notes

A. Outline Consent – S106 Agreement and Conditions

B. Temporarily closure of Public Rights of Way

C. Waste

Planning Committee 19/0724/RESE



Wyre Forest District Council

Economic Prosperity and Place Directorate

Former Lea Castle Hospital

Park Gate Road, Cookley

Kidderminster, DY10 3PT

N

 Scale 1:10000

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

Application Reference:	19/0807/FULL	**Date Received:**	19/12/2019
Ord Sheet:	387647 275245	**Expiry Date:**	13/02/2020
Case Officer:	Richard Jennings	**Ward:**	Wyre Forest Rural

Proposal: Change of use of the land and buildings to a storage facility for agricultural machinery and equipment

Site Address: HARVINGTON MANOR, WORCESTER ROAD, HARVINGTON, KIDDERMINSTER, DY104LX

Applicant: Adam Hewitt LTD

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP08, CP10, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Recommendation	**APPROVAL**

Reason for Referral to Committee
Major' planning application
Third party has registered to speak at Committee
Statutory or non-statutory Consultee has objected and the application is recommended for approval
Parish Council request to speak on application

1.0 Planning History

1.1 None applicable.

2.0 Consultations and Representations

2.1 Chaddesley Corbett Parish Council : (Initial response) - Recommend refusal, due to Innapropriate Development In the Green Belt. We do not consider that this change of use is in line with the WFDC Policy DS04 for rural development in the Green Belt.

(Second response following revision of site plan) – Recommend refusal

The Parish Council objects most strongly to the change of use applied for at this site, as it represents inappropriate development in the Green Belt.

The National Planning Policy Framework indicates that certain forms of development are not inappropriate in the Green Belt, including material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The purposes of including land in the Green Belt include:
• to assist in safeguarding the countryside from encroachment
• to preserve the setting and special character of historic towns

The application site is a former garden centre/agricultural usage, in the midst of productive agricultural land, less than a mile from the Harvington Conservation Area, and clearly visible from rural footpath CC-613 between Harvington and Woodrow Lane (marked in red on the map overleaf).
This retrospective application includes a range of screening measures aimed at mitigating the noise, light and other pollution from the site, and attempting to obscure the self-evident unsightly nature of the use to which the site has been put. The proposals, including the screening measures, are considered to represent a significant detrimental effect on the openness of the Green Belt, an encroachment on the Green Belt and, albeit at a small distance, to negatively impact on the setting and special character of our rural Parish and nearby Conservation Area.

The types of changed use that the NPPF considers appropriate in the Green Belt (outdoor sport or recreation, or for cemeteries and burial grounds) is not an exclusive list, but clearly indicates the peaceful nature and non-intrusive character of activities that could be supported. The application requests a change of use of the land and buildings to a storage facility for agricultural machinery and equipment. In reality, the site is being used as a salvage dealership for the purchase and sale of vehicles. This includes the conduct of auctions for items including cars, vans, articulated trucks, commercial vehicles and caravans. Vehicles are stripped on the site and either sold on to prospective buyers, or stored for years on site as scrap. The unsightly, noisy and polluting activities for which the application seeks approval are clearly of a more industrial nature, and one that would find difficulty being accepted anywhere except in a dedicated industrialised area.

Should the application be considered for approval, The Parish Council have suggested the following conditions:
• Compliance with the proposal in the revised application for removal of hardstanding and reinstatement to grassed area of the land to the rear of the property known as ‘Lawsons’
• Strict adherence to the stated opening/operational hours of the site (from 07.00-17:30 weekdays, 08.00-13.00 Saturday, closed Sunday)

• Outside of those days and times, the site should remain quiet and dark i.e. no work to be performed, all exterior/interior lighting to be switched off, and no security cameras or security lighting.
• Parking of all or any vehicles connected to the business to be prohibited on both sides of Worcester Road in front of the business and adjacent properties on either side of the business frontage.
• No materials to be burnt/incinerated on site.
• In the event of commercial failure or closure of the business, the site should be cleared and revert to arable/agricultural use.

The third condition is supported by the following section of the Parish Neighbourhood Plan.

Lighting:
There has been an increase in the use of security lighting surrounding domestic and business properties in recent years. This can be intrusive and unattractive and can have a significant impact on historic environments and conservation areas. Such lighting is also invariably inefficient in terms of energy conservation. The Parish Council supports the objectives of the Dark Skies campaign and aims to ensure that lighting is kept to the minimum levels appropriate to a rural area.

2.2 Highway Authority – Recommend approval

2.3 Worcestershire Regulatory Services (Noise) – Recommend approval

2.4 Worcestershire Regulatory Services (Contaminated Land) – No objection.

2.5 Arboricultural Officer – No objection, subject to condition

2.6 Environment Agency – No objection

Based on the information submitted, we do not object to the proposed development and would offer the following comments to assist your consideration at this time. The red line site boundary mirrors the site boundary of a Standard Rules permit issued by the Environment Agency on 29 March 2017. The permit is a SR2015 No18 Metal recycling, vehicle storage, de-pollution and dismantling (authorised treatment) facility. Under the permit vehicles, and agricultural plant and machinery are brought on to the site. Some items are classified immediately as waste, others are awaiting insurance assessment before a decision is made to either de-pollute and dismantle or to repair and sell on.

The permit requires the storage and treatment of waste to take place on an impermeable surface. Improvements have been made to the infrastructure at the site to better facilitate this due to an increase in the quantity of items arriving at the site.

For completeness, we note answers to sections 7 and 16 of the planning application form. Please note the permit allows the treatment of waste metals and vehicles for the purpose of recovery. Also following recent discussions relating to the washing activity taking place on the site, we are aware that the site operator has applied to Severn Trent Water for a trade effluent discharge consent. The application was made early November 2019 and we understand it is likely to be issued shortly.

2.7 Neighbour/Site Notice – 1 objection received. The grounds for objection are as follows:

- Waste management License
- Parking
- Flood Risk
- Biodiversity & Geological Conservation
- Contamination
- Trees and hedges
- Non Residential floor space
- Hours of opening
- Industrial Processes and machinery
- Location Plan and Proposed Plan
- Noise Assessment inaccuracies
- Transport report inaccuracies

3.0 Site Location and Description

3.1 The application site is known as Harvington Manor and occupies a parcel of land with existing workshop and Office buildings, extending to approximately 0.84 Ha. Adam Hewitt Ltd currently operate a machinery storage facility from the site.

3.2 The site lies in the rural area of the District within the Green Belt. There are some dwellinghouses nearby, two of which are located immediately adjacent to the site. The surrounding area is characterised by open countryside and farm land with dispersed housing along the main road frontage.

3.3 The proposal seeks retrospective consent for the use of the site as a storage facility (Use Class B8) for agricultural machinery and equipment which is deemed beyond financially viable repair by the National Farmers Union.

3.4 Other associated works would include the remodelling of the site layout in accordance with the revised site plan to include the planting of new boundary screening and re-instatement of grassland in the areas removed from the initially proposed site area.

3.5 No external physical works are proposed to the buildings or structures on site which are already operational as workshops, dry storage and offices.

3.6 The company employs 20 members of staff at the site, the majority who are local to the site. The applicant also confirms that local expenditure within the Wyre Forest District is in the region of £1.4 Million per annum, the breakdown of these figures have been provided for Officers.

3.7 Proposed operating hours for the site would be from Mondays to Fridays (0700 – 1730) and Saturdays (0800 – 1300), with no working on Sundays.

3.8 The site has parking for 9 visiting vehicles and a loading and unloading and area for HGV's delivering and collecting equipment. This includes a clear turning area incorporated.

3.9 A Transport statement has been submitted with the application.

4.0 Officer Comments

4.1 I consider that the main considerations for this application are whether the proposed storage of disused agricultural vehicles and machinery (Use Class B8) would be acceptable in principle taking into account its location outside of an allocated employment area and within the rural area of the Green Belt and whether there would be any detrimental impact on residential amenity, local character and highway safety.

NATIONALPLANNING POLICY

4.2 The National Planning Policy Framework (the Framework) sets out three objectives to achieving sustainable development: economic, social and environmental. It advises that planning decisions should play an active role in guiding development towards sustainable development, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It advises that the three objectives of sustainable development consist of:

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently,

minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.3 At the heart of the Framework is a presumption in favour of sustainable development, which for the purposes of decision making means "approving development proposals that accord with an up to date development plan without delay" (paragraph 11).

4.4 The Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also seeks to support sustainable growth within the rural economy.

4.5 Development within Green Belt is specifically restricted by the Framework. Chapter 12 of the Framework sets out the Government's guidance with respect to Green Belts. Paragraph 133 states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

4.7 The Framework also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making (paragraph 12).

DEVELOPMENT PLAN POLICY AND PRINICPLE OF DEVELOPMENT

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

4.9 Policy SAL.GPB1 advises that 'Proposals for economic development outside of the allocated areas will be assessed on their merits'.

4.10 Due to the very nature of the business and the size of the machinery kept on site, it is considered that there are no alternative employment sites that could provide the scale of outside storage space that the use requires within the allocated areas of the district.

4.11 Previously developed land is defined within the Framework. Whilst the definition includes land which is or was occupied by a permanent structure and includes land within its curtilage, land occupied by agricultural buildings is excluded from the definition. The site has a complex land use history including the sale of agricultural machinery spares, machinery sales and agricultural supply merchants which expanded under the previous land owners. From planning history, a temporary permission was granted for use of the site for general storage.. Taking account of the history of the site and the lawful nature of existing buildings, is considered that the area where the use is now proposed is considered in the round as being previously developed land.

4.12 Policy SAL.UP1 (*Green Belt*) permits development (amongst others) on previously developed land providing they are in accordance with site specific policies contained in Part B of the Adopted Site Allocations and Policies Local Plan.

4.13 Within Part B, Policy SAL.PDS1 (*Previously Developed Sites in Green Belt*) states that 'In In order to protect the openness of the Green Belt, development proposals for Previously Developed Sites in the Green Belt should:

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

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

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

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

4.14 Policies SAL.UP1 and SAL.PDS1 reflect the Government's Guidance as stated in Paragraph 145(g) of the Framework.

4.15 In applying the assessment on openness as advised in Policy SAL.PDS1, the buildings used as part the business are existing and the physical change to the site is that of an increase in the number of vehicles and machinery stored externally. The height of storage does not exceed that of existing buildings, structure and tree screening already on site and a condition is recommended to secure the maximum storage height of machinery and vehicles to single vehicle height only.

4.16 Whilst it is accepted that the density and intensity of the on site storage likely goes above and beyond that which was previously experienced on site, the proposed revised reduction in the area in use for external storage, is in the main screened from the outside by mature trees clearly planted some years ago for this very purpose. I therefore consider that the proposal does not result in a significant adverse impact on the openness of the Green Belt.

4.17 In terms of infrastructure, the Highways Authority have raised no objection to the road infrastructure and Highway safety including the use of the existing access to the site. The Transport Statement in support of the application highlights no technical issues over access or parking. These conclusions have been verified and accepted by the Highway Authority.

4.18 As the majority of the company's business is dealt with by way of online auction it is unlikely that the flow of traffic to and from the site would be significantly greater than the existing levels of traffic that has been experienced at the site for many years whilst under different ownership.

4.19 The submitted Transport Assessment has confirmed the proposed use of the site would only result in a very modest increase in vehicle movement on the local highway network, given the existing level of traffic.

CONCLUSION ON THE PRINCIPLE OF DEVELOPMENT

4.20 I therefore consider that the proposed development would involve the partial redevelopment of a previously developed site, and although some harm to the openness of the Green Belt would occur from an increase in activity, in terms of the intensity of the on site storage, this will be minimal as the concealed nature of the site with existing mature tree planting and proposed additional planting and screening ensure that the use has very little increase in harm to Openness above and beyond that experienced by it's lawful use. A condition restricting the storage height of machinery and vehicles to single vehicle height has been recommended to ensure that no uncontrolled harm to openness develops in the future above and beyond that taking place at present with the potential for vehicle stacking to ensure compliance with Policy SAL.PDS1.

4.21 The principle of use is therefore considered to be acceptable, subject to further considerations on the impact on residential amenity, local character and upon the surrounding environment.

IMPACT ON RESIDENTIAL AMENITY

4.22 In terms of the impact on residential amenity, it is acknowledged that the site is in close proximity to residential properties.

4.23 The application site is well screened by existing vegetation and the screening and along the boundary to the nearest of residential properties of the site would be enhanced with new planting and acoustic boundary fencing, as part of the proposed development, further mitigating any views of the development from neighbouring properties. Amended plans have pulled the proposed storage use away from the nearest residential property known as the Lawsons and proposed a secure strong boundary to provide protection both visually and in amenity terms. In addition, conditions are recommended to restrict the proposed storage activities along this boundary of the site. Overall I am satisfied that there would be no adverse impact on residential amenity in terms of loss of outlook and privacy.

4.24 Worcestershire Regulatory Services are satisfied that the potential impact of the development in relation to noise from heavy commercial vehicle movements to be acceptable and raise no objection to the application subject to a condition to require the installation of an acoustic fence.

4.25 Overall, the evidence contained within the Noise Assessment demonstrates that the noise impact on residential amenity would be acceptable subject to the installation of an acoustic fence. I therefore consider that noise and disturbance would not be to such a level to warrant a refusal of the application. It is accepted there may be disturbance, but this can be fully controlled through restrictive conditions so that any impact will be regulated and will not be greater than the lawful use of the site as a workshop and office use. Conditions to ensure residential amenity is protected are listed as part of the recommended conditions.

IMPACT ON THE LOCAL CHARACTER

4.26 Paragraph 170 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

4.27 In terms of the visual impact, as previously mentioned above, the site is well screened by existing vegetation, now well established and planted many years ago for the very purpose of screening previous uses of the site. The proposed planting scheme, boundary fencing and acoustic fencing further assists in screening the site from both near and medium range views.. The submitted plans show that sufficient space would be provided for soft landscaping to ensure the site is well screened on all sides

HIGHWAY

4.28 I acknowledge the strong concerns raised by local residents regarding the Highway safety implications of the development. The submitted Transport Assessment has assessed the impact of the development in terms of access, visibility, frequency and recorded issues.

4.29 The Transport statement states that the traffic generation from the development is low (Approximately 4 cars per day and 2/3 HGV movements per week. There is ample parking and manoeuvring area within the site. The access to the site is already established, with good visibility and there are no known issues within the 4 years of operation of the business. The number of vehicles movements and the times of deliveries can be fully controlled by conditions. The Parish Council have requested a condition be applied in the event of approval restricting vehicles from parking outside of the site. A permission however, would be unable to restrict this by condition as it would be operating outside of the red line boundary and would have to be enforced by the police should the nature of this parking be illegal or dangerous.

4.30 The Transport Assessment has been fully verified by the Highway Authority and accept its conclusions. It is considered that no adverse impact will occur to highway safety as part of the proposed use.

CONTAMINATION

4.31 Worcestershire Regulatory Services have no objection to the use. The site has the benefit of an Environment Agency Permit for the processing and storage of waste materials. All vehicles which are damaged beyond repair and

have the potential to continue to leak further contaminants are placed on a specially formed concrete slab which drains to a collection sump. This has been evidenced by Officers on site. The applicant is also in the process of receiving a trade effluent discharge license from Severn Trent. It is believed that this may have already been issued as per the Environment Agency comments.

4.32 I therefore consider based on the Licenses and permits in place, and the response of the statutory consultees who monitor contamination at the site, that contamination is not a justified reason for refusal, and is currently dealt with in an effective manner.

PLANNING BALANCE

4.33 The applicant has made significant changes to this application and submitted additional supporting information in an attempt to address the concerns raised by officers, Local Residents and the Parish Council.

- Provided additional soft landscaping around the site boundaries, which included the relocation of the proposed boundary fence further into the site.

- Reduction in the commercial area of the site to move the operations away from residential amenity as far as possible.

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

4.35 The business currently employs 20 staff on site many of whom reside in the local area and contributes around £1,375,000 to the local and wider economy. By the very nature of the business and the area required for it to operate, it is very unlikely that the use could operate from a 'sustainable Location' on an allocated site.

4.36 Approval of this application would see the continuation of what is clearly a thriving business in difficult times, and the retention of the aforementioned jobs and economic benefits.

4.37 This is a balanced judgement, and it is considered that the agreed mitigation and restrictions of the land use controlled by conditions would overcome the perceived harm to openness of the Green Belt, residential amenity (in terms of noise impact) and it is considered that the economic and social benefits associated with the development outweigh the harm caused by the unsustainable location of the site in terms of local and national planning policy seeking to ensure all jobs are accessible to all.

