

Open

# Planning Committee

## Agenda

To be held remotely  
6pm  
Tuesday, 17th November 2020



## Planning Committee

### Members of Committee:

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

Councillor J Aston

Councillor A Coleman

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](mailto:sian.burford@wyreforestdc.gov.uk)

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

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

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

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

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

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

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

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

## 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, 17th November 2020

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 20 <sup>th</sup> October 2020.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	13
6.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

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

Part 2

Not open to the Press and Public

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

HELD REMOTELY

20TH OCTOBER 2020 (6PM)

---

**Present:**

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

**Observers:**

Councillors: R Coleman, P Dyke, M Rayner, A Totty and P W M Young.

The Chairman thanked Councillor J Aston for his contribution as Vice Chair of the Committee and welcomed Councillor C J Barnet who was taking over the role. She also welcomed Councillor A Coleman and thanked Councillor S Chambers for her service to the Planning Committee.

**PL.26 Apologies for Absence**

Apologies were received from Councillor J Aston.

**PL.27 Appointment of Substitutes**

Councillor H E Dyke was appointed substitute for Councillor J Aston.

**PL.28 Declarations of Interests by Members**

Councillor L Whitehouse declared an Other Disclosable Interest (ODI) in respect of application 20/0077/FUL that his Grandfather was the owner of the land and he would leave the meeting whilst the application was determined.

**PL.29 Minutes**

**Decision: The minutes of the meeting held on 15<sup>th</sup> September 2020 be confirmed as a correct record of the meeting and signed by the Chairman.**

**PL.30 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Management Schedule No.589 attached).

Councillor A Totty entered the meeting at 6:07pm and Councillor P W M Young entered the meeting at 6:15pm.

Councillor L Whitehouse left the meeting at 6:26pm whilst application 20/0077/FUL was determined and returned at 6:32pm.

#### **Agenda Item No. 4**

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 589 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 6:38pm



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**20<sup>th</sup> October 2020 - Schedule 589 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.

<b>Application Reference:</b> 20/0500/FUL						
<b>Site Address:</b> 14 Lenchville, Kidderminster, Worcestershire, DY10 2YU						
The Committee received representation from Fiona Humpage (Objector) and Councillor M Rayner (Ward Member) prior to a decision being made.						
<p><b>APPROVED</b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. B1 (samples/details of materials)</li> <li>4. Site and Finished Floor Levels</li> <li>5. Landscaping Scheme and Implementation</li> <li>6. Details and implementation of fencing to separate badger sett from rear garden and to ensure the type of fencing does not restrict badger movement to existing commuting paths</li> <li>7. Provision of a minimum of 2 bird and bat boxes</li> <li>8. External lighting details</li> <li>9. Implementation of recommended working methods/mitigation measures to ensure no harm to protected species</li> <li>10. Removal of Permitted Development Rights for extensions, windows and enlargements of the bungalow.</li> <li>11. Scheme of surface water drainage strategy</li> <li>12. Access, turning area and parking facilities including cycle parking to be provided</li> <li>13. The submitted Construction Environmental Management Plan (CEMP) shall be implemented in full throughout the construction phase, as approved by the Highway Authority.</li> </ol> <p>Notes</p> <table style="margin-left: 20px;"> <tr> <td>A</td> <td>Severn Trent Water</td> </tr> <tr> <td>B</td> <td>Natural England Development Licence</td> </tr> <tr> <td>C</td> <td>Ringway Infrastructure Service to carry out all highway work.</td> </tr> </table>	A	Severn Trent Water	B	Natural England Development Licence	C	Ringway Infrastructure Service to carry out all highway work.
A	Severn Trent Water					
B	Natural England Development Licence					
C	Ringway Infrastructure Service to carry out all highway work.					

**6:26pm - Councillors M Rayner and L Whitehouse left the meeting at this point.**

**Application Reference:** 20/0077/FUL

**Site Address:** Former Rock Works, Park Lane, Kidderminster, Worcestershire

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

- a) the signing of a **Section 106 Agreement** to secure contributions towards Public Open Space; and
- b) the following conditions:
  - 1. 3-year Time Limit
  - 2. To require External Materials to be agreed.
  - 3. To require reinstatement of the existing dropped kerb crossings on site prior to first occupation, except for one dropped kerb to serve the adjacent tunnels
  - 4. To prevent ground floor from being used for car parking by residents
  - 5. Details of a communal satellite to serve residential units
  - 6. To secure Refuse Storage
  - 7. To secure Cycle Storage
  - 8. To secure Communal lift
  - 9. To require Welcome Pack to promote sustainable travel options
  - 10. To require secure access control system to communal door to be agreed
  - 11. To require Noise mitigation scheme to be agreed
  - 12. To require an updated ecological report to be undertaken and mitigation to be agreed
  - 13. To require replacement roost measures to be agreed
  - 14. To require a Programme of Historic Building Recording to be agreed
  - 15. To require damage to listed building during approved works to be made good
  - 16. To require a scheme for surface water drainage strategy to be agreed

Notes

- 1. This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk) Tel: 01905 751651. The applicant is solely responsible for all costs associated with construction of the access.

**6:33pm Councillor L Whitehouse re-joined the meeting at this point.**

**Application Reference:** 20/0508/RES

**Site Address:** Churchfields Business Park, Churchfields, Kidderminster, Worcestershire, DY10 2JL

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

- a) the submission of satisfactory revised plans indicating alterations to Plots 85 - 90 and:
- b) No objections from Highway Authority; and
- c) The following conditions;
  - 1. Approval of matters reserved under Condition 2 of Outline Consent 18/0285/OUTL
  - 2. Prior to first occupation, the pedestrian footway linking Churchfields with York Street to be completed
  - 3. Prior to the occupation of the 200<sup>th</sup> dwelling, the agreed Schedule of Works to enable the conversion of the 1902 building to be completed.
  - 4. Details of smoke stall risers to be submitted and agreed
  - 5. Details of removal and remounting of the two stone plaques
  - 6. Details of lighting to public realm adjacent to the 1902 building
  - 7. Implementation of noise mitigation measures as recommended in the Noise Impact Assessment, including acoustic fencing, glazing and ventilators
  - 8. Removal of Permitted Development Rights for fences, gates or walls forward of any dwelling house
  - 9. Removal of Permitted Development Rights for upward extensions and rear extensions
  - 10. Arboricultural Method Statement to be implemented
  - 11. Cycle storage details for dwelling houses without garages to be submitted and agreed
  - 12. Implementation of Landscape Management Plan
  - 13. To require all windows to dwellinghouses and new apartment building to have a minimum window reveal depth 70mm from the façade of the building, as indicated on Drawing No. WD350.

**NOTES**

- 1. This approval should be read in conjunction with the obligation entered under Section 106 of the Town and Country Planning Act 1990 (as amended) which accompanied outline consent 18/0285/OUTL
- 2. This application formally agrees the details reserved by condition Nos. 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 26, 28 (Parts a - d), 30, 31 and 33 attached to 18/0285/OUTL. These conditions are not discharged until the approved details have been fully implemented.
- 3. Attention is drawn to the following outstanding pre commencement and/or prior to first occupation conditions attached to 18/0285/OUTL which have not

Cont..

been agreed by this application. These are condition Nos. 19 (Travel Plan); 21 (Surface Water Drainage Strategy); 25 (Archaeology WSI publish/archive); 28 Parts e -f (Remedial works); and 32 (Construction Environmental Management Plan).

4. Attention is drawn to conditions 8 and 9 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission.

**but if by the 18<sup>th</sup> December 2020** satisfactory amended plans have not been received and/or the Highway Authority maintain an objection, **delegated** authority to **REFUSE** for the following reason:

1. The means of vehicle access to/from Plots 85 - 90 are inadequate and would lead to a detrimental impact on pedestrian/vehicle safety on the adjacent highway. As such the proposal would be contrary to Policies CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 109 ad 110 of the National Planning Policy Framework.

**Application Reference:** 20/0454/FUL

**Site Address:** 11 Osborne Close, Kidderminster, DY10 3YY

The Committee **NOTED:**

1. The decision taken by Officers following consultation with the Chairman, to defer the consideration of the application and to postpone the Committee site visit.

