

Open

Planning Committee

Agenda

To be held remotely
6pm
Tuesday, 21st July 2020



Planning Committee

Members of Committee:

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

Councillor C J Barnett

Councillor S J Chambers

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J W R Thomas

Councillor V Caulfield

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor L Whitehouse

Information for Members of the Public:-

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.

Members of the public will be able to hear and see the meetings by a live stream on the Council's website: <https://www.wyreforestdc.gov.uk/streaming.aspx>

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, 21st July 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 16 th June 2020.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
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”.	
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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.	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

HELD REMOTELY

16TH JUNE 2020 (6PM)

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: G W Ballinger, J F Byng, H E Dyke, P Dyke, I Hardiman and K Henderson.

PL.06 Apologies for Absence

There were no apologies for absence.

PL.07 Appointment of Substitutes

No substitutes were appointed.

PL.08 Declarations of Interests by Members

No declarations of interest were made.

PL.09 Minutes

Decision: The minutes of the meeting held on 19th May 2020 be confirmed as a correct record and signed by the Chairman.

PL.10 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 585 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 585 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 being no further business the meeting ended at 7:12pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16th June 2020 - Schedule 585 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: 20/0106/FUL

Site Address: Plot F, Wolverhampton Road, Cookley, Kidderminster, Worcestershire

REFUSED for the following reason:

1. The site is located within the West Midlands Green Belt and is situated in an elevated prominent position within the Countryside. The retrospective change of use of the land from agricultural to a mixed use comprising agriculture and the keeping of horses and the retention of associated structures does not preserve the openness of the Green Belt, negatively impacting on its visual amenity and fails to safeguard the countryside from encroachment. The number, siting and permanent nature of the structures results in significant harm to the openness of the Green Belt and its visual amenity. The material circumstances advanced by the Applicant in respect of the necessity of the associated facilities, when taken together, clearly do not outweigh the harm to the Green Belt. The development therefore constitutes inappropriate development in the Green Belt, which is harmful by definition and no very special circumstances exist, contrary to Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Paragraphs 133, 134, 143, 144, 145 and 146 of the National Planning Policy Framework.

2. The site by virtue of its sub-division from a once larger holding results in an over intensive use of the site. The number of livestock/Horses occupying the site when considered along with the size of the plot and the grazing area taken out by the siting of associated structures and parking area results in an over intensification use of the site, which would have an unacceptable and harmful impact on the quality and character of the landscape, contrary to Policy CP12 of the Adopted Core Strategy, Policy SAL.UP13 of the Site Allocations and Policies Local Plan and Paragraph 170b of the National Planning Policy Framework.

Councillor John Thomas was present for the presentation and debate for the following item but lost remote connection to the meeting prior to a decision being made.

Application Reference: 20/0121/FUL

Site Address: Land At OS 385 100 280000, Wolverhampton Road, Cookley, Kidderminster, Worcestershire

REFUSED for the following reason:

1. The site is located within the West Midlands Green Belt and is situated in an elevated prominent position within the Countryside. The retrospective change of use of the land from agricultural to the keeping of horses and the retention of associated structures does not preserve the openness of the Green Belt, negatively impacting on its visual amenity and fails to safeguard the countryside from encroachment. The number, siting and permanent nature of the stables, shelters, muck stores and manage results in significant harm to the openness of the Green Belt and its visual amenity. The material circumstances advanced by the Applicant in respect of the necessity of the associated facilities, when taken together, clearly do not outweigh the harm to the Green Belt. The development therefore constitutes inappropriate development in the Green Belt, which is harmful by definition and no very special circumstances exist, contrary to Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Paragraphs 133, 134, 143, 144, 145 and 146 of the National Planning Policy Framework.
2. The site by virtue of its sub-division from a once larger holding results in an over intensive use of the site. The number of livestock/Horses occupying the site when considered along with the size of the plot and the grazing area taken out by the siting of associated structures and parking area results in an over intensification use of the site, which would have an unacceptable and harmful impact on the quality and character of the landscape, contrary to Policy CP12 of the Adopted Core Strategy, Policy SAL.UP13 of the Site Allocations and Policies Local Plan and Paragraph 170b of the National Planning Policy Framework.

Application Reference: 20/0115/RG3

Site Address: Brintons Park, Sutton Road, Kidderminster, Worcestershire, DY11 6QT

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. Building Materials
3. Implementation of Landscaping Scheme
4. Arboricultural Method Statement/Tree Protection Measures
5. Ecological Mitigation and Enhancement Measures
6. Foul Drainage details
7. Surface Water Drainage
8. Highways conditions
9. Notwithstanding any indication on the approved plans, no development shall commence (excluding the approved polytunnel, entrance archway structure to Park Lane, the café building and the extension to the Sons of Rest building) until details of the access arrangements including:
 - a) A Road Safety Audit (Level 2) to be undertaken
 - b) Details of Traffic Regulation Orders at the Access / Egress points (TRO)
 - c) Details of Visibility Splays at the Access / Egress
 - d) Amendments to Access / Egress design layout have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety and to ensure that the development accords with Policy CP03 of the Adopted Core Strategy and the Paragraphs 108 and 110 of the National Planning Policy Framework.

NOTE

Severn Trent Water – Public Sewer
S278 Highway Works

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
20/0222/FUL	Land At Blackstone Meadow Stourport Road Bewdley Worcestershire DY12 1PU	Approval	12

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
20/0134/FUL	17 - 20 Vicar Street Kidderminster Worcestershire DY10 1DA	Approval	36
20/0146/FUL	21 - 25 Vicar Street Kidderminster Worcestershire	Approval	49
20/0336/LBC	2-3 New Street Stourport On Severn Worcestershire DY13 8UN	Approval	63

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

21 July 2020

PART A

Application Reference:	20/0222/FUL	Date Received:	12.03.2020
Ord Sheet:	379591 274430	Expiry Date:	22.07.2020
Case Officer:	Helen Hawkes	Ward:	Wribbenhall And Arley

Proposal: Retrospective change of use of land for stationing of mobile home for use as temporary rural workers dwelling, including erection of agricultural building, 4no. field shelters and agricultural storage compound, with associated fencing and works

Site Address: Land At, Blackstone Meadow , Stourport Road, Bewdley, Worcestershire, DY12 1PU

Applicant: Mr And Mrs Carpenter

Summary of Policy	CC1 CC2 CC7 CP01 CP02 CP03 CP11 CP10 CP12 CP14 DPL1 DPL2 DPL7 DS01 NPPF PFSD1 UP1 UP5 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for Committee Referral	Request from Councillor for Committee Consideration

1.0 Planning History

20/0222/FUL	Retrospective change of use of land and retention of temporary rural workers mobile home and site office, including erection of agricultural building, 4no. field shelters, agricultural storage compound with associated fencing and works
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20/0222/FUL

2.0 Consultations and Representations

Highways Authority (WCC) No objection.

Parish Council
 Bewdley Town Council agreed to recommend refusal for the following material reason/s: Previous planning decisions already made in relation to this application ' ref Decision notice for application 18/0331/FULL, dated 10 July 2018. Bewdley Town Council previously recommended refusal and this decision has not altered. There is no valid reason why policy SAL.DPL2 should be overturned. Concerns were also aired about the impact upon Green Belt Land as well as potential flood issues, with no clear consideration made by the applicant to stipulate how this risk would be managed.

Countryside And Parks Manager (WFDC)
 The site is situated between the Special wildlife Site of the river Severn and the SSSI complex of the Devil's Spittlefull. The sites boundary hedge line would hence would likely be of importance as a commuting distribution route for Bats. As such with out further evidence to the contrary I would feel the application would poses harm to a protected species. Hence they can either confirm that no actions will be undertaken to cause harm eg the hedgers will not be reduced / or cut back or lit . We will then condition this or they can undertake a study to evaluate the ecological significance of the hedges and we can the evaluate that. We would want this prior to granting consent.

Contaminated Land Team (WRS)
 WRS have no adverse comments to make in relation to contaminated land.

Canal And River Trust
 No comments to be made on this application, as the site falls outside the notified area for its application scale.

Environment Agency
 No objection to the proposals and would offer the following comments and conditions for your consideration at this time. Flood Risk: As previously stated the site is (partially) located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map.

20/0222/FUL

In accordance with Table 1: Flood Zones (Reference ID: 7-065-201-20140306) within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding. Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 157-158 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG. The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'. Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required. Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST, in this instance at the planning application stage. The fact that we are not providing comments does not mean that there are no ST issues, but we would leave this for the LPA to consider. Providing the LPA are satisfied that the ST has been passed, then we can provide the following comments on the ET and FRA. Exception Test: If, following application of above, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, for development within Flood Zone 3, the Exception Test should be applied. We would recommend that you be satisfied on part 1 of the ET i.e. it must be demonstrated that the development provides "wider sustainability benefits to the community that outweigh flood risk" In relation to matters within our remit, Part 2 of the ET states that "a site-specific flood risk assessment must demonstrate that the development will be "safe for its lifetime taking account of the vulnerability of its users without increasing risk elsewhere, and, where possible, will reduce flood risk overall". The NPPF states that both elements of the ET will have to be passed for development to be permitted.

20/0222/FUL

Flood Risk Assessment (FRA): We have reviewed the submitted FRA (Weetwood Services Ltd, Final Report Dated 27 May 2020) and revisited it in light of the decision to remove the touring caravans from the application. The design flood (1% flood level fluvial, plus climate change allowance) should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development. For 'more vulnerable' development (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) e.g. housing, the FRA should use the 'higher central' climate change allowance (35%) as a minimum to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible. For 'less vulnerable' development, the site office and agricultural buildings in this instance, we would accept a 25% allowance.

Climate Change interpolation: In line with our area climate change guidance, for 'major' development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015, we would expect a detailed FRA to provide an appropriate assessment of the 1% with relevant climate change ranges. We would advise that a hydraulic flood model is produced or existing model is re-run to give a greater degree of certainty on the design flood extent to inform a safe development. However, in this instance, in the absence of the latest modelled climate change information, it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some 'nominal' climate change allowances within the 'Table of nominal allowances'. To inform a 1% plus climate change flood level the applicant could interpolate such using modelled flood data (as available in this instance) or where the 1% level is available from an existing model add on the relevant 'nominal climate change allowances provided in our 'Table of nominal allowances'. Design flood level: In this instance, the FRA has chosen to derive a 1 in 100 year plus climate change level for the site utilising our nominal allowances. For more vulnerable development the minimum design flood level ascertained is 22.79AOD for the 1% plus 35% flood event. For less vulnerable (site office, agricultural buildings etc.) the figure of 22.54mAOD can be applied (the 1% plus 25% flood event). The development should demonstrate safe development in relation to access and finished floor level considerations. We normally require Finished Floor Levels (FFL) to be 600mm above the design flood level.

20/0222/FUL

This 600mm freeboard takes into account uncertainties in modelling/flood levels and wave action. To be acceptable 'more vulnerable' development, the temporary mobile home in this instance, would need to be sited on ground at or above the design flood level (22.79mAOD) and the FFL would need to be set at 23.39mAOD. Table 2 of the FRA (Ground Level and Maximum Flood Depth across the Development) has compared ground levels on the site with the design flood level and confirms that the temporary mobile home is sited on land above the design flood level and that the minimum floor level is in excess of 23.09mAOD. It is unclear what the precise finished floor level is but, pragmatically, we would accept a level of in excess of 23.09mAOD. The proposed site office, a 'less vulnerable' development, is on land marginally below the design flood level (1 in 100 year plus climate change 25%) and the FFL is not stated. However, the FRA concludes with a recommendation that the floor level of the proposed office is not less than 22.79mAOD and, based on the scale and nature of the development, we would accept this. We would raise no concerns in relation to the remaining elements of the scheme (field shelters, agricultural storage etc.) as these will have no impact on the flooding regime in the area.

Safe Access: Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress. As detailed above, the FRA states that the 1 in 100 year fluvial flood level (including an allowance for climate change) is 22.79mAOD. Whilst parts of the site are located within the high risk flood zone it is recognised that the eastern portion of the site is on higher ground and access onto the adjacent road is available. Given our role and responsibilities we would not make comment on the safety of the access, or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG). Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

20/0222/FUL

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service. The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraph: 057 Reference ID: 7-057-20140306. We would advise that the Flood Evacuation Management Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants. The FRA recommends that a Flood Evacuation Management Plan (FEMP) be prepared. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the development safe and whether a FEMP secures safe and sustainable development.