19/0807/FULL

5.0 Conclusions and Recommendations

5.1 The application has been carefully considered and taken into account the comments received from local representations and consultees, and following additional information and significant changes being made to the proposals, I now consider that the proposals would involve an appropriate land use of a previously developed site. The additional landscaping to improve and strengthen previously planted screening would ensure there is little harm to openness of the Green Belt. I have also identified minimal harm to residential amenity, local character and the surrounding environment with the introduction of suggested mitigation and the revised site layout offered up by the applicant. No objection has been raised by the Highways Authority in relation to highway safety and capacity. I also consider that the relatively low number of heavy commercial vehicles to and from the site each day would have a negligible impact on the local highway network.

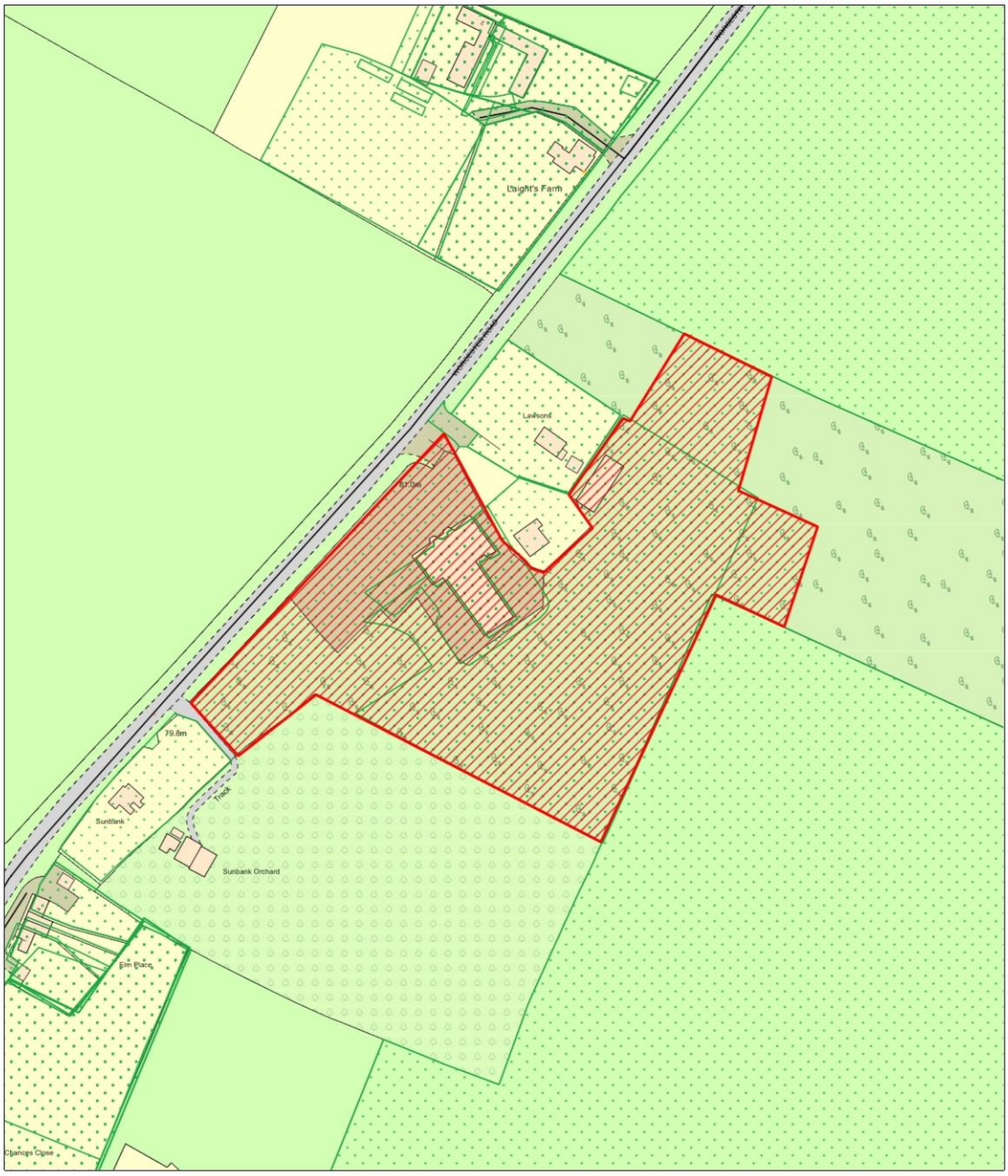
5.2 The Parish Councils suggested conditions, have recommended a personnel permission be applied to ensure the site is remediated back to its original use should the business cease trading. This would likely be considered unreasonable however, as continuation of the use in the future, irrespective of the operating company could not be construed as more harmful so long as the use did not change significantly or intensify. If this were to occur, Planning Permission would likely be required in any case.

5.3 I have balanced all issues and have concluded that there are economic, environmental and social benefits associated with the proposed development, which would outweigh any harm indentified, I consider that there are sufficient reasons to recommend approval of the application. The proposal provides a viable use in the rural area.

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

1. Approved Plans
2. To secure the maximum storage height of machinery and vehicles to single vehicle height only
3. To prevent storage activity within 10 metres of the site boundary shared with the residential property known as Lawsons
4. To restrict land use to B8 use class only with no more than 2/3 HGV movements per week
5. Restrict hours of operation to between Mondays to Fridays (7:30 – 1800) and Saturdays (07:00 – 14:00), with operations on Sundays.
6. To secure Noise Attenuation fencing
7. (C6) Landscaping – Small Scheme
8. Outdoor lighting scheme to be submitted and approved in writing
9. Remediation of land in accordance with revised plans and associated details within 2 months of the date of the permission

Planning Committee 19/0807/FULL



Wyre Forest District Council

Economic Prosperity and Place Directorate

Harvington Manor

Worcester Road, Harvington,

Kidderminster, DY10 4LX

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 Scale 1:2000

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

Application Reference:	20/0067/HOU	**Date Received:**	29/01/2020
Ord Sheet:	380296 271701	**Expiry Date:**	21/04/2020
Case Officer:	Kelly Davies	**Ward:**	Areley Kings and Riverside

Proposal: Proposed side dormer extension

Site Address: 9 BRIAR WAY, STOURPORT ON SEVERN, WORCESTERSHIRE, DY13 8ST

Applicant: Mr Andy Barnett

Summary of Policy	UP7 UP8 CP11 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	**APPROVAL**

Reason for Referral to Committee
The applicant is related to a serving Member of planning committee
Third party has registered to speak at Committee

1.0 Planning History

1.1 None applicable

2.0 Consultations and Representations

Parish Council (Initial comments) – Approval
No comment received on revised plan

Neighbour/Site Notice Representations
4 letters of objection received from nearby occupiers and the following comments have been made:

- Development too high
- Out of keeping with character of area and not aesthetically pleasing
- Over development
- Block out light and sun from property
- More open space needed on development
- Impact on the Areley Kings Conservation Area
- Conflict to Local Plan and NPPF

20/0067/HOU

3.0 Site Location and Description

3.1 The application property is a four bedroom link-detached property located inside of the Town of Stourport. It is a pitched roof designed property constructed of brick and tile with the bedrooms being located in the eaves and an existing side dormer window serving the family bathroom.

3.2 The application site is bounded on each side by residential properties and open space to the rear. The area is allocated within the proposals maps as being for residential purposes with land to the rear being Green Belt.

3.3 The application proposes a first floor extension to the side of the property over the existing garage to create a large family bathroom and ensuite.

4.0 Officer Comments

4.1 The proposed extension provides additional floor space at first floor, this will result in 4 bedrooms and a large family bathroom and ensuite serving the master bedroom to the rear.

4.2 The first floor extension will be situated to the side of the property and measuring approximately 1.2 metres at eave height and 3 metres at ridge height in width. The proposed extension is designed similarly to a dormer extension due to the still of the host dwelling. The extension will be constructed from tiles to the roof and cladding to the side elevations which replicate the existing property.

4.3 The side extension is considered to be a subordinate addition to the original property that is allowed to maintain its dominance. The design proposed is typical of this style of property maintaining the architectural characterises of the surrounding properties. The extension will blend well into the streetscape and provide a positive design solution to additional accommodation for the property. Due to the distances involved between the property and the Green Belt boundary there will be no adverse impact on the visual amenity of the Green Belt. Members will also note the comments made in respect of the impact on the Areley Kings Conservation Area. The edge of the Conservation Area lies over 600m from the boundary of the property across the other side of the river valley. Given the nature of the extension and the distances involved there will be not adverse impact on the Conservation Area. It is acknowledged that policies seek to protect views into the Conservation Area, such guidance is directed at development which is closer that the proposal. In any event the proposed development may reduce the view of properties in Stagborough Way of seeing the open countryside, but Officer are happy that this development will not "…adversely affect views in to the conservation area from surrounding properties" as set out the Conservation Area Character Appraisal.

20/0067/HOU

4.4 A number of neighbour comments have been received in respect of over development and the visual appearance of the extension. Whilst the extension will change the visual appearance of the property, it is considered that the design is an acceptable addition to the property. In addition given the position of the property it will not be overtly prominent within the streetscene. The amount of development proposed is in scale with the existing property which will not appear overwhelmed or overdeveloped.

4.5 Further comments have been made in respect of loss of light to neighbouring properties in Stagborough Way. The nearest neighbouring garden, No. 31 Stagborough Way, lies to the front of the property and is some 14 metres to the rear garden and 23 metres to the rear of the property. When taking account of this separation distance dwelling, it is considered that the proposal will have minimal impact upon the light entering the dwellings on Stagborough Way. The adjacent property in Briar Way has no side facing habitable room widows and as such there will no perceivable impact. As such it is concluded that the proposal will have little adverse effect on the amenity enjoyed by the neighbouring properties.

4.6 There will be no increase in bedrooms at the property and, as such, the current arrangement of two car parking spaces within the curtilage is appropriate and in line with car parking standards.

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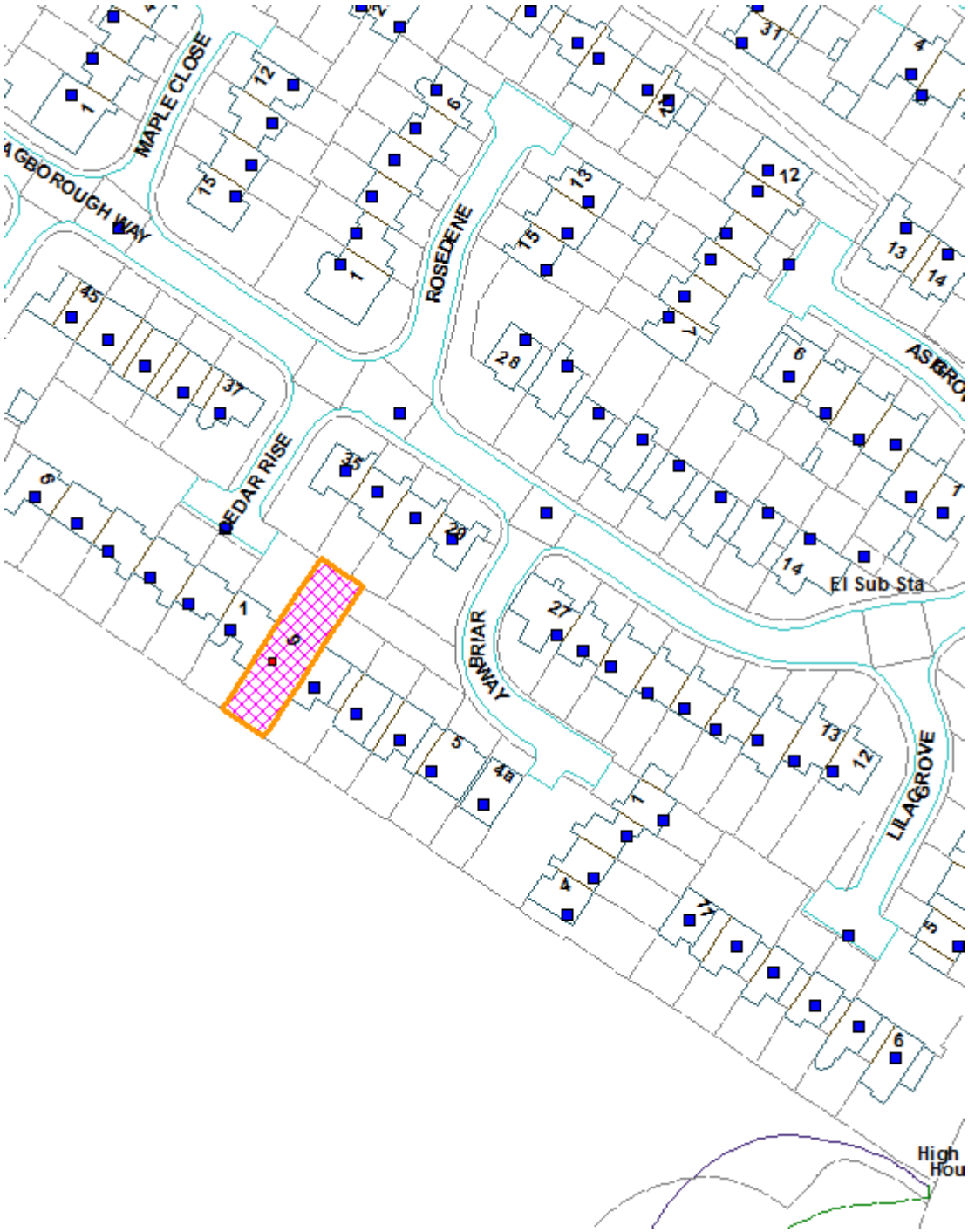
5.0 Conclusion and Recommendations

5.1 The application proposes increases to the property that are well designed and will assimilate well within the streetscene. The extensions will not adversely impact on neighbouring properties, impact on the Green Belt or cause harm to the Areley Kings Conservation Area. Overall the proposal is fully in accordance with the Development Plan policies and can be fully supported.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. J7 (Side facing window to be obscured glazed)



Economic Prosperity and Place Directorate

9 Briar WayStourport On SevernWorcestershireDY13 8ST

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Application Reference:	20/0122/S73	**Date Received:**	20/02/2020
Ord Sheet:	381298 271541	**Expiry Date:**	29/05/2020
Case Officer:	Paul Round	**Ward:**	Mitton

Proposal: Amendments to permissions15/0624/OUTL and 17/0104/RESE to allow alterations to the position of dwellings and other associated changes including relocation of footpath link.

Site Address: VALE ROAD CAR PARK, VALE ROAD, STOURPORT ON SEVERN, WORCESTERSHIRE, DY13 9AB

Applicant: Elmsvyne Ltd

Summary of Policy	DS03 CP02 CP03 CP11 DPL1 CC1 CC2 CC7 UP7 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	**APPROVAL**

Reason for Referral to Committee
The application site includes Land owned by Wyre Forest District Council

1.0 Planning History

1.1 15/0624/FULL - Outline Application (15/0624/OUTL) for residential development (max 6 units) : Approved

1.2 17/0104/RESE - Approval of reserved matters (Layout, scale, appearance, access, landscaping) in respect of approved Outline Application (15/0624/OUTL) for residential development (max 6 units) : Approved

1.3 18/0603/S73 - Variation of condition 2 of 17/0104/RESE to allow amendments to the position of dwelling and other associated changes including removal of footpath link : Refused

1.4 19/0037/S73 - Variation of condition 2 of 17/0104/RESE to allow amendments to the position of dwellings and other associated changes including relocation of footpath link : Withdrawn

20/0122/S73

2.0 Consultations and Representations

Parish Council	No Comment Received.
Highways Authority (WCC)	It is noted that the width of the proposed footpath is 1.2m for its entire length from Vale Road to Mitton Gardens with 1.2m railing on the boundary with the car park and this is acceptable in this specific location in accordance with the details on the Drawing No. 17-02-11J. Therefore, there is no objection to the S73 application. The Highway Authority has undertaken a robust assessment of the planning application and concludes that there are no justifiable grounds on which an objection could be maintained.
Countryside Access Mapping Orders Officer (WCC)	There are no public rights of way currently recorded that are affected by this application, however there is a Definitive Map Modification Order application for the addition of a footpath to the south of the application site. I suggest the applicant obtains a full Public Rights of Way Search for the site, including a check of the Public Path Orders list and the Modification Orders Register, in order to check for any claims or changes to the public right of way network in the area.
Designing Out Crime Officer	No objections or comments regarding this application.
Operational Services Manager (WFDC)	No objection to the proposal. Whilst there will be a minor changes to the car park these will not be significant and will allow re-configuration.