And decided:

2. In the event of a change of circumstances by way restrictions being introduced locally and/or nationally related to Covid 19 that mean it is not possible or is inadvisable for members to gather on site for a site visit, delegated authority is given to the Development Manager in consultation with the Chairman and Vice Chairman of Planning Committee to agree a way to provide members of the Planning Committee with additional visual information to enable them to make a decision on the application when it comes before them in place of a site visit.

**EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER**

**Planning Committee**

**Part A Applications**

<b>Ref:</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
20/0289/FUL	111 Chester Road South Kidderminster DY10 1XG	Approval	14
20/0454/HOU	11 Osborne Close Kidderminster DY10 3YY	Approval	32

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE****17 November 2020****PART A**

<b>Application</b>	<b>20/0289/FUL</b>	<b>Date</b>	<b>16.04.2020</b>
<b>Reference:</b>		<b>Received:</b>	
<b>Ord Sheet:</b>	<b>383792 275842</b>	<b>Expiry</b>	<b>11.06.2020</b>
		<b>Date:</b>	
<b>Case Officer</b>	<b>Julia Mckenzie-Watts</b>	<b>Ward:</b>	<b>Aggborough And Spennells</b>

**Proposal:** Residential development consisting of 15no. dwellings (to include 4x1 bed, 6x3 bed and 5x4 bed with 4no. units to be affordable), with associated access, parking and landscaping works

**Site Address:** 111 Chester Road South, Kidderminster, DY10 1XG

**Applicant:** Mr Sohan Kalsi

<b>Summary of Policy</b>	Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Recommendation</b>	<b>Approval</b>
<b>Reason for Referral to Committee</b>	Major planning application

**1.0 Planning History**

17/0617/OUTL - Outline application for proposed residential development of 10 dwelling houses with all matters reserved – 21 February 2018 – Approved with conditions

19/3024/DEM - Demolition of former car sales building, canopies and commercial units within the site - 12 June 2019 – Approved with conditions

19/0573/FULL – Erection of 15 no. dwellinghouses (C3) including access, parking and landscaping – 30<sup>th</sup> January 2020

**2.0 Consultee and Representations**

2.1 Parish Council – No objection

20/0289/FUL

2.2 Highway Authority – No Objection subject to conditions. Further to the refusal comment the applicant has submitted revised details to show the location of the private drives and the associated parking has been ‘switched’ to allow for improved junction separation and vehicle manoeuvring. Tracking details for a range of vehicles have been provided to support this layout. Access to the private drives has been widened to 4.8m to allow 2 vehicles to pass and the parking spaces in this location are shown to comply with standards with circulation space included. The spaces for Plots 6 and 7 have been marginally improved within the constraints of the site and vehicle crossovers will allow for pedestrian priority. Low level green boundary treatment as indicated is required to minimise the glare of headlights from vehicles parking on the private drives.

A S278 / 38 agreement will be required to deliver the works on the highway to reinstate full height kerbs and construct the main site access with tactile paving to WCC specifications. A contribution of £600 is requested for the provision of a Bissel Post and flag on the bus stop on Chester Road South which can be achievable via a S106 agreement.

It is noted that there is a telegraph pole and BT box on the footway in this location and the cost of removing and re-location this equipment if required must be borne by the applicant.

The highways authority has undertaken a robust assessment of the planning application and concluded that there are no justifiable grounds on which any objections could be maintained. Approval subject to the inclusion of four conditions and four notes.

2.3 Designing Out crime Officer – I suggest that gates, level with the front building line, are required at the side of plots 1 and 10 (This may mean extending the side fence so that it is level with the front building line). And between plots 3&4 and 5, plot 8 and 9. The side doors on plots 11, 12 and 13 are vulnerable, particularly plot 11 which has little natural surveillance from other houses. Approved Document Q says that doors should meet PAS 24:2012. (it also gives alternative standards). I recommend that these doors in particular should meet PAS24:2016 which is a newer and higher standard. I would like to see all of the doors and windows in this development meet PAS24:2016.

All boundary fences should be 1.8 metres high. I suggest they be topped with trellis which deters climbing. [*Officer comment – a condition is recommended in order to provide details of boundary treatment.*]

2.4 Principal housing Strategy officer – CP05: Delivering mixed communities Density of New Housing Development. As an indicative guide: within Kidderminster town centre, new development will be expected to secure housing densities of 70 dwellings per hectare. In areas adjacent to the town centre and the railway station, new development should incorporate housing densities of at least 50 dwellings per hectare. Based on the above I have assumed that this area is adjacent to the town centre and the railway station and therefore should have a housing density of 20 dwellings (50 x 0.40)

Affordable Homes -In terms of the affordable housing we will be seeking a policy compliant 30% here which works out at 4.5 units. The predominant need is for 2 bed properties. The current layout of the scheme indicates the 4, 1 bed affordable apartments clustered in one section of the site.

20/0289/FUL

I would wish to see the properties pepper potted throughout the scheme and to reflect the same layout and design treatment as the market sale dwellings. Further to conversations in relation to the previously refused scheme I am happy to accept four affordable homes as agreed with the previous case officer especially as three will be social housing.

- 2.5 North Worcestershire Water Management – The submitted surface water drainage strategy (Reports 4 Planning, May 2019) does not refer to this, but it is my understanding that a percolation test undertaken on the site in the past has revealed that the infiltration rate is sufficient to allow for drainage via infiltration. The strategy sets out that infiltration drainage is the preferred option and would take the form of private soakaways in back gardens for the dwellings and permeable paving for the driveways and patios. No drainage strategy has been proposed for the access road. Given the history of the site it is possible that the site is contaminated and therefore not suitable for infiltration drainage. For that scenario the submitted strategy includes a non-infiltration option which uses on site attenuation to limit discharges to the sewer to Greenfield runoff rate up to the 1 in 100 year plus climate change event (or 5l/s). The report sets out that this is a clear improvement compared to the pre-redevelopment situation.

I am aware that an outline application was approved for this site (17/0617/OUTL) and that two surface water drainage conditions were attached, namely condition 17 and 18. I believe that there would be no reason to withhold approval of this application on flood risk grounds, providing the conditions within the outline are repeated.

- 2.6 WRS (contaminated land) – The records held by WRS indicate that the proposed site has been is use as a garage and depot with various storage tanks present. The site is also located in close proximity to other areas of potential contamination sources identified as areas of former quarrying, unknown infilled ground, and railway land. Given the above there is the potential for contamination to be present on the site which requires suitable assessment, investigation and possible remediation or mitigation. WRS therefore recommend that the following conditions are attached to any planning permission granted.

The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented. Little information is known or has been provided on this site and consequently a Phase I study is recommended.

- 2.7 WRS (noise) – Thank you for consulting WRS, we have reviewed the documents associated with the above application and have the following comments to make in relation to Noise. The development site is located next to an active rail line and busy road as such noise levels may pose an issue to future residents.

No updated noise assessment has been provided. Given that the layout appears very similar, we would expect that the mitigation measures specified in the previous report ref P3910-R2-V1 'NOISE IMPACT ASSESSMENT 111 CHESTER ROAD SOUTH,



20/0289/FUL

KIDDERMINSTER DY10 1XG' prepared by Noise Air be suitable for this application. To achieve internal noise levels as stated within BS8233: 2014 mitigation is required in the form of acoustic glazing. Any glazing installed should meet the specification outlined in tables 10 and 11 of the report to ensure the amenity of future residents is protected. Properties 1-8 should have glazing and ventilation installed as per table 10. Properties 9 -15 should have glazing and ventilation installed as per table 11. Future residents will be unable to rely on opening windows for ventilation during the night as the report identifies that there is the potential for sleep disturbance. Consequently, additional passive ventilation will be required to meet WHO guidelines. Any ventilators installed should meet the acoustic specifications in tables 10 and 11 of the report.

Modelling indicates that noise in outdoor amenity spaces should be beneath WHO guidelines without additional mitigation, however a conservative approach has been taken and acoustic barriers proposed to ensure that any future increase in environmental noise does not have a significant impact. Any acoustic barriers should be installed as per figure 9 of the report. The specification of the 2.5m barrier has not been provided however we would expect any acoustic barrier as a minimum 'to be built of timber with a density no less than 15kg/m<sup>2</sup> and be a minimum of 25mm thickness. There should be no holes or gaps and panels should be overlapped'. If the developer wished to implement a different form of barrier, specifications of the proposed barrier should be submitted for review.