Groundwater: The site is located above a Principal Aquifer, Source Protection Zone (SPZ1), WFD groundwater body, WFD drinking water protected area and is within 70m of a surface water course. We consider the proposed land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. We consider that the application poses a potentially high risk to the Severn Trent Water Ltd (STW) public water supply boreholes in event of loss/failure of containment of the system. The retrospective application involves the use of a non-mains foul drainage system, but there is limited information submitted to demonstrate that: the risks to controlled water receptors are understood and acceptable. Notwithstanding the above, the non-mains drainage package treatment plant has been granted an Environmental Permit (EPR/JB3097EZ), issued by the Environment Agency. STW were consulted on the design of the non-mains drainage and this is a retrospective planning application. Therefore we have no comments other than to remind the applicant that they will need to comply with their Permit at all times, and that failure of containment of the package treatment plant may potentially have serious impacts on controlled waters.

20/0222/FUL

North
Worcestershire
Water
Management
(WFDC)

have reviewed the Flood Risk Assessment now submitted for application 20/0222/FULL - Retrospective change of use of land for stationing of mobile home for use as temporary rural workers dwelling, including erection of agricultural building, 4no.field shelters and agricultural storage compound, with associated fencing and works and change of use of agricultural land for the siting of 15 touring caravan pitches and retention of site office at Land At, Blackstone Meadow , Stourport Road, Bewdley, Worcestershire, DY12 1PU.As the flood risk at this development site is linked to a main river for which the Environment Agency has an overseeing and enforcement role, and they have actually been consulted upon this application, I do believe that their consultation response should be leading. The Flood Risk Assessment has analysed the modelled flood levels and the likely impacts of climate change and has compared this with the levels on the site. The FRA demonstrates that:' There is no flooding of any of the touring caravan pitches, or of the temporary mobile home or proposed site office in the present day 1 in 100 AEP event' 7 of the 15 touring caravan pitches would be flooded (partially or wholly) during the 1 in 100 plus 25% climate change event, and 10 would be flooded during the 1 in 100 plus 35% climate change event' The pitch of the temporary workers mobile home would not be flooded during any event' The proposed site office would be flooded during the 1 in 100 plus 35% climate change event only As advised previously, touring caravans would be classed as 'more vulnerable' which would be acceptable despite the modelled flood risk, providing the Sequential and Exception Test as set out in the NPPF can be passed. The submitted FRA details in paragraph 4.1 that the sequential test has been addressed and is presented in a separate report. I have not seen this report, but in a way that does not matter as this report would need to be reviewed by the planning case officer rather than myself. The submitted FRA addresses the Exception Test. The FRA concludes that the modelled flood risk can be mitigated adequately. A Flood Warning and Evacuation Plan has been prepared and is provided in Appendix B. The site is in an Environment Agency flood warning area and the procedures set out in the Flood Warning and Evacuation Plan include the evacuation of all touring caravans and vehicles. The document currently uses the 'severe flood warning' as a trigger for the site evacuation. I believe that evacuation might need to be triggered earlier in reality to facilitate a timely and orderly evacuation of all caravans and vehicles of the site.

20/0222/FUL

I have reviewed an aerial photo on google and note that the site is accessed via the NE corner which remains dry up to and including the 1 in 100 year + 25% climate change event. This corner of the site is predicted to flood in the 1 in 100 year + 35% climate change event. As other parts of the site flood before the access becomes affected, this will hopefully provide enough of a local trigger. Importantly, the document created should be seen as a living document that gets updated periodically and after each flood event impacting upon the site. I note the Plan currently included in Appendix B does not include a commitment to retain and update the Plan. The FRA recommends that the floor level of the proposed site office is raised to at least 22.79 m AOD i.e. at/above the maximum flood level during the 1 in 100 plus 35% climate change event. Generally it is recommended that finished floor levels are raised a minimum of 600 mm above the 1 in 100 year flood level + climate change allowance. It will be interesting to read the Environment Agency's consultation response regarding this aspect of the application. I note that Paul Carpenter in his email to you dated 12 May 2020 has clarified that foul drainage arrangements are already in place (cesspool for the caravans to empty their waste and sewage treatment plant for the dwelling) and that the materials that were used for the hardstanding pitches are permeable. Based upon all the information provided I conclude that there would be in my opinion, subject to the Sequential Test being deemed adequate, there would not be reason to withhold approval of this application on flood risk grounds, providing conditions can get attached regarding the following:- no alteration of ground levels- minimum finished floor level - no hard surfacing of the touring pitches for the caravans or the access thereto.- touring caravans only, not to be used as a person's sole or main place of residence- no storage of caravans etc on the site I also wonder whether it would be appropriate to consider attaching a condition restricting the opening period (between 1st March and 31st October only to avoid the period of the highest flood risk)?As a Flood Warning and Evacuation Plan has already been submitted, can I ask for the following condition:' The submitted Flood Warning and Evacuation Plan shall be retained and updated periodically including after activation. A copy of the local flood warning system and evacuation procedure shall be available for inspection by all site users at a prominent place.' Finally, I would ask that the following informative gets attached:' Future operator(s) of a septic tank or sewage treatment plant must check with the Environment Agency that they meet the 'general binding rules' and apply for an Environmental Permit if they do not. As from 1 January 2020 discharge of treated effluent directly from a septic tank to a surface water (watercourse, ditch etc.) is no longer allowed.

20/0222/FUL

Severn Trent Water

No objection, and it is noted that the site falls within:

SPZ3 of several groundwater abstraction locations. Recommend EA abstraction and best industry practices are followed.

Falls within our Middle Severn surface water catchment. Potential low risk to surface water. Standard EA processes and measures should be enough to mitigate this risk.

Countryside Access Mapping
Orders Officer

No Comment Received.

Worcestershire County
Council
(General Regulations)

No Comment Received.

Bewdley Civic Society

The Bewdley Civic Society has over 500 members and one of its aims is to encourage the appropriate and sustainable development of Bewdley. In our view the Blackstone Meadow developments are neither appropriate or sustainable. For the following reasons: It is in a Green Belt area and damages the openness of this important aspect of Bewdley. One of the charms of Bewdley is its rural setting and this development would be harmful. Visitors first view of Bewdley is often from the by-pass, which overlooks this site. In our opinion this is counter to WFDC Site Allocations and Policies Local Plan SAL.UP1 (Green Belt): "Proposals, within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design." Furthermore the WFDC Core Strategy 2006-2026 under Core Policy CP12 (Landscape Character) recognises the blight on the countryside that has been caused by the number of caravan sites in the area and states: "Applications for further mobile home, caravan and chalet developments within the District's rural areas will be resisted due to the collective impact which the existing sites have on the landscape." We question whether this development is sustainable without the number of caravan pitches being expanded. Our concern is that if retrospective planning permission is granted the number of caravan pitches will gradually expand with even more detriment to the Green Belt. Accordingly we are against granting retrospective planning permission.

20/0222/FUL

Neighbour/Site Notice Representations

Ward Councillor - Objects to the application and request that it is put before the committee. The land is part of the green belt, situated next to an area much used by walkers, and is on a flood plain extremely close to the river. Having witnessed the havoc caused by the recent flooding, I strongly feel that the siting of caravans, not to mention the building which the applicant has already erected, is potentially a disaster. At present, I sit on the Executive Committee of Bewdley Civic Society. This body, as much as any, has the interests of the town absolutely at its heart. The Society feel that Bewdley would gain no benefit from this proposal going ahead. It is considered that in no way does the proposal enhance the value and perception of Bewdley as a tourist attraction.

Ward Councillor – Objects to the application and is further concerned that in the event of a flash flood that 'grey' water containers kept outside the caravans would pose a health hazard. In the event of longer term flooding and caravans being unable to access their vans then the internal toilet contents could be breached and the contents contaminate the area. I accept both the above could be controlled by allowing caravans for say 5 or 6 months of the year only. Better control of the site would be by considering an application for 15 pitches not 10.

Alpacas usually have a group toilet area (similar to police and assistance dogs) and the faecal matter tends to stay in one area but as a result in the event of flooding this would result in the spread of this across the field and down river as the waters receded. Males are quite tidy but the females tend to do it as a group and splatter it everywhere.

Despite the above toilet habits most farmers of these animals would consider a fallow or rest period so as to be sure that faecal parasites die; this requires paddocking and the land left empty during the regrowth period, if this does not take place then it is very possible the venture would fail due to deaths or loss of a cria through abortion whilst ill. The Carpenters are still very new to livestock handling of this type and as a result disaster potentially awaits round the corner. It would seem prudent for all concerned to consider only temporary permissions until they have really proven their expertise.

It is argued that on site accommodation is necessary to effectively manage these animals. In my experience as a stockman generally it's a question of convenience more than anything else, it's nice to walk a few yards less nice to drive a mile or so. The issue with alpacas is their defence mechanism to attack. Typically an English dairy cow has no notion of hiding its feelings or any sickness symptoms; despite that it takes an experienced stockman to decide what the symptoms displayed really mean and frequently they can display symptoms of more than one illness or problem. In the case of alpacas they would carry stoically on showing no symptoms in case a predator saw their weakness and so took them as easy prey. In truth when you're in your mobile home watching TV or sleeping you are not watching your stock. As a junior stockman I was taught to take a mug of tea or a flask in to the stock pen or field and sit and watch them, you won't miss much but it's a pain if the journey is significant. I have concerns about caravans and Alpacas in the same environment; generally they are sociable friendly animals and become used to a very friendly life with their known handlers.

20/0222/FUL

However they can be aggressive if approached from behind catching them unawares when they are likely to become agitated and highly nervous. Whilst this may only manifest itself in spitting (saliva and food) it would be unnerving for a small child, the stuff of nightmares.

The generally accepted worldwide stocking density is 10 per acre. The figure for stocking density in England is 6. The difference being that the growth of grass is different through the season and the quality of the grass differs dramatically between spring grass and summer or autumn grass which tends to be more fibrous and has a lower nutritional value. The applicants holding is 3.5 acres assuming 1 acre is lost to caravans standings buildings and their home which equates to a potential stock holding of 2.5 acres x 6 animals = 15 animals. This assumes no flooding and that there has been no flooding making part of this acreage untenable. A grazing licence is generally an annual event (364 days anything over and a full blown tenancy has been created and it's difficult to remove the tenant and the value of the land is halved) and despite the landlord being a family member is not guaranteed – families have been known to fall out. Clearly his brother has shown prudence in offering a licence not a tenancy. That 8 acres would allow for a further 48 animals but this assumes the highest standards of husbandry rarely found in such a new enterprise. The plan is for 40 animals by year 3 or a stacking density of approx. 4 per acre. My understanding is that Lucy's Farm received planning permission in 2008 for it to be horse grazing land not agricultural grazing? There is no permanent permission for any dwelling at Lucy's Farm.

The arguments for needing an onsite accommodation are compromised by other animals – particularly more lively and inquisitive young stock being grazed elsewhere just as you can visit them so you could visit these.

It is suggested that human intervention is necessary for these animals to copulate and yet they do it in the wild with no problem, you may pen them up and leave them to it but that's pretty standard practice with livestock. Statements made that the females do not show heat also apply to many other domesticated animals which is why you run a male with females. With regard to the need for bottle feeding it happens with sheep goats and cattle nothing fancy they do need it on a regular frequent basis – you don't need to be on site. If the mother has rejected it then just take it home which does not need to be on site. I see an issue with weaning on such a small unit to do this effectively you have to remove the mother from sight and smell of the youngster.

The initial consultation felt that the business was not likely to be successful in terms of providing a full time living for the applicants but with an increased caravan income and some experience has shown it can wipe its face; currently we have little chance of normal life due to Covid 19 and all businesses should be reviewing their forward plans as to sustainability and viability, at the very least the Carpenters should be offering a reappraisal before this goes to committee. I am not disputing the figures provided but they are presented unconventionally and I'm not sure whether they have been received as text or a spreadsheet. They do at least need considering in a standard accounting format and the maths checking, in my past as an underwriter I have seen many mistakes. I think it would also be prudent particularly in the current economic circumstances to see a break even analysis before the planning committee consider the application.

20/0222/FUL

Clearly the applicant did not employ consultants to write negative reports and yet there is no hint of caution apart from the initial unviable statement. It would be impossible for an NFU officer to not support a paid up member and promote the enterprise however I feel this is a standard template filled out to justify the next year's subs and for an easy life. As stated before I would be horrified if this were to be allowed without a stringent agricultural tie.

Bewdley Civic Society - In our view the Blackstone Meadow developments are neither appropriate nor sustainable. For the following reasons:

It is in a Green Belt area and damages the openness of this important aspect of Bewdley. One of the charms of Bewdley is its rural setting and this development would be harmful. Visitor's first view of Bewdley is often from the by-pass, which overlooks this site. In our opinion this is counter to WFDC Site Allocations and Policies Local Plan SAL.UP1 (Green Belt):

"Proposals, within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design."

Furthermore the WFDC Core Strategy 2006-2026 under Core Policy CP12 (Landscape Character) recognises the blight on the countryside that has been caused by the number of caravan sites in the area and states:

"Applications for further mobile home, caravan and chalet developments within the District's rural areas will be resisted due to the collective impact which the existing sites have on the landscape."