Neighbour/Site Notice Representations
69 letters were sent out to local residents and site notices place at either end of the site. As a result of the consultation process a total of 10 objections have been received. The comments made are summarised in the following bullet points;

- The proposed path is not equivalent to the original path destroyed by the Developer when he ignored the agreed Plans for the 6 houses
- Mitton Gardens is a relatively narrow un-adopted road with no pavements. The position of the proposed 'Hole in the Hedge' is very dangerous, particularly for the young and those with walking difficulties. They will emerge past parked cars into the middle of the road only 17 metres from a blind corner. Cars and delivery vans will be upon them before they realise. There is no street lighting in this area. During the autumn and winter evenings and at night this area is in darkness.
- There is already a footpath along Mitton Close less than 17/20 metres from the proposed path. The existing path gives views along Mitton Close and all down Mitton Gardens. It is well lit by adjacent street lighting. Why would you want a second path so close?
  There has been a covenant on this hedge since 1947. This may no longer be the WFDC's responsibility, but with the sale of land, it must have been passed onto to someone.

The new application includes a gate from Mitton Gardens into the back garden of house 6. Why, other than make the hole in the hedge a lot wider - estimated to be at least 2.5 metre

- When the developer purchased the land, part of the agreement was to maintain the hedge to a height of 2 metres. This application goes against this agreement
- The proposed path is showing 1.2 metres wide. This is the minimum allowed by the Council. There is barely enough for a wheelchair, buggies and people will have to walk single file. Due to parked cars, wheelchair access from the proposed path into Mitton Gardens would be virtually impossible.
- The path on 17-02-11J is incorrect. If this were to be approved, the Committee would be approving an incorrect drawing
- The path can only be 1.2 metres wide if the council agree to give the developer extra car park land. We have found that the council's Property Department are talking to Developer about a land exchange. He gets the land to make the 1.2metres wide. The council get an increase in width by the bay next to the substation. This is already 2.7 metres wide, more than enough. Normal bays are 2.4 metres. We have also calculated that the angle of the fence by the bay on the front will make this bay very difficult to get into and out of. I thought it was council policy not to lose any more of the existing car park
- The entrance at the rear of proposed path is similar to the Developers' refused first application- see version G. From the car park to get to the proposed path entrance on Vale Road you will have to: walk away from Mitton Gardens, across a 3 metre grass verge, past pollards and walk down Vale Road. The alternative is just to go to existing path - simple.
- As a residence of an unadopted road I have rights about who uses the road. I, for one, do not give permission to people coming out the hedge to use our road.
- As a residence of an unadopted road I have right of way to use the road. If a hole was put in the hedge the residences would lose a car parking space. I have not been consulted to see if I agree to this loss which I do not.

3.0 Site Location and Description

3.1 The site forms what was originally part of the Vale Road Public Car Park, which was sold by the Local Authority for development. The relevant permissions were obtained for 6 residential units with the reserved matters permission being approved in 2017.

3.2 The site is bounded by Mitton Gardens to the rear and Vale Road to the front where access is provided. There are a mixture of residential, commercial and community facilities within the area.

3.3 It is evident that the construction of the dwellings has not adhered to the approved plans. Whilst some aspects are being rectified by the developer there are fundamental deviations where an application is required to regularise such changes. This application is the third of such applications in an attempt to demonstrate to the Local Authority that the development should be retained as constructed. All but one of the properties are now occupied.

4.0 Officer Comments

4.1 The development as constructed fails in a number of areas to adhere to the acceptable design that had been approved as part of the reserved matters submission. The submitted plan as part of this amendment addresses in the main the concerns expressed in respect of boundary treatment and landscaping. However, the issue of the revised position of the dwellings and the loss of the footpath link to the south is a substantial and fundamental omission. As originally approved the footpath would link Mitton Gardens and Vale Road, running adjacent to the adjoining Church.

4.2 The whole ethos of design, as set out in the design policies of the Development Plan and the Government's aspirations of good design, is to create well connected places that integrate into the surrounding area. Key to this is taking the opportunities of providing enhancements to the character and quality of areas and the way they function. In the main, the amendments as shown are considered to be acceptable and the scheme could be approved if a suitable footpath link is provided. The provision footpath link is therefore the critical consideration in this case.

4.3 The previously refused application in 2018 proposed an alternative link directly into the adjacent public car park. This was not only unacceptable in design terms but also introduced safety concerns for vulnerable users of the footpath. The withdrawn proposal in 2019 although proposing a full footpath link between Mitton Gardens and Vale Road, did require a 1.2m strip of land that is currently used as public car park and would have resulted in the loss of 4 car parking spaces. This proposal was recommended for refusal, and was withdrawn before a decision was made by the Planning Committee.

4.4 The submitted scheme has taken on board the advice of Officers provided during the previous applications. A complete footpath link of 1.2m in width is proposed between Mitton Gardens and Vale Road, also providing access to and from the car park. This is a similar arrangement to the provision that originally existed before the car park was reduced in size, albeit in a different location.

4.5 It is evident that the existing site boundary cannot fully provide a full width of 1.2m, due to a 'pinch point' at the front corner of Plot 6. However, the proposal shows a land swap with the District Council to enable the complete width to be provided. At the pinch point a maximum of 0.2m additional land is required, the developer would provide in compensation a similar amount to the Council. The land required has no discernible impact on the existing car park spaces, the additional land provided by the developer will help increase the width of one space which is tight to access at present. Taking account of the loss and gain of the car park along with the comments of the Operational Services Manager, I am satisfied that the proposals will not adversely impact on the public car parking provision or its use by members of the public.

4.6 Having established minimal impact on the car park, it then falls to consider the detailed aspects of the footpath link. The original footpath provided a direct link of 1.2m in width between Vale Road and Mitton Gardens and allowed pedestrian access to and from the public car park. Under the original approval in 2017, the footpath link was retained providing a direct link between Vale Road and Mitton Gardens, although did not link to the car park due to the reduction in the size of the car park. The proposed

link, is approximately 40m to the north, but provides a direct link between Vale Road and Mitton Gardens along with pedestrian access to and from the public car park.

4.7 The original footpath provided access from the car park for users of the Dental Surgeries and Veterinary Practice located in Mitton Gardens. The proposed path provides exactly the same function and whilst being located further away from the Dental Surgeries, it now is proposed to be closer to the Veterinary Practice. I note the comments from residents that Mitton Gardens is a private road, but in reality the only users of the footpath will be those accessing properties or businesses in Mitton Gardens and is the same situation as previously existed. Members will be aware that such legal matters in any event carry limited if any weight in a planning consideration as they can be actioned under a separate legal process.

4.8 The pathway will be an open path way on the northern side and will be bounded with 1.2 railings to the edge of car park and will be 1.2m in width. In order to access Mitton Gardens a gap will need to be created within the hedge. The hedge provides an important screen for residents of Mitton Gardens. However, I do not consider that the provision of a gap will reduce the effectiveness of the screening or result in an adverse impact on residents. Although not shown on the proposed plan the existing gap, where the previous footpath joined Mitton Gardens, can be required to be replanted to mitigate the loss of hedgerow through an appropriate condition. Comments have been made by residents in respect of the covenant that exists on the hedgerow, again Members will be aware that these are legal issues that are dealt with separately away from the planning process. Residents have also commented on the hedge retention condition previously imposed. Members are advised that this condition required the maintenance of the hedge to a particular height. Any condition can be superseded by a further planning permission. However such a condition can be imposed on this variation without prejudicing the original permission.

4.9 The width of the pathway at 1.2m has been accepted by the Highway Authority, who have offered a no objection response. The 1.2m width is the same as existed previously and originally proposed to be retained. The proposed pathway is a direct replacement and raises no highway safety issues or public safety issues as confirmed by West Mercia Police. It accepted that the width and lighting arrangements are not ideal but they do provide the exact same situation as previously existed and was previously approved.

4.10 The scheme as now proposed provides amendments that maintain a well designed scheme that will help the functionality of movement within the area to the benefit of both residents and businesses. The amendments are therefore acceptable and fully in accordance with national and local policy which require well designed and creation of inclusive places.

5.0 Conclusion and Recommendations

5.1 The amendments are required to regularise works that have taken place on the ground, the development not being built in accordance with the approved plans. The changes in position and design of the dwellings are acceptable and continues to provide a suitable visual appearance to Vale Road.

The restoration of footpath link through the site, albeit to the north of the site rather than to the south as approved, helps provide a needed pedestrian linkage for residents and customers of local businesses. The overall scheme takes the opportunities to improve the visual appearance of the area and the way it functions. The amendments will have a neutral impact on the functionality of the public car park and will not result in any loss of spaces. Overall the scheme is acceptable and in line with development plan policies.

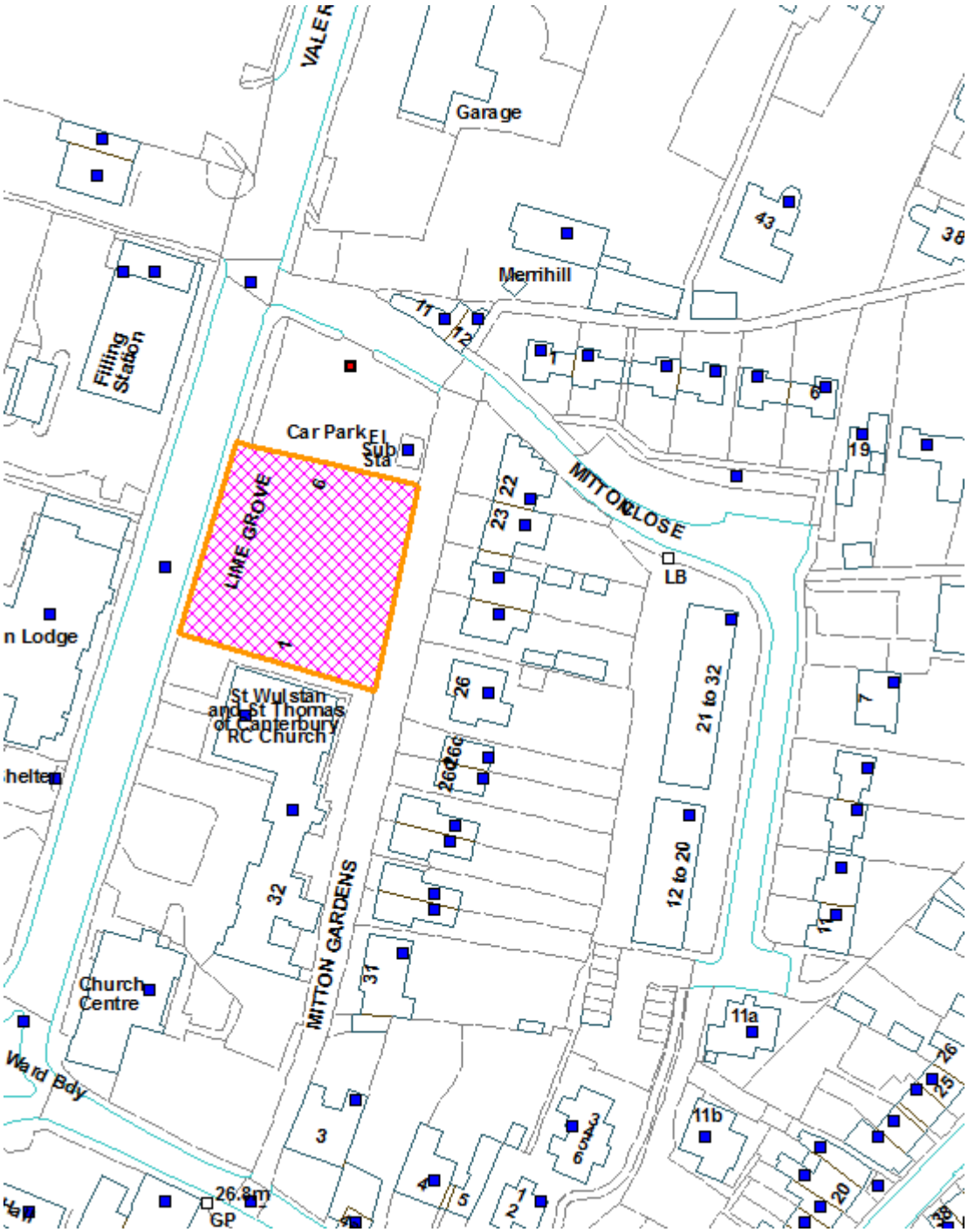
5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. Boundary Treatments to be provided within 6 months
2. Open Plan condition
3. Landscaping to be planted within 12 months
4. Hedge to be retained at a minimum height of 2m
5. Gap to the rear of plot 1 to be planted and maintained
6. Footpath to be provided within 6 months and kept open at all times for public use
7. Removal of PD rights
8. Cycle Parking provided within 6 months
9. Right Turn/One Way signage to be provided within 6 months

Informatives

A PD rights removed

B No works to TPO trees permitted without separate consent



Economic Prosperity and Place Directorate

Vale Road Car Park Vale Road Stourport On Severn Worcestershire DY13 9AB

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19 May 2020

PART B

Application Reference:	19/0519/OUTL	**Date Received:**	19/08/2019
Ord Sheet:	387065 273991	**Expiry Date:**	18/11/2019
Case Officer:	Helen Hawkes	**Ward:**	Wyre Forest Rural

Proposal: Outline application for proposed 70 bed care home (C2) (means of access only to be determined)

Site Address: LAND ADJACENT AT A448, MUSTOW GREEN, KIDDERMINSTER,

Applicant: Mr Rana

Summary of Policy	CP01, DS01, DS04, CP02, CP03, CP07, CP11, CP12 and CP14 SAL.PFS1, SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7 and SAL.UP9 CC1, CC2 (Chaddesley Corbett Neighbourhood Plan) Design Guide SPD National Planning Policy Framework Planning Practice Guidance National Design Guide
Recommendation	**REFUSAL**

Reason for Referral to Committee
'Major' planning application

1.0 Planning History

1.1 There is no planning history for this site.

2.0 Consultations and Representations

2.1 Chaddesley Corbett Parish Council – Recommend refusal on the grounds that the proposals would represent inappropriate development in the Green Belt and not in accordance with Neighbourhood Plan Policy CC1.

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2.2 Highway Authority – *(Initial response)* – Recommend deferral. The justification for this decision is provided below.

The application is located in Mustow Green which is a community of very modest scale, it is most likely that the proposal will rely of staff and supporting services arriving from Kidderminster, it is therefore essential that the proposal considered, and promotes sustainable travel to Kidderminster as the largest and nearest large settlement. The applicant has submitted a transport statement to consider the proposed impact, but this is not considered to address matters in sufficient detail. There are concerns that the location of the site relative to larger communities and the quality of the connections will be a limiting factor which the applicant should demonstrate is addressable, this is necessary to demonstrate that the proposal represents sustainable development. From the Highway Authorities considerations the following key matters need to be addressed:

The proposal relies on the existing bus services to gain access to Kidderminster and cites a 5 minute journey time to the town centre. This approach is overly simplistic and needs to consider how shift patterns fit into the time table. The walking route from the site to the bus stops is inadequate. On the development side there is no footway and none is proposed. There is a footway on the opposite side if the road which is unacceptably narrow and no improvement is proposed. No crossing facility near the proposed access is
suggested to access the existing footway. Additionally there are substandard crossing facilities at the roundabout or to cross the A448 to access bus stops on the opposite side of the road. It may be possible to install laybys nearer the site to address the distance matter and this should be explored. Additionally
contributions towards community transport may be needed to provide access to services which cannot be addressed by the commercial bus service, the Highway Authority has estimated that £26,000.00 of support would be needed.

Staff accessing the site on foot is unlikely given the distance of 2.5km from the site entrance to the edge of Kidderminster's built up area, this distance exceeds the industry standard maximum walking distances to places of work. Additional when considering the suitability of the walking route the lack of a continuous footway, its width, gradient and lighting levels are disincentives to travel on foot.

Cycling is also not assessed sufficiently, whilst the industry recognised 5km distance may be achieved this ignores the detail of the route. Cyclists would need to be on street, and the A448 beyond Spennells Valley Road to the site is subject to a 40mph and 50mph speed limit with no dedicated cycling infrastructure. The high volume of traffic, vehicle speed, gradient, lighting levels make this route unattractive to all but the most experienced cyclists. Against this needs to be considered against what time shift patterns change. Cycling is presently considered to be an unlikely means of accessing the site.

It is considered that the TS does not give sufficient analysis of sustainable travel considerations and this should be reviewed. Additionally a Walking, Cycling and Horse Rider Assessment (HD42/17) should be submitted to review the deficiencies and provide mitigation as needed.

Details are not clear or missing relating to the visibility splays (and tangential splays and refuse vehicle tracking. Details of these should be provided to confirm that the access arrangements function for vehicular purposes.
The car parking levels have not been justified, the applicant must provide a suitable evidence base to show what is proposed is suitable. It is noted that this is a reserved matter but the applicant should ensure that they can accommodate the required demands without impacting on other material planning considerations.

The travel plan should be placed onto Modeshift STARS (Business) at www.modeshiftstars.org, the applicant can register, or if they are not familiar with this system they can contact the Highway Authority who can do this on their behalf for a small fee.