2.8 Severn Trent Water – I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
  - The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- Severn Trent Water advise that there may be a public sewer located within the application site.

2.9 Countryside and Parks Manager – The previous application found little in the way of biodiversity concerns but did flag the following, I would suggest the following conditions

- The lighting scheme for the new development needs to be approved by the local authority prior to implantation. The lighting plan needs to demonstrate that no lighting will impact on any ecologically sensitive receptors.
- Vegetation clearance needs to take place outside bird nesting season or the services of an ecologist employed to insure no nesting birds are harmed.
- The applicant will need to produce, through their ecologist, a Risk Avoidance Strategy for reptiles and this needs to be implemented
- The installation of 3 bird boxes and 3 bat boxes to help mitigate for losses for roosting and nesting opportunities. These need to be of a durable nature, some of which imbedded into the fabric of the development and located in ecologically suitable locations. The nature and location of these need to be submitted on a plan and then implemented.

20/0289/FUL

- 2.10 Arboricultural Officer – I am satisfied with the findings and recommendations of the AIA submitted with this application. I therefore have no objections as long as the report is adhered to during the development of the site. A Planting plan is required to ensure adequate soft landscaping takes place, specifically tree planting next to Chester Road South to enhance the streetscene. This can be a condition.

### **Neighbour/Site Notice Representations**

5 Neighbour letters – this development is total out of character with the surrounding buildings, totally over developed. I know we have to build new houses but did not realised you needed planning permission for rabbit hutches

Concerns over parking and access on and off Chester Road south with the addition of the new cul-de-sac. Concerns over speed limits on the road which are rarely observed, has any thought been given to sped enforcement. Concern on parking on the grass verge outside of my house during construction of the development.

Some consideration for the building site line, between 110 and (what I assume is) 112, and this is welcomed. However, it is clear, that little thought has been put into the adding social housing to the site, bar for the increasing potential profit. Instead of incorporating within the development, they intend pushing them away, not only to the edge of the plan, but also immediately adjacent to existing properties. Even less thoughtful, is the corner nearer to the path over the railway, would be far more appropriate, providing better access to town, should occupant be more likely to be travelling on foot. The other big issue, is by cramming in more properties, without any surplus parking is not only increased congestion on the site entrance, which is situated on a curve, but will encourage roadside parking. This, as advised when the first plan was submitted, creates extreme danger. This Parking should be prevented under any circumstance.

The change to smaller premises, without mentionable gardens and to provide flats, is not in anyway within keeping or character of the area. If a developer had bought the site with the intention to build, then they may well be up and occupied by now? Hence, their tenure has not benefitted the area, for which they clearly have no interest. Their concern is merely for profit, and they are using the disguise of social housing to further this intent, with complete disregard for the local community. I would welcome a clear message from Wyre District Planning, that the original plans is the way to proceed. The minimum would be to listen to my points above, such as preventing roadside parking, any social housing to be central to the new development, or at least moved to the opposite corner. However, these properties could generate 4 permanent vehicles and the same number visitors and the whole site would see perhaps 50 plus, which totally alters, not only the traffic, but the whole dynamic of the area, where properties are well spaced with generous parking. On balance, the area should not suffer this density of housing, I hope you will agree?

Concern that the 4 x 1 affordable units only have one parking space each. In total there could be 33 cars or more using this site once all of the houses are occupied this would result in increased noise, pollution and accident risk. The outline submission for 10 houses was much more realistic, the submission is still a significant increase in the number of dwellings and a potential for around 25% more cars onsite.

20/0289/FUL

### 3.0 Site Location and Description

- 3.1 The 0.41 hectare application site relates to a former petrol filling station that was later used as a vehicle repair garage and car dealership. The rear section of the site was overgrown with vegetation with a number of self-seeded trees, as well as an area for the storage of cars, disused fuel tanks and machinery. The site has been now been cleared and is currently vacant following approval of 19/3024/DEM.
- 3.2 The proposed development is located on the northwest side of Chester Road South (A449) which is a key corridor of local importance in an urban area of Kidderminster. The site level falls north to south and from the railway embankment along the rear boundary down to the road in a west to east direction.
- 3.3 The surrounding area is predominantly residential in character with residential properties immediately adjoining the site to the south, 30 metres to the north (beyond a public footpath) and to the east, on the opposite side of Chester Road South. To the rear of the site is a railway line with Severn Valley Railway's goods shed located approximately 200 metres to the north. The Harriers football club grounds are also located to the west beyond the railway line
- 3.4 There have been three previous application at the site, the most recent of which was refused in January 2020 for the five reasons listed below:
1. By virtue of the 15 no. dwellings proposed, this would result in a cramped layout which would fail to respect the character and appearance of the area, to the detriment of visual amenity within this part of Kidderminster. The development would therefore fail to accord with Policy SAL.UP7 (Quality Design and Local Distinctiveness) of the Wyre Forest District Site Allocations and Policies Local Plan and Policy CP11 (Quality Design and Local Distinctiveness) of the Adopted Core Strategy.
  2. By virtue of the 15 no. dwellings proposed, this would result in a cramped layout which would fail to afford an appropriate level of occupier amenity for future residents. The development would therefore fail to accord with Policy SAL.UP7 (Quality Design and Local Distinctiveness) of the Wyre Forest District Site Allocations and Policies Local Plan and Policy CP11 (Quality Design and Local Distinctiveness) of the Adopted Core Strategy.
  3. The application has provided insufficient information to demonstrate that there would be no harm to the trees contained within the site. Development therefore has the potential to adversely impact upon trees and fails to comply with Policy SAL.UP9 (Landscaping and Boundary Treatment) of the Wyre Forest District Site Allocations and Policies Local Plan and CP12 (Landscape Character) of the Adopted Core Strategy.
  4. By virtue of the proposed layout of the site, there minimal junction separation between the main access on the A449 and the access to the private drives, such that it has not been demonstrated that safe vehicular access can be gained to the private drives. The potential for conflict with pedestrians would

20/0289/FUL

result in an unacceptable highway danger to the detriment of highway safety contrary to Paragraph 110 of the National Planning Policy Framework.

5. The lack of an undertaking to make a contribution towards Public Open Space and to ensure the provision of Affordable Housing on site is contrary to the requirements of the Planning Obligations SPD and would result in an increase in the demand on local facilities with no compensation or enhancement thus resulting in harm to the wider community around the site, and a lack of a range of sizes and types of housing to meet the needs of the whole community

- 3.5 The application is a resubmission of the refused application and seeks for approval for residential development consisting of 15 no dwellings (to include 4 x 1 bed, 6 x 3 bed 5 x 4 bed with 4 no units to be affordable), with associated access, parking and landscaping works.

#### 4.0 Officer Comments

##### PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

- 4.1 The main considerations are whether the development would be acceptable in principle in terms of site location and suitability for housing, and whether the proposal would have any detrimental impact on the character and appearance of the area, residential amenity, highway safety and upon ecology.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3 The National Planning Policy Framework (the 'Framework') sets out the Government's planning policies for England and how these should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11), which means:

