

Open

# Planning Committee

## Agenda

To be held remotely  
6pm  
Tuesday, 15th December 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, 15th December 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 17 <sup>th</sup> November 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.	10
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”.	
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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>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

HELD REMOTELY

17TH NOVEMBER 2020 (6PM)

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**Present:**

Councillors: C Edginton-White (Chairman), C J Barnett, (Vice-Chairman), J Aston, V Caulfield, A Coleman, 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, R Coleman, K Henderson and P W M Young.

**PL.31 Apologies for Absence**

No apologies were received.

**PL.32 Appointment of Substitutes**

No Substitutes were appointed.

**PL.33 Declarations of Interests by Members**

Councillor F M Oborski MBE declared Other Disclosable Interest (ODI) in application 20/0454/FUL that she lived in the same road as the property but that it was of a distance that it had no impact directly on her property. She would stay in the meeting but not vote on the application.

**PL.34 Minutes**

**Decision: The minutes of the meeting held on 20<sup>th</sup> October 2020 be confirmed as a correct record of the meeting and signed by the Chairman.**

**PL.35 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Management Schedule No.590 attached).

Councillor P W M Young joined the meeting at 6:27pm. Councillor M J Hart lost connection for a period of the Officer presentation on application 20/0454/HOU and so abstained from voting on that application.

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 590 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 7:01pm

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**17<sup>th</sup> November 2020 - Schedule 590 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> 20/0289/FUL	
<b>Site Address:</b> 111 Chester Road South, Kidderminster, DY10 1XG	
<b>Delegated</b> authority to <b>APPROVE</b> subject to the following:	
<ul style="list-style-type: none"> <li>a) the signing of a <b>Section 106 Agreement</b> to secure affordable housing and contributions to Public Open Space and Bus Stop Infrastructure; and</li> <li>b) the following conditions: <ul style="list-style-type: none"> <li>1. A6</li> <li>2. B1a (including details of all acoustic glazing and window ventilation)</li> <li>3. Removal of pd rights</li> <li>4. B11 (details of enclosure including acoustic barriers)</li> <li>5. Planting scheme</li> <li>6. Planting</li> <li>7. Tiered investigation</li> <li>8. Details of a scheme for foul and surface water drainage</li> <li>9. Sustainable Drainage System (SuDS) management plan</li> <li>10. Drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority</li> <li>11. Require closure of existing vehicle access points and construction of new access point</li> <li>12. Details of welcome pack</li> <li>13. Details of cycle storage facilities</li> <li>14. Electric Vehicle Charging Points in each property</li> <li>15. Ecological Enhancement Measures</li> <li>16. Lighting Scheme to be submitted</li> <li>17. risk avoidance strategy for reptiles</li> <li>18. bat roost / bird box information to be submitted</li> <li>19. Land contamination</li> <li>20. Noise Mitigation Measures</li> <li>21. All tree works to be carried out in accordance with submitted AIA</li> <li>22. Submission of planting plan</li> </ul> </li> </ul>	
Notes	<ul style="list-style-type: none"> <li>A Severn Trent Water</li> <li>B Ringway Infrastructure Service to carry out all highway work.</li> <li>C Recycling</li> <li>D Pollution prevention</li> </ul>



- |   |  |
|---|--|
| E | Cover all excavations                            |
| F | Vegetation clearance outside bird nesting season |

Councillor P W M Young joined the meeting at 6:27pm.

Councillor M J Hart lost connection for a period of the Officer presentation and so abstained from voting on the following application.

<b>Application Reference:</b> 20/0454/FUL
<b>Site Address:</b> 11 Osborne Close, Kidderminster, DY10 3YY
The Committee received representation from Siobhan Brownlee (Objector) and Raqib Mukhtar (Applicant's Representative) prior to a decision being made.
<b>APPROVED</b> subject to the following conditions; <ol style="list-style-type: none"><li>1. A6 (Standard Time)</li><li>2. B3 (Matching Materials)</li><li>3. Obscure Glazing</li><li>4. No Further Windows</li><li>5. Access and Parking (pavement crossing to be provided within 6 months of the date of permission)</li><li>5. Cycle Parking</li></ol>

**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>
20/0033/FUL	The Grange 162 Sutton Park Road Kidderminster Worcestershire DY11 6LF	Approval	<b>11</b>
20/0747/S73	Oak Tree Farm Button Oak To Arley Road Pound Green Bewdley DY12 3LG	Approval	<b>25</b>

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE****15 December 2020****PART A**

<b>Application Reference:</b>	<b>20/0033/FUL</b>	<b>Date Received:</b>	<b>06.01.2020</b>
<b>Ord Sheet:</b>	<b>381626 275537</b>	<b>Expiry Date:</b>	<b>18.09.2020</b>
<b>Case Officer</b>	<b>Helen Hawkes</b>	<b>Ward:</b>	<b>Foley Park And Hoobrook</b>

**Proposal:** Demolition of existing building and erection of 8 dwellinghouses, some with garages, together with new internal road and landscaping

**Site Address:** The Grange, 162 Sutton Park Road, Kidderminster, Worcestershire, DY11 6LF,

**Applicant:** Hadlington Brothers Ltd

<b>Summary of Policy</b>	CC1 CC2 CC7 CP01 CP02 CP03 CP11 CP12 CP14 DPL1 DS01 NPPF PFSD1 UP7 UP9 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Reason for Committee Referral</b>	Third party have registered to speak at Committee
<b>Recommendation</b>	<b>Approval</b>

**1.0 Planning History**

1.1 10/0698/WCC – Car park extension

1.2 WF87/05 – Two small extensions on rear elevation (SE) elevation

1.3 WF482/00 – Change of use from residential to office use (administration of therapy unit), car parking and widening of access

**2.0 Consultations and Representations**

2.1 Kidderminster Town Council – No objections.

2.2 North Worcestershire North Water (*Initial comments*) - To my knowledge there would not be any concerns for the redevelopment of this site from a flood risk point of view. The proposed development has the potential to decrease the amount of hardstanding

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and therefore the amount of surface water runoff generated on the site. It is the Council's policy that all new developments fully explore the use of SuDS. The application form details that surface water from the development will be discharged to soakaways, however the design and access statement sets out that this is not actually the case for the majority of the proposed access road and Plot 1 and 9, which are proposed to discharge to the storm sewer in Sutton park Road. As advised in the pre-application stage, discharge via infiltration would need to be ruled out first before we would consider an attenuated discharge to a surface water sewer. The required justification for not infiltrating all runoff from the site has not been provided.