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

(Second response) - Recommend Refusal on the grounds that the site lacks suitable sustainable access opportunities for pedestrians and public transport users and would result in an unacceptable vehicle access due to insufficient visibility. It is advised that the Applicant and the Highways Authority have undertaken several discussions since the recommendation dated 1st October 2019 to explore opportunities to address the matters of concern, however, that there are still issues that remain unresolved, and as such, the application is recommended for refusal.

(Third response) – Following a review of the information that has been submitted in support of the application and addition information, the recommendation of refusal is considered to be sound and appropriate and as such, there is no reason why a change to the recommendation should be made.

It is noted that one aspect of concern in the recommendation is that a visibility splay of an appropriate standard could be achieved to the east if the applicant had control of the necessary land which is clearly shown as outside the red
line of the application. If the area covered by the splay were to be included within the red line that part of the reason for could be overcome.

(<u>Officer comments</u> – The red line site boundary shown on both the Location and Site Plans has been amended to include the adjoining field, which is within the ownership of the applicant. The proposed scheme now demonstrates that suitable visibility can be achieved at the proposed access without crossing third party land).

(Fourth response) – I can confirm that the amended drawings demonstrate that the necessary visibility splays can be provided within the land that lies within the revised red line; and the access is acceptable in principle. For the avoidance of doubt, the applicant has not addressed concerns about the sustainability of the site location; and adequacy of the pedestrain routes between the bus stops on A448, its junction with A450, and the application site. Finally, if the application was to be granted consent contrary to the Highways recommendation, condiitons and informatives would need to be added.

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2.3 WCC Landscape Adviser – No objection to the application, although it would create a development that encroaches into open countryside. I welcome, therefore, the intention to include soft landscaping that will both soften the development and enhance the setting. The landscape strategy submitted sets out the overall plant and species mix proposed. However, I would recommend that, given the scale and complexity of the scheme, should you be minded to grant outline planning permission, a condition is attached to ensure that details of the landscaping design, method statement and aftercare is attached. This should aim to ensure that all aspects of the scheme are delivered, established and managed to deliver net gain for both landscape and biodiversity.

2.4 West Mercia Police Designing Out of Crime Officer – No objection to the application and the Officer has advised the following: The size and height of this building will dominate the surrounding area. This could make it a target for the curious, and those with criminal intent. It is therefore important to make sure the security is such that residents feel safe. Of concern to me are the doors in the ground floor rooms that open to the outside. These doors should comply with standard PAS 24:2016. A question for the future is what regime will be put in place to ensure that residents do not leave these doors unlocked/open when the respective room is empty?

An access control system will be required on the main entrance.

The theft from builder's compounds on developments is becoming a problem. Should planning permission be granted I would be happy to work with the builders on making the site as secure as possible.

2.5 North Worcestershire Water Management Officer – No objection subject to a condition to secure a strategy for surface water drainage.

2.6 Severn Trent Water – No objection subject to a condition to secure suitable disposal of foul and surface water drainage.

2.7 Campaign to Protect Rural England – Objects to the application and have provided the following comments:

It is a speculative application which is wholly contrary to Planning Policy. The location is completely contrary to the basic settlement hierarchy policy in WFCS Policy DS01.

Mustow Green is a hamlet in Chaddesley, just south of the slightly larger hamlet of Harvington. Even Chaddesley Corbett is only a small village ("rural settlement"). Even in Chaddesley village, WFCS policy DS01 would only encourage housing to meet identified local needs, but this is nearly 1.5 miles from the village. The Chaddesley Corbett Neighbourhood Plan may indeed identify a need for housing for the elderly, but that also would need to be to meet a local need. This would need to be a need arising in that parish or
perhaps other parts of the rural east of your district, not from Kidderminster, whose needs ought to be met in the town. This is emphasised by WFCS policy DS04, which says that rural hamlets will be able to meet local housing needs only, as established through surveys.

The site is in the Green Belt. The applicant calls in aid provisions in Framework, paragraph 138 as to mitigating for loss of Green Belt, but this paragraph is about altering the boundaries of the Green Belt, which can only be undertaken as part of a Local Plan Review. It is accordingly completely irrelevant to this application. Furthermore, the applicant does not suggest any mitigation measures, which would compensate for the damage his development would do to the Green Belt. Any development in the Green Belt (which certain exceptions) is always inappropriate. The applicant claims no very special circumstances to depart from this.

The applicant appears to be claiming that there is a lacuna in your Council's planning policy, as it says nothing of where class C2 accommodation should be sited. There is a simple answer to this. Your council's policy documents talk of housing and dwellings, not of "class C3 housing". A residential care home is a residential institution, which is a variety of specialist housing, cognate with a house in multiple occupations or a hotel.

Your council's local plan review is well advanced and it is currently consulting on a revised version of the Deposit Draft. CPRE has issued with some of the land allocations in that, but it provides large sites for housing, just east of Kidderminster and at the Lea Castle hospital site. Some of this involves an element of mixed use. The right place for the kind of development proposed would be in one of these sites, or at some other site allocated for housing, either in it or your present Site Allocations and policies Plan.

Institutions such as proposed are for elderly people most of whom are frail, but some of whom as sufficiently able bodied to be able to go out and walk a short distance to a shop, for example. This means that the appropriate place for such an institution is within a village or larger settlement where there are shops, not a rural hamlet with none. No doubt there is some bus service along A448, but we presume that like most rural bus services in the county, it is infrequent and poorly used. This is hardly a means by which frail elderly people (such as reside in care homes) are likely to be able to visit shops.

2.8 Worcestershire Public Health – No objection, however recommends that further consideration is given to accessibility and would recommend conditions to secure appropriate lighting, cycle parking provision, electric vehicle charging points and careful design of the building.

The National Planning Policy Framework (2012) sets out the Government's requirement to promote healthy communities and to draw on evidence of health and wellbeing need. This is supported by Planning Practice Guidance which also emphasises the importance of health and wellbeing in planning.

Public health suggests that the understanding of this commitment and its policies from a health and wellbeing perspective (where it relates to design of buildings and developments), is represented in this application and includes guidance relating to health promoting design of buildings, developments and public realm covering the following subjects:

- The provision, quality and accessibility of green spaces, community facilities and play areas;
- Design of buildings and developments so they cater for the needs of all groups of population during their whole life. Lifetime homes standards could be references in this section;
- Age friendly developments which include the provision of safe and walkable environments including benches and shading; the provision of opportunities for social cohesion including parks, seating areas and community gardens and orchards and ensuring that bus stop within walking distance; the provision of segregated walking and cycling routes within the developments;
- Site design which promotes physical activity by encouraging walking and cycling; and
- Supporting healthy foods through provision of allotments, community orchards and street fruit trees.

Accessibility and active travel - The Public Health Directorate would recommend that accessibility is considered further, and in particularly around access to and from the site for pedestrians and cyclists. The A448 is a busy throughway from Kidderminster to Bromsgrove, ensuring that there are good walking and cycling links in all directions from the site is imperative for visitors and staff alike. A pedestrian crossing on this main through route should also be considered.

It is also recommended that the lighting is considered to ensure that the walkways and cycle routes are well lit around this area, which is quite a rural area. An increased number of cycle parking points may also like to be considered to encourage more staff members and visitors to reach the site via active travel methods. Travel to and from the site by bus is currently at a limited service, and an increase in public transport provision should also be considered.

Sustainable development - To mitigate against climate change and with UK plans to ban petrol and diesel cars by 2040 it will be important to future proof the site. The Public Health Directorate recommends the installation of electric vehicle charging points for the property using fast chargers and at all visitor parking points.

Encouraging healthier food choices - There is no reference about how the proposal will contribute to healthy food provision. However, there is the opportunity for this proposal to contribute to such provision through edible planting throughout the site and the planting of a small community orchard within the nearby open green space. In addition, the Public Health Directorate
would like to see opportunities for food growing in small plots distributed throughout the site including raised beds to ensure inclusivity for all residents and making the growing of food easy, accessible and sociable. Growing plots can contribute to positive mental and emotional health for future residents. A sensory garden may also like to be considered.

Age friendly design - It is also recommended that age-friendly and dementia friendly concepts are employed in the design, layout, and internal décor to ensure that the build and facilities are appropriate and suitable to support the residents and future

residents including those who may have a dementia diagnosis to facilitate individuals to be able to live well with such conditions.

2.9 Arboricultural Officer - No objection subject to a condition to require a Tree Protection Plan in order to protect the trees on the boundary with Bentley Grove.

2.10 Worcestershire Regulatory Services (WRS) – No objection subject to conditions to secure details of: the proposed commercial kitchen extraction system; the proposed glazing and ventilation products; and details of external lighting. An informative is also recommended to make the applicant aware of WRS Demolition & Construction Guidance which seeks to minimise any nuisance from noise, vibration and dust emissions during the construction phase.

2.11 WCC Archaeologist – No objection subject to conditions to secure a Programme of Archaeology work including a Written Scheme of Investigations to be submitted to and agreed by the Local Planning Authority and then undertaken.

2.12 Conservation Officer – Request that a Heritage Statement is submitted to consider the impact on the setting of the Grade II listed Winterfold House (located 500 metres from the site) and its curtilage (175 metres from site) and the wider setting of the hamlet and Conservation Area of Harvington (750 metres from the site).

2.13 Housing Enabling Officer - This site is in the Green Belt, it is not a site allocated for housing. Its rural location, lack of local amenities in terms of access to health and social care facilities, community groups and its limited public transport links make it inappropriate in terms of both policy and location. This application is not supported.

2.14 Countryside and Parks Manager – No objection subject to suitable tree protection fencing to protect all existing trees and a condition to ensure the recommended mitigation and enhancement measures as set out in the submitted Ecological Assessment are implemented.

2.15 Neighbour/Site Notice – 6 letters of objection has been received from nearby occupiers and their comments are summarised below:

- Green Belt location, and there are no ‘very special circumstances’
- Failed to adequately demonstrate that there would be no harm to openness and that the harm would be outweighed by the benefits
- No consideration of the impact on adjoining premises, Cedar Barn
- Out of character with surrounding buildings
- Over-development of the site
- Likely to lead to increased isolation of residents due to its rural location away from the amenities of the town
- Unsustainable location
- Public transport is very limited and Mustow Green residents rely on their own transport to access local amenities
- Does not meet with the current needs and other needs for the future, which is an important aspect of the WCC and Parish CC Housing Assessment needs

- Poor vehicle access, close to the school entrance, Curslow Lane and within 50 metres of a bend in the road
- Unacceptable impact on the roundabout. The A450 Corridor Enhancement Report by Jacobs for Worcestershire County Council dated June 2019 did not include the proposed care home and specifically identifies the A450 / A448 Mustow Green Roundabout is already over capacity, requiring major highway works
- Building on greenfield should be a last resort, especially considering the vast amount of brownfield sites within the local area and in particular those within the town centre, which would have better transport links to support staff, visitors to the proposed care home
- Desperately need to keep our green spaces undeveloped

3.0 Site Location and Description

3.1 The application site extends to 0.84 hectares and comprises an area of undeveloped pasture land, located on the south side of the A448 Bromsgrove Road. It is situated within the open countryside, and within the West Midlands Green Belt. The ground level is flat across the site and there are boundary trees and a hedgerow along the front boundary and a mature tree belt along the west boundary, which provides screening for the adjoining residential property at Bentley Grove. The site is secured by palisade fencing to its boundary and currently only has access from a gate on the eastern side of the site.

3.2 The wider context of the site is mainly two-storey dwellings and farmhouses dispersed by gently undulating, open countryside. Adjoining the site to the Bentley Grove, a residential property set within a relatively large plot and beyond this property is a cluster of mostly two-storey detached and semi-detached properties that form a small hamlet, known as Mustow Green, which is concentrated around the roundabout junction of the A448 and A450 Worcester Road. To the east and south of the site, are agricultural fields and to the southeast, beyond a field, are detached dwellings that are dispersed between fields and front onto Cursley Lane. To the northeast, approximately 175 metres from the site, is the lodge house, a two-storey Victorian building that lies adjacent to the entrance into Winterfold House School. Winterfold House School includes a Grade II listed building, which cannot be seen from the application site. To the north of the site, approximately 500 metres is Harvington, which includes a number of listed buildings including the Grade I listed Harvington Hall and is designated as a Conservation Area. The site is approximately 3 miles from the town of Kidderminster and 1.3 miles from Chaddesley Corbett village.

3.3 The application is seeking Outline Consent for the erection of a 2.5 storey, 70-bed residential care home (Use Class C2), with all matters reserved for later determination except for access.

3.4 The proposed care home would consist of 70 en-suite bedrooms, as well as a day space cinema, hair and nail salon, nurse station, clinical room and communal dining spaces and assisted bathrooms/WCs. It would be provided within one building, which would be rectangular in shape and would extend back into the site, behind parking and landscaping to the front. The care home building would lie parallel to the side boundary of the neighbouring property, Bentley Grove, and the site access would be provided from the A448. A provision of 21 car parking spaces, including 2 disabled,

would be available for visitors, and a further 10 spaces for staff woudl be provided. A secure landscaped garden would also be provided for residents.

3.5 The application has been submitted with illustrative site, elevation and floor plans to show how the development would be provided and would appear on site. In addition, a Planning Statement, Statement of Community Involvement, Landscape and Visual Impact Appraisal, Design and Access Statement, Noise Assessment, Preliminary Ecologial Appraisal, Preliminary Arboricultural Assessment, Arboricultural Impact Assessment, Sequential Assessment, Landscaping Scheme, Transport Assessment and Travel Plan have been submitted in support of the application.

4.0 Officer Comments

4.1 The application has been submitted in Outline with details relating to access only to be considered at this stage. All other matters are reserved for later determination. Notwithstanding this, a site layout plan, elevation and floor layout plans have been submitted to show the indicative layout, scale, appearance and landscaping of the proposed development.

4.2 The proposed development is for the erection of a 70 bedroom, three-storey, residential care home building and associated parking (31 spaces in total comprising 10 staff and 21 visitors with 3 for people with disabilities), access and works.

4.3 The proposed access would be from the A448 and would comprise a priority junction with a 5.5 wide carriageway and 6.0 metre corner radii. The access has been provided to ensure it is perpendicular to the A448 carriageway and provides over widening on the internal bends to accommodate the turning manoeuvres of some vehicles.

4.4 The application site relates to non-previously developed land, outside of any settlement boundary and within the Green Belt. The main considerations therefore are whether the proposals constitutes inappropriate development in the Green Belt, and if it does, then consideration of other matters need to be assessed to see whether very special circumstances exist in order to outweigh the substantial harm to the Green Belt. In addition, consideration of whether the site is suitable for residential development in terms of land use and location and whether the proposed access is acceptable.

WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

4.5 According to Policy SAL.UP1 of the adopted Site Allocations and Policies Local Plan and Paragraph 145 of the National Planning Policy Framework (the ‘Framework’) the construction of new buildings in the Green Belt for a residential care home does not fall within any of the limited types of new buildings that are considered to be appropriate in the Green Belt. The proposed development therefore amounts to inappropriate development. Also, the applicant, in paragraph 6.37 of the Planning Statement, confirms that the proposals would represent inappropriate development in the Green Belt.

WHETHER THERE WOULD BE ANY OTHER HARM TO THE GREEN BELT

4.6 Paragraph 133 of the Framework emphasises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

4.7 Paragraph 134 of the Framework highlights that the Green Belt serves five purposes, these are:

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.8 The character of the surrounding area comprises undulating open green countryside to the north, on the opposite side of the A448, and immediately adjoining the site to the east and south. Further to the northeast and east, beyond the adjoining fields there are dwellings that are dispersed from one another by open fields. To the west, beyond the mature and dense tree belt, there is a detached dwellinghouse, known as Bentley Grove, and beyond is a small cluster of mostly two-storey detached and semi-detached dwellinghouses that extend up to the roundabout junction of the A448 and the A450 Worcester Road. The site as you view it from the road and from distant dwellings to the east, is set within the open countryside and due to the dense tree belt along its west boundary, is clearly separated from the existing cluster of housing, which makes up the small hamlet of Mustow Green.

4.9 The site lies within the 'Estate Farmlands' landscape type as set out in the Worcester Landscape Character Assessment. This landscape type is described as *"An ordered agricultural landscape characterised by a sub-regular pattern of medium to large sized fields, small geometric plantations and groups of ornamental trees associated with large country houses.*
Settlement is largely restricted to discrete clusters of dwellings and occasional small estate villages".