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

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

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

20/0289/FUL

- 4.4 In the case of Wavendon Properties v SSHCLG v MKC 2019 at paragraph 55 it was stated that in ‘... *the exercise required by paragraph 11(d) in relation to the assessment of the question as to whether or not the policies which were of most importance for the application were out -of-date is as follows:*
- *The first step is to identify which are the policies which are most important for determining the application.;*
  - *Then examine each of these policies, applying the Framework to see whether they are out-of-date; and*
  - *The next step required by paragraph 11(d) is an assessment of all the basket of policies most important to the decision in the round to reach a conclusion as to whether, taken overall, they could be concluded to be out-of-date or not for the purposes of the decision. If they were out-of-date then the presumption would be triggered’.*
- 4.5 Paragraph 56 of the above appeal case, further stated that the Framework ‘...*does not say that the tilted balance would apply when “one of” or “any of” the important policies for determining the application has been found to be out-of-date. To answer the question posed by paragraph 11(d) it is necessary, having identified those policies which are most important for the determination of the application, to examine them individually and then consider whether taken in the round, bearing in mind some may be consistent and some in-consistent with the Framework, and some may have been overtaken by events and others not, whether the overall assessment is that the basket of policies is rightly to be considered out-of-date. That will, of course, be a planning judgment dependent upon the evaluation of the policies for consistency with the Framework (see paragraph 212 and 213) taken together with the relevant facts of the particular decision at the time it is being examined’.*
- 4.6 In respect of the above interpretation of paragraph 11, it is considered that the most important Development Plan policies for determining this application are DS01 (Development Locations) and SAL.DPL1 (Sites for Residential). Policy DS01 of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at that time housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. This policy is therefore out of date.
- 4.7 The Council have carried out a comprehensive assessment of housing need for its Local Plan Review which has taken into account the Government’s Standardised Methodology and includes additional growth. The Council is able to demonstrate a 5 year Housing Land Supply (HLS). As of April 2019 the HLS is 6.11 years against its updated identified housing targets. Therefore, Policies SAL.DPL1 and SAL.DPL2 are not constraining the delivery of needed housing and are in line with the aims of the Framework, which is to significantly boost the supply of housing.
- 4.8 Policies DS01 and SAL.DPL1 both seek to direct new residential development on previously developed land within the urban areas of Kidderminster and Stourport-on-Severn before applying a sequential test to other previously developed sites in the District. In addition, SAL.KSS1 is specific policy which allocates this site for residential development. It is therefore considered that the development would comply with these policies.

20/0289/FUL

- 4.9 In the assessment of all the basket of policies most important to this application, when taken in the round, it is considered that the Development Plan is not out-of-date for the purposes of the decision making and the ‘tilted balance’ as referred to in paragraph 11(d) of the Framework is not engaged. The proposal would help maintain the housing supply within the district and would involve the redevelopment of a previously developed site located within an urban area of Kidderminster with good accessibility to public transport, local shops and services and therefore the principal of residential development on this site would be acceptable.

#### DESIGN, LAYOUT AND IMPACT ON LOCAL CHARACTER

- 4.10 Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and Paragraph 127 of the Framework all require good design and for new developments to integrate well with the existing development and add to the overall quality of an area.
- 4.11 The layout of the site has been designed to bridge the gap between the existing dwellings at 110 and 116 Chester Road South, whilst providing a private cul-de-sac of dwellings at the rear. The apartments and semi-detached dwellings will face Chester Road South following the existing established street line of the neighbouring dwellings with parking spaces to the front, whilst the detached houses will be located away from the main road on a small private road to the rear.
- 4.12 The proposed development consists of the following:
- 4no. one bedroom apartments
  - 6no. three bedroom semi-detached houses.
  - 3no. four bedroom detached houses with attached garages.
  - 2no. four bedroom detached houses with detached garage.

Each four bedroom house is to be provided with three car parking spaces, plus the garage space where applicable, whilst each three bedroom house has two car parking spaces and each one bedroom apartment has one parking space. All plots will have timber cycle sheds 2.4m x 1.2m within the rear garden.

- 4.13 In terms of density, Chester Road South contains properties of differing sizes most with large long gardens extending on this side of the road to the railway line and the density of these properties according to the agent is approximately 17 dwellings per hectare. The Council’s Principal Housing Officer has stated that as an indicative guide as set out in Policy DS05 that in areas adjacent to the Kidderminster town centre and the railway station, new development should incorporate housing densities of at least 50 dwellings per hectare and therefore using this guide the site should have a housing density of 20 dwellings. The agent has stated that any assessment of density must also be weighted up in the context of the significant benefits of the scheme which in this case would introduce a mix of dwelling types and sizes to the area meeting local requirements. Having reviewed the design aspects and constraints of the site, in reality a density of 20 dwellings would not be achievable on this site as it would result in a cramped appearance of the development, therefore the current density is considered acceptable in this location.

20/0289/FUL

- 4.14 The proposed number of units on the site would allow for a development that would result in an acceptable layout which would respect the character and appearance of the area, improving the visual amenity within this part of Kidderminster. The layout demonstrates that 8 of the new dwellings would face onto the main road following the existing front building line in order to relate well with the prevailing character of the area. I am also of the view that the cul-de-sac form of development is acceptable given that there are existing dwellings within the immediate areas that do not face onto the main road, such as the tandem development at No. 510 Chester Road South (located opposite the site) and the cul-de-sac development know as Bernie Crossland Walk which is located approximately 550 metres south of the site on Chester Road South.
- 4.15 With respect to the design of the dwellings themselves, the proposed elevations will have similar styles to the existing properties in the immediate vicinity which include facing brickwork and rendered walls, brickwork and reconstituted stone facade detailing, pitched roofs with plain and interlocking roof tiles, upvc windows and doors and pitched roof canopies. All materials will be similar in appearance to the adjacent properties, however to ensure that the proposed materials are suitable for use on the site, a condition will be added to ensure that materials are submitted and approved in writing in order that consideration can be given to the materials.
- 4.16 I am satisfied that the development has an acceptable design that would reflect the scale, appearance and layout of existing housing development and I therefore consider that the development would be in accordance with Policy CP11 of the adopted Core Strategy, Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan, the National Design Guide and paragraph 127 of the Framework.

#### RESIDENTIAL AMENITY

- 4.17 Paragraph 127 of the National Planning Policy Framework advises that planning decisions should ensure that developments create places that are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.18 The site level falls north to south and from the railway embankment along the rear boundary down to the road in a west to east direction. An additional topographical survey was carried out in August 2020 due to concerns raised with regards to the finished floor and ground levels of the development. The concerns of the site level differences specifically related to the relationship between plots 7-10 which are to be located at the front of the site and plots 14 and 15 at the rear of the site and also the relationship between number 110 Chester Road and the three new dwellings to this side of this site.
- 4.19 A site section drawing has been submitted which documents the differing levels across the site. Number 110 Chester Road South is the nearest property to the proposed development, the rear garden of this property slopes up from 50.00 to 51.71FFL towards the railway line and the side of this garden which has a brick wall to the boundary will form the rear garden boundary of plots 1, 2, 11, 12 and 13. The drawing shows that FFL of plot 13 would be 53.00 whereas the garden level of number 110 at this point would be 51.71 which is a difference of 1.29 metres. The garden length of

20/0289/FUL

plot 13 would be 10.5m and due to the fact that an acoustic boundary treatment of 2.5m is required by Worcester Regulatory Services along the boundary with number 110 to reduce noise, this is considered to be an acceptable levels difference in this case. A condition is recommended to ensure that details of the boundary treatment are submitted and approved in writing. At the request of WRS it is also proposed to erect a 2m acoustic boundary treatment to the side of plots 1 and 2 and plot 11 rising to 2.5m in height to the rear of plots 12 and 13 (Adjacent to the rear garden of number 110) in order to minimise noise transmission within the site.

- 4.20 The site section drawing also shows plot 7 at the front of the site facing Chester Road with a finished floor level of 51.00 rising up to the two garages at the rear which are for plots 14 and 15 at 52.70 FFL and plots 14 and 15 themselves at 54 FFL and 54.50 FFL respectively which is considered to be an acceptable increase in level and will not result in any unacceptable impact on adjacent residential properties.
- 4.21 Plots 11-15 have garden lengths ranging from 10.5 – 13m, plots 1-6 and 9-10 have a rear garden of at least 10 metres in depth which are all considered to be acceptable in terms of the required amenity area. Plots 7 and 8 fall slightly short of this at 9m, however given the fact that there is no development immediately behind these gardens and the fact that there would be no impact on their amenity in terms of overlooking of these two plots the small shortfall is considered to be acceptable in this case.
- 4.22 Concern was initially raised over the separation distance between the rear elevation of plot 5 and the side blank gable wall of plot 11 as the plots were considered to be too close which would mean plot 5 would have a limited outlook and face a brick wall. The distance between the rear wall of plots 5 and 6 and the side elevation of plot 11 has been increased to 12.8m in order to achieve a decent outlook for these two properties. Within the site, plots 12 and 15 and 13 and 14 would face each other at a distance of 22 metres which is considered to be acceptable.
- 4.23 The current design and layout has demonstrated that a suitable arrangement of dwellings can be achieved whilst providing adequate separation distances between the rear facing windows and gable ends and front-to-front relationships of the proposed dwellings within the site and the relationship between the rear of plots 11, 12, 13 and the rear of number 110 Chester Road South. The proposed houses would have an acceptable internal size and layout and would provide adequate gardens that would be useable and private.