No design criteria have been detailed. The application details that the anticipated discharge will be less than the current situation, however in line with the non statutory technical standards for SuDS (Defra 2015) we ask that all surface water drainage infrastructure gets designed so there is no increase in runoff from the site compared to the greenfield situation up to the 1 in 100 year event plus an allowance for climate change.

Also included in my pre-application advice was that the applicant will need to show that in the design of the proposed surface water drainage scheme the root protection zones of the existing trees have been taken into full consideration. I have not located this information. For a number of plots, and particularly plot 6, this information will I believe be required.

The application is not explicit regarding whether any communal soakaways are being proposed. Where at all possible we shy away from any communal, shared assets as the maintenance responsibility is often not clear. Where communal assets are being proposed, details regarding the future maintenance responsibility and how this will be communicated with future home owners will need to be provided.

I understand that foul water will discharge to the foul sewer in the road. This is the preferred option and will require Severn Trent Water approval. I have no adverse comments to make regarding this aspect of the application.

2.3 North Worcestershire Water Management Officer (*Second comments*) – No objection subject to the following drainage condition:

- a) No development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus 30% allowance for climate change. The submitted scheme shall give priority to achieving infiltration techniques and the scheme shall include the details and results of field percolation tests. For parts of the site where infiltration drainage is not possible, an alternative method of surface water disposal shall be submitted for approval. The scheme shall include run off treatment proposals for surface water drainage. Potential impacts upon tree roots will need to be assessed and mitigation measures proposed as part of the surface water drainage strategy. Where reasonably possible communal drainage assets are located in communal areas. If the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall

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be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

- 2.4 Severn Trent Water – I can confirm that we have no objections to the proposals subject condition. Severn Trent Water advise that there may be a public sewer located within the application site.
- 2.5 Countryside and Parks Manager – No objection subject to conditions. This is a big site but there looks to be little bat activity. Hence I'm happy that the survey effort has been sufficient. The only ecological conditions will be:
- a) Works to clear the site implemented outside of the bird nesting season or for the site inspected immediately prior to any works by a qualified ecologists and their recommendations followed to avoid harming or disturbing any nesting birds.
  - b) All excavations covered overnight and the means for potentially trapped animals escape provided.
  - c) The lighting scheme for the new development needs to be passed to the applicant's ecologist to review, amend and re design to prevent light spill impacting the new bat boxes or other ecologically sensitive receptors EG mature tree.
  - d) The installation of 5 bird and 5 bat boxes. These need to be of a durable nature and located in ecologically suitable locations. The nature and location of these need to be submitted on a plan and then implemented.
- 2.6 Designing Out Crime Officer – No objections or comments regarding the application.
- 2.7 Worcestershire Regulatory Services (Noise Nuisance) – No objection to the application in terms of road traffic noise adversely impacting future residents. If the application is approved, in order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, an informative should be attached to make the applicant aware of the WRS Demolition & Construction Guidance and to ensure its recommendations are complied with.
- 2.8 Worcestershire Regulatory Services (Contaminated Land) – No objections subject to informative to make the applicant aware of appropriate removal and disposal of potential asbestos in the building to be demolished.
- 2.9 Highway Authority (Initial comments) – Recommend refusal. The proposed site is located on Sutton Park Road which is classified (B4549) and subject to a 30 mph speed limit and whilst it is acknowledged that there is an existing residential care home use, the proposed development of 9 dwellings exceeds the criteria for a private shared drive and is therefore expected to meet adoptable standards. However, the applicant has failed to provide an adequate level of information in order for the application to be determined from a Highways point of view. In particular, the applicant has not provided specific details of the access arrangements to include visibility splays and a Transport Statement would be expected. This would provide details of the existing and proposed traffic generation to clearly show whether the proposal represents an intensification of use and accordingly, whether the visibility splays are appropriate and achievable.

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With reference to the internal layout of the site, the latest submitted plan (Rev D) is not to scale and tracking details via a CAD diagram to accurately show refuse vehicle movements have not been provided. An internal road width of 5.5 metres is indicated without reference to highways design criteria and just inside the site, a strip is indicated across the carriageway without explanation.

There are level differences on this site which have not been referenced and clarification of the proposed highway drainage outfall principles have not been provided. Adequate turning facilities for each plot are required and parking for new residential developments are expected to include circulation space.

The lack of adequate information means that it has not been clearly demonstrated that the proposed development meets the standards in the adopted Streetscape Design Guide.

Moreover, safe and suitable access has not been demonstrated which is contrary to Paragraph 108 NPPF and the resulting highway safety implications represent an unacceptable impact which is contrary to Paragraph 109 NPPF.

The Highway Authority has undertaken a robust assessment of the planning application and recommends that this application is refused.

- 2.10 Highway Authority (Second comments) – Further to the refusal comment, the applicant has submitted revised details to demonstrate that the existing residential care home use is more intensive in terms of traffic generation than the proposed residential development therefore the access and visibility splays as existing are accepted.

It is noted that the proposal has been amended to 8 dwellings and the layout comprising footways on both sides plus turning head, complies with a coherent design. However, should the applicant choose to put the site forward for adoption by the Highway Authority, further details will be required particularly with regard to the drainage strategy.