4.10 It advises that *"Opportunities may arise to achieve some degree of coalescence of existing scattered development by enabling infill development to bring about a degree of spatial unity. However, the siting of new development should be undertaken with extreme care in order to avoid compromising the visual integrity of distinctive estate villages … Efforts should be made to avoid individual new development of a dispersed nature".*

4.11 I have carefully considered the submitted Landscape and Visual Impact Assessment including the Landscape Strategy for the proposed development and the comments that have been raised by the WCC Landscape Adviser. I am of the view that the proposed development would result in a substantial built form, being three storeys in height and with an extensive footprint, and when considered together with the proposed 31 car parking spaces, would result in a significant reduction to the openness of the Green Belt. I acknowledge that the impact on landscape character

and visual amenity would be somewhat mitigated by the retention and proposed additional planting, which would reinforce the key characteristics of 'Estate Farmlands' character type, however, the site is not well contained and sits outside of the cluster of housing within the hamlet of Mustow Green. It would not constitute infill development and would not bring about a degree of spatial unity. Instead, the development would sit on its own, separated from the existing built development by the mature tree belt and would result in visual intrusion and encroachment into the open countryside.

4.12 Moreover, it was advised within the Green Belt Review, Strategic Analysis that was carried out in September 2016 as part of the preparation for the emerging Local Plan that this parcel of land (SE5) "contributes to Green Belt purposes through its prevention of change through incremental encroachment of existing built development into open countryside. Whilst current development is modest the openness, topography and extensive vistas (particularly eastwards from Curslow Lane) make the parcel sensitive to change". This assessment is a clear indication that the application site makes a positive contribution to the openness of the Green Belt and helps to contain the existing small cluster of housing at Mustow Green from encroaching into the open countryside.

4.13 I therefore consider that the proposed erection of a three-storey residential care home, together with car parking, on this non-previously developed site, within the open countryside setting would result in harm to the openness, which is an essential characteristic of Green Belts. It would also result in encroachment into the countryside and would fail to assist in urban
regeneration by encouraging development on derelict and other urban land first before greenfield sites, which are two of the purposes of Green Belts listed in Paragraph 134 of the Framework.

WHETHER THERE ARE ANY OTHER CONSIDERATIONS THAT WOULD AMOUNT TO VERY SPECIAL CIRCUMSTANCES

4.14 The Framework allows the harm to the Green Belt to be weighed against any other material considerations in order to determine if there are very special circumstances which may justify inappropriate development.

4.15 The Planning Statement submitted in support of the application has highlighted a number of other material considerations including social, economic and environmental benefits that, in the opinion, of the applicant should amount to very special circumstances. I have summarised each of these below:

- The residential care home would meet the identified local need for elderly persons accommodation as identified in the Chaddesley Corbett Neighbourhood Plan, 2014 (Policy CC2) and the Chaddesley Corbett Parish Housing Needs Survey, Winter 2013. No reference has been made to any provision of C2 elderly care and/or accommodation in Chaddesley Corbett Parish within the Council's Five year housing land supply (September 2018). The proposed care home would also contribute to meeting Worcestershire and Wyre Forest District's Housing Need for elderly persons, where it was highlighted in the Housing Needs Survey, October 2018 that 1,642 additional units of older person's accommodation would be needed over the emerging Local Plan period (2016 – 2036). The Worcestershire Health

and Well-being Dementia Joint Strategy Needs Assessment, March 2019, also advised that there is an increasing need for care home provision.

- The proposed care home development would allow elderly people to downsize into smaller residential units, thus freeing up larger dwellings for families.

- The proposals would provide specialist care, from residential to nursing care, which would help relieve pressures on publicly funded hospital and GP services in the locality.

- The development would improve the choice of specialist accommodation and care for people in the locality. It would also provide a purpose designed community within which leisure and community facilities help foster social integration and alleviate potential isolation and future residents would be able to remain within the District, close to friends and family.

- A Sequential Site Assessment has been undertaken to assess availability of alternative sites within Wyre Forest District, which concluded that the

- Other preferable alternative sites are all constrained by designations or access difficulties, or uncertainty regarding availability.

- An assessment of other existing care homes was also carried out to assess whether they had capacity to accommodate additional residents and it was found that there is a lack of supply and that existing care homes do not seek to provide the level of care and support covered by the proposed development. As such, existing care homes within 5 miles of the site are not comparative and would not result in an over provision of similar accommodation within a confined area.

- 20 full time equivalent job opportunities would be created, as well as job opportunities during the construction phase.

- Provide new wildflower habitats, which would accord with Action 5 of the Chaddesley Corbett Neighbourhood Plan.

4.16 The applicant has made reference to a planning appeal and a planning application that were allowed/granted for the erection of a residential care home. Whilst I do not have copies of these decision notices and do not know the full details of each of these developments, I note that the appeal case did not fall within the Green Belt. The planning application, related to a site within the Green Belt, however, it was noted in the applicant's summary that the "proposed development would comprise a continuous part of the existing and established building line and is clearly less open than some of the surrounding countryside". In comparison, the proposed development would not be part of the existing established building line, as it is separated by the existing small cluster of dwelinghouses by a detached dwelling (Bentley Grove) which is set back approximately 34 metres from the road frontage and the site is separate from this property by a dense tree belt. As such, the proposed development in is clearly not part of an existing established building line and lies within an open countryside setting.

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4.17 The applicant has made a number of statements about meeting the local housing need within Chaddesley Corbett village, which lies 1.3 miles from the application site. The Chaddesley Corbett Parish Housing Needs Survey 2019 advises that the Parish has a large proportion of older people (25% or 356 people, aged 65 years and older).

4.18 The Survey concluded that in total within the next 10 years the following new homes could be required:

- 21 Owner Occupier properties: 11 x 2 beds, 5 x 3 beds and 5 x 4 beds
- 5 Shared Ownership properties: 4 x 2 beds and 1 x 3 beds
- 4 Social rented properties: 4 x 2 beds
- 1 Private Rented Property: 1 x 2 bed

4.19 Although it is recognised from the Local Housing Needs Survey conducted by the Parish Council that there is a large proportion of older people living within Chaddesley Corbett, I do not consider that this triggers a local housing need for 1 bed units in the next 10 years which would facilitate the need for a 70 bedroom care home, as proposed in this application.

4.20 The Housing Needs Study, October 2018, advises that when applying ratio of older people to current provision and then using future household projections a figure of 1,642 additional units for the emerging Local Plan period 2016-2036 with 1,174 C3 Sheltered (included in 276 dwellings per annum requirement) and 487 additional C2 residential care being required. I note that the applicant has considered the capacity of existing care homes. Members will note that since this application was submitted, planning permission (19/0406/FULL) has been granted for 5 additional bedrooms at the Offmore Care Home, which provides specialist dementia care and planning permission (19/0127/FULL) has been granted for the erection of a building containing 27no. 1 bedroom and 38no. 2 bedroom affordable apartments for people of 55 years of age. Also, a planning application for a 66-bedroom residential care home has been considered by the Planning Committee in February 2020 and resolved to approve subject to the completion of a S106 Agreement and conditions. I therefore consider that some of the unmet housing need for C2 residential accommodation has already or will be met.

4.21 I acknowledge that there will always be a need for accommodation for the growing older population both locally and nationally, however, new residential care homes need to be located in suitable and sustainable locations. The application site, being non-previously developed land, outside of any settlement boundary is considered to be an unsuitable location for new residential development, as it would be contrary to Policies DS01 and DS04 of the Adopted Core Strategy and Policies SAL.DPL1 of the Adopted Site Allocations Policies Local Plan. The Council can demonstrate a 5 year housing land supply and therefore the most important Development Plan policies for determining the application (Policies SAL.DPL1) are not considered to be out of date and the tilted balance in Paragraph 11d of the Framework is not engaged.

WHETHER SUITABLE LOCATION FOR RESIDENTIAL DEVELOPMENT

4.22 I acknowledge that the proposed C2 residential care home would count as housing provision for the purposes of housing land supply calculations. However, it must be

noted that the Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. Therefore, the most important development plan policies for determining the application are not considered to be out of date.. In any event as Paragraph 11 d (i) and footnote point out, on this occasion the Green Belet policies in the Framework that protect areas a clear reason for refusing the development proposed. The 'tilted balance' is therefore not engaged in the decision making of this application

4.23 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.

4.24 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.

4.25 I note that extra care developments generally need to be of a sufficient size to support the shared facilities and therefore require large scale sites and I note that a sequential assessment has been submitted with this application which has assessed other preferable sites within the District. However, I believe that there are suitable sites, such as the former Carpets of Worth site, former Sladen School site, the Timber Yard in Kidderminster, the former Kidderminster fire station site and the former Bewdley fire station site to name a few, which are all allocated for residential development on the Adopted Policies Map; relate to previously developed land within the urban areas; and are in sustainable locations.

4.26 I therefore conclude, that the site relates to non-previously develop land, outside of any settlement boundary as defined in the Adopted Policies Map. Policy SAL.DPL2 seeks to protect the countryside from unsuitable development. The proposed development would not fall within any of the exceptions under this policy. As such, the development would be contrary to Policies SAL.DPL1 and SAL.DPL2 of the Adopted Sites Allocations and Policies Local Plan.

4.27 GREEN BELT BALANCE
Although there is a recognised local need for accommodation for elderly people, there is no requirement for the amount of 1-bed units in Chaddesley Corbett Parish, and when taking into account the unsustainable location of the site, it is considered that only limited weight can be given to the Green Belt Balance on this matter.

4.28 I agree with the applicant that the proposals would help older people to move out of larger homes which would free up family size housing for families and this is a social benefit which will be weighed in the Green Belt balance.

4.29 I further acknowledge that the development would provide health and well-being benefits, which would reduce the need for residents to make use of primary health care services or social services and would also help to relieve the pressure on hospital bedspaces. As such, the benefits to health and wellbeing would also weigh positively in the Green Belt balance.

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4.30 The creation of 20 full time equivalent job opportunities as well as those within the construction phase would also provide a social and economic benefit and the provision of new wildflower and other planting would also help to improve the environment both visually and for wildlife.

4.31 Overall, I note that there are social, economic and environmental benefits arising from the proposals, however, when taken cumulatively, I do not consider that these other material considerations when taken as a wjole clearly outweigh the identified harm to the Green Belt, in terms of inappropriateness and harm to openness. I therefore do not consider that very special circumstances exist. The development would therefore be contrary to Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and Section 13 'Green Belt' of the Framework.

ACCESSIBILITY OF THE SITE BY SUSTAINABLE TRANSPORT MODES

4.32 Policy SAL.DPL5 of the Adopted Sites Allocations and Policies Local Plan advises that the District Council will support applications for extra care provision where it can be demonstrated that (but not limited to) they are able to offer their residents and staff easy access to a range of services, particularly access to appropriate community facilities, including healthcare, by foot or by public transport.

4.33 Paragraph 108 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

4.34 The site is over 3 miles from Kidderminster, which is beyond the recommended 400 metres in order to be considered as reasonable walking distance. The Highways Authority has advised that the public footpaths in the vicinity of the site are very narrow (1 metre in width) and are missing footway links, existing crossing locations are substandard and there are no suitable crossing point proposed to access the site along the frontage, which makes pedestrian access unsafe, impractical and non-existent in places. The absence of suitable pedestrian connections to the site is a significant barrier to encouraging sustainable access, even from within the existing community. Also, that the cycle route to the site from Kidderminster is considered to be difficult due to the topography of the roads and distance and would only be suited for the more experienced cyclist.

4.35 The two bus stops which are located 300 metres from the site are served by nos. 42 and 133 bus services. The no. 42 bus route offers an hourly service between 0538 hours and 1758 hours Monday to Saturday(3 services a day on Sundays) and provides routes between Kidderminster, Bromsgrove and Redditch and the no.133 bus service operates between Kidderminster, Chaddesley Corbett and Drotwich, with three services a day from Monday to Friday. The nearest railway station to the site is Kidderminster Railway station, approximately 4.3km from the site. However, I have to agree with the submitted Travel Plan where it states in paragraph 1.1.2 that "Visits from friends and family are usually outside of peak hour periods and can be limited to certain visiting times by the care home operator in some circumstances. This is not always conducive to the use of public transport". As the no. 42 bus service does not run after 6pm and the no. 133 only has three services a day, I consider that the visitors will be unable to travel to and from the site due to these limited bus services.

4.36 I do not consider that the site is in a sustainable location for the proposed care home and that the development would be contrary to Policy CP03 of the Adopted Core Strategy, Polices SAL.DPL1, SAL.DPL5 and SAL.CC1 of the Adopted Site Allocations Policies Local Plan and Paragraphs 108, 109 and 110 of the Framework, which all require developments to be in a sustainable location where they can promote suitable and safe walking and cycling for all users and maximise the opportunities for sustainable travel.

ACCESS ARRANGEMENTS AND HIGHWAY SAFETY

4.37 In terms of vehicular access, the proposed scheme involves a new access point onto the A448 along the front boundary, which would become the main entrance to serve the development. During the course of the application, the applicant has submitted a revised red line site boundary on both the Location and Site Layout Plans to show that the visibility splay can be achieved for the new access without crossing third party land and can therefore be retained and maintained in the long term.

4.38 The Highways Authority has advised that the amended details have addressed their objection to the access arrangements and that the development would have suitable access in principle. I concur with this view and consider that the proposed development would have an acceptable impact on highway safety in terms of vehicular access and movement and the free flow of traffic on the A448. However, due to the site location, the proposed development is likely to have a detrimental impact on pedestrian safety due to the inadequacy of the pedestrian routes between the bus stops on A448, its junction with A450 and the application site. The development is therefore contrary to Policy CP03 of the adopted Core Strategy, Policy SAL.CC1 of the adopted Site Allocations and Policies Local Plan and Paragraphs 108 and 109 of the Framework.

5.0 Conclusions and Recommendations

5.1 The proposed 70 bedroom care home would be inappropriate development in the Green Belt and would be harmful to the openness which is an essential characteristic of Green Belts as well as result in encroachment into the open countryside. Although, there are other material considerations that would provide some social, economic and environmental benefits, it is considered that these, when combined, would not outweigh the substantial harm to the Green Belt, and as such, no very special circumstances exist. In addition, the development would be in an unsuitable and unsustainable location for a residential care home, given that it is non-previously developed land, outside of any settlement boundary, and would therefore fail to safeguard the character of the countryside or provide suitable and safe access for all users or maximise the use of sustainable transport modes in order to minimise the reliance on private cars and traffic generation. The development is therefore contrary to policies contained within the Development Plan and the National Planning Policy Framework and does not represent sustainable development.

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5.2 It is therefore recommended that the application be **REFUSED** on the following grounds:

1. The proposed development would constitute inappropriate development in the Green Belt, resulting in harm to openness through encroachment into the countryside and failure to assist in urban regeneration by encouraging development on derelict and other urban land first before greenfield sites Whilst there are other material considerations that would provide social, economic and environmental benefits, it is considered that these benefits would not outweigh the substantial harm to the Green Belt and do not amount to very special circumstances. The proposed development is therefore contrary to Policy SAL.UP1 of the Adopted Sites Allocations and Policies Local Plan and Paragraphs 133, 134, 143, 144 and 145 of the National Planning Policy Framework, which seek to protect the openness and characteristics of the Green Belt from substantial harm as a result of inappropriate development.

2. The application site relates to non-previously developed land, outside of any defined settlement boundary and therefore is considered to be unacceptable in principle for residential development. The proposed development would not promote regeneration of the urban area and would result in harm to the landscape character of the area, contrary to the objectives of Policy DS01 of the Adopted Core Strategy, Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 77 and 170 of the National Planning Policy Framework.

3. The application site, by virtue of its unsustainable location in the open countryside and inadequacy of the pedestrian routes between the nearest bus stop on A448 and the application site, would fail to provide safe and suitable access to the site for all users, in particular pedestrians and cyclist and those wishing to travel by bus. The proposed development would therefore not promote good accessibility and choice of travel by sustainable transport modes and would be contrary to Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.DPL5 of the Adopted Sites Allocations and Policies Local Plan, Policy CC12 of the Chaddesley Corbett Neighbourhood Plan and Paragraphs 108, 109 and 110 of the National Planning Policy Framework.