We question whether this development is sustainable without the number of caravan pitches being expanded. Our concern is that if retrospective planning permission is granted the number of caravan pitches will gradually expand with even more detriment to the Green Belt. We know that the applicants have commissioned a Business Plan and it would be helpful if a suitable member of the Bewdley Civic Society could assess this plan. Accordingly we are against granting retrospective planning permission.

9 letters of support received from local residents and tourist stating the following:

- Bring tourist and prosperity for the local town
- Beautiful well-kept site
- Appropriate location and doesn't increase traffic in the town
- The caravan site has no faults and is well looked after
- Alpacas are well looked after and taken to various charity events and schools
- Enhances the site
- The site is within walking distance to Bewdley town and the surrounding amenities
- Tourist from this site help support local business in Bewdley, especially after the recent flooding events and Covid-19 pandemic which has made it hard for businesses
- A beautiful caravan park

20/0222/FUL

3.0 Site Location and Description

- 3.1 The application site relates to two parcels of agricultural land that covers a total area of 4.65 hectares (11.5 acres). The largest parcel of land is located on Callow Hill and is known as Lucy's Farm. It measures 3.25 hectares (8 acres) and comprises mainly grazing pasture and has had a licence to operate under the Camping and Caravanning Club.
- 3.2 The second parcel of land is known as Blackstone Meadow and is situated adjacent to Blackstone Picnic site, approximately 1 mile from Bewdley Town Centre and close to the roundabout junction between the A456 and the B4195. This parcel of land extends to an area of 1.4 hectares (3.5 acres) and is where the applicant resides in a temporary mobile home, which is the subject of this application. In addition, four field shelters, an office building and a 2.4 metre high fence have also been erected. These facilities are in connection with the use of the land for the keeping of alpacas and camping and touring caravan pitches. The site at Blackstone Meadow is washed over by the Green Belt and falls partially within Flood Zone 3 (high risk) and Flood Zone 1 (low risk). The surrounding area comprises mainly agricultural fields.

4.0 Officer Comments

- 4.1 This application seeks to retain a temporary rural workers mobile home for 1 year, site office, agricultural buildings (4no. field shelters and fencing to provide an outdoor storage area) and erect a single storey barn. It was originally proposed to include the retention of 15 touring caravan pitches but this element of the scheme has been omitted following an objection raised by the Environment Agency. I note that under the Camping and Caravan Club exceptions the applicant could still retain 5 touring pitches without requiring Planning Permission.
- 4.2 The current application is a resubmission of a previously refused application 18/0331/FULL for an almost identical retrospective development. The previous application was refused in July 2018 on the following grounds:
 1. The site is located within a rural area where new isolated dwellings are not normally supported and it has not been demonstrated by the applicant that the alpaca breeding business has been planned on a sound financial basis or that the business would be financially sustainable to support a temporary rural workers dwelling to serve the enterprise. It is also considered that the Blackstone Meadows site would be of an insufficient size to sustain the proposed business. As such, it cannot be demonstrated by that there is an essential need for a rural workers dwelling at Blackstone Meadows site, contrary to Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan and Paragraph 55 of the National Planning Policy Framework (2012).

20/0222/FUL

2. The use of the land for the siting of a caravan for a temporary rural workers dwelling would amount to inappropriate development in the Green Belt and would detract from the openness of the area. No very special circumstances exist to outweigh the harm to the Green Belt, contrary to Policy SAL.UP1 of the of the Adopted Site Allocations and Policies Local Plan and Paragraphs 87-90 of the National Planning Policy Framework (2012).

- 4.3 The main differences between this application and the previous refused application is: a revised Business Plan; new tree planting proposed to the north and south boundaries of the site; a supporting statement by two planning consultants to demonstrate that there is an essential need for a rural workers dwelling on this site on a 24 hour basis; and a supporting letter from the NFU. This application also includes 5 letters and a petition with 553 signatures (including 56 from local shops and businesses within Bewdley) to show support of the application from the local community and from visitors.

WHETHER THERE IS AN ESSENTIAL NEED FOR A RURAL WORKERS DWELLING

- 4.4 The National Planning Policy Framework allows for the building of dwellings essential to agriculture in the open countryside, including within the Green Belt.
- 4.5 Paragraph 78 of the National Planning Policy Framework advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 4.6 Paragraph 79(a) advises that planning decisions should avoid the development of isolated homes in the countryside unless (amongst others) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
- 4.7 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan is consistent with Paragraph 79a of the National Planning Policy Framework as it permits new rural worker's dwellings when it can be clearly demonstrated that there is clearly an established existing functional need, and that the need is for a full time worker in agriculture or forestry. Under this local policy, it also requires the dwelling to be of an appropriate size and be sited within, and designed in relation to the main farm buildings complex or any nearby group of dwellings.

20/0222/FUL

4.8 The Government's Planning Practice Guidance has provided further guidance relating to the interpretation of the Framework, and states:

'Consideration that it may be relevant to take into account when applying paragraph 79a of the National Planning Policy Framework could include:

- Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours, a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

4.9 The Alpaca farm commenced in May 2018 and the farm business is focused on the breeding and sale of Alpacas alongside the provision of stud and livery services and the sale of fibre from their fleeces. The applicant also provides Alpaca experience days Birmingham Children's Hospital and Ravenhurst Residential Care Home, alpaca walks and short courses on Alpaca husbandry.

4.10 The mobile home was required in order for the applicant to have on-site presence and to enable the establishment of their Alpaca breeding business, which in this case, was planned to be developed over a three-year period with a forecast of 35 alpacas to be on site by the end of the financial year of Year 3 (2020/2021).

4.11 The submitted Planning Statement advises that during these early and uncertain times for a new agricultural business, it is often the case that a temporary mobile home is favoured as the structure and its associated facilities (drainage/foundations etc.) can easily be dismantled if the business is found to be unviable. In the previous refused 2018 application, the Alpaca business had only commenced in May of that year and it was questioned by the Council's independent consultant (Reading Agricultural Consultants) whether the applicant's initial business plan would come to fruition and would be viable in the foreseeable future. It was also questioned whether the land at Blackstone Meadow would be sufficient in size in order to accommodate the proposed number of alpacas in terms of grazing capacity.

20/0222/FUL

This resulted in the 2018 application being refused as there was insufficient evidence to demonstrate that the alpaca breeding business would be viable in order to support a full time agricultural worker.

- 4.12 In comparison, the current application has been able to provide tangible evidence now the alpaca business has been established for two financial years and the applicant has been able to submit business accounts and a revised Business Plan to demonstrate that the alpaca business is viable, both now and in the foreseeable future. The revised Business Plan states “... *that there is currently a total of 18 breeding females on the holding, and there are 17 births planned for the year April 2020 – 2021. The numbers set out in the initial business plan will be met and exceeded this year with a total of 39 alpacas on the holding at the start of the period*”.
- 4.13 A letter dated 19 December 2019 from the NFU has been submitted in support of this application who have reviewed the alpaca breeding business and have confirmed in their letter that “*Should the business reach its target 35 – 40 alpaca on the holding an agriculture worker on site will be essential for the welfare of each animal*”. The letter concludes and states that “*Blackstone Alpacas are committed to keeping animals to the highest of welfare standards which sees them exceed DEFRA recommendations which is to their credit and this must continue. As they look to grow the business it is clear a temporary dwelling and suitable agriculture buildings are essential to meet this vision*”.
- 4.14 The Council have reappointed the same independent consultant (Reading Agricultural Consultants) to provide an appraisal of the current application including the revised Business Plan and they have concluded that “*The updated business plan provides the achieved gross margin figures for the alpaca enterprise. These figures demonstrate that the business has achieved and exceeded the targets initially set out in 2018. The alpaca business is profitable, sustainable and is likely to be able to support a fulltime agricultural worker as a standalone business in the Future*”.
- 4.15 In the absence of any other evidence to suggest otherwise, I am of the opinion that the alpaca business is viable and sustainable in order to support a full time worker.
- 4.16 In terms of the need for on-site presence, the applicant has provided very clear justification for a rural workers dwelling to be retained for an additional year on the agricultural holding at Blackstone Meadows. The reasons given include:
- Mating needs special attention - Alpacas are induced ovulators and do not display normal signs of heat, therefore, establishing a successful breeding herd requires careful management and preparation to ensure fertilization occurs at the right time.

20/0222/FUL

- The birthing period is unpredictable - The typical gestation period for an alpaca is 320-360 days. As females can give birth at any point during this 40-day period it is difficult to accurately predict the timing of the birth. If the animal were to require assistance during birthing, this would only be apparent if the animal was observed by a stockperson to be in difficulty. It is accepted that living on site would minimise this risk.
- post-partum management – it is essential for the cria (new born alpacas) to receive colostrums and milk following birth, this must be closely monitored and if problems are detected it may be necessary to hand rear the cria. This would require a stockperson to feed the young alpaca every two hours for the first two weeks, rising to three hourly and eight hourly feeds.
- health – as highlighted in the agricultural appraisal submitted by the applicant, livestock should be inspected frequently for signs of illness, distress or injury. It is generally accepted by alpaca breeders that the animals are notorious for hiding signs of disease or poor wellbeing. An onsite presence would allow for constant vigilance by the stockperson.
- security – Alpacas are highly valued, with a breeding female valued at between £3,000 - £7,000.

Based on these reasons, I am satisfied that there is an essential need to provide 24 hour supervision for the health and welfare of these animals.

- 4.17 With regards to the size of the holding, the applicant has been able to establish their alpaca business at Blackstone Meadows, which extends to an area of approximately 0.7 ha, or 1.7 acres of land for the alpaca farm when you discount the land being used for the mobile home, outdoor storage and for the unlawful holiday pitches.
- 4.18 The British Alpaca Society advises that stocking densities are generally considered to be 5 – 6 animals per acre on permanent pasture. The revised Business Plan states *“... that there is currently a total of 18 breeding females on the holding, and there are 17 births planned for the year April 2020 – 2021. The numbers set out in the initial business plan will be met and exceeded this year with a total of 39 alpacas on the holding at the start of the period. These numbers will fall to 24, following the planned sale of 15 alpacas”*.
- 4.19 From the Business Plan, it is clear that there is a shortfall in the size of the holding at Blackstone Meadows, however, the applicant also has access to additional land at Lucy’s Farm, a short distance from Blackstone Meadow on Callow Hill, and which measures 3.25 ha (8 acres). Therefore when you combine the two parcels of land (11.5 acres), the applicant has more than sufficient land available for their intended business although I note that there is no dwelling providing on-site presence at Lucy’s Farm.

20/0222/FUL

- 4.20 Notwithstanding the lack of supervision at Lucy’s Farm, the applicant’s consultant has stated that “due to good grassland management and appropriate paddock rotation, it has not yet been necessary to utilise the land at Lucy’s Farm for grazing. However, this land is available on a relatively secure basis for the long term and could be utilised as grazing for young stock if necessary. The breeding herd, which generates the primary functional need, will remain a Blackstone Meadow where they can be properly supervised”.
- 4.21 As it is evident that the holding at Blackstone Meadows has been functioning appropriately and does not appear to be an over-intensive use of the land given the careful management of the fields, and rotation of stock, I consider that the applicant has demonstrated that the size of the holding is acceptable. I also consider that the field shelters and agricultural storage compound are of an appropriate size and designed for their intended purpose in connection to the alpaca business.
- 4.22 Overall, the alpaca business has had a few years to establish since the previous application was refused and it has been proven that the business is viable, both now and in the foreseeable future. The applicant has clearly demonstrated that there is a genuine and essential need for a full time agricultural worker to be on site in order to justify the retention of a temporary dwelling. There is no doubt that in the coming year the applicant will need to apply for a permanent dwelling, however, the individual planning merits of this subsequent application will need to be considered. For this current application, I see no reasons to warrant a refusal and consider that the justifications needed for a rural worker dwelling has been met, in accordance with Policies SAL.DPL2 and SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 78, 79 and 145 of the Framework. The mobile home is therefore considered to be appropriate development in the Green Belt.

WHETHER APPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 4.23 The scheme includes the retention of a mobile home located to the south east of the site and measures 4.2m x 12.8m. There is also a single storey site office building and a number of agricultural buildings in connection with the Alpaca business. The structures comprise four existing field shelters measuring 4.2m x 4.8m and a barn measuring 12.1m x 9.1m and a high close-boarded fence which provides a secure storage area in the northwest corner of the site for machinery and covered storage for feed and hay. It is also used for quarantine and shearing space when required.
- 4.24 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan refers to development in the Green Belt, and advises that development will not be permitted, except in very special circumstances, unless (but not limited to) there is a proven need for new housing in association with the purposes of agriculture. I am satisfied that the mobile temporary home meets this exception and given its temporary nature would not have a lasting impact on the openness of the green belt.