As the internal road is minimal in length, a variable road width is not seen as necessary as a speed reduction measure and a consistent carriageway width of 5.5m will be expected. Visibility at the access is to be maintained free of obstruction at all times and this would be reviewed as part of an adoption process. Tactile paving will be required on the footway on Sutton Park Road on either side of the access with details to be submitted.

Cycle parking is required for dwellings without garage facilities and a Welcome Pack is expected to be provided to promote sustainable travel options to future residents of the site.

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.

- 2.11 Arboricultural Officer (Initial comments) – Recommend refusal for the following three reasons:

1. TPO'd trees 16,17 & 18 which are 22, 21 and 20 Arboricultural Report of the 26th Nov 2019, are listed to be removed to facilitate Plot 9 of the development. I take the point that they are not prominent trees in the summer, when the deciduous trees around the outside of the site are all in leaf. But they are more visible in the autumn and winter. They are also good specimens that Jeff Marlow has given the

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retention classification of B for both T16 & T17. I do not feel that losing them to facilitate plot 9 as it is currently designed is acceptable.

2. The dwellinghouse in plot 7 is well within the RPA (Root Protection Area) of oak T12 (in the TPO). The RPA should be 8.4m, but it is 4.9m. There is mention in para. 4.3.2 of the report that states 'Given the age and species of the majority of trees adjacent to plots 5-7, they should be able to tolerate some changes in ground levels'. I don't agree with this statement, as I would be surprised if the tree roots wouldn't have colonised the soil of the existing ground levels over the years. In addition, there is an impermeable surface on the opposite side of the trees, meaning that they will be a restricted rooting area in that direction. Detailed investigations would be required to ascertain the proximity of the roots in this area before I am satisfied that the TPO'd oak won't be adversely affected.
3. The dwelling house in plot 5 is within the RPA of TPO'd tree T9 (36 in the report). The house will be around a metre within the RPA, which although not a huge amount, scaffolding will need to be added to this, so we're looking at 2 to 3 metres inside the RPA.

- 2.12 Arboricultural Officer (Second comments) – No Objection subject to condition Although the Western Red Cedars will be lost. I can accept that as the rest of the design doesn't compromise the other trees on the site.

### **Neighbour / Site Notice Responses**

The original scheme for 9 dwellings received the following responses:

1 letter of objection received from an adjoining occupier stating the following:

- Development, in particular plot 2, would create a stark and imposing side wall and roofing rising significantly above the rear gardens of Perrin Avenue, and all to plainly visible to existing residents in Perrin Avenue.
- Although the upper windows are for bathroom facilities we are all aware that windows can and would be opened without thought of the adjoining residents.
- It is difficult to see how the proposed development can be constructed without the need to extensively cutting back the bordering hedgerow to give appropriate workspace. In particular the proposed garage appears to be almost 'in the hedge' on the plans and 18 metres from the rear elevation of the bungalow in Perrin Avenue.
- The existing hedgerow reaches heights in excess of 4 metres and law states a maximum of 2 metres between adjacent residential properties and future occupiers might want to reduce the height of the hedgerow to 2 metres.

1 letter of comment received from an adjoining occupier stating the following:

- The existing hedgerow that is shared between the application site and the neighbouring properties in Perrin Avenue provides privacy, security and nature conservation and needs to be retained.

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The revised scheme for 8 dwellings received the following responses:

1 letter of objection received from nearby occupiers stating the following: - Close to adjoining properties.

- Information missing from plans.
- Loss of privacy.
- Not enough information given on application and lack of structural details regarding the dormer bungalow on plot 2.
- The separation distance between the proposed dwelling in plot 2 and the bungalow at 24 Perrin Avenue is 22 metres which reflects the desirable minimum separation distances, however, the plans don't take into account that 24 Perrin Avenue has a conservatory and therefore the separation distance is reduced to 18 metres and as such the position of plot 2 should be revised.

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

- 3.1 The application site relates to a large rectangular plot of land measuring 0.55 hectares in total site area and contains a vacant residential care home (known as 'The Grange'). It is located on the east side of Sutton Park Road, within the urban area of Kidderminster with good accessibility to local shops, services and facilities by walking, cycling and regular bus services.
- 3.2 The existing care home comprises a series of interconnected two-storey and single storey buildings positioned within the centre of the site with areas of communal garden to the rear and to the east of the building and surfaced car parking to the front and west of the building. The existing building has been constructed on built up ground level to the height of the front part of the site, which has resulted in a high embankment to the rear of the building and in particular within the northeast corner of the site. The site contains a number of mature tall trees with 26 of these trees being subject to a Tree Preservation Order (TPO 439). There is also a tall hedgerow (approximately 4 metres in height) situated on the side boundary (northwest), which provides an evergreen screen for the bungalows in Perrin Avenue. The character of the surrounding area is predominantly residential and comprises a mix of detached and semi-detached two storey properties and bungalows.
- 3.3 The proposed development is for the erection of 7 detached dwellings and 1 dormer bungalow, together with new internal road, car parking and landscaping, following the demolition of the existing care home building.
- 3.4 Access to the proposed development would be provided by the existing access point off Sutton Park Road and a new cul-de-sac road would be created with a 'T-shaped' turning head. The layout would consist of three dwellings to the front of the site that would be set back from the road on a deep and slightly stepped building line with car parking to the front accessed off a private drive and gardens to the rear. Two dwellings would then be provided directly behind two of the front dwellings to ensure enclosed and secure gardens are provided. Two dwellings and the dormer bungalow would be positioned in the rear part of the site that would front onto the turning head and their rear gardens would back onto the rear boundary of the site. The proposed dwellings



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and dormer bungalow would have a traditional appearance and would be constructed in brick with tiled roof. The house types would provide 4 and 5 bedroom accommodation. 300% parking provision would be provided for each property and 3 plots would include either a double or single garage. To facilitate the development 3 no. Western Red Cedar trees (T17, T18 and T19) and a Silver Birch tree (T4) which are subject to Tree Preservation Order (TPO 439) and 2 no. unprotected trees would need to be felled. 6 no. replacement trees are proposed along the access road to offset the loss of existing trees.