Application Reference:	20/0078/OUT	**Date Received:**	31/01/2020
Ord Sheet:	373160 274660	**Expiry Date:**	21/05/2020
Case Officer:	Helen Hawkes	**Ward:**	Bewdley and Rock

Proposal: Residential development of up to 25 dwellings on land at Plough Lane, Far Forest

Site Address: LAND AT OS 373160 274660, PLOUGH LANE, FAR FOREST, KIDDERMINSTER, WORCESTERSHIRE

Applicant: Piper Homes

Summary of Policy	CC1 CC2 CC7 CP01 CP02 CP03 CP04 CP05 CP07 CP12 CP11 CP14 DPL1 DPL2 DS01 DS04 NPPF PFSD1 UP5 UP9 UP7 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	**REFUSAL**

Reason for Referral to Committee
'Major' planning application

1.0 Planning History

1.1 None applicable.

2.0 Consultations and Representations

Parish Council — Object for the following reasons:
- The application is outside the Settlement Boundary
- The application proposed is on Undeveloped Agricultural Land
- The land adjoins a very important SSSI and development so close will be very harmful to the protected species
- Highways - is a major problem as the only access is off a privately un-adopted lane.
- Development at this site would be out of keeping with the current street scene
- The proposed development does not comply with the Parish Housing Needs Survey
- The development is contrary to the WFDC policy SAL-DPL
- Contrary to national biodiversity policies

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Highways Authority (WCC)

(Initial comments)
Recommend refusal. It is noted that this is an outline application with access to be determined. The proposed development is located on Plough Lane, Far Forest which is not currently public highway. At its' south western end, opposite the Plough Inn it forms the minor arm of a priority junction with Cleobury Road (A4117). Approximately 19 existing properties along the entirety of Plough Lane (approximately I km in length) are served by this route which also functions as a public right of way for the first 800m. The proposed development of up to 25 dwellings therefore represents a significant intensification of use of the existing private lane and its junction with A4117. It has not been clearly shown on plan that adequate visibility can be provided at the junction onto Cleobury Road particularly to the right on exit due to the existing hedgerow and this represents a highway safety hazard. Historic speed data available to the Highway Authority indicates that speeds in this location are in excess of the 30 mph speed limit therefore greater visibility would be expected. Moreover, the junction design is constrained by the red line drawing showing land within the applicant's control. The red line also appears to cross residential driveways, hedgerows and possibly parts of gardens on Plough Lane which constitute third party land and dropped kerb crossings would be expected on each driveway. The extent of ownership on Plough Lane has not been clearly established for the extent of works to be understood. In the submitted Transport Statement, the applicant states that Due to land constraints, adoption would be procured by means of a Section 228 agreement under the terms of the Highways Act. This casts further doubt on the deliverability of the scheme. Moreover, a proposed residential development of 25 dwellings would be expected to be built to adoptable standards and whilst the applicant references the Pedestrian Prioritised Street design in the adopted Streetscape Design Guide, the proposed access road layout does not fully comply with this, nor is it considered adequate and appropriate to serve as the link between A4117 and the application site. Plough Lane is fairly straight from the junction to the proposed site access, a distance of approximately 200m and there are minimal features to effectively ensure a design speed of 15 mph. At the same time there are no passing places to allow vehicles to pass and there is existing traffic on the lane

which will include large agricultural vehicles. Based on Manual for Streets criteria, the minimum requirement for a car and a lorry to pass is 4.8m. It is noted that there is no streetlighting in the village of Far Forest or on Plough Lane which will not encourage journeys on foot in this location. Whilst it is acknowledged that the Highway Authority is willing to consider innovative design proposals within certain tolerances, on balance in this specific case, it is considered that the proposal is not sufficiently robust in terms presenting an access layout which is achievable on the country lane and appropriate to the proposed residential use. The proposed development does not comply with local policy in the adopted Streetscape Design Guide and the failure to adequately demonstrate that safe and suitable access is achievable is contrary to Paragraphs 108 and 109 NPPF. The Highway Authority has undertaken a robust assessment of the planning application and recommends that this application is refused.

(Further comments)
Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that the application is refused. The justification for this decision is below. It is noted that this is an outline application with access to be determined. The proposed development is located on Plough Lane with a junction off Cleobury Road (A4117) in the village of Far Forest. Approximately 19 existing properties are served by Plough Lane which is approximately I km in length. For 800m or thereabouts from Cleobury Road, the lane is a public right of way, shown on the definitive map as a public footpath. It is not a public highway. The proposed development of up to 25 dwellings would represent a significant intensification of use of the existing lane and a layout which is safe and appropriate to serve the existing and proposed dwellings and agricultural land has not been clearly demonstrated. The red line of the application drawing includes the section of lane that lies between A4117 and the site access. It is noted that objectors challenge the applicants claim to ownership of the lane and believe it cannot be widened, as shown on the

application drawings, without encroachment onto their property. That would be a private matter between the parties but should be noted. Plough Lane is unsuitable for adoption as public highway or to carry additional traffic in its current form and condition. It does not have suitable drainage or drainage outfalls which this application does not address. Whilst the applicant's intention is for Plough Lane to be adopted, the extent of ownership of the lane has not been clearly established. They propose that "adoption would be procured by means of a Section228 agreement under the terms of the Highways Act" but although a S228 is a recognised procedure, typically it is used where the land owner is not known and the applicant does not have ownership of the sub soil. This clearly contradicts the inclusion of the lane within the red line and the uncertainty could leave residents further exposed to future maintenance costs. Although the applicant proposes to undertake works to bring the lane up to the standard of a Pedestrian Prioritised Street as defined in the County Council's Streetscape Design Guide, the design submitted in the application does not comply with that standard. Specific failings are:Plough Lane is fairly straight for the 200m (approximately) from the junction to the proposed site access and there are minimal features within the proposed design to effectively ensure compliance with the design speed of 15 mph. The proposed road width varies with a width of 3.7m in parts which would not be sufficient to allow 2 vehicles to pass. A range of vehicles will use this route to include agricultural and refuse vehicles and based on Manual for Streets criteria, the minimum requirement for a car and a lorry to pass is 4.8m.The proposal includes a 1.5m footway along the development side of Plough Lane which is described as a 'notable improvement'. In contrast, a 2m footway is stipulated in the Design Guide. The 1.5m footway is separated from the carriageway by a 60mm low level kerb and this allows for vehicles to overrun when 2 vehicles need to pass. The carriageway width is therefore extended by 1.5m to 5.2m which exceeds the requirement of 4.8m as above. However, due to the long straight road which will allow speeds in excess of 15 mph, this does not equate to an environment where pedestrians will feel prioritised and able to move freely in safety. Added to which, whilst the lack of streetlighting may be expected in a rural village setting, the lack of streetlighting on a shared surface where speeds are not maintained at a low level, will be a highway safety concern and will not encourage

	journeys on foot. Whilst the Highway Authority is willing to consider innovative design proposals within certain tolerances, in this case the proposal is not suitable for its context. The proposed development does not comply with local policy in the adopted Streetscape Design Guide and the fails to adequately demonstrate that safe and suitable access is achievable is contrary to Paragraphs 108 and 109 NPPF. The Highway Authority has undertaken a robust assessment of the planning application and recommends that this application is refused.
Arboricultural Officer (WFDC)	(Initial comments) - Defer comments until an updated plan is submitted as the scale appears to be incorrect, and there is a protected tree on the boundary which may be adversely impacted by the development. (Further comments) I have no objections to the proposals within this outline application. None of the protected trees on the boundary of the site will be affected. The landscaping looks satisfactory too.No objections
Countryside And Parks Manager (WFDC)	This application has come with some ecological constraints that we are going to have to consider through the attachment of conditions to this application. The applicant is to submit to the local authority a certificate of compliance from the applicant ecologist that the mitigation and enhancement measures and ecological working practices that have been identified in the Focus ecology June 2019 and July 2019 report ref 1498 have been adhered to. This is to safeguard protected Bat species that have been identified as roosting on this site .To provide mitigation and enhancements as required through the National Planning Policy and to safeguard against harm to potential protected species on site.Paul
Education Services (WCC)	No objection but requires confirmation as to whether a safer walking route to Far Forest Primary School would be provided as part of this development. It is advised that the proposals as submitted are estimated to yield 1.3 pupils on average per primary year group and 1 pupil on average per secondary year group. Further analysis indicates that there is current capacity in the primary school. However, forecast pupil numbers are set to rise and there may not be sufficient places to absorb the impact of the development. Ofsted rated the school as Requiring Improvement in March 2019. A rating of Good or better during the lifetime of this application is likely to see an increased uptake of in

	area pupils and therefore, Worcestershire Children First would wish to be reconsulted if an early decision on this proposal is not achieved. The Bewdley School is a popular school that admits up to the Published Admission Number in a number of year groups however, current indication is that the school has sufficient capacity to admit in area pupils that apply for entry into year 7. On conclusion, there is currently sufficient capacity within the Early Years, Primary and secondary phased of education. In addition, the proposal as submitted does not yield sufficient pupils with Special Education Needs or Disabilities to impact specialist provision. Worcestershire Children First will not currently be seeking a contribution towards education infrastructure but would wish to be consulted if an early decision is not achieved.As the site coming forward under this planning reference is adjacent to the school, recommendations in respect of safer walking routes to Far Forest Primary School have been requested. I note on page 12 of the Transport Statement, the developer indicates Plough Road will be made up to an adoptable standard but it is unclear whether this will include a footway other than on the proposed development or whether there is an expectation that access will be required directly from the development to the school site? Worcestershire Children First would require confirmation from the developer in respect of this aspect.(Officer comments - The applicant advised on site that it would not be possible to provide a safer route from the application site to the school but that new footpath provision would be provided along Plough Lane, which potentially could offer a walking bus etc).
Designing Out Crime Officer (West Mercia Police)	No objection
Planning Policy (WFDC)	No Comment Received.
Housing Enabling Consultant (WFDC)	Recommend refusal of the application and advises that the site lies outside the settlement boundary for Far Forest and therefore falls within current policy SAL DPL2 for rural housing and should only be considered if it was brought forward as an exception site to deliver 100% affordable housing. We would consider some enabling market housing (upto 20% in total).
North Worcestershire Water Management (WFDC)	No objection subject to a condition. It is advised that this site is not at risk of flooding from any source. The site is located in the catchment of a tributary of the

Dowles Brook, which is part of the Wyre Forest SSSI downstream. In addition I am aware that there are known flooding issues of Sugars Lane, downstream of this site, where the road dips. This means that it will be important that runoff will not increase as a result of development and that any discharge will not pollute the natural water environment. This development will be classed as major. The Lead Local Flood Authority is the statutory consultee on all major planning applications for surface water management. North Worcestershire Water Management fulfils this role in North Worcestershire on behalf of Worcestershire County Council. We are required to ensure that appropriate SuDS are provided for the management of run-off, unless it is demonstrated inappropriate, and that the proposed scheme is in compliance with the non statutory technical standards for SuDS (Defra, 2015). It is up to the Local Planning Authority to ensure, where necessary through the use of planning conditions or planning obligations, that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The application was accompanied by a drainage strategy. This strategy assumed that the geology of the site will not allow infiltration drainage on the site. Site specific infiltration testing will need to confirm that this is indeed the case, but based upon the soilscape classification (Slowly permeable seasonally wet acid loamy and clayey soils) I tend to agree with this assumption. The drainage strategy sets out that post-development rates of surface water runoff will be restricted to the Greenfield rate (2.5 l/s/ha) for all events up to and including the 1 in 100 year plus climate change return period. This is in line with the non statutory technical standards for SuDS. The drainage strategy document does in the main document not detail a specific strategy setting, but instead defers this to the detailed design stage. In appendix III of the document however a plan has been included which shows tanked pervious pavement, a swale and a detention area. These types of SuDS will all provide an element of runoff treatment. A bypass sewer is also shown on the plans. I don't know what the reasoning is behind this proposed set-up. Is it to ensure that STW will be willing to adopt the drainage system or is this to get Highways to adopt the road?? For water quality treatment purposes it will be important that the swale and detention area are online with the bypass sewer only being used when this online route is blocked / overwhelmed; we would not want to see the swale and detention area as offline assets, only in use

	when the piped system is overwhelmed. I note that the proposal is to connect the foul drainage of the development to the mains sewerage system. This will require Severn Trent Water's approval. STW in a letter dated 20th December 2019, Appendix I, have raised concerns regarding the performance of their Sugars Lane Sewage Pumping Station, to which the site would drain. STW would need to undertake a hydraulic assessment to understand what impact the development will have. I assume that this will be adequately covered in the STW consultation response, and will refrain from commenting upon this element of the application. I believe that based upon the submitted information (in particular the submitted drainage strategy including appendix III) there would be no reason to withhold approval of this application on surface water management grounds, providing the following condition will be attached:"No works in connection with site drainage shall commence until a detailed surface water drainage strategy has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall conform with the principles set out in the Flood Risk Assessment & Drainage Strategy Flood Risk Assessment (Banners Gate, January 2020) submitted with the application. Calculations and models (.mdx files or similar) shall be submitted to verify that the runoff rate from the development will be limited to Greenfield levels up to the 1 in 100 year rainfall event plus 30% allowance for climate change¬. The information submitted shall set out how the surface water drainage measures will provide an appropriate level of runoff treatment. Where communal surface water drainage assets are being proposed details regarding the future maintenance responsibility will be provided, and how this responsibility will be communicated with future home owners / occupiers. The approved surface water drainage shall be implemented prior to the first use of the development and thereafter maintained."
Natural England	No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.
NHS Primary Care Trust	No comments received
Severn Trent Water	No objection subject to a condition to require details for the disposal and surface water flows to be

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	submitted, agreed and implemented in accordance with the approved details.
Wildlife Trust	Raise an objection to this application and recommend that additional ecological information is requested prior to determination. The absence of such information would leave a number of unanswered ecological concerns and could be considered a reason for refusal. The Wildlife Trust note the contents of the various associated documents and in particular the findings set out in the Preliminary Ecological Appraisal by Naturally Wild. We consider that several outstanding ecological issues need to be resolved before permission for development can be granted. With that in mind we would like to make the following comments.1. We have an in-principle objection to this application on the grounds that this site is not allocated for development in the local plan and so does not represent the most sustainable opportunity for growth in this area. 2.While we recognise that the submitted PEA did not highlight any overriding ecological constraints to development here we consider that there are inconsistencies in the findings that require further clarification prior to determination. In particular, we note that there are likely to be protected reptiles and amphibians nearby and that these may have been missed during the Naturally Wild surveys. In relation to this it is troubling that the reptile survey was carried out in a very short period towards the end of the season and could very well have overlooked the presence of adders, which are known to be in the area but are otherwise exceptionally scarce in Worcestershire. It is also noted that a pond nearby (Pond 1 in the PEA) is considered to hold great crested newts. Given the proximity of the pond to the site and the very small lane between the two we do not think there are substantial barriers to GCN being present on site and we consider that further consideration of both taxa is needed prior to determination.3. We note that the site contains an area of wetland habitat, but that this receives scant attention in the PEA. It is possible that this habitat is significantly more species rich than the surrounding semi-improved grassland and we would expect a great deal more weight to be attached to its presence than has so far been shown. This is relevant both in terms of its potential ecological value and because of the

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	implications it may have for drainage and water management across the site. In relation to this the lateness of the ecological survey may well have led to early-flowering species being missed, both in the wetland and surrounding grassland, the presence of which may have increased the perceived value of the fields and altered the conclusions set out in the PEA. 4.Whilst we accept that this application is made in outline only it is a significant concern that the proposed layout seems to pay no attention to the onsite features of ecological interest. It would appear that the marshy area, central hedge and a significant area of grassland will be lost and yet there is no meaningful attempt made in the illustrative masterplan to avoid or mitigate harm in line with the NPPF (see for example paras. 170 and 175). Moreover, there is no sign of potential to create genuine net-gains in biodiversity in line with planning policy. With that in mind it does not seem that the application can easily be made policy compliant without significant additional consideration, which we believe should be undertaken at this stage and prior to determination.
Landscape Adviser (WCC)	Recommend refusal and the following comments have been provided: The landscape setting of Wyre Forest is comprised of a number of distinctive historic landscapes that interact and are legible in the modern landscape. The setting of the site (as proposed) is within an area that historically was defined as unenclosed heathland, groups of piecemeal enclosure fields and wayside settlement. The area was later enclosed, reorganised and subdivided to create small orchards and pasture; perhaps the most distinctive feature of the setting.As the Visual Appraisal notes, the site is located within Landscape Type (LT), Forest Smallholdings and Dwellings. Paragraph 4.5.2 of the Appraisal has not included two of the Key Characteristics that are material in the context of proposed scheme. These refer to the settlement pattern, which is a:oDensely settled pattern of wayside dwelling so Distinctive building style-small cottages of brick or stone Paragraph 4.5.3 of the same document then lists some of the opportunities set out in the LT planning Advice sheet, but has not included the advice for settlement pattern, which states: New development must respect the historical ad-hoc development of the settlement pattern of these landscapes and

avoiding standardisation of design and layout. Additional individual dwellings may be accommodated in some circumstances where the scale of the original settlement would not be compromised. Clustered groups of new housing however would not be appropriate. The retention of small pastures/ orchards between houses is important. The proposed development, as set out in the draft masterplan, does not adhere to this model being more typical of a suburban morphology associated with larger settlements or urban areas. In terms of overall landscape sensitivity, the site is located within Land Cover Parcel (LCP): WP07.2e, which was assessed in the Worcestershire LCA Sensitivity and Capacity Assessment to be in good condition, with a low resilience and overall high sensitivity to change. The Visual Appraisal includes in its summary that (paragraph 6.8) "Overall, the proposed development is a natural extension of the existing village with boundary vegetation providing a natural enclosure." This is subjective interpretation based on the dominance of the 20th century block development at that location to which the proposed development will effectively be appended, rather than a wider view of the dominant settlement pattern within the setting. The impact of the (proposed) development therefore becomes cumulative and will impose further harm to both the historic landscape character of Far Forest and setting of Wyre Forest. In conclusion, it is difficult to support the scheme in this landscape context to which I object on landscape grounds. The visual screening discussed in the Visual Appraisal and proposed biodiversity enhancements do not, I believe, sufficiently outweigh the harm that will result from the introduction of a development of the magnitude proposed in that setting. I believe this is clear in the evidence base that I have summarised above.