20/0222/FUL

- 4.25 In terms of the existing and proposed field shelters, storage area and the agriculture barn, Paragraph 145(a) of the National Planning Policy Framework states that the construction of buildings for agriculture is an exception against inappropriate development in the Green Belt. Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan also accepts new agriculture buildings when there is a clear need demonstrated for such buildings in the Green Belt. I am satisfied that there is a clear need for the field shelters as they provide shelter for the alpacas. The agriculture barn is also required for animal welfare and for storage of hard feed and the fencing provides a secure place for the farm trailer. The site office is in connection with the leisure use of the site which can be used by up to 5 touring caravans without requiring Planning Permission.

IMPACT ON LANDSCAPE CHARACTER AND VISUAL AMENITY

- 4.26 Paragraph 170(a) of the National Planning Policy Framework advises that planning decisions should contribute to and enhance the natural and local environment by (amongst other things the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 4.27 Policy CP12 of the Adopted Core Strategy advises that applications for further mobile home, caravan and chalet developments within the District's rural areas will be resisted due to the collective impact which the existing sites have on the landscape.
- 4.28 This application would be in conflict with Policy CP12 as it would result in the retention of a mobile home and a caravan development within the rural area of the District. However, I believe the policy objective is to safeguard the landscape character when taken into account the cumulative impact of all other similar developments. The principle of use of the land for a mobile home in connection with the established alpaca business has been established and considered to be acceptable. In particular there is support for temporary accommodation for rural workers within Policy SAL.DPL7.
- 4.29 The site is also well screened from any public views in the wider area due to the established vegetation around the perimeter of the site. Although, I note that there are some gaps in the boundary screening and that some of the trees are deciduous and therefore the domestic use of the site becomes evident and more noticeable during the winter months. To help minimise public views into the site from Blackstone Picnic Site, the adjoining public footpath and the A456, the applicant has agreed to provide new trees and strengthen the screening to the south and north boundaries of the site.

20/0222/FUL

- 4.30 Overall, I consider that the development would not have an adverse impact on the landscape character, would preserve the openness of the Green Belt and not result in undue encroachment into the countryside. Conditions are recommended to: require the removal of the temporary living accommodation in 24 month's time; to secure the proposed tree planting; to prevent outdoor storage exceeding the height of the existing fence around the storage compound; and to require the barn to be stained or painted an appropriate colour in order to help blend it into the green backdrop of the site. A further condition is recommended to ensure the barn remains for agriculture use at all times.

FLOOD RISK

- 4.31 The site falls within the floodplain of the River Severn and is identified to be partially within Flood Zone 3 (high risk) and partially within Flood Zone 1 (low risk). Paragraph 155 of the National Planning Policy Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 4.32 During the consideration of the application, the Environment Agency advised that the submitted Flood Risk Assessment has confirmed that 10 of the 15 caravan plots are on land that floods in the 1 in 100 year plus 35% flood event and that finished floor levels for all 15 caravans are not 600mm above the same level. Based on this information, the Environment Agency raised objection to the application.
- 4.33 Since originally submitted, the 15 touring caravan pitches have now been omitted from the application and an amended site layout plan has been submitted to show only the retention of the mobile home, site office, the field shelters, barn, and storage fencing.
- 4.34 The temporary rural workers mobile home is considered to be a 'more vulnerable' development as defined within Table 2 of the Flood Risk Vulnerability Classification contained within the National Planning Practice Guidance. The site office and agricultural buildings are defined as 'less vulnerable' development.
- 4.35 In accordance with the guidance contained within the Framework (paragraphs 159 – 163) and the National Planning Policy Guidance, it is necessary to apply the sequential test and if necessary, the exception test.
- 4.36 The applicant has submitted a comprehensive Flood Risk Assessment, which includes a sequential assessment of other alternative sites. The applicant has examined 31 alternative sites within the District and has concluded that 26 of the sites assessed were considered to be unsuitable (as the sites were considered to be incapable of accommodating the Alpaca farm and were either too small or too large) and the remaining 5 that were assessed were unavailable. I recognise that a number of criteria would apply when assessing whether sites are reasonably suitable to be used as a Alpaca farm with a dwelling and are available. On balance, the applicant has demonstrated that there are no reasonably available sites in Flood Zones 1 and 2 which could accommodate the development, and on this basis, the Sequential Test is satisfied.

20/0222/FUL

- 4.37 The Framework and the National Planning Practice Guidance advises that for 'more vulnerable' development, subject to satisfying the Sequential Test, the proposals must also satisfy the Exception Test. For the Exception Test to be satisfied, Paragraph 160 of the Framework requires that it must be demonstrated, firstly, that the development provides wider sustainability benefits to the community that outweigh the flood risk. The Alpaca business of the proposals provides employment and rural regeneration, whilst support for rural housing is also encouraged by Paragraphs 77 and 78 of the Framework, as it makes a positive contribution to the vitality of rural communities. Furthermore, the rural workers temporary accommodation would allow the farmer to live on the holding, which helps to reduce carbon emissions from travelling in cars and the residential element, although temporary, also makes a modest contribution to the housing land supply. Overall, I am satisfied that the proposals provide economic, social and environmental benefits which provide wider sustainability benefits to the community, which are sufficient to outweigh the flood risk.
- 4.38 The second part of the Exceptions Test identified in paragraph 160 of the Framework is for the development to demonstrate that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, reduce flood risk overall. Firstly, it must be acknowledged that this proposals is for the retention of the mobile home for 2 further years and therefore the lifetime of the development is relatively short. The Environment Agency have provided further comments following the omission of the 15 caravans from the proposed scheme and have reviewed the submitted Flood Risk Assessment. They raise no objection but advise that in order to make the temporary mobile home safe during a flood event (with a design flood level of 22.79m AOD), the finished floor level should be in excess of 23.09m AOD. The mobile home already achieves this floor level and is therefore considered to be safe. The site office, a 'less vulnerable' development, is recommended to have a floor level not less than 22.79m AOD by the applicant's Flood Risk Assessment and the Environment Agency have confirmed that they would accept this level. The Environment Agency also confirm that they have no concern in relation to the remaining elements of the scheme (field shelters, agricultural storage etc) as these will have no impact on the flooding regime in the area. I am of the view, that the proposal would be safe for its lifetime without increasing flood risk elsewhere, in accordance with the requirements of paragraphs 158 and 160 of the Framework. I have attached conditions to ensure the finished floor levels of the mobile home and site office are set accordingly and to require a Flood Evacuation Management Plan to be submitted and agreed with the Local Planning Authority as recommended by the submitted Flood Risk Assessment.
- 4.39 I therefore consider that there are no reasons to prevent the retention of the mobile home, site office and agricultural buildings on grounds of flood risk. The development therefore accords with Policy CP02 of the Adopted Core Strategy, Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

20/0222/FUL

BIODIVERSITY

- 4.40 The application site is situated between the Special wildlife Site of the river Severn and Devil's Spittlefull a Site of Special Scientific Interest.
- 4.41 Paragraph 170(d) of the National Planning Policy Framework requires all planning decisions to minimise impacts on and provide net gains to biodiversity. Policy SAL.UP5 also seeks to ensure new developments take steps to enhance biodiversity both within and outside of designated areas.
- 4.42 The Countryside and Parks Manager has advised that the boundary hedge line is likely to be of importance as a commuting distribution route for Bats and therefore a condition is recommended to require that all site boundary hedgerows are retained. I have attached a condition accordingly to ensure the development complies with Policy CP14 of the Adopted Core Strategy and Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

5.0 Conclusion and Recommendations

- 5.1 The existing alpaca business commenced in May 2018 and since the previous refused application in July 2018, the business has established and the applicant has now been able to demonstrate that the business has achieved and exceeded the targets initially set in the previous Business Plan. The revised Business Plan demonstrates that the alpaca business is profitable, sustainable and is likely to be able to support a full time agricultural worker as a standalone business in the future.
- 5.2 The applicant has provided a comprehensive report prepared by two Planning Consultants who have clearly justified an essential need for a temporary dwelling to provide on-site supervision for the breeding alpacas to ensure their health and general welfare, as the business establishes in the coming year. The retention of the agricultural facilities, the mobile home and the site office building are all considered to be appropriate development in the Green Belt. Whilst there is an overarching strategic policy that seeks to prevent any further mobile homes in the rural areas of the District, I consider that in this instance, it is acceptable given that there is an essential need. No harm to highway safety or the risk of flooding has been identified following the amendments to the application. Overall, I consider that the proposed scheme is acceptable and a number of conditions are recommended to prevent permanent residential accommodation in order to safeguard the landscape character.

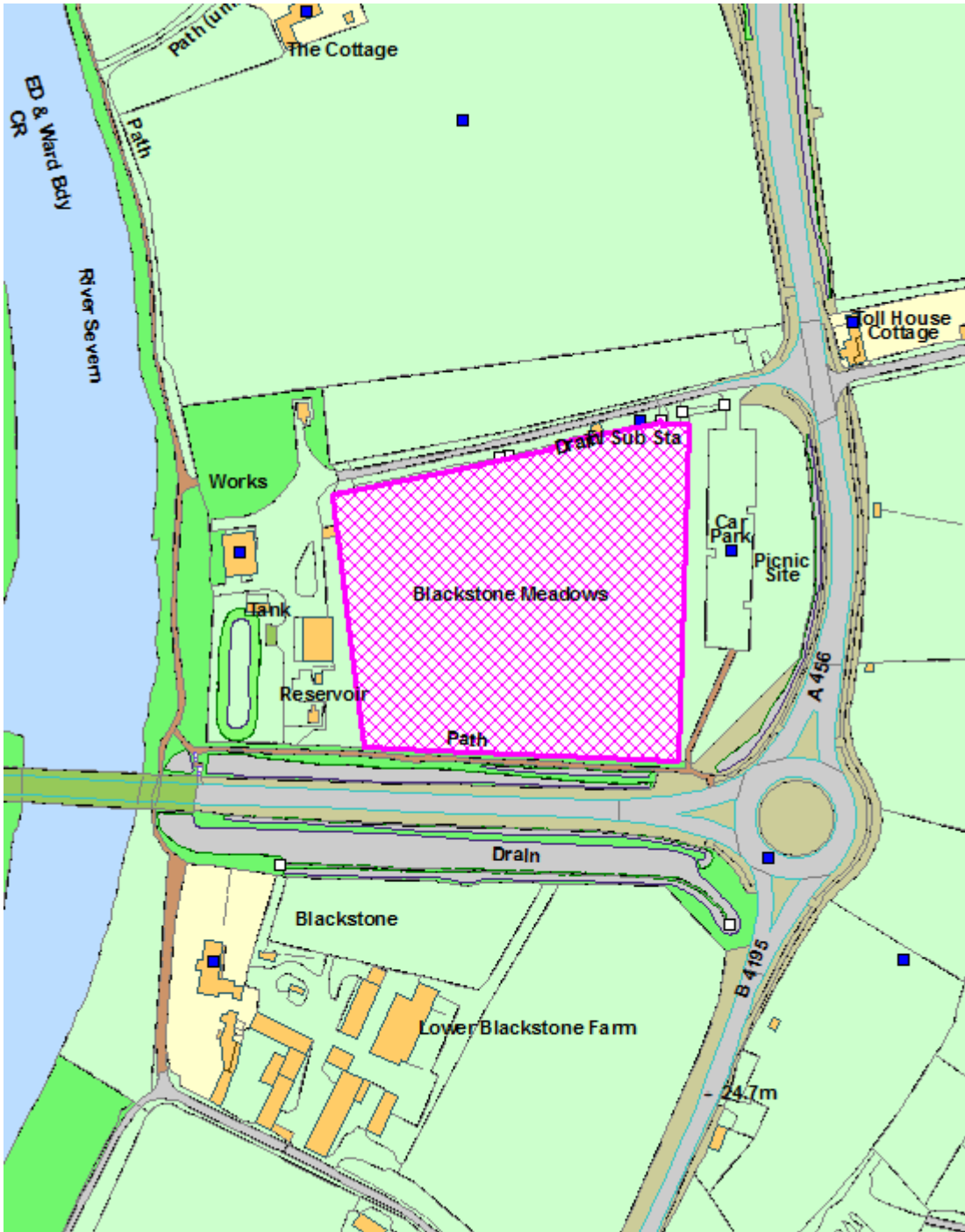
20/0222/FUL

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

1. 2 year temporary time limit the mobile home and all associated structures/infrastructure shall be dismantled and all materials removed from site, and the land restored to grass.
2. 3 year time limit for the erection of the barn
3. Require details of proposed tree planting and implementation within the first planting season.
4. All hedgerows around the site boundary to be retained.
5. Details of External Materials for Agricultural Barn
6. To secure use of barn for agriculture purposes only
7. To prevent outdoor storage above the height of the existing fence to the storage compound
8. Flood Evacuation Management Plan
9. Secure Finished Floor levels of the mobile home and site office building

NOTE

All operators of a septic tank or sewage treatment plant must check with the Environment Agency that they meet the 'general binding rules' and apply for an Environmental Permit if they do not. As from 1 January 2020 discharge of treated effluent directly from a septic tank to a surface water (watercourse, ditch etc.) is no longer allowed.