#### AFFORDABLE HOUSING

- 4.24 Policy CP04 of the Adopted Core Strategy states that the District Council will generally seek to secure affordable housing provision of 30% on sites of ten or more dwellings. Paragraph 5.4 of the Adopted Affordable Housing Supplementary Planning Document sets out that where it is not statistically possible for the affordable housing provision to be 30%, the provision will be round up if it is .5 or more, this equates to 4.5 units which would be need to be rounded up to 5 for this site. However, it is accepted that on this occasion a total number of 4 affordable used would be an appropriate level of provision and would satisfy the policy requirements.



20/0289/FUL

- 4.25 The application proposes the provision of 27 % of affordable Housing on the site, which would consist of 3 units available for social rent and 1 unit for shared ownership. The units would be grouped into two dwellings located at the southern end of the site immediately adjacent to number 110 Chester Road South facing onto the road and would reflect the same layout and design treatment as the remainder of the market sale units on the site.
- 4.26 The Council's Principal Housing Strategy officer had requested that the properties be spread out within the site and not grouped within one area, however in this situation a Registered Provider would be able to effectively better manage the four flats when grouped together at the front of the site in two blocks and given the small nature of the site, this arrangement is considered to be acceptable in this case.
- 4.27 Four affordable units is considered a suitable number that can be viably afforded by the developer and therefore provides a suitable approach to the policy in this situation. The Strategic Housing Officer is supportive of the level of Affordable Housing provision as three of the units will be for social housing.

#### FLOODING RISK AND DRAINAGE

- 4.28 Severn Trent Water have raised no objection to the application subject to the inclusion of conditions and in addition have stated that there may be a public sewer that crosses the site and that contact should be made in order that a solution can be found if this is indeed the case, a therefore a note will be added to ensure that the applicant does this.
- 4.29 NWWM have commented that it is understood that a percolation test undertaken on the site in the past has revealed that the infiltration rate is sufficient to allow for drainage via infiltration. Two surface water conditions were attached to the outline approval (17/0617/OUTL) and it is considered that these conditions should also be added to the current approval and therefore there would be no reason to withhold approval of this application on flood risk grounds. In terms of flood risk and drainage, the development would accord with Policy CP07 of the adopted Core Strategy, Policy SAL.CC7 of the adopted Site Allocations and Policies Local Plan and paragraph 108 of the Framework

#### ECOLOGY

- 4.30 A phase 1 preliminary ecological appraisal has been submitted as part of the application, this appraisal identifies the key ecological constraints to the proposed development. The report illustrates that the majority of the site is low ecological value being mainly hard standing and as such no further ecological surveys are recommended. All vegetation clearance is to be carried outside of bird nesting season (March – mid July), if breeding birds are found then work will cease and the advice of an ecologist sought. If clearance is to be undertaken within the bird breeding season, then all site features are to be checked immediately prior to clearance by a suitably qualified ecologist. As many trees as possible are to be retained and a tree protection and root protection zone are to be established in order to avoid damage during the construction phase. If any trees are to be lost within the scheme, these are to be mitigated for by suitable 1:1 planting with native, nectar rich berry bearing species.

20/0289/FUL

- 4.31 Bats react adversely to intense external lighting and therefore to maintain the suitability of the site for roosting and foraging bats external lights within the development should be as minimal as possible. The appraisal states that where external lighting is to be used it should be via directional down lighters, of low lux and where possible, on timers to ensure as little lighting spill as possible from the development.
- 4.32 There will be opportunities for enhancement of the site's ecological value by on site landscaping measures designed to encourage wildlife to the site and as such a condition will be added seeking the submission of information relating to the provision of bat / bird boxes within the site.
- 4.33 The Countryside Manager has considered the results of the survey and raises no objection but identifies a number of measures that need to be considered as part of the application. These can be secured by condition. It is therefore considered that the proposed development can demonstrate no net loss of biodiversity from the site.

**HIGHWAYS AND PARKING**

- 4.34 The main concerns over this application relate to the lack of parking spaces for each unit within the frontage and the cul-de-sac and concerns over 30mph speed limit on the A448 which is rarely observed.
- 4.35 Policy SAL.CC1 and SAL.CC2 of the Adopted Site Allocation and Policies Local Plan relate to Highway safety and parking and state that proposals which would lead to the deterioration of highway safety will not be allowed. All new developments within the district must demonstrate that they have met the required parking standards as set out in the Worcestershire County Highways design guide and the District Council's Design Quality Supplementary Planning Guidance.
- 4.36 In accordance with the parking standards contained within Worcestershire County Council Streetscape design, a total of 31 car parking space will be provided on site, these are as follows:

Dwelling type	WCC Streetscape Design Guide	Provision
1-bed dwelling house (semi)	1 space per dwelling	4 spaces
3-bed dwelling house (semi)	2 spaces per dwelling	12 spaces
4-bed dwelling house (detached)	3 spaces per dwelling	15 spaces
	<b>TOTAL</b>	<b>31 spaces</b>

- 4.37 The Highway Authority have commented that parking provision for the new development is acceptable now that the access to the private drives has been widened to 4.8m in order to allow 2 vehicles to pass and the parking spaces comply with standards with circulation space included.
- 4.38 I consider that the proposed development would be acceptable in terms of highway safety. Paragraph 109 of the National Planning Policy Framework makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Worcestershire County Highways have carefully

20/0289/FUL

considered the application and have raised no objections subject to conditions. I am therefore satisfied that the current level of dwellings can be developed without causing an adverse impact on highway safety and conditions will added as recommended.

#### TREES

- 4.39 The Council's Arboricultural Officer objected to the previous scheme due to the fact that the submitted tree survey did not have a plan showing the RPA's and crown spreads of the trees and therefore it was not possible to assess the impact that the development would have. The current application is accompanied by a further AIA which details the removal of some trees and retention of others, the Arboricultural officer is happy with the findings and the recommendations of the Assessment.
- 4.40 The report states that many of the trees are poor quality or self set scrub trees with only trees of higher quality located off site (adjacent to the railway line) and at a suitable distance that they are outside the zone of influence of the proposed development. As many of the poorer quality self set trees are to be removed to accommodate the development, suitable tree planting at a minimum 1:1 ratio with native nectar rich and berry bearing native trees within the scheme area is proposed.
- 4.41 Due to the location of the site in relation to Chester Road South, a condition will be added requiring new tree planting to the front of the site in order to enhance the streetscene. Highways have also requested low level green boundary treatment in this location in order to minimise the glare of headlights from vehicles parking on the private drives.
- 4.42 A condition is recommended requiring the submission of a landscaping plan for the site in order to ensure that any trees that are removed from the site are compensated for.

#### PLANNING OBLIGATIONS

- 4.43 The proposed development would provide 4 affordable housing units. This represents 27% of the dwellings proposed and is the maximum that can be provided in order to meet the 30% provision as required by policy. As part of the negotiations it has been agreed that the development can provide a contribution of £15,688.08 towards the upgrading/ refurbishment of the existing BMX track at Spennells Park (off Heronswood Road) to include complete tarmac track finish. Finally, a contribution of £600 is requested by the Highway Authority in order to provide improvements to bus stop infrastructure.
- 4.44 I consider that the proposed affordable housing provision and the financial contributions towards off-site public open space and bus stop infrastructure meets the policy requirements as set out in Policy CP04 and the Adopted Planning Obligations SPD, which requires decision maker to take into consideration the viability of the scheme.

#### CONTAMINATED LAND

- 4.45 As this was previously a garage and depot with various storage tanks present and the site is also located in close proximity to other areas of potential contamination sources identified as areas of former quarrying, unknown infilled ground, and railway land Worcestershire Regulatory services have requested that as there is the potential for

20/0289/FUL

contamination to be present on the site which requires suitable assessment, investigation and possible remediation or mitigation. It is therefore recommended that a tiered investigation is carried out on the site prior to the commencement of any works.

#### NOISE

- 4.46 The development site is located next to an active rail line and busy road as therefore such noise levels may pose an issue to future residents. A noise assessment was submitted with the 2019 application, but no updated assessment has been submitted as part of the current application.