Far Forest Lea Memorial CE Primary School – No comments to make

Neighbour/Site Notice Representations

23 Letters of objection (including photographs showing wildlife (deer) on the application site and evidence of heavy surface run off after heavy rainfall) received from nearby residents/occupiers, and one from a Planning Consultant on behalf of a resident. The comments received are summarised as follows:

- Harm to wildlife, reduction in biodiversity and pollution of groundwater and watercourses. It is noted that deer and other wildlife are often seen within the application site, but the increase in the amount of homes and people will have a dramatic impact on wildlife within the area;
- The existing damp/marsh conditions of the site provide ecological benefits for various habitats;
- Insufficient ecological appraisal has been submitted which fails to evident the presence of birds and wildlife;
- Plough Lane is close to Wyre Forest SSSI site;
- Loss of privacy and would be too close to adjoining properties;
- Noise nuisance;
- Increase air, light and noise pollution;
- Screening the development with trees, hedges or fences would overshadow existing properties and cause loss of light;
- Visually overbearing impact;
- Conflict with Development Plan, as the site is not within the Far Forest village boundary and the development does not meet any of the exceptional circumstances listed in Policy SAL.DPL2 nor comply with Policies DS01 and DS04 of the adopted Core Strategy;
- Inappropriate development in the Green Belt and no very special circumstances exist;
- No need for additional housing, as the housing needs of the District are met by the local plan;
- Strain on existing community facilities, including the doctor's surgery, primary school and dentist. It is advised by one writer that Far Forest school is oversubscribed. Development would put severe pressure on education authorities in finding placements in schools outside the village boundary
- Inadequate infrastructure to support the development;
- Inadequate foul and surface water drainage and the development would be contrary to Policy CP02 of the adopted Core Strategy. One writer also advises that the pumping station in Sugar Lane will not cope with the scale of development proposed;
- Unsustainable location and goes against the spirit of the Climate Change Act 2008 and the climate emergency declared by the government 2019. It is further noted by one writer that the bus services referred to in the Planning Statement do not provide regular or reliable transport services, especially those required by school children, to Bewdley or Kidderminster;
- Not a brownfield site;
- Out of keeping with the character of the area, which is still identifiable as a quiet village and would remove the green buffer between the estate type housing in Oakleaf Rise and Plough Lane. Plough Lane appears on the Enclosures Maps of 1816 and is of very distinct character, which has been relatively unspoilt in over 200 years;
- Over development;
- Over dominating impact on The Sycamores, which dates back to the early 18th century and represents the very essence of the origins of Far Forest;
- Lack of visibility when leaving the lane onto the A4117. It is advised by one writer that the hedge along the village shop's car park has gown nearly a foot above the existing railings which can be considerably higher and wider during the summer months. Further obstruction to the right of the exit come from the bollards that are

erected outside of the village shop. This exit is further exacerbated by delivery trucks which park on the road near the shop and also public transport stops along this road. Furthermore, during the year, particularly during the summer months, a mobile caravan site opposite this junction increases the volume of people and traffic in the village and around this area. Finally, there is also a very popular public house (The Plough Inn) , whose car park is always very busy at most times of the day, which is directly opposite this difficult junction;

- Increase road accidents due to the substandard junction of the A4117/Plough Lane;
- Inadequate access and public transport provisions;
- Increase traffic and the number projected in 5.1.2 of the transport statement does not take into account the extra transport required to serve a rural community with limited amenities;
- Inadequate road and footpath to serve the development, as it would not be in accordance with WCC Streetscape Design Guide;
- Plough Lane is a private road maintained by residents;
- Impact on views;
- No indication who will be responsible for the provision of open space
- The Local Plan Review is in an advanced stage and due weight should be given to its status. It is also noted by one writer that the Council did not seek to allocate the land, which is the subject of this application site, as part of the Local Plan Review, as there are insufficient work opportunities and local services/facilities to support additional housing;
- Far Forest is a Rural Settlement suitable for only limited infill housing, which meets an identified local need and the village is not considered a sustainable or suitable location for new major residential development. The Local Plan Review proposes an allocation of 20 houses and an increase to the existing settlement boundary. This more than adequately meets the identified local housing need for the village. To approve an additional 25 houses through this application would undermine the local plan review process;
- The proposed open space is not a suitable location for the village due to its distance from the main road and dwellings and would only be used by bored teenages, anti-social behaviour and increase the security risk to new and existing properties;
- Impact on an area of outstanding beauty and conservation; and
- Harm the environment.

(Officer Comments – The application site is not situated within the Green Belt and an examination date for the emerging Local Plan has not been arranged by the Secretary of State at this present time and therefore limited weight can be given to the emerging Local Plan).

3.0 Site Location and Description

3.1 The application site covers an area of approximately 1.6 hectares of grassland, which is located on the north side of Plough Lane. The site is currently split into two by a hedgerow that runs across the site from the southwest to the northeast. The site lies outside of the defined settlement boundary for Far Forest village and within the open countryside.

3.2 The site is bounded to the northwest by dwellings in Oakleaf Rise and to the north by dwellings in New Forest Close, which comprise two residential cul-de-sac developments that were constructed around 2000. To the west of the site lies Far Forest Lea Memorial Church of England Primary School and a cottage known as The Sycamores. To the east is a residential property, known as Red Cedars and to the south, on the opposite side of Plough Lane, is agricultural fields with Doghanging Coppice (an Ancient Woodland) and Wyre Forest (SSSI) beyond.

3.3 The ground levels of the site slope down in a southwest to northeast direction and the site contains a category 'A' common Oak tree (subject to TPO No. 248) located on the northern boundary. There are also a few trees within the southern section of the site and hedgerows occur along all of the site boundaries. The site is considered to be located within Flood Zone 1 ('Low Risk' to flooding). The site currently has access from a gate in the southern boundary which connects onto the private road known as Plough Lane. Plough Lane measures 1km in length and connects Lynalls Lane to the north with the A4117 Cleobury Road to the south. Plough Lane is also a Public Right of Way (No. 541(B)).

3.4 Outline permission is sought for the erection of 25 dwelling houses, including associated access, parking and amenity space, with all matters reserved for later determination except for access. An illustrative plan has been submitted to show an indicative layout of the development, which shows dwellings fronting onto a new cul-de-sac road, located in the west and northwest part of the site, with the southeast corner being retained as public open space. The proposals would incorporate improvements to Plough Lane, between the junction of Cleobury Road and the site access (distance of 235 metres), and would include surfacing to adoptable standards and new footways close to the access to the site.

3.5 The illustrative site layout plan shows that the proposed development would provide 8 (32%) affordable and 17 (68%) open market residential properties.

3.6 A Planning Statement, Statement of Community Involvement, Design and Access Statement, Preliminary Ecological Appraisal, an updated Arboricultural Impact Assessment, Flood Risk Assessment & Drainage Strategy, Landscape and Visual Appraisal and a Transport Statement have been submitted in support of this application.

4.0 Officer Comments

4.1 The main considerations are whether the proposed development would be acceptable in principle in terms of meeting a housing need and suitability of the site for additional housing and whether the development would result in a detrimental impact on the landscape character, on the amenities of existing occupiers, highway safety, flood risk/drainage, ecology/biodiversity and upon trees.

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning

permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.3 The National Planning Policy Framework (the 'Framework') sets out the Government's planning policies for England and how these should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11), which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date7, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.4 In the case of Wavendon Properties v SSHCLG v MKC 2019 at paragraph 55 it stated that in *'… the exercise required by paragraph 11(d) in relation to the assessment of the question as to whether or not the policies which were of most importance for the application were out -of-date is as follows:*

- *The first step is to identify which are the policies which are most important for determining the application.;*
- *Then examine each of these policies, applying the Framework to see whether they are out-of-date; and*
- *The next step required by paragraph 11(d) is an assessment of all the basket of policies most important to the decision in the round to reach a conclusion as to whether, taken overall, they could be concluded to be out-of-date or not for the purposes of the decision. If they were out-of-date then the presumption would be triggered'.*

4.5 Paragraph 56 of the above appeal case, further stated that the Framework *'…does not say that the tilted balance would apply when "one of" or "any of" the important policies for determining the application has been found to be out-of-date. To answer the question posed by paragraph 11(d) it is necessary, having identified those policies which are most important for the determination of the application, to examine them individually and then consider whether taken in the round, bearing in mind some may be consistent and some in-consistent with the Framework, and some may have been overtaken by events and others not, whether the overall assessment is that the basket of policies is rightly to be considered out-of-date. That will, of course, be a planning judgment dependent upon the evaluation of the policies for consistency with the*

Framework (see paragraph 212 and 213) taken together with the relevant facts of the particular decision at the time it is being examined'.

4.6 In respect of the above interpretation of paragraph 11, it is considered that the most important Development Plan policies for determining this application are DS01 (Development Locations), SAL.DPL1 (Sites for Residential Development) and SAL.DPL2 (Rural Housing).

4.7 Policy DS01 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.

4.8 Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan identifies appropriate locations for residential development and on rural housing. These 'locational' policies seek to focus development on previously-developed land; support the vitality of rural communities and safeguard the environment (landscape, heritage etc). They are therefore considered to be consistent with the Framework.

4.9 In addition, the Council have carried out a comprehensive assessment of housing need for its Local Plan Review which has taken into account the Government's Standardised Methodology and includes additional growth. The Council is able to demonstrate a 5 year Housing Land Supply (HLS). As of April 2019 the HLS is 6.11 years against its updated identified housing targets. In addition the Council passed the Housing Delivery Test with a measurement of 99% in 2019. Therefore, Policies SAL.DPL1 and SAL.DPL2 are not constraining the delivery of needed housing and are in line with the aims of the Framework, which is to significantly boost the supply of housing.

4.10 Therefore, in the assessment of all the basket of policies most important to this application, when taken in the round, it is considered that the Development Plan is not out-of-date for the purposes of the decision making and the 'tilted balance' as referred to in paragraph 11(d) of the Framework is not engaged.

PRINCIPLE OF DEVELOPMENT

4.11 The application site is not previously developed land and is located in the open countryside, outside of the settlement boundary to Far Forest as identified in the Adopted Policies Map. Also, the site is not allocated for new housing development within the Development Plan.

4.12 Within the adopted Core Strategy, Policy DS04 'Rural Regeneration', in paragraph 5.46, states that the '*rural area contains a network of thriving villages and rural settlements with their own distinct characters and identities. It is vital that these features are preserved and enhanced into the future. Providing an element of balanced growth to address local needs in these areas is crucial to their viability. This is an important factor in creating a sustainable and diverse rural economy and helping to combat rural poverty'.* Paragraph 77 of the Framework also highlights that *'In rural areas, planning … decisions should be responsive to local circumstances and support housing developments that reflect local needs'.*

4.13 Policy SAL.DPL2 'Rural Housing' advises, in paragraphs 4.20 and 4.24, that settlement boundaries have been drawn tight around the settlements in order to restrict any development to infill development and to prevent growth of these settlements into the surrounding countryside. It further states that new development in the District's rural areas will be limited, as the Development Strategy for the District seeks to direct new development to previously developed land within the existing urban areas, and primarily to Kidderminster and Stourport-on-Severn. Therefore, in order to provide opportunities for the delivery of affordable housing within the rural areas, the Council considers it important to include a policy which allows for affordable housing to be developed on sites within rural areas which would not normally be considered for residential development. These sites are known as exception sites within Policy SAL.DPL2.

4.14 To be considered as an acceptable rural exceptions site, new developments must be designed to meet an identified specific affordable housing or local housing need on small sites adjoining Bewdley, or within or adjoining the villages and the rural settlements, and must comply within the following criteria:

i. The development should provide affordable housing in perpetuity;
ii. The number, size, type, mix and tenure of dwelling must not exceed the extent of identified local need;
iii. The site must be well related to the existing built up area of the settlement in which it is located;
iv. The development is of a scale that is appropriate to the size and character of the settlement and would not damage the character of the settlement or the landscape; and
v. That the site is accessible to local services and facilities by sustainable modes of transport.

4.15 The illustrative site layout plan shows that the proposed development would provide 8 (32%) affordable and 17 (68%) open market residential properties.

4.16 Local housing Need is established through a housing needs survey and based on the recent Rock Housing Needs Survey Report 2019, it is recognised that there will be demand in the next 13 months-5 years for 16 homes comprising:

- 11 properties required in the open market for local people to purchase;
- 1 property required for shared ownership; and
- 4 properties required for affordable rented for local people to rent in social housing.

4.17 Even without taking into account, previous approvals within the Parish, I am of the view that the proposed development, due to the high number of both affordable and open market housing proposed, would exceed the extent of identified local housing need, and would fail to comply with criteria ii.

4.18 I acknowledge that the application site adjoins the Far Forest settlement boundary, however, I am of the view that the site is not well related to the existing built up area of the settlement, as the development would not include any pedestrian or cycle links into the adjoining housing estate. Instead future occupiers of the development would have poor access to the village as they would have to travel along Plough Lane to access

the local services and facilities, school within the village. Also, the proposed public open space is unlikely to serve the existing occupiers of the village due to its distant location away from the majority of existing properties.

4.19 In addition, the amount of development proposed, comprising 25 dwellings, would be inappropriate to the size and character of the settlement, which is relatively small with only limited local services and facilities, and the extension of the settlement boundary to the southeast is likely to damage the character of the settlement. Also, the application site provides an important separation between the high density development in New Forest Close/Oakleaf Rise and the rural nature of Plough Lane, where dwellings are generally in larger plots and more dispersed with fields separating them from one another.

4.20 I further note that within the Local Plan Review, a Settlement Hierarchy Technical Paper (July 2019) has been produced which has assessed the level of new housing to be provided in rural settlements in the District. The technical paper outlined the following assessment for Far Forest:

'This settlement is also located to the west of the District. Far Forest contains a number of facilities. The settlement has a convenience store including a Post Office, a Primary School, a Public House and a Village Hall. These facilities all provide important roles within the settlement and ensure that there remains an element of self-sufficiency. However, the settlement still relies on higher-order centres for a large number of services and facilities. Given the location and accessibility of the area it is not considered to be a suitable location to prioritise new development, aside from potentially catering for any identified local need'.

4.21 Overall, I consider that the proposed development would not be a suitable or acceptable rural exceptions site, as the number and type of housing tenure would exceed the extent of identified local housing need and the site is not well related to the existing built up area of the settlement in which it is located. Furthermore, the scale of the development would damage the character of the settlement and its landscape. The redevelopment of this non-previously developed land, outside of the defined settlement boundary for Far Forest village, is considered to be unacceptable in principle and would not result in sustainable housing growth in the rural area of the District, contrary to the objectives of Policies SAL.DPL1 and SAL.DPL2 and Paragraph 77 of the Framework.

IMPACT ON LANDSCAPE CHARACTER

4.22 Paragraph 127 of the Framework seeks *'to ensure that developments will function well and add to the overall quality of the area'* and *'that they are designed to be sympathetic to local character and the surrounding landscape, … including the surrounding built environment and landscape setting'.*

4.23 Paragraph 170 of the Framework advises that planning decisions *'… should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'.*

4.24 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.