- 3.5 The application has been amended from 9 to 8 dwellings to ensure an acceptable separation distance can be provided from the proposed dwellings/dormer bungalow and the existing trees and hedgerow which are to be retained. The proposed dwelling on Plot 1 has also been set back further in its plot to provide greater separation from the existing trees and Plot 2 has been amended from a two-storey dwelling to a dormer bungalow to reduce its visual prominence when viewed from the adjoining bungalows in Perrin Avenue. A cross section has been provided to illustrate the proposed groundworks, which involves cut and fill to the rear part of the site to reduce the height of the existing embankment and the cross section also demonstrates the proposed site levels/finished floor levels of each plot in relation to the neighbouring properties at 164 Sutton Park Road and 24 Perrin Avenue. A Tree Shadow Analysis has also been submitted during the course of this application to ascertain whether the rear gardens of the proposed dwellings would be unduly overshadowed by the existing TPO trees. Amendments have also been made to the internal access road and a Transport Technical Note has been forthcoming to address initial concerns raised by the Highway Authority.
- 3.6 The application has been supported by a Design and Access Statement, Tree Shadow Analysis, Transport Note and an Ecological Survey.

#### **4.0 Officer Comments**

- 4.1 The main considerations are whether the proposed development is acceptable in principle and whether there would be any detrimental impact on the character and appearance of the area, on the amenities of existing and future occupiers, highway safety, trees, ecology, flood risk and drainage.

#### **POLICY CONTEXT**

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the 'Framework') seeks to achieve sustainable development and is a material consideration in planning decisions and does not change the statutory status of the development plan as the starting point for decision making.
- 4.3 The Wyre Forest District Council's Adopted Core Strategy was adopted against a housing evidence base derived from the now revoked West Midlands Regional Spatial Strategy that does not reflect the up to-date full objectively assessed need that the

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Framework requires. Despite the Core Strategy being out of date, it is considered that the most important policies for determining this application is Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan which is consistent with the Framework in terms of its objective in seeking to focus new housing development on previously-developed land within urban and sustainable locations first before applying a sequential approach to other preferable housing sites in the District.

- 4.4 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). Therefore, when applying the case of Wavendon Properties v SSHCLG v MKC 2019, 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 and that full weight can be given to its 'locational policies' including Policy SAL.DPL1.
- 4.5 The application site relates to previously developed land within the urban area of Kidderminster where new residential development is fully supported by Policy SAL.DPL1 and the objectives of the Framework in terms of using suitable brownfield land within settlements for homes (paragraph 118(c)). The principle of residential development is therefore acceptable, subject to the following site-specific considerations.

#### IMPACT ON LOCAL CHARACTER

- 4.6 The surrounding area is residential in character and comprises detached and semi-detached two-storey properties and bungalows and many properties on Sutton Park Road are set on a deep building line behind mature front gardens and within spacious plots. It is also worth noting that the site contains mature trees and hedgerows around its periphery which creates a ready-made mature and attractive setting for the proposed new homes.
- 4.7 The proposed development would create a cul-de-sac form of development and would be in keeping with other backland developments in the surrounding area, notably No. 164 Sutton Park Road and the nearby cul-de-sacs at The Croft, Sutton Park Gardens, Carter's Garden and Highgate Close. The proposed three dwellings to the front of the site would be set back on a staggered building line to reflect the building siting of 164, 165 and 166 Sutton Park Road and would create an acceptable infill development between these plots. They would also be set back a sufficient distance from the trees to the front of the site and although some of these trees are deciduous it is considered that the development would still have good screening from views from the road during most of the year.
- 4.8 The proposed plot sizes are considered to reflect the typical plot sizes in the area and although the amended scheme has resulted in a low density of 15 dwellings per hectare, I consider that this is acceptable in this instance given that the development has had to take into account the preservation of the protected trees in the long term and the changes in the ground levels in relation to neighbouring properties.

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- 4.9 The proposed layout of the site would provide a coherent development with a good sense of enclosure to the internal access road and all of the proposed rear gardens would back onto other gardens within the site or neighbouring gardens to ensure they are private and secure. The proposed development would provide good natural surveillance of the internal access road and the parking areas have been designed to ensure they do not dominate the frontages. The traditional design of the house types would be in keeping with character and appearance of other houses in the local area and would add to the overall quality of the area.
- 4.10 It is therefore considered that the proposed development would be well designed and would integrate well with the surrounding area, in accordance with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the Design Guide SPD and paragraphs 124 and 127 of the Framework. Conditions are attached to secure high-quality building materials, hard surfacing, landscaping and boundary treatment.

#### RESIDENTIAL AMENITY

- 4.11 The application site is adjoined by residential properties on both side boundaries and to the rear and during the course of the application the applicant has submitted a Cross Section Plan and details of the changes in ground levels to show that the bungalows on Perrin Avenue are situated on higher ground level than the application site and that 24 Perrin Avenue is approximately 2.75 metres higher than Plot 2. The amended scheme has also replaced the two-storey dwellinghouse on Plot 2 with a dormer bungalow and now only the upper part of the roof would be visible above the existing hedgerow which reaches a height of 4 metres in places. In addition, the nearest bungalows in Perrin Avenue have relatively long rear gardens with No. 23 having a garden length of 16.13 metres; No. 24 having a garden length of 19.75 metres; and No. 25 having a garden length of 13.8 metres. It is generally accepted that a separation distance of 12.5 metres between side blank gable walls and opposing windowed elevations is required in new developments. Therefore, when taking into account the changes in ground levels, the existing boundary screening and the separation distances, it is considered that the proposed development would not result in any oppressive or overbearing impact on the neighbouring occupiers in Perrin Avenue.
- 4.12 Comments have been received from the adjoining occupier at 25 Perrin Avenue about concerns of loss of privacy caused by overlooking from the proposed dormer bungalow on Plot 2, however, I do not consider that the proposed dormer bungalow would cause any loss of privacy given that it would be positioned at right angles to the properties in Perrin Avenue and any views from the proposed front and rear facing bedroom and en-suite windows within the roof space would be at an oblique angle and would cause negligible overlooking of neighbouring properties.
- 4.13 The amended siting of the proposed dwelling on Plot 1 would not breach the 45 degree code in relation to the nearest habitable room windows at 160 Sutton Park Road and I do not consider that the car parking spaces on Plot 1 would result in an adverse impact on the amenity of the existing occupiers of 160 Sutton Park Road.