Economic Prosperity and Place Directorate

Land At Blackstone Meadow Stourport Road Bewdley Worcestershire DY12 1PU



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PART B

Application Reference:	20/0134/FUL	Date Received:	28.05.2020
Ord Sheet:	383150 276615	Expiry Date:	23.07.2020
Case Officer:	Helen Hawkes	Ward:	Blakebrook And Habberley South

Proposal: Change of use of part of first, second, third and fourth floors to 12no. apartments (C3), including new access and bin/cycle store

Site Address: 17 - 20 Vicar Street, Kidderminster, Worcestershire, DY10 1DA,

Applicant: Mr Marsden

Summary of Policy	CC1 CC2 CP01 CP02 CP03 CP05 CP11 DPL1 DPL4 DS02 KCA NPPF PFSD1 UP6 UP7 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for Committee Referral	Major Application

1.0 Planning History (of relevance)

13/0574/FULL - Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey. Withdrawn 03 December 2014

13/0575/LIST - Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey. Withdrawn 03 December 2014

13/3030/PNRES Prior Approval for residential conversion of building to provide 6 2-bed apartments: Granted 02.12.2013

15/0171/FULL - Proposed residential conversion to form 9 apartments: Approved 14.05.2015

15/0172/LIST - Proposed residential conversion to form 9 Apartments: Approved 14.05.2015

16/3028/PNRES - Change of use of a building from Office Use (Class B1(a)) to dwelling house (Class C3): Approved

16/0381/LIST - Proposed residential conversion to form 8 apartments: Approved 10.08.2016

16/9013/NMA - Alterations to internal layout of previous approval 15/0171/FULL: Approved 10.08.2016

20/0134/FUL

2.0 Consultations and Representations

Town Council No Objection.

Highways Authority (WCC) 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 has no objection subject to conditions. Observations It is noted that the site is in a highly sustainable town centre location close to amenities, services and public transport links. There are parking restrictions on Crown Lane to the rear of the site therefore a 'parking free' development is considered to be acceptable. A Welcome Pack is required to promote sustainable travel options to future occupiers and whilst it is acknowledged that cycle parking is to be provided to the rear of the site, this provision must be sheltered, secure and accessible in line with standards. The cycle parking must also be installed as separate from the proposed bin store and in a location where there is minimal conflict with vehicles which are parking or loading. 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 subject to suitable conditions.

20/134/FUL

North Worcestershire Water Management (WFDC) Change of use of part of first, second, third and fourth floors to 12no. self-contained residential units (C3), including new access and bin/cycle store at 17 - 20 Vicar Street, Kidderminster, Worcestershire, DY10 1DAAs far as I am aware the site is not at risk of flooding from any source. Surface water flood risk modelling has identified a medium risk of flooding for Vicar Street, but I understand that The proposed residential accommodation is accessed from the first-floor rear of the existing building with a walkway across the roof to the rear. It is my understanding that the proposed development will be entirely within the footprint of the existing building and as such there will be no change in surface water runoff. It would be unreasonable to expect this development to incorporate SuDS etc as per the Council's policy. Surface water and foul water drainage arrangements will I believe be sufficiently covered by a future Building Control application. There would therefore be no need to attach a drainage condition. The applicant should be aware that connection to the sewer system and any changes to existing flows (relevant for foul water only) will need to meet Severn Trent's approval, even if the existing sewer connection is being re-used, please see <https://www.stwater.co.uk/building-and-developing/otherdevelopments/flats-or-apartments/> I conclude that there would in my opinion be no reason to withhold approval of this application. Kirsten Huizer For North Worcestershire Water Management

Conservation Officer (WFDC) The applicant has submitted a heritage statement which is in compliance with the NPPF at paragraph 189 and WFDC Policy SAL.UP6. The proposal is for a larger number of individual units than that approved under 16/0381/LIST and, like that scheme, it is proposed to convert the roof space into habitable accommodation. Despite the intensity of the development from the plans submitted this appears to be quite feasible with little harm to the fabric of the interior of the listed building, although clearly the open spaces which are a feature of the buildings 1st, 2nd and 3rd floors will be lost. The use of the attic spaces brings the volume of the building into full use which has benefits in that it should be better maintained and could reduce the risk of falling into disrepair in the future. The arrays of roof windows to the rear and gable roof slopes will require careful specification. Since the previous approval Crown House has been demolished and the rear of the building is now visible in views across the town from the Church Street Conservation Area and from Mill Street. No specific details have been submitted with this application but a condition is required covering the specification and materials for these roof windows.

20/134/FUL

These should be of an industrial metal type, which is typically found on larger buildings within the town. It will also be necessary to have these windows glazed in tinted and non-reflective glazing otherwise there could be a large amount of glare in the west-facing roof-slope, and unacceptably high thermal gain within the converted attics. I am concerned that the proposed layout does show a third bedroom/study in the fourth floor flats under the east side of the roof and these rooms have no external windows. I do not support windows to the front (east elevation) roof as this is highly visible from elevated parts of the town to the east and sits above the decorative Vicar Street façade. However if the proposed layout is approved this could well lead to further applications to add additional roof windows especially if the flats are privately rented as they may not meet housing and other legislative requirements. With that in mind it may be sensible to seek a revision to the internal layout to delete this room or impose a condition to the effect that this is to be storage space only. The application drawings state that no changes are to be made to the arched metal windows. These are a very significant feature of the building and illustrate its industrial past. Again to avoid future applications to change these windows to meet legislative requirements the method of ventilating the habitable rooms in the first, second and third floor flats should be explained and it should be verified that this is suitable for residential accommodation of the type proposed (eg: under the housing and building regulations) prior to approval of this application. If the windows are not suitable for privately rented flats this needs to be known prior to any approval. At present the building is poorly maintained at high level with rainwater goods chock full of weeds causing water to overflow down the front elevation and to spill onto the pedestrian area of Vicar Street below. Previous attempts to secure a resolution to this issue have stalled. Any approval to this scheme should have a condition requiring the existing rainwater goods to be fully cleared prior to first occupation of the building and protected with bird wires to deter pigeons from nesting at high level. As the access to clear the gutters at the front of the building may require a high level platform and partial road closure there should be a condition applied obliging the owners or the management company of the building to have the gutters checked and cleared annually. Otherwise there is risk to the public from water spilling over and freezing in winter, perpetuating the hazard the District Council currently has to address, and causing damage to the listed building.

20/134/FUL

I agree with the conclusion of the heritage statement that the proposals will cause less than substantial harm to the listed building. Whilst this is in conflict with Policy SAL.UP6, the mitigation may be in the perceived public benefits of full occupation and repair of this landmark structure in the centre of the town and NPPF paragraph 196 allows these benefits to be weighed against that harm.

Worcestershire County Council No Objection subject to conditions
(Archive And Archaeology)

Severn Trent Water No objections to the proposals and do not require a drainage condition to be applied.

Nuisance Assessment Team Noise

(Second comments) (WRS) The submitted noise assessment appears satisfactory. The noise mitigation recommendations relating to: Wall and Roof Construction and Glazing and Ventilation products should be implemented.

Contaminated Land Team No Comment Received.
(WRS)

Crime Risk Manager No objection to the above application. We have had incidents of youths climbing onto the flat roof and causing a nuisance, one call even mentions them climbing over the palisade fence. In view of this at the very least a gate is required at the top of the steps to prevent access.

An access control system will be required into the flats. It would be ideal if the gate could be linked into it. If this is not possible a key operated gate with a self-closing device would be acceptable. The inside of the gate would require a quick release mechanism in case of a fire.

As mentioned above an access control system is required The system chosen should be designed within the guidelines of Secured by Design.

Neighbour/Site Notice Representations

No responses received from public participation.

20/0134/FUL

3.0 Site Location and Description

- 3.1 The application site relates to a Grade II listed, four storey building (Nos. 17 – 20) with a two storey flat roof 1960's building to the rear. It was built in 1872 by J.G. Bland and has a distinctive Italianate design style, comprises mainly red brick, with pronounced dentil and arcaded eaves marking the separation between each floor. It was built for J.E. Barton & Sons carpet manufacturers and was later used as offices to the former adjoining Brinton's carpet factory. The building is occupied by three ground floor commercial units and the upper floor office accommodation is currently vacant. Access to the upper floors is provided by an existing external staircase that is present to the rear of the building.
- 3.2 The site has a frontage to Vicar Street within the Primary Shopping Area of Kidderminster town centre and falls within the Vicar Street & Exchange Street Conservation Area. Vicar Street is recognised as one of the principal thoroughfare within the Conservation Area and the principal style of buildings in the Conservation Area is high quality nineteenth century interpretation of the Italianate, as exhibited by Nos. 17 – 20 Vicar Street.
- 3.3 At the rear the site is accessed from Crown Lane, which serves as an access road to the rear of the ground floor retail units on Vicar Street, beyond Crown Lane is the River Stour and Weavers Wharf Shopping Centre.

4.0 Officer Comments

- 4.1 This application is for a change of use of part of the first, second, third and fourth floors from vacant offices to 12 one and two bed apartments, installation of conservation roof lights to the rear roof slope, new rear entrance door and internal staircase together with internal and external alterations. Amendments have been submitted during the course of the application to reduce the size of the four apartments that will be provided across two floors (third and fourth) from 3 to 2 bedroom units due to concerns raised by Officers over lack of natural daylight to two of the bedrooms. The application has been accompanied with a Design and Access Statement, Heritage Statement and a Noise Impact Assessment.
- 4.2 In summary the revised scheme comprises the following:-

Internal works

- Installation of new rear entrance door
 - Installation of new internal staircase within the existing WC block to the rear of the building to link the first and second floors with the existing second floor stair proposed as being retained to access the higher level
 - Installation of roof lights in rear and side roof slopes
 - Proposed alterations to various windows and doors housed in rear elevation □
- New dividing internal walls

20/0134/FUL

External works

- Removal of steel flue to rear elevation
- Removal of steel external staircase to rear elevation

- 4.3 The proposed layout of the upper floors of this building would comprise four apartments each on the front part of the first and second floors and four maisonette type of units provided across the third and fourth floors (roof space) of the building. The design of the apartments has been sympathetically provided to align the habitable rooms with existing windows and the proposed roof lights to provide natural daylight and the new dividing internal walls align with the solid walls to ensure none are abutting windows. The apartments would have a minimum gross internal area of 37sq.m for one bedroom units and 61sq.m for two bedroom units and bedrooms would measure between 9sq.m and 19sq.m (only floor areas above 1.5 metres in room height have been measured).
- 4.4 Access to the proposed apartments would be from the rear of the site off Crown Lane and via a walkway across the roof to the rear part of the building. Nil parking provision is proposed.

PRINCIPLE OF USE

- 4.5 From planning history, it is recognised that there has been various approved applications to convert the upper floors of this listed building into apartments. The most recent applications were 15/0171/FULL which gained approval to convert the upper floors of this listed building into 8 apartments. A subsequent application was approved for listed building consent (16/0381/LIST) to convert the building into 8 apartments and then a minor material amendment (16/9013/NMA) to the 2015 consent was granted for further alterations to the building. The previous approvals have not been implemented.
- 4.6 The main difference between this scheme and the previously approved schemes is that 4 additional apartments would be provided, increasing the total number of apartments from 8 to 12. The applicant has advised that this current application follows feedback from local Estate Agents who have confirmed that there will be demand for the size and type of units proposed in this application.
- 4.7 Since the previous 2015 approved scheme there has been no changes to the Development Plan, which clearly supports in principle the re-use of upper floors of buildings in the Primary Shopping Area of the town centre for residential use (Policy SAL.DPL4 of the Adopted Site Allocations and Policies Local Plan and Policies KCA.DPL1 and KCA.GPB2 of the Adopted Kidderminster Central Area Action Plan).

20/0134/FUL

- 4.8 Policy SAL.DPL4 of the Adopted Site Allocations and Policies Local Plan advises that proposals for the conversion of existing buildings into flats will be considered having regard to the intensity of the proposed use and the accessibility of the location to shops and other services. It further advises that proposals will be supported provided that:
- i. Conversion is not detrimental to the appearance of the building and the building and plots are of a suitable size for conversion.
 - ii. Appropriate provision is made for parking, cycle parking, private amenity space and refuse storage.
 - iii. The proposal will not be detrimental to the character of the area.
 - iv. The internal layout minimises noise disturbance and overlooking to neighbours.
- 4.9 The National Planning Policy Framework (the ‘Framework’) was revised in 2018 and then again in February 2019, however, it still contains a presumption in favour of sustainable development and strongly seeks to delivery new housing and supports the re-use of buildings for uses that will promote sustainable modes of travel.
- 4.10 Overall, there have been no significant changes in either local or national planning policy since the previous 2015 approved scheme for a similar proposal. I therefore consider that the proposed conversion of the vacant upper floor office accommodation into 12 apartments, in this town centre location, is acceptable in principle subject to the consideration of the following site specific issues.