Paragraph 170 of the NPPF states: 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

- 4.47 Paragraph 180 continues: 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 4.48 The Noise Policy Statement for England states that significant adverse effects on health and quality of life should be avoided and requires that all reasonable steps are taken to mitigate and minimise the adverse effects of noise as much as possible.
- 4.50 The Planning Practice Guidance (PPG) provides further detail about how the effect levels should be taken into account in decision making. If the exposure is above this level the planning process should be used to avoid the effect occurring by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused. At the highest extreme the situation should be prevented from occurring regardless of the benefits which might arise
- 4.51 Worcestershire Regulatory Services have commented that as the current application and the 2019 refusal are similar they would expect that the mitigation measures as specified in the previous report (August 2019) would be adhered to again.
- 4.52 The noise survey at the time set out that the dominant noise at the front of the development has been identified as road traffic and is more continuous than the rail traffic at the rear, the report also stated that the proposed development is likely to be at 'low' to 'medium' risk of experiencing adverse noise impact due to transportation noise with no mitigation in place. The report sets out the following mitigation measures which will be conditioned in order that details can be submitted to and agreed in writing by the noise team:

20/0289/FUL

- 2.5m acoustic barrier around the rear boundary of plot 12 and the side and rear boundary of plot 13
- 2m acoustic barriers to the outdoor amenity spaces of plots 6 and 7
- acoustic glazing and ventilation on the windows.

4.53 The specification of the 2.5m acoustic barrier has not been provided but the noise team have specified that they would expect any acoustic barrier as a minimum 'to be built of timber with a density no less than 15kg/m<sup>2</sup> and be a minimum of 25mm thickness, there should be no holes or gaps and panels should be overlapped'. If the developer wished to implement a different form of barrier, specifications of the proposed barrier should be submitted for review. It is considered that these matters can be addressed through a suitably worded condition.

4.54 It is considered that with the correct mitigation measures in place the development can be implemented and a reasonable acoustic environment in the habitable rooms can be achieved in accordance with the NPPF, NPSE and adopted policy. The boundary treatment would be only seen from within the site and would not adversely impact on the neighbours either side of the site or from the A448 at the front of the site and is therefore considered to be acceptable.

## **5.0 Conclusion and Recommendations**

5.1 Having regard to the previous outline application (17/0617/OUTL) and the subsequent refusal (19/0573/FULL) the current design and layout has demonstrated that a suitable arrangement of dwellings can be achieved whilst providing adequate separation distances between the rear facing windows and gable ends and front-to-front relationships of the proposed dwellings within the site.

5.2 It is considered that the reduced number of dwellings to the rear would no longer be considered to constitute overdevelopment of the site and that the revised less dense layout would no longer harm the character and appearance of this part of Kidderminster or be detrimental of visual amenity.

5.3 The three other reasons for refusal (19/0573/FUL) in terms of harm to trees, safe vehicular access, signing of a s106 agreement and provision of affordable housing have been addressed as part of the current application and are therefore no longer reasons for refusal.

5.4 The application site lies within a residential area of Kidderminster and is considered to be a sustainable location for new housing development. The traditional design of the properties would ensure a development that complements the existing development on this part of Chester road South. Adequate access arrangements and parking provision can be provided within the site and there would be no adverse impact on ecology or upon drainage/flood risk.

5.5 The key principle in the National Planning Policy Framework is the presumption in favour of sustainable development and this is identified as having three overarching objectives of economic, social and environmental. As the proposed development would provide new houses which, would in turn, provide economic and social benefits

20/0289/FUL

to existing and future residents, as well as job creation during construction and contribute to protecting and enhancing our natural and built environment, it is considered that the proposals would represent sustainable development.

5.6 The scheme would ensure that there is no harm that would significantly and demonstrably outweigh the benefits of the scheme, including the need to focus new residential development in sustainable locations and boosting the housing land supply.

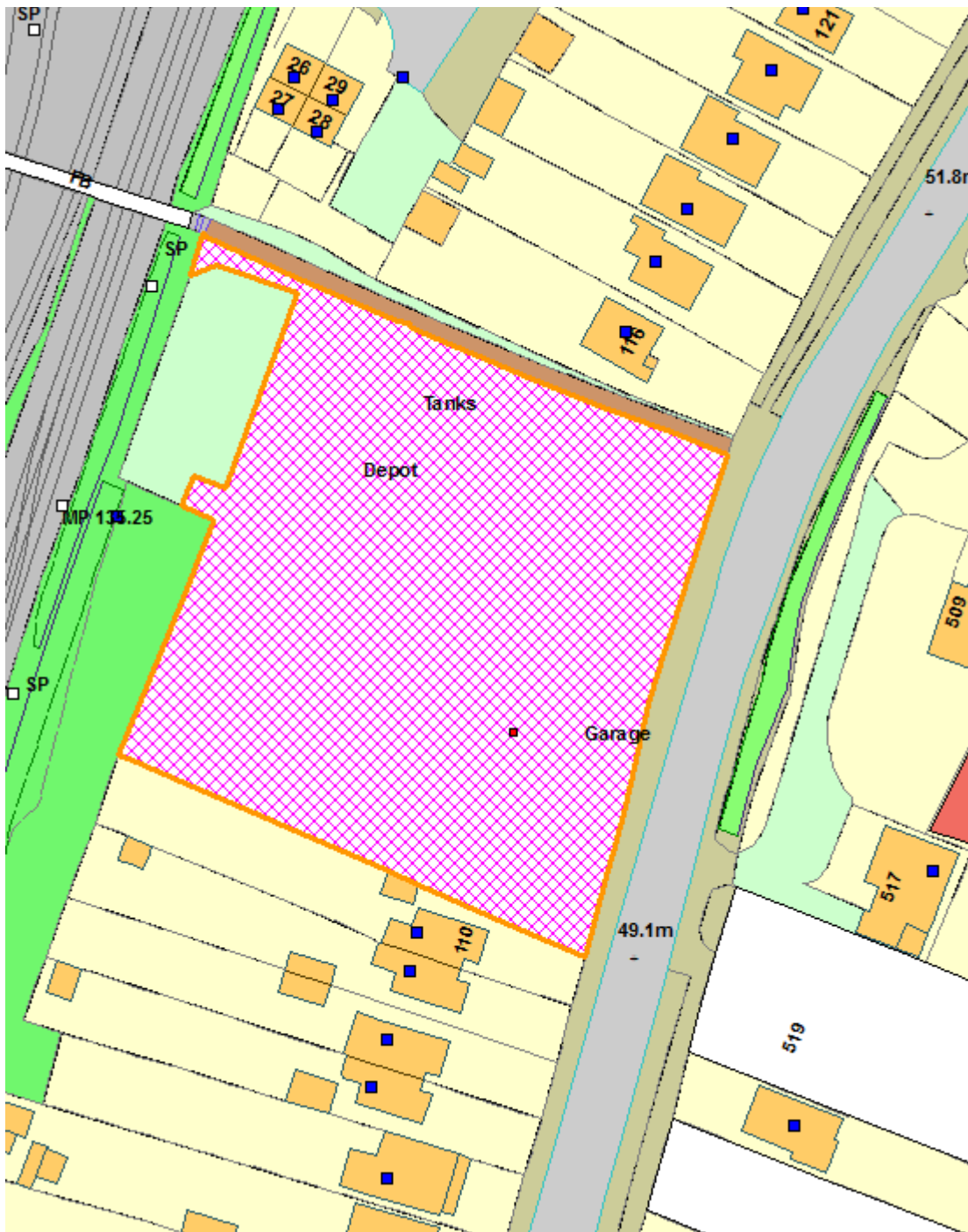
5.7 It is therefore recommended that this application be granted **delegated** authority to **APPROVE** subject to the following:

- a) the signing of a **Section 106 Agreement** to secure affordable housing and contributions to Public Open Space and Bus Stop Infrastructure; and
- b) the following conditions:
  - 1. A6
  - 2. B1a (including details of all acoustic glazing and window ventilation)
  - 3. Removal of pd rights
  - 4. B11 (details of enclosure including acoustic barriers)
  - 5. Planting scheme
  - 6. Planting
  - 7. Tiered investigation
  - 8. Details of a scheme for foul and surface water drainage
  - 9. Sustainable Drainage System (SuDS) management plan
  - 10. Drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority
  - 11. Require closure of existing vehicle access points and construction of new access point
  - 12. Details of welcome pack
  - 13. Details of cycle storage facilities
  - 14. Electric Vehicle Charging Points in each property
  - 15. Ecological Enhancement Measures
  - 16. Lighting Scheme to be submitted
  - 17. risk avoidance strategy for reptiles
  - 18. bat roost / bird box information to be submitted
  - 19. Land contamination
  - 20. Noise Mitigation Measures
  - 21. All tree works to be carried out in accordance with submitted AIA
  - 22. Submission of planting plan