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- 4.14 The proposed three dwellings in the rear part of the site are sited over 12 metres from the rear garden belonging to 164 Sutton Park Road and I consider that this is an acceptable separation distance which would ensure no undue loss of privacy of 164 Sutton Park Road.
- 4.15 The proposed development would provide a high-quality living environment for future occupiers with adequate bedroom sizes, internal layout and rear garden sizes. There would also be good separation distances between habitable room windows to ensure no unacceptable overlooking occurs between dwellings. The amended scheme also now shows sufficient separation distance between the proposed gardens and the existing protected trees to ensure the gardens would not be significantly overshadowed by the trees. No objections have been raised by Worcestershire Regulatory Services in terms of noise and potential contaminated Land.

#### HIGHWAY SAFETY

- 4.16 The applicant has submitted a Technical Note by David Tucker Associates to address concerns raised by the Highway Authority in terms of whether the proposed development would intensify the use of the access point and cause an increase in traffic generation on the local highway network. The Technical Note advised in paragraph 2.3.1 that during the peak hours the traffic movements for the proposed development would be very similar to that of the former care home use of the site and that the daily rates show a large decrease in traffic movements in and out of the site. The Technical Note concluded that '*... the development would have an indiscernible impact on the local highway network in the peak hours and a beneficial impact over the day*'...'*Due to the lack of additional traffic generated by the proposed development it can be seen there would be no detrimental impact on highway safety*'. The Technical Note also confirmed that the layout of the access road and the parking provision conforms with the requirements of the WCC Streetscape Design Guide.
- 4.17 The Highway Authority are satisfied with the conclusions of the Technical Note and are content that the proposed residential development would not lead to an unacceptable or severe impact on highway safety, to warrant a refusal of the application in terms of paragraph 109 of the Framework. The Highway Authority raise no objection to the parking provision and the use of the existing access point and have recommended conditions to require the access road to be a consistent 5.5 metre width and for the access to have tactile surfacing. They have raised concern that the proposed internal access road may not be up to adoptable standards if drainage is proposed within the road. I consider that this would be considered as part of the Section 38 agreement if the applicant decide to have the internal road adopted by the Highway Authority, otherwise it would remain as a private road. I also consider that the internal road can be increased to 5.5 metres in width throughout without diminishing the soft landscaping provision and layout of the site.
- 4.18 I therefore consider that the development would have acceptable access arrangements and parking provision and would not result in an unacceptable impact on highway safety. The development would therefore accord with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the Framework.

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## IMPACT ON TREES

- 4.19 The original scheme included a ninth dwelling in the north east corner of the site. It was considered that the garden to this dwelling would be overshadowed by the existing protected trees and that the rear garden would not be useable as it would be on three levels to accommodate the changes in ground level in this part of the site. A Tree Shadow Analysis was submitted in an attempt to justify a dwelling in this part of the site but this showed that the rear garden would have limited sunlight until 2pm on 1<sup>st</sup> August and no sunlight at all during the winter months when the sun would be lower in the sky. It was considered that this would be unacceptable and that it would likely lead to pressure being put on the Council from future occupiers of the dwelling to either reduce or fell the protected trees in order to gain sunlight to the rear garden. The applicant amended the scheme to 8 dwellings and moved the dwellings further away from the existing trees and the hedgerow that is shared with the bungalows in Perrin Avenue. The dwelling on Plot 1 was also repositioned further back in its plot to ensure no adverse impact on the protected trees to be retained in the future. The amended scheme is acceptable, and no objection has been raised by the Council's Arboricultural Officer in relation to the proposed three dwellings to the rear of the site and Plot 1.
- 4.20 The proposed development would involve the removal of 3 Western Red Cedar trees and a Silver birch tree which are protected by a Tree Preservation Order (TPO 439) and two other trees and it is considered that this is acceptable given that the majority of trees would be retained and the loss would be offset by 6 replacement trees along the new access road. The Arboricultural Officer has recommended conditions to require the submission of a Tree Protection Plan and an Arboricultural Method Statement. I have attached conditions accordingly.

## IMPACT ON BIODIVERSITY

- 4.21 Paragraph 170d of the Framework advises that planning decisions should ensure that developments minimise impacts on and provide net gains for biodiversity and Paragraph 175 applies a hierarchy to be applied when determining planning applications that would give rise to significant harm to biodiversity. This includes to first seek to avoid significant harm, then to adequately mitigate, or, as a last resort, compensate before recommending refusal of the application. Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan is consistent with the approach set out in the Framework.
- 4.22 A comprehensive Ecological Survey has been undertaken which included a thorough search of all the buildings on site for potential bat roosts and foraging. It was concluded in the survey report that no protected bat species were found within the buildings and no other protected species were found to be present within the site except it was noted that the existing trees and adjoining residential gardens had good potential of supporting bats and nesting birds. The survey report has recommended precautionary measures to be followed during the development works including the need to avoid work within the bird nesting season; to cover all deep trenches at night to prevent entrapment of Hedgehogs, Frogs etc; to stop all work if bats or nesting birds are discovered during any building or demolition work; and to avoid external lighting near any bat or bird boxes. In addition, enhancement measures have also been

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recommended such as the provision of new bat roosting and bird nesting facilities to ensure net gains in the biodiversity value of the site.