IMPACT ON THE LISTED BUILDING AND THE CONSERVATION AREA

- 4.11 Sections 162(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be given to “the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses”.
- 4.12 The Framework recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the asset’s conservation (paragraph 193) and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 194). The Framework also places great importance on development being good design and being designed to function well, visually attractive and ensure that they add to the overall quality of the area (paragraph 127).
- 4.13 Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan states that any development proposal affecting the District's heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. It also advises that the re-use of heritage assets will be encouraged where this is consistent with the conservation of the specific heritage asset.

20/0134/FUL

- 4.14 The application building is a designated heritage asset being a Grade II listed building. It is a valued mid nineteenth century Italianate building, designed by J.G. Bland and is one of the remaining examples in Kidderminster town centre of the carpet factory manufacturing industry. The application site is also situated within the historic core of the Vicar Street & Exchange Street Conservation Area and the application building is considered to be a key feature in the townscape that makes a positive contribution to the character and appearance of the Conservation Area. The application building also has a frontage to Vicar Street which provides the principal thoroughfare within the Conservation Area.
- 4.15 The proposed internal layout is little changed from that approved as part of application 16/9013/NMA. The proposals would ensure the important front elevation to Vicar Street remains unchanged and the use of the fourth floor (attic) together with the provision of new roof lights in the rear roof slope has already been accepted in previous approved application.
- 4.16 The submitted Heritage Statement advises that the views of the rear of the building are limited and when seen in conjunction with the existing level of fenestration to the rear of other adjacent properties, the provision of new roof lights is considered to be appropriate. It also concludes that the proposed scheme would cause 'less than substantial harm' to the significance of the heritage assets.
- 4.17 The Conservation Officer agrees that the proposals would cause 'less than substantial harm' but has raised concern about the lack of windows for the bedrooms on the east side of the building and the need in the future to insert roof lights in the front elevation of the building to serve these bedrooms. The Conservation Officer has also requested that details of the windows and ventilation are sought prior to the approval of the application.
- 4.18 The applicant has responded to the comments received by the Conservation Officer and has omitted all of the bedrooms from the east side to avoid the need for roof lights in the front elevation of the building facing Vicar Street. This has resulted in Apartments 11 and 12 being reduced in size from three to two bedrooms, which provides a more appropriate size living accommodation and ensures all habitable rooms within the development are provided with a window for natural daylight and ventilation.
- 4.19 Also, the applicant has confirmed that the existing windows would be refurbished and any lights that are openable will remain as such, in conjunction, the applicant will seek to install a 'Vent-Axia whole house' heat recovery system to each of the apartments to replenish air within each room and remove air from the bathrooms, kitchens and habitable rooms, which is a type of system that is compliant with current building regulation standards. The applicant has also confirmed that they are happy to have planning conditions imposed to require details of windows, including the glazing to the roof lights to ensure no glass glare and a condition to prevent the rooms in the east side of the building on the fourth floor being used as bedrooms.

20/0134/FUL

- 4.20 I note the reservations raised by the Conservation Officer over the possible need to change the arched metal windows in the future to ensure appropriate ventilation is provided, however, I am satisfied that the applicant has confirmed the method of ventilating the proposed apartments and that they do not consider that the existing windows would need to be replaced. In addition, the principle of re-using the upper floors of this building for residential accommodation has already been established and the proposed external alterations are the same as previously approved, with the exception of the roof lights in the rear roof slope and side gable end. No alterations are proposed to the main front elevation of the building facing Vicar Street. Therefore, I consider that the harm, in terms of the Framework, would be “less than substantial”.
- 4.21 Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.22 In terms of the public benefits, the proposed scheme would increase the amount of people living within the town centre, which would help to boost the housing land supply and make a positive contribution to the vitality and viability of the town centre. It would also secure an optimum viable use of this heritage asset, which would ensure its long term use and maintenance and help to sustain and enhance the special historic, architectural interest of this building and adjacent listed buildings and the surrounding conservation area.
- 4.23 I am satisfied that the less than substantial harm to the significance of the designated heritage assets would be outweighed by the public benefits of the proposal in terms of the provision of much needed housing in a sustainable location, the increased support to the vitality and viability of the town centre and the long term optimum use of the building, in accordance with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Paragraph 196 of the Framework.
- 4.24 The recommended conditions follow the previously approved scheme as well as additional conditions to prevent the use of the rooms in the east side of the building on the fourth floor being used for bedrooms and requiring details of the roof lights including glazing; for the existing rainwater features to be cleaned and netted; and a scheme for building maintenance. Subject to these conditions, the proposed scheme would accord with Policies SAL.DPL4 and SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the Framework.

RESIDENTIAL AMENITY

- 4.25 The application site is situated in the heart of Kidderminster town centre where there is a mix of commercial, restaurant, public house, office and residential uses. There is potential for noise from the delivery yard of Marks and Spencer’s food store, in Weavers Wharf shopping centre to the west of the site and noise from the ground floor parade of shops on Vicar Street, which could potentially cause noise nuisance to the future occupiers of the proposed apartments.

20/0134/FUL

Paragraph 170(e) of the Framework seeks to ensure new development is not put at risk to unacceptable risk of noise pollution.

- 4.26 The applicant has submitted a Noise Impact Assessment which included a noise survey of the area during Friday 15th May 2020 and Monday 18th May 2020. Within the survey report, it does note that Vicar Street, was busy, despite the Covid-19 crisis lockdown with pedestrians queuing outside the banks and chatting and the survey did record noise from a delivery vehicle on Church Lane. A number of noise mitigation measures are recommended in the Noise Impact Assessment to ensure the proposed apartments achieve good living conditions. Worcestershire Regulatory Services raises no objection subject to a planning condition to secure the recommended noise mitigation measures, relating to Wall and Roof Construction and glazing and ventilation products. I have recommended a condition accordingly to ensure acceptable living accommodation and to avoid a potential conflict with nearby uses.
- 4.27 The proposed living accommodation would provide acceptable room sizes in line with the minimum standards set out in the Government's nationally described space standards and all habitable rooms would have a source of natural daylight and ventilation. I am therefore of the view that the proposed apartments would provide acceptable living environments for future occupiers and that the additional apartments proposed in this application compared to the previous approved schemes would not result in an over intensive use of the building.
- 4.28 The proposed scheme would therefore accord with Policy SAL.DPL4 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 127 and 170 (e) of the Framework.

PARKING AND HIGHWAY SAFETY

- 4.29 Under Policy SAL.DPL4 ('Flat Conversions') of the Adopted Site Allocations and Policies Local Plan it highlights that in town centres, parking requirements may be relaxed where this is not possible or desirable.
- 4.30 The existing building has no off-street parking provision and no parking was proposed in the previous approved schemes. The site is highly accessible by a range of sustainable travel modes. Vicar Street is a pedestrianised only street and Crown Lane currently has public provision for street parking although this is controlled within the hours of 8am to 6.30pm to 1 hour allowing overnight parking or provision for 1 hour visits.
- 4.31 The Highways Authority has raised no objection and considers that the proposed scheme is acceptable given that the development is for one and two-bed apartments where future occupiers are unlikely to own a car and that the site is in a sustainable location in which occupiers would not be reliant on private cars to access day to day shopping needs and employment. As recommended by the Highways Authority conditions are attached to secure a Welcome Pack and cycle parking in order to promote sustainable travel.

20/0134/FUL

AFFORDABLE HOUSING / PLANNING OBLIGATIONS

- 4.32 The National Planning Practice Guidance advises that where a vacant building is brought back into any lawful use, that a 'credit' (known as vacant building credit) should be applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. In this case, the proposed scheme would be required to provide 4 units for affordable housing in line with Policy CP04 of the Adopted Core Strategy, which would be offset when applying the vacant building credit. As such, no affordable housing provision is being sought in this application.
- 4.33 With regards to any other planning obligation requirement, the Planning Obligations SPD allows for developments to contribute towards public open space provision, however, when taking into account the small size of the units (with the majority being one beds) together with the relatively low number of units, I consider that is not reasonable or necessary to seek contributions in connection with this development.

5.0 Conclusion and Recommendations

- 5.1 The principle of bringing the upper floors of this substantial size listed building back into use has already been established by the previous approved consents and there have been no significant changes have been made to local or national planning policy since the previous approvals. As such, the conversion of the upper floors of this building, in this town centre location, is entirely consistent with the objectives of the Development Plan and The National Planning Policy Framework.
- 5.2 The design of the proposed conversion has been carefully considered to ensure the front elevation remains unchanged and no new internal walls abut windows. Whilst the roof lights would result in less than substantial harm to the character of the building, it is considered that this harm would be offset by the public benefits, including the need to secure an optimum viable and long term use of the building. I therefore consider that the proposals represent sustainable development and are in accordance with relevant planning policies contained within the Development Plan.
- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. Three-year time limit
 2. Noise mitigation measures to be implemented
 3. Require external material details

20/0134/FUL

4. Details including a plan showing elevation and cross section of the following:
 - Roof lights including glazing specifications
 - Soil / vent stacks and pipes (to be located to the rear elevation only)
 - Door and staircase
 - Window and brick repair work
 - Rainwater goods and to require existing guttering to be cleaned and fitted with bird protection netting
5. A scheme for building maintenance
6. Require satellite antennae/aerials to be installed to the roof or rear elevation of the building only
7. Require all rooms within the east side of the fourth floor shall remain as study/shower/en-suite rooms at all times and shall not be used as bedrooms.
8. Programme of Historic Building Recording
9. Implementation of the Programme of Historic Building Recording
10. Require a Welcome Pack
11. Require Cycle storage details
12. Require refuse storage details

PART B

Application Reference:	20/0146/FUL	Date Received	18.03.2020
Ord Sheet:	383128 276632	Expiry Date:	23.07.2020
Case Officer	Helen Hawkes	Ward:	Blakebrook And Habberley South

Proposal: **Erection of roof extension to provide third floor, conversion of existing first and second floors and new third floor to provide 12no. apartments, with access and bin/bike store**

Site Address: **21 - 25 Vicar Street, Kidderminster, Worcestershire, ,**

Applicant: **Mr Marsden**

Summary of Policy	CC2 CC1 CC7 CP01 CP02 CP03 CP04 CP07 CP11 DPL1 DPL4 DS02 KCA NPPF PFSD1 UP6 UP7 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for Committee Referral	Major Application Application involving proposed Section 106 Agreement

1.0 Planning History (of relevance)

13/0574/FULL - Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey. Withdrawn 03 December 2014

13/0575/LIST - Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey. Withdrawn 03 December 2014

13/3030/PNRES Prior Approval for residential conversion of building to provide 6 2-bed apartments: Granted 02.12.2013

15/0171/FULL - Proposed residential conversion to form 9 apartments: Approved 14.05.2015

15/0172/LIST - Proposed residential conversion to form 9 Apartments: Approved 14.05.2015

16/3028/PNRES - Change of use of a building from Office Use (Class B1(a)) to dwelling house (Class C3): Approved

20/0146/FUL

16/0381/LIST - Proposed residential conversion to form 8 apartments: Approved 10.08.2016

16/9013/NMA - Alterations to internal layout previous approval 15/0171/FULL: Approved 10.08.2016

2.0 Consultations and Representations

Town Council

No Objection

Conservation Officer (WFDC) Development on this site has potential to affect the setting of designated and undesignated heritage assets within the Vicar Street & Exchange Street Conservation Area (also a designated heritage asset). The applicant has submitted a heritage statement describing the significance of those heritage assets affected by the development and this is in accord with the NPPF at paragraph 189. A comparison between the 'as existing' and 'as proposed' elevations (as per the application drawings), illustrates how the existing building sits adjacent to 17-20 Vicar Street, a fine polychromatic brick Grade II listed commercial building thought to be by the respected Victorian architect J.G. Bland. The listed building sits confidently above the modern 1960's building at 21-25 Vicar Street and of particular significance is its dentil and arcaded eaves cornice in red, white and blue, the bands of contrasting brickwork at impost height and bands around the cills. Viewed from the junction of Mill Street and Crown Lane to the west of the application site 17-20 Vicar Street also stands well above the adjacent development and it is from this viewpoint that the hipped slate roof and decorative eaves detail of the gable end can be best appreciated. Viewed from the Bromsgrove Street Car Park to the east 17-20 Vicar Street stands well above the adjacent buildings on either side which serves to exaggerate its height and draws the eye towards the similar height of the town hall to the south. The isolated prominence of the roof in views across the roofscape of the town adds to the architectural interest of this building and thus its significance. Perhaps the most important view of the Vicar Street & Exchange Street Conservation Area relevant to this application is the view from immediately outside the entrance to the Swan Centre looking south along Vicar Street towards the application site. Here the bulk of the three 1960's buildings (21-25 Vicar Street, 26-31 Vicar Street and 1 High Street) is relieved by the prominent additional storey of 17-20 Vicar Street with its ornate architectural details in contrast to the plain frontage of 21-25 Vicar Street (26-31 has prominent vertical concrete panels which add some architectural interest).