Notes

- A Severn Trent Water
- B Ringway Infrastructure Service to carry out all highway work.
- C Recycling
- D Pollution prevention
- E Cover all excavations
- F Vegetation clearance outside bird nesting season

20/0289/FUL



Economic Prosperity and Place Directorate

111 Chester Road SouthKidderminsterDY10 1XG

Crown Copyright 100018317



**PART A**

<b>Application Reference:</b>	<b>20/0454/HOU</b>	<b>Date Received:</b>	<b>15.06.2020</b>
<b>Ord Sheet:</b>	<b>385004 276938</b>	<b>Expiry Date:</b>	<b>17.08.2020</b>
<b>Case Officer</b>	<b>Kelly Davies</b>	<b>Ward:</b>	<b>Offmore And Comberton</b>

**Proposal:**            **Erection of two storey side and first floor rear extensions**

**Site Address:**    **11 Osborne Close, Kidderminster, DY10 3YY**

**Applicant:**        **MR ADWEN JOHN**

<b>Summary of Policy</b>	CP11 UP7 UP8 CC2 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Recommendation</b>	<b>Approval</b>

APPLICATION DEFERRED FROM COMMITTEE SITE VISIT

**1.0 Planning History**

20/0454/HOU – Erection of two storey side and first floor rear extensions

WF140/76 – Town and Country Planning Act 1971    WF140/76 dated 24 March 1976.  
Addition to form extension to existing dining room and kitchen at 11 Osborne Close, Kidderminster.

**2.0 Consultations and Representations**

2.1 Parish Council - Object - the proposal still obstructs the access to 12 Osborne Close

2.2 North Worcestershire Water Management (WFDC) – To my knowledge this site is not at risk of flooding from any source. No drainage information has been submitted with this application. Depending on the existing surfacing of the area to be used for the extensions, the proposed development might increase the amount of impermeable area and therefore the amount of surface water runoff generated on this site. This extra volume should be kept on site, in order to avoid increasing flood risk elsewhere. Surface water can be kept on site by using a soakaway or some other infiltration device, providing ground conditions allow. I have no reason to believe that soakaway drainage would not be possible on this site. Buildings Regulations require that discharge to a soakaway should be ruled out first before discharge to a watercourse or an existing storm drain will be considered. No discharge of surface water to a foul sewer will be allowed. Since Building Regulations (H3 - rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from the roof of the building', I don't deem it necessary for this application to recommend attaching a drainage condition.



20/0454/HOU

2.3 Highways Authority – The applicant has submitted a revised plan to show 4no. bedrooms on the first floor and the garage converted to a family room with a small porch extension plus WC. In line with the parking standards in the adopted Streetscape Design Guide, the proposed dwelling requires 3 parking spaces within the curtilage and these have been shown on the existing frontage which is block paved. It has been confirmed that the spaces measure 2.4 metres x 4.8 metres per space and there is space available in front of the porch extension for a vehicle to pull forwards so as not to block the neighbouring access. It is noted that the red line site boundary extends to the back of the full height kerb on Osborne Close, nonetheless the frontage parking will require a dropped kerb crossover and these works must be carried out by WCC contractors Ringway as per the note below. The cycle parking as indicated is expected to be sheltered as well as secure and accessible and further details are required.

### Neighbour/Site Notice Representations

14 objection comments have been received. A summary of the main issues raised are below.

- Encroachment
- Over development
- Parking
- Ugly proposal
- Obtrusive
- Out of keeping
- Loss of light to gardens and highway
- Impact on Privacy
- Increase in traffic
- Development too high
- Close to adjoining neighbours
- Inadequate access
- Increase in pollution
- Noise nuisance
- Strain on existing community facilities
- Overlooking
- Solid brick wall – obtrusive
- Negative impact on property values

3 Objections received in respect of revised plan; concerns raised:

- Close to adjoining neighbours
- Inadequate access
- Loss of light
- Loss of parking
- Loss of privacy
- Out of keeping with character of area
- Over development

20/0454/HOU

- Traffic or highways
- Over intensive development
- Parking issues on the drive and turning circle
- Extension is ugly and obtrusive
- Loss of light to garden
- Shadowing over gardens
- Impact on privacy
- Negative value to property

### **3.0 Site Location and Description**

- 3.1 The application site relates to 11 Osborne Close in Kidderminster. The host dwelling occupies a corner plot sitting amongst other link detached dwellings some of which benefitting from extensions and alterations.
- 3.2 The host dwelling currently has an existing rear extension serving to extend the original kitchen and dining room along with a further rear projection creating a utility room. Further to this there is already a side extension which is currently marked up on the existing plan as a bedroom. Osborne Close is a cul de sac location and is heavy congested with cars parked both on the driveways and on the main highway.
- 3.3 The proposal is for a two storey side extension and first floor rear extension, to create a family room and an additional bedroom and family bathroom at first floor. Revised plans have been received since the deferral to remove the entrance porch from the application.

### **4.0 Officer Comments**

- 4.1 The main considerations in the assessment of this application are;
- The impact of the proposals on the character and appearance of the property.
  - Impact on Residential Amenity
  - Highway matters
  - Watercourse
  - Any other matters

#### Policy Context

- 4.1 When considering extensions to residential properties the following policies should be taken into consideration. Policy SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. CP11 of the Adopted Wyre Forest District Site Core Strategy and the Design Supplementary Guidance.
- 4.2 Policy SAL.UP7 states that proposals should maximise the use of corner plots and have regard for common building line, street pattern and skyline. Have an appropriate building footprint for the locality and do not represent over-development of the site. Proposals must integrate well within the existing streetscene and have regard for traditional design and materials, avoiding inappropriate features and detail.

20/0454/HOU

- 4.3 Policy SAL.UP8 states that residential extensions should accord with the 45 degree code, be in scale and keeping with the form, materials and detailing of the original building, be subservient and not overwhelm the original building, which should retain its visual dominance and harmonise with existing townscape and not create incongruous features.
- 4.4 In addition the Design Guidance, Supplementary Planning Document states that extensions should respect the existing character of the area and appearance of the streetscene, avoiding terracing, extensions must maintain original frontage rhythms by stepping back by 0.75m from the front elevation, ensuring ridge heights are lower and that extensions must not exceed 4/7<sup>th</sup> of the original front face width. Along with this the SPD also states that to preserve the privacy enjoyed by neighbouring occupants, windows should be carefully considered

Design

- 4.5 The proposed ground floor element of the proposal already exists on site, the additions above and beyond the existing consist of a first floor side and rear extension and porch to side elevation. The materials to be used in the proposal will be constructed from brickwork and tiles, to match the existing property which is an acceptable approach.
- 4.6 The originally submitted plan showed the first floor element extending across the entire ground floor and windows in the rear elevation, these were deemed unacceptable in terms of design and overlooking, which subsequently lead to a revised scheme being submitted. The revised plan showed a reduction in the first floor side elevation in line with the 4/7<sup>th</sup> width guidance as identified in the Design SPD, this amendment along with the set back from the principle elevation is considered acceptable and will result in the original dwelling maintaining its visual dominance. The rear windows have now been removed from the proposal, removing any overlooking to the rear gardens that previously existed with the first proposal. These alterations are welcomed and will ensure the amenity currently enjoyed by the occupants of the neighbouring dwellings is retained and not adversely affected. It should be noted that a small bathroom window is to be installed in the rear elevation only. A condition can be applied to ensure this is obscure glazed and non-opening. Furthermore, a condition will be applied to ensure no further openings are created in either the rear or side elevation.
- 4.7 As previously stated the ground floor footprint remains unchanged. On this basis it is considered that the proposal does not represent overdevelopment of the site. In addition, any additions will not result in an incongruous feature within the streetscene as the proposal will be set back from the principle elevation. The scheme has been designed to allow acceptable separation distance from the rear of the first floor element and the dwellings behind is of an acceptable distance to allow for a two storey rear extension.
- 4.8 The extensions are in accordance with policies SAL.UP7 and SALUP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and Policy CP11 of the Adopted Wyre Forest District Core Strategy

20/0454/HOU

- 4.9 The proposals as a whole are considered to be in keeping with a residential two storey extension and will not look out of place within the current streetscene. This is further supported by the corner position of the dwelling, which means the extension will not be clearly visible in the approach from the main highway.