- 4.23 The Countryside and Parks Manager considers that the submitted survey report is sufficient and that the development would not lead to significant harm to biodiversity and that the development would achieve net gains to biodiversity. I concur with the views of the Countryside and Parks Manager and have attached conditions accordingly to secure the necessary mitigation and enhancement measures. The proposed development would therefore, accord with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraph 170d and 175 of the Framework.

#### FLOODING RISK AND DRAINAGE

- 4.24 The application site falls within Flood Zone 1 (low risk) and the North Worcestershire Water Management Officer and Severn Trent Water raise no objection to the application, subject to a condition to require a scheme for surface water drainage to be submitted. I concur with these views and have recommended a condition accordingly. The development would therefore accord with Policy CP02 of the adopted Core Strategy, Policy SAL.CC7 of the adopted Site Allocations and Policies Local Plan and Paragraph 108 of the Framework.

### **5.0 Conclusion and Recommendations**

- 5.1 The proposed development would regenerate a brownfield site and deliver 8 dwellings in a sustainable location within the urban area of Kidderminster. The proposals would create an acceptable cul-de-sac development that would be well designed and would integrate well with adjoining plot sizes, building styling and house designs in the local area. It would not result in any overlooking or overshadowing of neighbouring properties and given the existing mature boundary screening to the site boundary and differences in ground levels between the site and those in Perrin Avenue would not result in any overbearing impact. Adequate parking provision and access arrangements are proposed, and safeguarding conditions have been attached to protect existing protected trees to be retained and to provide net gains to the biodiversity value of the site. It is also considered that suitable drainage of the site can be achieved, and that the development would not increase the risk of flooding elsewhere. The proposals would deliver a sustainable development and would accord with relevant policies within the Development Plan and the National Planning Policy Framework.

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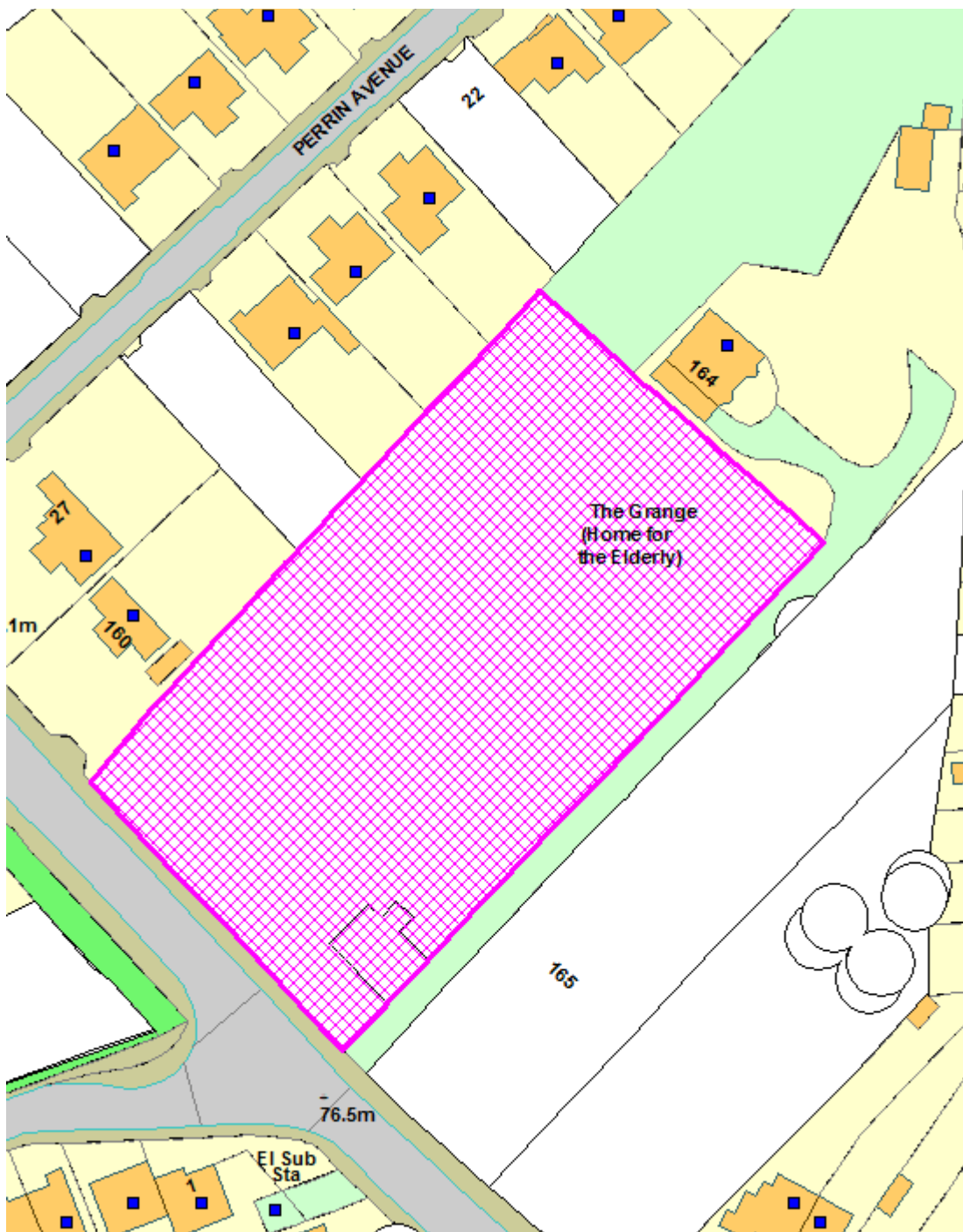
5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. Building materials including hard surfacing details
3. To secure site and finished floor levels
4. To secure boundary treatment details
5. To require landscaping scheme and implementation
6. To require Landscape Management Plan
7. To secure retention of hedgerow at a minimum height of 3 metres above ground level of the application site
8. To require Tree Protection Plan
9. To require Arboricultural Method Statement
10. Implementation of Ecological Mitigation Measures
11. To require provision of 5 bird and 5 bat boxes
12. To require external lighting details
13. Removal of Permitted Development Rights for rear extensions to dwellings on plots 2 – 8 (inclusive)
14. No first-floor side facing windows shall be installed in the dormer bungalow
15. Foul and Surface Water Drainage
16. Scheme of surface water drainage strategy
17. Details of the access to include tactile paving and surfacing
18. Access, turning area and parking facilities including to be provided
19. Internal access road to be amended to provide a consistent width of 5.5 metres
20. To require cycle storage facilities
21. To require welcome travel pack
22. To require Construction Environmental Management Plan to avoid harm to highway safety and trees.