4.25 A Landscape and Visual Appraisal (LVA) has been submitted with the application, which has considered the character and condition of the landscape. The LVA advises that *'… the mature roadside hedgerow provides natural screening for users of Plough Lane and PRoW 541(B). Vegetation to the eastern and western boundaries is relatively substantial with some large trees to the eastern boundary and north east corner of the site. The northern boundary is more open where views of the existing residential estate, namely Oakleaf Rise and New Forest Close, are more apparent but only when viewed from within the site … Overall, the proposed development is a natural extension of the existing village with boundary vegetation providing a natural enclosure'.*

4.26 In terms of the visual impact, the LVA concludes that *'… there are 3 short distance views towards the proposed development available from publically accessible locations. The main receptors to be affected will be localised and confined to public footpaths and roads, with views restricted by boundary vegetation. The worst case scenario are views available from the south, by recreational users travelling along PRoW 541(B)'.* To mitigate against the visual impact of the development, it is proposed that there would be *'New low level amenity landscaping, wildflower grassland and tree planting, would be introduced as part of the proposals. There is also opportunity to reintroduce broadleaved, native trees into the site, to help reinforce the key characteristics of the landscape character. Retention of boundary hedgerows and trees would also be in keeping with the landscape character guidelines'.*

4.27 The application site falls within the 'Forest Smallholdings and Dwellings landscape type' (LT) within the Worcestershire Landscape Character Assessment. In this landscape character type, it seeks to avoid unified and regular patterns, which would lead to an urban character. It recommends that the location and orientation of new buildings should be designed to create intimate areas, particularly if regular patterns are to be avoided. The planting of trees, including orchard trees, and hedgerows can increase the intimacy of scale. It goes on to state that new development must respect the historic ad-hoc development of the settlement pattern of these landscapes and avoid standardisation of design and layout. Also, that the retention of small pastures/orchards between houses is important. Roadside hedges should be protected and where possible strengthened.

4.28 The WCC Landscape Adviser has advised that the application site is located within Land Cover Parcel (LCP): WP07.2e, which was assessed in the Worcestershire LCA Sensitivity and Capacity Assessment to be in good condition, with a low resilience and overall high sensitivity to change.

4.29 Far Forest is a relatively small rural village with the existing pattern of development consisting of ribbon development along the A4117 Cleobury Road with higher density in the form of two cul-de-sac developments (New Forest Close/Oakleaf Rise), extending into the countryside behind the main road frontage development. The development along Plough Lane is more

dispersed and comprises approximately 19 modest two-storey and bungalows on generally larger plots (with a minimum plot size of 0.20 hectares) than those within New Road Close/Oakleaf Rise and the dwellings on Plough lane are separated from one another by agricultural fields. The character of Plough Lane is therefore spacious and rural in character and is a popular PRoW 541(B) route.

4.30 The proposed development lies outside the settlement boundary and based on the illustrative site layout plan it would have the effect of urbanising a large part of the open countryside, with the provision of 25 dwellings in small plots, which would be at odds with the key characteristics set out in the Planning Advice Sheet for Forest Smallholdings and Dwellings Landscape Type.

4.31 The proposed development would more than double the number of existing dwellings along Plough Lane and would irrevocably damage the character and nature of Plough Lane. Furthermore, proposed development would result in the overall loss of the agricultural landscape and hedgerow features where road access needs to break through the field boundaries and pedestrian footways need to be provided. The proposals would also introduce a new built element into an important visual gap between the built up development of Oakleaf Rise/New Forest Close and the spacious rural development on Plough Lane and the wider setting of Wyre Forest.

4.32 The WCC Landscape Adviser has raised objection to the proposed development and in their comments to this application, they have concluded that the proposed visual screening and biodiversity enhancements do not, in their view, sufficiently outweigh the harm that would result from the introduction of a development of the magnitude proposed in that setting.

4.33 During the consideration of this application, the applicant has responded to the comments received by the WCC Landscape Adviser and has provided the following*: 'The proposal seeks to extend housing to New Forest Close and Oakleaf Rise, the largest residential concentration within several kilometres. It is worth noting the existing settlement pattern here is compact and not necessarily typical to the wider settlement pattern, which is predominately formed of linear extensions of roadside properties and individual dwellings, as noted within the key characteristics of settlement pattern within the Landscape Assessment. It is our understanding the proposals albeit proportional to the local environment are quite large, they do in fact mimic the existing settlement pattern of New Forest Close and Oakleaf Rise, whilst protecting significant areas of open space and the existing character along Plough Lane. The proposal is set back from public footpaths and Plough Lane, the views into the site are predicted to be limited therefore minimising residual visual effects and impacts on landscape character. Views from neighbouring houses will be limited to a handful of properties due to the density and offset of the proposed properties'.*

4.34 From the illustrative site layout plan, it is accepted that parts of the proposed development would fall within the existing backdrop of existing dwellings in Oakleaf Rise, however, the introduction of a development of this size, scale and density would result in a negative cumulative impact of modern housing development that would

dominant the historic settlement pattern and would impose further harm to both the historic landscape character of Far Forest and setting of Wyre Forest.

4.35 Overall, I consider that the landscape and visual impacts of the development on the landscape character would be significant, and would diminish the quality of the area and the intrinsic character of the countryside. I note that there are some balancing beneficial effects of the increase in local green space and proposed landscaping and biodiversity enhancements that will be provided as part of the development, however, I do not consider that these benefits would outweigh the harm that has been identified to the landscape character.

4.36 The amount of development would therefore be unacceptable in principle as it is likely to result in a detrimental impact on the landscape character, contrary to Policy CP12 of the Adopted Core Strategy and Paragraphs 127 and 170 of the Framework.

ACCESS AND HIGHWAY SAFETY

4.37 I note the concerns that have been raised by nearby residents/occupiers about the lack of adequate visibility at the junction between Plough Lane/A4117, the increased risk of road accidents and the unsuitability of Plough Lane as the primary access route to the proposed development.

4.38 Plough Lane for approximately 800 from Cleobury Road junction, the lane is a public right of way, shown on the definitive map as a public footpath. It is not a public highway. The red line of the application drawing includes the section of lane that lies between A4117 and the site access. It is noted that objectors challenge the applicants claim to ownership of the lane and believe it cannot be widened, as shown on the application drawings, without encroachment onto their property. That would be a private matter between the parties but should be noted.

4.39 The submitted Transport Statement advises that the proposed development would add approximately 10 -15 vehicles an hour to the route of Plough Lane or one vehicle every four or five minutes. The development would generate slightly more than 100 trips over the course of 12 hours from 7am to 7pm. With regards to the visibility at the junction, the submitted Transport Statement has advised that the junction between Cleobury Road/Plough Lane would remain unchanged, as they consider that the visibility at the junction is sufficient; and that there have been no recorded road accidents in the past 5 years; and that there is unlikely to be any safety concerns related to a modest increase in traffic using the junction.

4.40 During this application a supplementary Transport Statement has been submitted in an attempt to address the refusal reasons given by the Highways Authority, namely about the visibility at the junction of Plough Lane and A4117 Cleobury Road and the design of the road improvements to Plough Lane.

4.41 Based on speed data through the centre of Far Forest in the vicinity of the junction between Plough Lane and Cleobury Road it is considered necessary to provide a visibility distance of 59 metres as set out in Manual for Streets guidance and that when you apply an off-set of 0.6 metres from the kerb, then a adequate visibility splay can be achieved. It is also noted that any roadside hedgerow can be trimmed back to

ensure the visibility splay is not obstructed, which is a required under Section 138 of the Highways Act 1980. In addition, the proposed footways on the north side of Plough Lane would also improve visibility at the junction. It is concluded by the applicant's Transport Consultant that sufficient visibility would be achieved and together when taking into account that no evidence of any road accidents has been recorded at this junction, that the proposals would not have a severe adverse impact on highway safety.

4.42 The Highways Authority has reviewed this additional information including a plan that shows that visibility can be achievable at the junction between Plough Lane and Cleobury Road.

4.43 It is advised by the Highways Authority that the proposed development indicates that Plough Lane would be upgraded to a *Pedestrian Prioritised Street* as defined in the County Council's *Streetscape Design Guide,* however, the Highways Authority have advised that the design submitted in the application does not comply with *Streetscape Design Guide,* due to road width, absence of traffic calming measures; and safe and suitable pedestrian routes. Plough Lane does not have suitable drainage or drainage outfalls which this application does not address. Whilst the applicant's intention is for Plough Lane to be adopted, the extent of ownership of the lane has not been clearly established.

4.44 It is concluded by the Highways Authority that they have undertaken a robust assessment of the planning application and recommends that this application is refused because it does not comply with local policy in the adopted *Streetscape Design Guide* and the fails to adequately demonstrate that safe and suitable access is achievable is contrary to Paragraphs 108 and 109 of the Framework.

4.45 Paragraph 108 of the Framework advises that when assessing specific applications for development, it should be ensured that (amongst other things) that safe and suitable access to the site can be achieved for all users.

4.46 Additionally, Paragraph 109 of Framework states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

4.47 Based on the information submitted, it is not clear what extent of works would be required in order to create a suitable and safe access to the site along Plough Lane from Cleobury Road and whether this is even possible without resulting in any unacceptable impact on highway safety. I therefore agree with the Highways Authority that the proposed development has failed to demonstrate that safe and suitable access can be achieved, contrary to Policy CP03 of the Adopted Core Strategy, Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 108 and 109 of the Framework.

IMPACT ON RESIDENTIAL AMENITY

4.48 The application site is adjoined by residential properties to the northwest by properties in Oakleaf Rise, and to the southwest and southeast by two dwellings known as The

Sycamores and Red Cedars. As an outline application there are no detailed layout plans for determination. The indicative site layout plan and the Design and Access Statement indicate where the dwellings and roads are likely to be located, the building heights, green infrastructure, residential density and access.

4.49 Concerns have been expressed regarding loss of privacy and views; noise nuisance and disturbance; and drainage issues. These issues would be dealt with at reserved matters stage in terms of requiring appropriate separation distances from neighbouring properties to ensure no overlooking and ensuring lighting columns are sensitively sited and boundary planting strengthened. Also that suitable drainage of the site can be achieved. The impact on views is not a planning consideration.

4.50 Overall, the impacts on neighbouring properties would be taken account of at the reserved matters stage but I am satisfied that an acceptable scheme could be achieved with negligible impacts on existing residential amenity.

FLOOD RISK AND DRAINAGE

4.51 The site is not at risk of flooding from any source. The site is located in the catchment of a tributary of the Dowles Brook, which is part of the Wyre Forest SSSI downstream. In addition I am aware that there are known flooding issues of Sugars Lane, downstream of this site, where the road dips. This means that it will be important that runoff will not increase as a result of development and that any discharge will not pollute the natural water environment.

4.52 The application was accompanied by a drainage strategy. This strategy assumed that the geology of the site will not allow infiltration drainage on the site. Site specific infiltration testing will need to confirm that this is indeed the case, but based upon the soilscape classification (Slowly permeable seasonally wet acid loamy and clayey soils) the North Worcestershire Water Management Officer has agreed to this conclusion. The drainage strategy sets out that post-development rates of surface water runoff will be restricted to the Greenfield rate (2.5 l/s/ha) for all events up to and including the 1 in 100 year plus climate change return period. This is in line with the non-statutory technical standards for SuDS. The submitted drainage plan shows that an element of runoff treatment would be provided by a tanked pervious pavement, a swale and a detention area. Severn Trent Water has also raised no objection to the application. I concur with the views provided by the consultees and consider that the development, subject to safeguarding conditions to ensure an acceptable drainage strategy is implemented, would not increase the risk of flooding elsewhere and would have suitable drainage, in accordance with Policy CP02 of the adopted Core Strategy, Policies SAL.DPL2 and SAL.CC7 of the adopted Site Allocations and Policies Local Plan and the Framework.

TREES

4.53 An updated Arboricultural Impact Assessment (AIA) has been submitted which confirms that the development would require the removal of two hedgerows (H1 and H7) and 3 trees (T9, T19 and T20) in order to facilitate the development, however, it is confirmed that the hedgerows are both category ‘U’ and provide little amenity or arboriculture value and that the trees are either category C or U and have poor amenity value or are of poor condition. It is further confirmed in the AIA that the TPO

oak tree and the group of trees in the south eastern corner of the site, close to the proposed access, would not be adversely impacted by the proposed development. A number of recommendations have been put forward in the AIA to protect the retained trees during the construction phase. The Council's Arboricultural Officer has raised no objection and considers that the development is highly unlikely to have a detrimental effect upon the health of the retained trees. I concur with this view.

ECOLOGY/ BIODIVERSITY

4.54 Paragraph 170(d) of the Framework advises that *'planning … decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity'.*

4.55 The submitted Preliminary Ecological Appraisal (PEA) found no evidence of badgers, great crested newts, bats, reptiles or nesting birds on site, however, it did highlight that the trees within the site have potential to support nesting birds and bat roosts. I acknowledge the observations that have been expressed by nearby residents/occupiers including their photos that show wildlife using the site.

4.56 The Wildlife Trust have found inconsistencies in the findings of the PEA, in particular as there is likely to be protected reptiles and amphibians nearby and that these may have been missed during the ecology surveys. The Wildlife Trust further state that it is troubling that the reptile survey was carried out in a very short period towards the end of the season and could very well have overlooked the presence of adders, which are known to be in the area but are otherwise exceptionally scarce in Worcestershire. It is also noted that a pond nearby (Pond 1 in the PEA) is considered to hold great crested newts. Given the proximity of the pond to the site and the very small lane between the two, the Wildlife Trust do not think there are substantial barriers to GCN being present on site and that they consider that further consideration is needed prior to determination. The Wildlife Trust further express concern that the illustrative masterplan shows no attempt to avoid or mitigate the harm of the development on the on-site features of ecological interest, such as the marshy area and central hedgerow, nor does it demonstrate that the development would provide any genuine net-gains in biodiversity.

4.57 I note that this application is only at Outline stage and therefore no final layout has been submitted for consideration. Notwithstanding this and based on the comments expressed by the Wildlife Trust, I consider that the application has failed to demonstrate the biodiversity baseline of the site and what potential impacts there possibly could be on protected species and whether any impacts can be suitably avoided, mitigated or compensated for by this development. I therefore consider that the proposed development is contrary to Policy CP14 of the adopted Core Strategy, Policy SAL.UP5 of the adopted Site Allocations and Policies Local Plan and Paragraphs 170 and 175 of the Framework.

FLOOD RISK AND DRAINAGE

4.58 The application site falls within Flood Zone 1 and therefore is at low risk of flooding. The submitted Flood Risk Assessment has concluded that the proposed development, subject to detailed design, would not increase the risk of flooding and sets out a number of recommendations to ensure a suitable drainage strategy can be achieved

for the site. The North Worcestershire Management Officer has carefully considered the proposals and agrees that there are no reasons to withhold this application on the basis of flood risk or drainage issues. I therefore consider that the development would be in accordance with Policy CP02 of the adopted Core Strategy, Polices SAL.DPL2 and SAL.CC7 of the adopted Site Allocations and Policies Local Plan and the NPPF.

5.0 Conclusion and Recommendations

5.1 The development of this non-previously developed land for 25 dwellings, which is located outside of any defined settlement boundary, would be in conflict with the most important Development Plan policies which seek to direct new residential development to appropriate locations in order to promote urban regeneration and safeguard the landscape character. As such, the development would represent an unsustainable form of development that would be unacceptable in principle. The development would be at odds with the open and spacious rural character of Plough Lane and would have a significant adverse effect upon the landscape character and quality of the area. In addition, the development has failed to adequately demonstrate that safe and suitable access can be provided to the site along the existing private lane or that any potential impacts on biodiversity can be minimised and that net gains to biodiversity can be achieved. The proposed development is therefore considered to be contrary to the policies contained within the Development Plan and the National Planning Policy Framework.

5.2 It is therefore recommended that the application is **REFUSED** on the following grounds:

1. The application site relates to non-previously developed land, located outside of the defined settlement boundary for Far Forest and because the proposed number and type of housing tenure would exceed the extent of identified local housing need and due to the site location not being well related to the existing built up area of the settlement, it would fail to represent an appropriate exceptions site for new rural housing development. As such, the proposed development is considered to be unacceptable in principle, contrary to Policies SAL.DPL1 and SAL.DPL2 of the adopted Site Allocations and Policies Local Plan and Paragraph 77 of the National Planning Policy Framework.

2. The introduction of a development in this location and of this size, scale and density would harm the landscape character and result in an unacceptable urbanising effect, which when taken into account the close proximity to the existing modern housing estate, would impose further cumulative harm to both the historic landscape character of Far Forest and setting of Wyre Forest. As a result, the proposed development would significantly diminish the quality of the area and the intrinsic character of the countryside. The development is therefore considered to be contrary to Policy CP12 of the Adopted Core Strategy and Paragraphs 127 and 170 of the Framework and would be at odds with the key characteristics set out in the Worcestershire Landscape Character Assessment for ‘Forest Smallholdings and Dwellings landscape type’ (LT).

3. The proposed development would result in a significant intensification of use of Plough Lane and it has not been adequately demonstrated that safe and suitable access can be provided, without resulting in an unacceptable impact on highway safety. As such, the development is considered to be contrary to Policy CP03 of the Adopted Core Strategy, Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 108 and 109 of the National Planning Policy Framework.

4. The proposed development has not undertaken an appropriate assessment of the biodiversity baseline of the site to demonstrate that net gains for biodiversity can be achieved and any significant harm to biodiversity resulting from the development can be avoided, adequately mitigated or at the last resort, compensated for. The development is therefore contrary to Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170(d) and 175 of the National Planning Policy Framework