Parking

- 4.10 Major concerns have been expressed by residents in respect of parking. The agent has provided a parking plan in line with adopted parking standards. The proposal is for the creation of a four bedroom property which requires 3 parking spaces as laid out in the Worcestershire Streetscape Design Guide. The requirement for householder extensions are as follows:

4-5 Bedroom units – 3 spaces, 2 cycle spaces.

The revised plan parking has demonstrated for 3 spaces to the front of the property within the existing block paved area. There is also the potential for a further car in front of the new porch, dependant on circumstances.

- 4.11 Worcestershire Highways have no objection and are satisfied that the 3 spaces measuring 2.4 metres x 4.8 metres per space can be provided and there is the same amount of space available within the driveways for a vehicle to pull forwards so as not to block the neighbouring access. The frontage parking will require a dropped kerb crossover and these works must be carried out by WCC contractors. The proposed cycle parking accords with the adopted parking standards.
- 4.12 Many of the objections have been around parking issues within the street. Worcestershire Highways have no objection to the proposal and advise that there is also enough room in front of the proposed porch to provide an additional parking space, if parked on a tandem. It is noted that parking within the existing street is already overcrowded with numerous residents parking on the footpaths and double parking. These issues are matters for the Police or Civil Enforcement Officers. The required parking for the property has been provided wholly in accordance with the adopted parking standards which are applied to all developments across the County, as such the parking considerations from a planning perspective have been fully met. I am satisfied that the parking demand required for a 4/5 bedroom dwelling has been met in line with the Worcestershire Streetscape Design Guide Spring 2020 and that conditions will be applied to ensure adequate access is created onsite to facilitate the parking correctly and safely.

Residential Amenity

- 4.13 Objections have also been received in respect of residential amenity, all of which are listed above and have been carefully assessed and taken into consideration when determining this proposal.
- 4.14 The application was subject to a revised plan to reduce the size of the first floor element and remove all the rear windows, with the exception of a bathroom window which can be conditioned to be obscure glazed and top hung only. The removal of the windows alleviates any potential overlooking that might have occurred with the first proposal. A further condition can be imposed to ensure no further windows or openings are created in either the rear or side elevations.

20/0454/HOU

4.15 The distance between the rear of Osborne Close and the nearest neighbouring garden at Bronte Drive is 4.6 metres away at the nearest point, and some 13 metres to the nearest dwelling. This separation distance is considered acceptable providing a position when properties will not be adversely impacted by over dominance or loss of light, particularly when taking into account the orientation of the dwellings. Although the new proposal sees the removal of the rear window, the remaining window will offer some break up from the uniform brickwork and should soften the rear wall of the proposal and the outlook from neighbours to the rear. As there are no further windows proposed, no overlooking will result to any of the adjoining neighbours.

Other Matters

4.16 A number of other concerns have raised in respect of inadequate access, increase in pollution, noise nuisance and strain on community facilities these have all been fully considered and in respect of the nature of the proposal it is not concluded that the proposal will lead to an adverse impact in respect of these matters. Members will be aware that negative impact upon property values is not a planning consideration.

4.17 Worcestershire Water Management have raised no objection to the proposal.

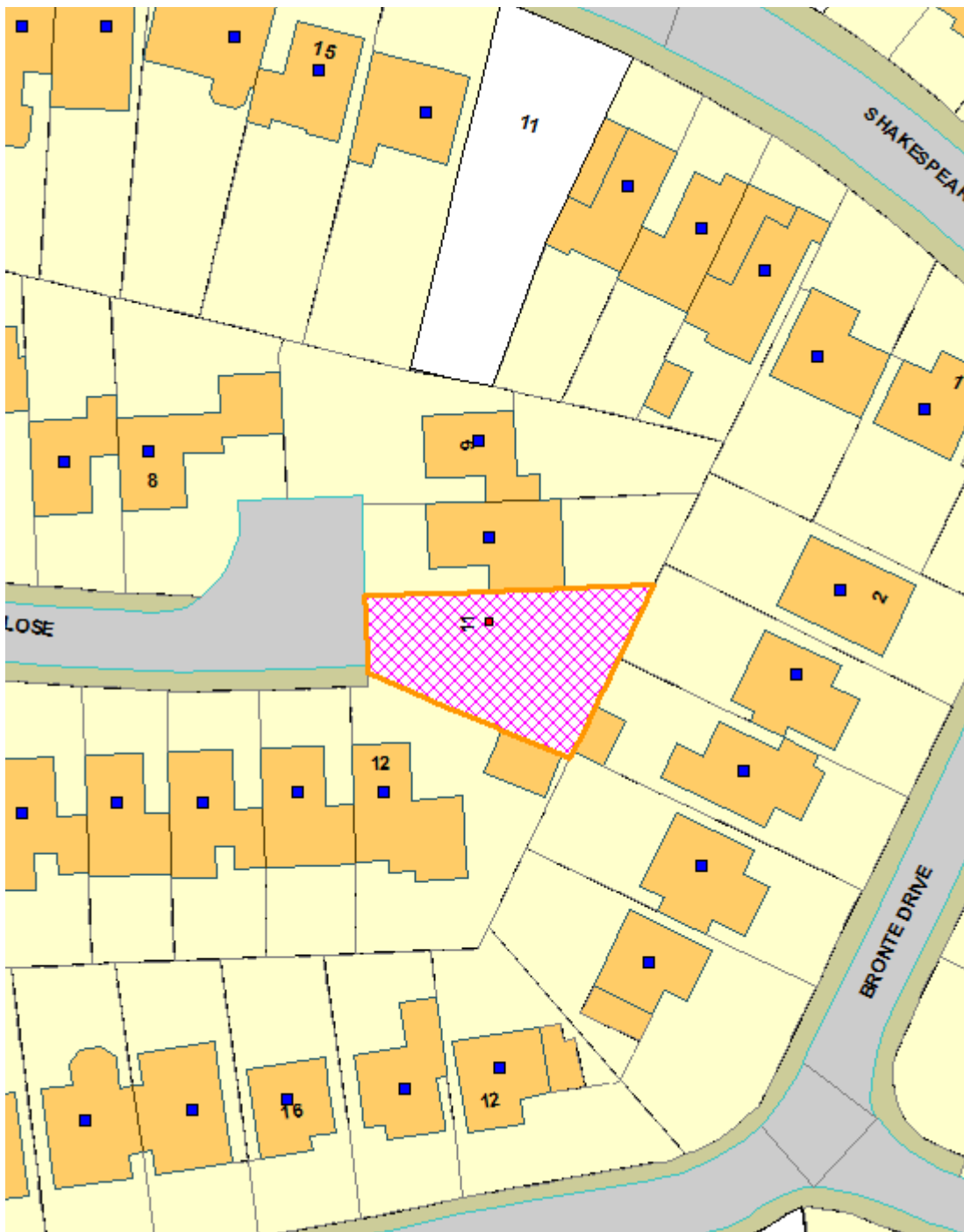
**5.0 Conclusion and Recommendations**

5.1 All representations have been considered, however, it is considered that the siting, scale, design and materials of the proposed extension to the dwelling are considered acceptable and will not detract from the appearance of the property or its setting in the street scene. In addition the proposal will not have any serious adverse effect on the residential amenity of neighbouring properties. The proposal therefore complies with policy CP11 of the Core Strategy and policies SAL.UP7 and SAL.UP8 of the Site Allocations and Policies Local Plan.

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

1. A6 (Standard Time)
2. B3 (Matching Materials)
3. Obscure Glazing
4. No Further Windows
5. Access and Parking
6. Cycle Parking

20/0454/HOU



Economic Prosperity and Place Directorate

11 Osborne Close  
Kidderminster  
DY10 3YY

Crown Copyright 100018317