Notes

- |   |  |
|---|--|
| A | Severn Trent Water                                     |
| B | Section 278 Highway Works                              |
| C | Section 38 Agreement                                   |
| D | Drainage Details for Section 38                        |
| E | No Drainage to Discharge to Highway                    |
| F | WRS Demolition & Construction Guidance                 |
| G | Appropriate removal and disposal of potential asbestos |

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Economic Prosperity and Place Directorate

The Grange 162 Sutton Park Road Kidderminster Worcestershire DY11 6LF

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**PART A**

<b>Application Reference:</b>	<b>20/0747/S73</b>	<b>Date Received:</b>	<b>18.09.2020</b>
<b>Ord Sheet:</b>	<b>375665 278620</b>	<b>Expiry Date:</b>	<b>13.11.2020</b>
<b>Case Officer</b>	<b>Kelly Davies</b>	<b>Ward:</b>	<b>Bewdley And Rock</b>

**Proposal:** Removal of Condition No. 4 attached to Planning Permission 18/0595/FULL to reinstate Permitted Development Rights

**Site Address:** Oak Tree Farm , Button Oak To Arley Road, Pound Green, Bewdley, DY12 3LG

**Applicant:** Mrs J Rose

<b>Summary of Policy</b>	UP7 UP8 CP11 GPDO NPPF Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Reason for referral to committee</b>	Ward member request for committee consideration.
<b>Recommendation</b>	<b>Approval</b>

**1.0 History**

1.1 20/0269/FUL – Alterations and Extensions to pair of dwellings to include loft conversion, dormer window, solar roof panels, velux rooflight, conservatory and detached garage to each (amendments to planning approval 19/0788/FULL)

**2.0 Consultations and Representations**

2.1 Parish Council – Recommend Refusal

**Neighbour/Site Notice Representations**

- o The property is already extensively extended
- o Anti-social working hours
- o Disruptions from building merchants and building work
- o No control over future development

**3.0 Site Location and Description**

3.1 The application site is a detached bungalow of a traditional brick and tile construction located within Pound Green to the north-west of Bewdley. The bungalow is set back from the highway by a driveway and garden to the front. The site is currently flanked by an established hedgerow.

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- 3.2 The applicant requests that Permitted Development rights are reinstated for this dwelling by way of this application.

#### 4.0 Officer Comments

- 4.1 The proposal is to removal of Condition 4 of Planning application 18/0595/FULL. Condition 4 was a blanket removal of Permitted Development Rights, to prevent any development within the application site whatsoever, without formal planning permission. For clarity this prevented the following works;

##### Part 1

- Class A – Extensions and alterations
- Class B – Extensions to the roof space
- Class C – Other roof alterations
- Class D – Porches
- Class E – Outbuildings and swimming pools etc.
- Class F – Hardsurfaces
- Class G – Chimneys and flues
- Class H – Satellite dishes and aerials

##### Part 2

- Class A – Fences
- Class B – Highway access
- Class C – Painting of property
- Class D – Electric charging points

##### Part 14

- Classes A – I – Renewable energy

The reason for the condition is stated as being required to maintain the character and appearance of the area and ensure sufficient amenity space is retained for the dwelling.

- 4.2 The agent acting on this application has submitted a thorough supporting statement justifying why Permitted Development rights should be reinstated. This would reinstate the freedoms to develop in line with other properties within the area for the works as set out above.
- 4.3 The Planning Practice Guidance (PPG) states, in latest revision from 2019, that conditions need to be amongst other matters, necessary, precise and reasonable. It states explicitly that "...blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity".
- 4.4 The 2018 was for a single storey side extension, which had previously been approved in a different form. Whilst the previous approvals did not include the condition to remove permitted development rights, the 2018 did. The report presented to the Planning Committee in 2018 did not justify the condition, but included it within the list of recommended conditions. Having reviewed the condition it is clear that it is not

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precise to highlight the specific matters that case officer wish to protect, falling foul of exactly what the PPG guards against. This application allows for a re-assessment of the need to impose the condition following consideration of the specific condition tests as set out with the National Planning Policy Framework and the PPG. From the reason given within the condition it was clear that it was intended to remove the ability to extend the property and provide outbuildings only, although this was not precisely stated.

- 4.5 In respect of extensions, the application property was originally an 'L' shaped building. It has been subject to numerous extensions within the past, in porch has also been added and a side/rear extension as part of the 2018 applications. These extensions mean that there is very limited opportunities to extend the dwelling, other than through a rear dormer extension to its roof. When looked at as a whole any potential extensions to the property including its roof will not adversely impact on the character or appearance of the landscape or the open countryside over and above the existing situation.
- 4.6 In respect of Class E of the general Permitted Development Order allows for outbuildings within the curtilage of the main dwelling. The garden is fairly large and the prevision of outbuildings within the limits of the rights allowed, would still allow for adequate amenity space for the dwelling. It is considered that due to location and size of the plot, that the introduction outbuildings would have little if any harm on the amenity currently enjoyed by the neighbouring properties or impact on the surrounding area.
- 4.7 The other permitted development right works would have no perceivable impact that would cause determinant to the surrounding area. In particular, Members will be aware that there should be an encouragement of renewal sources of the energy and not a discouragement.
- 4.8 Condition 4 was applied to the planning permission 18/0595/FULL at the time as it was considered that we should control further development of the site. However, this was imprecisely imposed and in in hind sight was not a reasonable condition to impose given the scale of the development in 2018. This has now been fully assessed and it is considered that the condition would not meet the statutory tests for imposition and in any event would not result in any harm alleged within the conditions reason.
- 4.9 The comments from the Parish Council have been fully taken into account. However, when the maximum extensions it is considered that the reinstatement of Permitted Development rights would not lead to further addition that would appear disproportionate to the original building and would not serve to overwhelm or unbalance the original dwelling. Its imposition is considered to have been unnecessary and overly restrictive given. The removal of Condition 4 would offer no detriment to the character and appearance of the property, to the street scene or to the character of the area.
- 4.10 I note that objections have been raised in respect of previous alterations to the access to the site and clear visibility splays. It is unclear what application this relates to, as a formal planning application has been submitted for access to the barn adjacent Oak Tree Farm. In respect of the main dwelling, access to the site was assessed under