20/0146/FUL

The height of the flat roofed buildings at 1 Weavers Wharf/16 Vicar Street; 21-25 Vicar Street and 26-31 Vicar Street is one storey lower than the listed building at 17-20 Vicar Street. Thus the building in views along Vicar Street stands out prominently when viewed in either direction. Impact on the Conservation Area and listed buildings When the original application was approved the buildings on Vicar Street were dwarfed by Crown House which was then by far the tallest building in the centre of the town. Since the demolition of Crown House views across the roofscapes of the town centre have altered considerably and new views and vistas have been opened up. Historic buildings which have regained prominence in views across the area include St Mary's Church, Baxter Church, 17-20 Vicar Street, the Town Hall and Corn Exchange, Former Magistrates Court Worcester Street and the Mills on New Rd and Green St. There is at present a consistency in the height of the 'modern' buildings lining the west side of Vicar Street which maintains the prominence of the listed buildings at 17-20 Vicar Street. In views south down Vicar Street this also maintains the prominence of the listed building at 1 & 2 Vicar Street (Lloyd's Bank). I have concerns that the addition of an extra storey to 21-25 Vicar Street will:

- a) reduce the significance of the listed buildings by diminishing their setting by overwhelming them in views south from the Bull Ring
- b) give undue prominence to this building (which is visually if not legally) within the centre of the Vicar Street Conservation Area as viewed from the west and in wider views across the town from elevated locations including the Ring Road.

The onus is on the applicant to provide clear and convincing justification that the addition of an extra storey on this building will not diminish that element of significance of the listed buildings which is derived from their settings. It is also the responsibility of the applicant to demonstrate that their proposal will preserve or enhance the appearance of the Vicar Street Conservation Area. In this case the applicant acknowledges that there will be some harm caused to heritage assets (albeit less than substantial harm). I agree. By building up against the north end gable of this building some of its intrinsic significance will be lost ' it will no longer stand out confidently within the townscape and will instead appear part of an elongated terrace, albeit with a pitched roof. The impact of the proposal on the designated heritage asset (Grade II listed building) 17-20 Vicar Street will thus cause less than substantial harm to its significance.

20/0146/FUL

The impact of the proposal on the designated heritage asset Vicar Street and Exchange Street Kidderminster Conservation Area will be to reduce the visual impact of 17-20 Vicar Street as seen in the streetscape and thereby diminishing the architectural interest of the views along Vicar Street as a result. Moreover to add an additional storey to this building will further reinforce its weak design in comparison to other 1960s buildings in the town, and this too will compromise views of the Conservation Area, and will certainly not preserve or enhance the special interest of the Area. As a result the impact on the significance of the Conservation Area is less than substantial harm. I consider that the proposal does not, therefore, comply with the requirements of Policy SAL.UP6. Whilst provision of additional housing is a major priority for the District at this time and the NPPF at paragraph 196 allows the LPA to consider any public benefits which might outweigh the harm identified, I urge caution. The encouragement of the expansion of already unattractive buildings will only contribute to their longevity to the detriment of the character of the town as a whole.

Conservation Officer
(Second comments)

No further comment other than 600mm is an insignificant drop in the proposed height of the extension in my opinion.

County Archaeology

No archaeological concerns or issues - the building is not an undesignated heritage asset and although the location has high potential for below-ground archaeological remains, this application proposes no groundworks. The setting of the designated heritage assets and the Conservation Area is a matter for the Conservation Officer

20/0146/FUL

North Worcestershire Water Management (WFDC)

I have reviewed the information submitted for application 20/0146/FUL - Erection of roof extension to provide additional floor, conversion of existing first floor and proposed second floor levels to 12no. apartments, with access and bin/bike store a 21 - 25 Vicar Street, Kidderminster, Worcestershire, DY10 1DA. Contrary to the current description (cited above) it is my understanding that the proposal is for apartments on the existing first and second floors and the proposed additional third floor. As far as I am aware the site is not at risk of flooding from any source. Surface water flood risk modelling has identified a medium risk of flooding for Vicar Street, but there is I understand an alternative access to the building at the rear which is not at risk of flooding. It is my understanding that the proposed development will be entirely within the footprint of the existing building and as such there will be no change in surface water runoff. It would be unreasonable to expect this development to incorporate SuDS etc as per the Council's policy. Surface water and foul water drainage arrangements will I believe be sufficiently covered by a future Building Control application. There would therefore be no need to attach a drainage condition. The applicant should be aware that connection to the sewer system and any changes to existing flows (relevant for foul water only) will need to meet Severn Trent's approval, even if the existing sewer connection is being re-used.

Nuisance Assessment Team (WRS)

Thank you for consulting WRS, we have reviewed 'Environmental Noise Assessment 21-25 Vicar Street, Kidderminster' prepared by Acoustic Consultants Ltd ref: 8382/SL. The noise assessment indicates that 'good' internal noise levels as per BS8233:2014 can be achieved with the installation of suitable mitigation. We would advise that conditions be used to secure the minimum specifications of glazing, façade construction and ventilation in order to protect the amenity of future residents. WRS advise that façade construction, glazing and ventilation meet the specifications advised within section 6 of the above report. *External walls shall be constructed to achieve minimum sound insulation performance of 52 Rw as per table 7.0 *Roof construction shall achieve a minimum sound insulation performance of 44 Rw as per table 8.0 *Windows within Bedrooms shall achieve a minimum sound insulation performance of 36 Rw as per table 9.0 with a recommended construction of 10/12/4. *Windows within Living Rooms shall achieve a minimum sound insulation performance of 31 Rw as per table 9.0 with a recommended construction of 4/12/4.

20/0146/FUL

In order to achieve suitable internal noise levels and adequate ventilation with windows closed either mechanical ventilation or trickle vents will be required. *Any ventilators/trickle vents installed shall achieve a minimum sound reduction of 37dB D n e w within bedrooms and 32dB D n e w within living rooms, as per table 10.*Should a mechanical ventilation system be installed, the required sound level difference to 'habitable rooms' through the system shall be, at a minimum, 25 dB(A). This is the difference between the outside façade level and the level inside a furnished room at one-and-a-half metres from the vent. The existing separating floor between existing retail units and residential properties above is suitable to achieve 60 dB DnT,w. Kind regards, PNPP Team Technical Services Worcestershire Regulatory Services

Contaminated Land Team (WRS)

No Comment Received.

Highways Authority (WCC)

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 has no objection subject to conditions. Observations It is noted that the retail use will be retained on the ground floor and no parking is associated with the proposed development. However, it is acknowledged that the site is in a town centre location with a high degree of sustainability and a 'parking free' development is acceptable. The loading bays to the rear of the site should be clearly marked out to prevent any displacement parking. In line with standards, where possible, cycle parking is expected for both residential and retail uses and a Welcome Pack to promote sustainable travel options to future residents should be submitted for approval prior to occupation. 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.

20/0146/FUL

Nuisance Assessment Team (WRS)

Thank you for consulting WRS, we have reviewed 'Environmental Noise Assessment 21-25 Vicar Street, Kidderminster' prepared by Acoustic Consultants Ltd ref: 8382/SL. The noise assessment indicates that 'good' internal noise levels as per BS8233:2014 can be achieved with the installation of suitable mitigation. We would advise that conditions be used to secure the minimum specifications of glazing, façade construction and ventilation in order to protect the amenity of future residents. WRS advise that façade construction, glazing and ventilation meet the specifications advised within section 6 of the above report. External walls shall be constructed to achieve minimum sound insulation performance of 52 Rw as per table 7.0 Roof construction shall achieve a minimum sound insulation performance of 44 Rw as per table 8.0. Windows within Bedrooms shall achieve a minimum sound insulation performance of 36 Rw as per table 9.0 with a recommended construction of 10/12/4. Windows within Living Rooms shall achieve a minimum sound insulation performance of 31 Rw as per table 9.0 with a recommended construction of 4/12/4. In order to achieve suitable internal noise levels and adequate ventilation with windows closed either mechanical ventilation or trickle vents will be required. Any ventilators/trickle vents installed shall achieve a minimum sound reduction of 37dB D n e w within bedrooms and 32dB D n e w within living rooms, as per table 10. Should a mechanical ventilation system be installed, the required sound level difference to 'habitable rooms' through the system shall be, at a minimum, 25 dB(A). This is the difference between the outside façade level and the level inside a furnished room at one-and-a-half metres from the vent. The separating floor between existing retail units and residential properties above is suitable to achieve 60 dB DnT,w.

Neighbour/Site Notice Representations

No responses received from public participation.

20/0146/FUL

3.0 Site Location and Description

- 3.1 The application site relates to a three storey 1960's flat roof building, which has a frontage to Vicar Street and falls within the Primary Shopping Area of Kidderminster town centre. The building is finished in a mix of materials that include red brick, concrete and additional brick detail panels, with tall vertical fenestration on each floor. It is currently occupied by commercial premises on the ground floor with two floors of vacant office space above. Access to the upper floors is provided by an existing external staircase.
- 3.2 The application site immediately adjoins a four storey Grade II listed building and falls within the Vicar Street & Exchange Street Conservation Area.

4.0 Officer Comments

- 4.1 This application seeks to change the use of the existing first and second floors from vacant office accommodation into 8 apartments and erect a roof top extension to provide an additional third floor, which would be occupied by a further 4 apartments, giving a total of 12 apartments.
- 4.2 The proposed roof top extension would be constructed in materials to match the existing building and would have a flat roof similar the existing built form of the 1960s building. Since originally submitted, the proposed extension has been reduced in height by 0.60 metres in an attempt to overcome the concerns raised by the Conservation Officer. No other alterations are proposed to the existing building.
- 4.3 The proposed scheme would provide 4 apartments on each floor consisting of 9 x 1 bed units and 3 x 2 bed units. The layout of the apartments would comprise an open plan kitchen/dining/living room, bathroom and one or two bedrooms and the one-bed units would measure between 45sq.m and 48sq.m in gross internal floor area (GIA) and the two bed units would all measure 58sq.m in GIA. The bedrooms would measure between 9sq.m and 13sq.m (only floor areas above 1.5 metres in room height have been measured) and access to all of the apartments would be gained from the rear of the building via Crown Lane.
- 4.4 The application has been supported by a Design and Access Statement, Heritage Statement and a Noise Impact Assessment.

BACKGROUND INFORMATION

- 4.5 The application site has been subject to various previous applications for the conversion of the upper floors of this building into apartments. The most recent application was approved in 2015 (reference 15/0171/FULL) which was later amended under application 16/9013/NMA for the conversion of the first and second floors of the application building as well as the front part of the upper three storeys of the adjacent listed building (Nos. 17 – 20 Vicar Street) into 16 apartments.

20/0146/FUL

There has been a previous application in 2013 (reference 13/0574/FULL) which also sought to convert the upper floors of these two buildings into apartments and included a roof top extension to Nos. 21 – 25 Vicar Street, however this application was withdrawn. In addition, two prior approval applications were granted to convert the rear part of the upper floors of Nos. 17 – 20 Vicar Street into 6 apartments. Despite various approved schemes, none have been implemented and the upper floors of this building have remained vacant for a number of years.

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.6 The National Planning Policy Framework contains a presumption in favour of sustainable development and strongly seeks to delivery new housing and supports the re-use of buildings for uses that will promote sustainable modes of travel.
- 4.7 The Development Plan recognises that the District has a number of larger properties for which the original use may no longer be viable. Sub-dividing such buildings into smaller residential units can secure the future of such buildings. The applicant has advised in their Design and Access Statement that the office use had continued until recent economic downturn which has rendered the out dated office accommodation surplus to present day standards and workplace requirements and as such alternative uses have been considered to bring the building back into use.
- 4.8 The application site is located in the Primary Shopping Area of Kidderminster town centre location where residential accommodation on the upper floors of commercial premises is to be supported, as outlined in Policies KCA.DPL1 and KCA.GPB2 of the Adopted Kidderminster Central Area Action Plan.
- 4.9 Policy SAL.DPL4 of the Adopted Site Allocations and Policies Local Plan advises that proposals for the conversion of existing buildings into flats will be considered having regard to the intensity of the proposed use and the accessibility of the location to shops and other services. It further advises that proposals will be supported provided that:
- i. Conversion is not detrimental to the appearance of the building and the building and plots are of a suitable size for conversion.
 - ii. Appropriate provision is made for parking, cycle parking, private amenity space and refuse storage.
 - iii. The proposal will not be detrimental to the character of the area. iv. The internal layout minimises noise disturbance and overlooking to neighbours.
- 4.10 In principle, I therefore welcome the conversion of the vacant and underused upper floors of this building for residential accommodation, subject to the following assessment on whether the proposed development would be acceptable in terms of its impact on the appearance of the building, the character of the area and the significance of heritage assets, parking and residential amenity.