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previous planning approvals. Should the access be incorrect this would be a matter to be investigated under Enforcement powers. Members will be aware that damage to public maintained verges and related highways matters are for the Highway Authority to resolve and not a matter for consideration under this application.

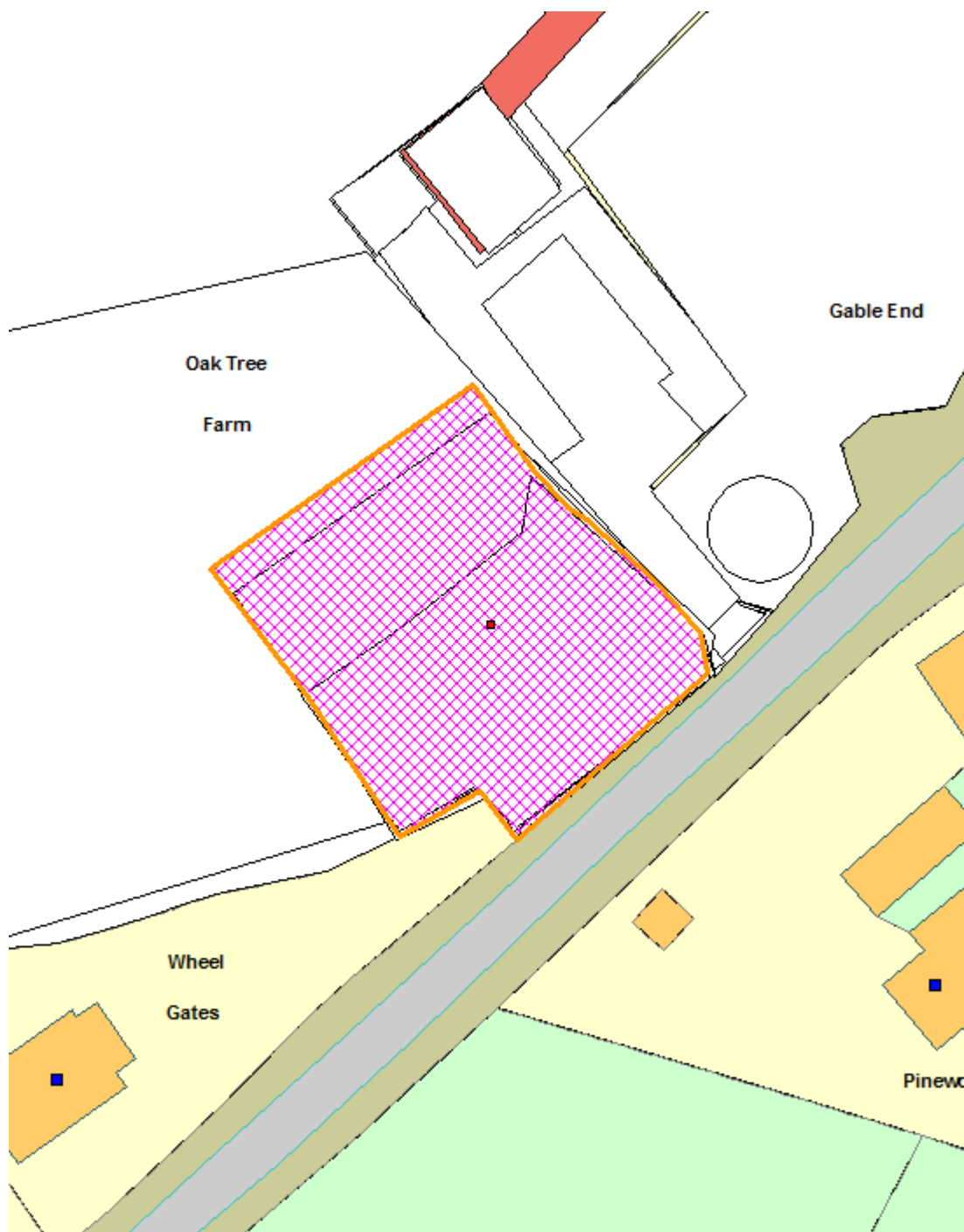
## 5.0 Conclusion and Recommendations

5.1 The removal of Condition 4 is considered acceptable, the reinstatement of Permitted Development Rights will not result in any disproportionate additions over and above the original dwelling and the reinstatement of Class E (outbuildings) has been fully assessed and it is considered that less than substantial harm will result from the erection of a Class E outbuilding within the curtilage of the main dwelling. The impact on the amenity enjoyed by the occupants of neighbouring dwelling has been assessed and it considered that there would be no significant detrimental impact. The proposal will not result in any impact on highway safety.

5.2 I therefore recommend **APPROVAL** to the removal of condition 4. The remaining r conditions attached to 18/0595/FULL are unaffected and are imposed on this permission.

1. A6 - Standard Time (29-11-2021)
2. A11 – Approved Drawings
3. B3 – Matching Materials
4. Extension to be used ancillary to property

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Economic Prosperity and Place Directorate

Oak Tree Farm Button Oak To Arley Road Pound Green Bewdley DY12 3LG

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