20/0146/FUL

IMPACT ON THE LISTED BUILDING AND THE CONSERVATION AREA

- 4.11 Sections 162(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be given to “the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses”.
- 4.12 The National Planning Policy Framework recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the asset’s conservation (paragraph 193) and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 194). The Framework also places great importance on development being good design and being designed to function well, visually attractive and ensure that they add to the overall quality of the area (paragraph 127).
- 4.13 Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan states that any development proposal affecting the District’s heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. It also advises that the re-use of heritage assets will be encouraged where this is consistent with the conservation of the specific heritage asset.
- 4.14 The application site comprises a 1960’s two storey, modern flat roof utilitarian style building that has a relatively wide frontage to Vicar Street which is the principal thoroughfare within the Vicar Street & Exchange Street Conservation Area and sits immediately adjacent to a Grade II listed building at Nos. 17 – 20 Vicar Street.
- 4.15 The principal style of buildings in the Conservation Area consists of high quality nineteenth century interpretation of the Italianate, particularly as exemplified by the Grade II listed building at Nos. 17 – 20 Vicar Street, and as a group these buildings exhibit a sense of civic dignity which make a positive contribution to the character and appearance of the Conservation Area. Nos. 17 – 20 Vicar Street was built in 1872 and was originally part of a carpet manufacturing factory and thus, its significance as a heritage asset derives from both its architectural and historic interest.
- 4.16 The Character Appraisal for the Vicar Street & Exchange Street Conservation Area (January 2015) also points out that most of the buildings in the Conservation Area are two or three generously proportioned storeys in height. The proposed roof top extension would raise the height of the application building to three storeys, which is therefore in keeping with other buildings in the Conservation Area.

20/0146/FUL

- 4.17 It is also noted in the Character Appraisal that there are several important views and vistas associated with the Conservation Area and that the roof and upper storeys of the listed buildings (Nos. 17 – 20 Vicar Street) can be viewed from the public car park in Bromsgrove Street, which occupies higher ground, and that the decorative eaves, dentil courses and brickwork to the fourth storey catches the eye above the adjoining flat roofed buildings. I also recognise from my site visit that Nos. 17 – 20 Vicar Street has also regained prominence in views from Bull Ring and Pitts Lane since the demolition of Crown House.
- 4.18 The applicant has submitted a comprehensive Heritage Statement which advises that the "... adjacent listed buildings command such a high degree of prominence and are so strikingly different in appearance to the application building that the creation of another storey will not have any detrimental impact". It further states that the "... proposed scheme would cause 'less than substantial harm' and will be clearly balanced by the public benefit of enhancing the building's compatibility with the heritage significance, as well as it's setting in the Conservation area. Public benefits of the scheme are contained in a regeneration of this building and securing its optimum viable use".
- 4.19 I note that the Conservation Officer has recommended refusal of the application and considers that the proposed additional storey to this 1960's building would: reduce the significance of the listed buildings by diminishing their setting by overwhelming them in views south from the Bull Ring; and that the development would give undue prominence to the application building in the centre of Vicar Street & Exchange Street Conservation Area as viewed from the west and in wider views across the town from elevated locations including the Ring Road. Whilst the Conservation Officer agrees with the applicant's conclusions in the submitted Heritage Statement that the proposals would result in less than substantial harm, in the context of Paragraph 196 of the Framework, it is considered by the Conservation Officer that the harm would not be offset by the public benefits of the scheme.
- 4.20 In response to these comments, the applicant has reduced the height of the roof top addition by 0.60 metres which would make the proposed ridge height of the application building 3.6 metres lower than the listed building at Nos. 17 – 20 Vicar Street. I am of the view that the amended height of the roof extension would not diminish the setting of the listed building (Nos. 17 – 20 Vicar Street) as the listed building would still appear as a key feature in the townscape and its architectural interest in terms of its ornately decorated eaves and brickwork would still be visible above the application building.
- 4.21 Although long distance views have been opened up from Bull Ring and Pitts Lane (across Crown Lane) following the demolition of Crown House, I am of the view that the listed building would still remain prominent and that the additional third storey to the application building will not be highly noticeable given that it would be a similar height as the buildings located on the opposite side of the listed building at Nos. 26 – 31 Vicar Street and due to the various building heights and built forms to the rear of these buildings that front onto Vicar Street.

20/0146/FUL

- 4.22 I am therefore satisfied that the harm to the significance of the designated heritage assets would amount to less than substantial harm.
- 4.23 Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.24 In the case of this application, the proposals would increase the amount of people living within the town centre, which would help to boost the housing land supply and make a positive contribution to the vitality and viability of the town centre. It would also secure an optimum viable use of this heritage asset, which would ensure its long term use and maintenance and help to sustain and enhance the special historic, architectural interest of this building and adjacent listed buildings and the surrounding conservation area.
- 4.25 I conclude that the public benefits of the proposals, including securing its optimum viable use, would outweigh the less than substantial harm resulting from the roof top extension. I am therefore satisfied that the development would accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

RESIDENTIAL AMENITY

- 4.26 The existing building already has planning consent to be converted into residential accommodation, as approved under application 15/0171/FULL and amended by 16/9013/NMA.
- 4.27 The applicant has submitted a Noise Impact Assessment which included a noise survey of the area during Friday 15th May 2020 and Monday 18th May 2020. Within the survey report, it does note that Vicar Street, was busy, despite the Covid-19 crisis lockdown with pedestrians queuing outside the banks and chatting and the survey did record noise from a delivery vehicle on Church Lane. A number of noise mitigation measures are recommended in the Noise Impact Assessment to ensure the proposed apartments achieve good living conditions. Worcestershire Regulatory Services raise no objection subject to the recommended noise mitigation measures being implemented and secured by condition. I agree with these comments and I am satisfied that the future occupiers of the proposed apartments would not be adversely impacted by noise nuisance or result in noise complaints that would prejudice any existing businesses.

20/0146/FUL

- 4.28 The proposed living accommodation would provide acceptable room sizes in line with the minimum standards set out in the Government's nationally described space standards and all habitable rooms would have a source of natural daylight and ventilation. I therefore consider that the proposals would provide a good standard of amenity for future occupiers in accordance with Policy SAL.DPL4 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 127 and 170 (e) of the Framework.

PARKING AND HIGHWAY SAFETY

- 4.29 Under Policy SAL.DPL4 ('Flat Conversions') of the Adopted Site Allocations and Policies Local Plan it highlights that in town centres, parking requirements may be relaxed where this is not possible or desirable.
- 4.30 The existing building has no off-street parking provision and no parking was proposed in the previous approved schemes. The site is highly accessible by a range of sustainable travel modes. Vicar Street is a pedestrianised only street and Crown Lane currently has public provision for street parking although this is controlled within the hours of 8am to 6.30pm to 1 hour allowing overnight parking or provision for 1 hour visits.
- 4.31 The Highways Authority has raised no objection and considers that the proposed scheme is acceptable given that the development is for one and two-bed apartments where future occupiers are unlikely to own a car and that the site is in a sustainable location in which occupiers would not be reliant on private cars to access day to day shopping needs and employment. As recommended by the Highways Authority conditions are attached to secure a Welcome Pack and cycle parking in order to promote sustainable travel.

AFFORDABLE HOUSING / PLANNING OBLIGATIONS

- 4.32 Vacant building credit can be applied where a vacant building is being brought back into any lawful use, however, this does not apply to any new floor space being provided as a result of an application. In the case of this application, the proposals would create four apartments in the new floor area on the third floor, however, once the vacant building credit is taken into account there would be no requirement for affordable housing provision or contribution.
- 4.33 The Planning Obligations, Supplementary Planning Document also requires a planning obligation for open space/outdoor amenity space/sport and recreation facilities for all major developments. The proposed scheme would generate an off-site contribution of £1,743.12 and it has been agreed that this contribution would be spent on providing play surface upgrade and improvements at Brinton Park. I am satisfied that this planning obligation meets the statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations) and Paragraph 56 of the Framework, as it is considered to be necessary, directly related to the development, fair and reasonably related to the scale and kind of the development proposed. No financial contribution are being sought for Education provision given that the development is only for one and two-bed residential units.

20/0146/FUL

5.0 Conclusion and Recommendations

- 5.1 The proposed scheme would be a sustainable form development as it would provide housing in a town centre location with excellent accessible links by walking, cycling and public transport services and would make a positive contribution to the vitality and viability of the town centre.
- 5.2 Moreover, the public benefits of the proposals, including securing its optimum viable use, would offset the less than substantial harm resulting from the roof top extension. No objection has been raised by the Highways Authority or Regulatory Services. Subject to safeguarding conditions, I consider that the proposed scheme is acceptable and in accordance with relevant policies contained within the Development Plan and the Framework.
- 5.3 It is therefore recommended that the application be granted **delegated** authority to **APPROVE** subject to the following:
- a) the signing of a **Section 106 Agreement**; and
 - b) the following conditions:
 - 1. Three-year time limit
 - 2. Noise Impact Assessment to be submitted.
 - 3. External materials
 - 4. To require all satellite antennas/aerials to be installed to the roof or rear elevation of the building only
 - 5. Require a Welcome Pack
 - 6. Cycle storage details
 - 7. Refuse storage details

PART B

Application Reference:	20/0336/LBC	Date Received:	01.05.2020
Ord Sheet:	380915 271295	Expiry Date:	26.06.2020
Case Officer:	Richard Jennings	Ward:	Areley Kings And Riverside

Proposal: Provision of new Fire Escape to rear

Site Address: 2-3 New Street, Stourport On Severn, Worcestershire, DY13 8UN,

Applicant: Wyre Forest District Council

Summary of Policy	CP11 UP6 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for Committee Referral	The Applicant is Wyre Forest District Council

1.0 History

- 14/0504/REGS3 Change of use to Café
Approved
- 17/0020/REGS3 Use of property to provide 11 short term residential accommodation and associated office space
Approved
- 17/0021/LIST Internal alterations to create residential accommodation and office space
Approved
- 17/0364/TCA Fell Conifer
Approved
- 18/0457/LIST Additional works in conjunction with conversion of building
Approved

20/0336/LIST

2.0 Consultations and Representations

Parish Council

Recommend Approval.

Conservation Officer (WFDC)

The proposed new fire escape replaces an existing one on the same footprint. The visual impact on the listed building and the Conservation Area remains unchanged: the fire escape is attached to the side elevation of the building which faces the side elevation of 1 New Street. As a result there is no additional harm caused to designated heritage assets and thus the overall impact is neutral. Therefore the application fulfils the requirements of Policy SAL.UP6.

Neighbour/Site Notice Representations

No responses received from public participation.

3.0 Site Location and Description

- 3.1 The host property is a Grade II Listed Building within the Conservation Area in the town centre of Stourport on Severn. It is located on New Street and is surrounded by residential and commercial properties in New Street and Raven Street.
- 3.2 The proposal seeks consent to renew and replace a fire escape staircase up to first floor which is currently of concrete construction to link with the existing steel staircase above the first floor. The application is submitted by the District Council.

4.0 Officer Comments

- 4.1 As an application for Listed Building Consent, it falls to consider the impact on the fabric, setting and character of the Listed Building. There is a statutory duty to ensure that special regard is given to preserving the building and its setting. The comments of the Conservation Officer are set out in full above.
- 4.2 As the Conservation Officer highlights, the visual appearance of the listed building remains unchanged: the proposed fire escape is attached to the side elevation of the building which faces the side elevation of 1 New Street. Views of the proposal are very limited from outside the site and its functional requirement and materials ensure that it harmonises with both the Listed Building to which it is affixed.

20/0336/LIST

- 4.3 The proposal results in no greater impact than the current staircase which is to be replaced and the overall resulting impact on the listed building is neutral, with no adverse harm resulting to its fabric, setting or character. The proposal therefore complies with the requirements of Policy SAL.UP6.

5.0 Conclusions and Recommendations

- 5.1 The current proposal is for the replacement of an existing redundant concrete fire escape for a modern, functional replacement in black painted galvanized steel. The proposal causes no greater harm to the Listed Building on which it is affixed. The proposal results in no greater harm to the amenity enjoyed by neighbouring properties above and beyond that currently experienced by the existing escape and the proposal is therefore Policy Compliant.
- 5.2 It is therefore recommended that the application be **APPROVED**, subject to the following conditions:
1. A7 (Listed Building/Conservation Area Consent)
 2. B6 (Materials in accordance with the details provided)
 3. The staircase hereby approved shall be painted black prior to its first use and maintained thereafter.
 4. Approved Plans